

PER

17.12.2018

Counsel for the appellant alongwith Mr. Usman Ghani, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in connected service appeal no. 1244/2016 titled "Abdul Manan vs Govt: of Khyber Pakhtunkhwa, Peshawar and two others", the impugned order dated 30.06.2016 is set aside and the appellants are reinstated in service. The respondents are directed to conduct de-novo enquiry strictly in accordance with law and rules within a period of 90 days from the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. The appeal is disposed of accordingly. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.


Chairman


Member
Camp Court Abbottabad

ANNOUNCED
17.12.2018

18.10.2018

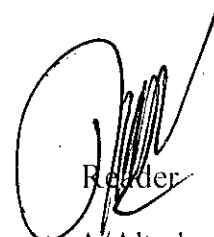
Appellant Asghar Khan in person alongwith his counsel Mr. Abdul Saboor Khan, Advocate present and fresh Wakalatnama submitted which is placed on file. Mr. Usman Ghani, District Attorney for the respondents present. To come up for arguments alongwith connected appeal No. 795/2015 on 12.11.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp Court, A/Abad

12.11.2018

. Due to retirement of the Hon'ble Chairman the Service Tribunal is incomplete. Tour to Camp Court Abbottabad has been cancelled. To come up for the same on 17.12.2018 at camp court Abbottabad.


Reader
A/Abad

12.07.2018

Mr. Shad Muhammad, Advocate with appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present.

Counsel for the appellant submitted an application for transfer the instant appeal to Camp Court, Abbottabad.

Since the appeal pertains to the territorial limits of Hazara Division, as such application is allowed. To come up for arguments at Camp Court, Abbottabad on 29.08.2018 before D.B.

MA
Member

S
Chairman

29-8-18:-

*delete from counsel of the appellant present.
Name present from respondents. Due to
summon vacillate case to come up for
the same on 19-9-18. at camp court Abbottabad.
Case ready.*

19.09.2018


Mr. Tajdar Faisal Minakheil Advocate counsel for appellant present. Mr. Saleem Khan Forest Guard alongwith Mr. Usman Ghani learned District Attorney for respondents present.

Today the case was fixed for arguments but could be not heard as he is not in position to answer the query as the above named representative has not brought the record today. He is directed to bring the entire record relevant for the disposal of the appeal in hand on next date without fail. Case adjourned for arguments. Need not to mentioned is that in case of none availability of record by the respondents. Appeal will be decided on the strength of available record on 12.11.2018. To come up for further proceedings on the date fixed before D.B at camp court A/Abad.


Q
Member

Q
Chairman
Camp Court A/Abad

22.05.2018 Clerk of the counsel for appellant and Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 13.06.2018 before D.B.



(Muhammad Amin Khan Kundi)
Member

13.06.2018 Appellant present. Learned counsel for the appellant is absent. Appellant seeks adjournment on the ground that his counsel is not available today. Mr. Usman Ghani, District Attorney alongwith Mr. Itazaz Mehfooz, SDFO for the respondents also present. Adjourned. To come up for arguments on 10.07.2018 before D.B.


(M. Amin Khan Kundi)
Member


(M. Hamid Mughal)
Member

10.07.2018 Appellant Asghar Khan in person alongwith his counsel Mr. Taimoor Ali, Advocate present. Mr. Usman Ghani, District Attorney for the respondents present. To come up for arguments alongwith connected service Appeal No. 795/2015 on 12.07.2018 before D.B.


Member


Chairman

29.03.2018

Appellant with counsel and Addl. AG for respondents present. Learned AAG requested for adjournment due to transfer of Mr. Ziaullah, Deputy District Attorney. Adjourned. To come up for arguments on 02.04.2018 before the D.B.


Member


Chairman

02.04.2018

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 13.04.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

13.04.2018

Appellant alongwith counsel, Mr. Ziaullah, Deputy District Attorney alongwith Aitizaz Mahfooz, SDFO for the respondents present. Arguments partly heard. Some points needed clarification for which case is adjourned to 23.4.2018 for further arguments before this D.B.


Member


Chairman

23.04.2018


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. To come up for arguments alongwith connected appeal No. 795/2018 on 22.05.2018 before the D.B.


Member


Chairman

10.11.2017

Junior counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Farhad Sajid, SD-O for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 19.01.2018 before D.B. Till further order recovery shall not be made from the appellant.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

19.01.2018

Learned counsel for the appellant and Mr. Riaz Painsa Kheil, learned Assistant Advocate General for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment. Adjourned. To come up for arguments on 16.02.2018 before D.B.


(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

16.02.2018


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 29.03.2018 before the D.B.


Member


Chairman


07.09.2017

Appellant absent. Learned Additional Advocate General alongwith Iteziz Mehfooz, SDFO for respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 18.09.2017 before S.B.


(Muhammad Hamid Mughal)
Member (J)

18.09.2017

Appellant with counsel and Addl:AG alongwith Mr. Itizaz Mahfooz, SDFO for respondents present. Written reply submitted. Cost of Rs. 1500/- also paid and receipt thereof obtained from the learned counsel for the appellant. To come up for rejoinder and final hearing on 20.10.2017. Till further order recovery shall not be made from the appellant.


(Ahmad Hassan)
Member

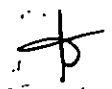
20.10.2017

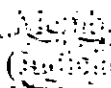
Counsel for the appellant and Mr. Ziaullah, DDA alongwith Mr. Farhad Siddiqi, SDFO for respondents present. Counsel for the appellant

20.10.2017

seeks adjournment. Adjourned. To come up for arguments on 10.11.2017. Till further order recovery shall not be made from the appellant.

Member (Executive) Member (Judicial)
Ad. J. Ad. J.
Till further order recovery shall not be made from the appellant.



Member (Executive)


Member (Judicial)

Member (Executive) Member (Judicial)
Ad. J. Ad. J.
Till further order recovery shall not be made from the appellant.

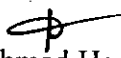
05. 17.07.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. Another last opportunity granted. To come up for written reply/comments and cost of Rs. 1000/- on 08.08.2017 before S.B. Till further order recovery shall not be made from the appellant.


(Muhammad Hamid Mughal)
Member

08.08.2017

Appellant with counsel and Addl:AG alongwith Mr. Itezaz Mehfooz, SDFO for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Another last opportunity granted is extended subject to payment of further cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 1500/- on 21.08.2017 before S.B. Till further order recovery shall not be made from the appellant.


(Ahmad Hassan)
Member

21/8/2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG alongwith Mr. Itezaz Mehfooz,, SDFO for the respondents present. The Hon'ble Member is on leave, therefore, case to come for reply on 7/9/2017 before SB.


Reader

26.04.2017

Counsel for the appellant and Addl: AG for the respondents present. Written reply not submitted despite grant of last opportunities. Requested for further adjournment. Last opportunity is further extended subject to payment of cost of Rs. 500/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 29.05.2016 before S.B. Till further orders recovery shall not be made from the appellant.



(Ahmad Hassan)
Member

29.05.2017

Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted despite extension of last opportunity and cost of Rs. 500/-. Another last opportunity is extended subject to payment of further cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 1000/- on 17.07.2017 before S.B. Till further order recovery shall not be made from the appellant.



(AHMAD HASSAN)
MEMBER

1247/16

Aseghar Khan vs Forest Deptt:

15.02.2017

Counsel for appellant present. Case file requisitioned for today. Learned counsel for appellant submitted an application for restraining the respondents for making promotion on one of several vacant posts of Forester to the post of Deputy Ranger on the basis of DPC which will be held on 17.02.2017 till the final decision of the main appeal. Notice to respondents be issued for the date already fixed i.e 28.02.2017 before S.B.


(ASHFAQUE TAJ)
MEMBER

28.02.2017

Counsel for appellant and Mr. Mr. Muhammad Adeel Butt, Additional AG for respondents present. Written reply by respondents not submitted. Learned Additional AG requested for further time for submission of written reply. Request accepted. To come up for written reply/comments on main appeal as well as on application on 28.03.2017 before S.B. Till further orders recovery shall not be made from the appellant.


(ASHFAQUE TAJ)
MEMBER

28.03.2017

Counsel for the appellant and Addl: AG for the respondents present. Written reply by respondents not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 26.04.2017 before S.B. Till further orders recovery shall not be made from the appellant.


(AHMAD HASSAN)
MEMBER

27.12.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as acting ASDFO when subjected to enquiry on the allegations of professional misconduct and vide impugned order dated 30.06.2016 compulsorily retired from service which order was communicated to the appellant on 08.08.2016 and where-against he preferred departmental appeal on 15.08.2016 which was not responded and hence the instant service appeal on 19.12.2016.


That the enquiry was not conducted in the mode and manners prescribed by rules.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 01.02.2017 before S.B.


Chairman

01.02.2017

Counsel for the appellant and Asstt. AG for the respondents present. Requested for adjournment. To come up for written reply/comments on 28.02.2017 before S.B. Till further orders recovery shall not be made from the appellant.


Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1247/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/12/2016	<p>The appeal of Mr. Asghar Khan resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p><i>[Signature]</i> REGISTRAR</p>
2-	<u>20-12-2016</u>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27-12-2016</u></p> <p><i>[Signature]</i> MEMBER</p>

The appeal of Mr. Asghar Khan Ex-SDFO Upper Kohistan Forest Division Kohistan received today i.e. on 08.12.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of order dated 4.4.2016 mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal having no date be dated.
- 3- Affidavit may be got attested by the Oath Commissioner.
- 4- Page nos. 46 to 48 of the appeal are illegible which may be replaced by legible/better one.
- 5- Index of the appeal is miss printed.

No. 2071 /S.T,

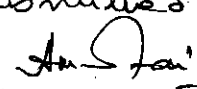
Dt. 9/12 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Sir,

1. 4.4.2016 was a typographical mistake which is now corrected.
2. Removed.
3. Removed.
4. Removed.
5. Removed.

Re-submitted.


BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1217 /2016

Asghor Khan

V/S

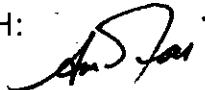
Forest Deptt:

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APPELLANT

THROUGH:


(M.ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1247 /2016

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1277

Dated 08/12/2016

Asghar Khan, Ex- Acting ASDFO,

Upper Kohistan, Forest Division, Kohistan

(Appellant)

VERSUS

1. Govt: of KPK through Chief Secretary KPK, Peshawar.
2. The Chief Secretary KPK, Peshawar.
3. The Secretary Forest, KPK, Peshawar.
4. The Chief Conservator of Forests (Central) Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 30.06.2016 RECEIVED BY THE APPELLANT ON DATED 08.08.2016 WHEREBY PENALTY OF COMPULSORILY RETIREMENT FROM SERVICE ALONG WITH THE RECOVERY OF RS.21,98,500 WAS IMPOSED UPON THE APPELLANT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 30.06.2016 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Filed to-day

Registrar
8/12/16

Re-submitted to -day
and filed.

Registrar
19/12/16

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was working as acting ASDFO of Upper Kohistan Forest Division.
2. That the timber were laying in road side depots at KKH Basha and Harban District Kohistan, therefore the is likelihood of admixture of this timber during transportation for which forest staff is already deployed to keep vigilance on illegal movement of timber but yet an active assistance is required from police personal deployed in the area of Hraban & Sazin Police Stations, particularly on Darel and Tangir Bridges, therefore the appellant wrote a letter dated 13.7.2013 to DFO Kohistan for taking precautionary measure for the protection of these timber and on the basis of that application, the DFO wrote a letter to DPO Kohistan vide order dated 15.7.2013 and in mean while the DFO also wrote a letter to DC Kohistan vide letter dated 30.5.2013 on which the DC Kohistan wrote a latter dated 16.8.2013 to the District Officer Frontier Constabulary for taking action and the DPO Kohistan directed SDFO to take action vide letter 23.8.2013 after about 40 days. (Copy of letter dated 13.7.2013, 15.7.2013, 16.8.2013 and 23.8.2013 are attached as Annexure- A,B,C&D)
3. That on the night of 24.8.2013 and 25.8.2013, some armed person forcibly illegally carried timber Harban, Basha and Sazen depots and these depots are about 20 to 25 KM distance away from each others, on which the appellant along with other forest officials filed different damage reports and also lodged FIR/ naqal mad on dated 25.5.3013 but instead of taking action on the that FIR, the Police Deptt: lodged FIR No. 7 dated 28.8.2013 against the forest officials in which the name of the appellant was also included and harass the appellant with other officials on which the DFO Kohistan wrote a letter vide letter dated 4.9.2013 to DPO Kohistan about the issue and for taking noticing of that . (Copy of damage reports, FIR filed by the forest officials and FIR filed by the Police officials and letter dated 2.9.2013 are attached as annexure- E,F,G&H)
4. That on the basis of above incident Provincial Inspection Team conducted inquiry in the matter and submitted its reports along with

specific and general recommendation. In specific recommendation it hold that if the stolen timber is not returned by the owners then the cost of timber may be recovered from DFO and SDFO Upper Kohistan, while in general recommendation it was noticed that there is acute shortage of staff in the department. Forest Guards and foresters have been directed to perform additional duties on check posts. It badly affects their notified duties and on the recommendation Provincial Inspection Team another inquiry was conducted by Inquiry Committee. (Copies of PIT and 2nd Inquiry report are attached as Annexure-I&J)

5. That disciplinary proceeding was also directed by the concerned officer of Forest department against the staff of Upper Kohistan Forest Division vide letter dated 25.10.2013 in which the name of appellant along with 7 other officials were nominated for disciplinary proceeding, however through another letter dated 4.4.2014, in these 7 officials, three officials namely Shaiber Khan, Muhammad Aslam and Azad Wali, separate inquiry was conducted against them and were exonerated by the inquiry officer and minor penalty of censure was given to them vide order dated 7.10.2015. (Copy of letter dated 25.10.2013, letter dated 4.4.2014, inquiry report and order dated 7.10.2015 are attached as Annexure-K,L,M&N)
6. That on the basis of above accident, charge sheet and statement of allegation was issued to the appellant on 25.5.2013, which was properly replied by the appellant in which he denied all the allegations and clear the facts about the accident. (Copy of charge sheet, statement of allegations and reply to charge sheet are attached as Annexure-O&P)
7. That 3rd inquiry was conducted by the inquiry committee against the appellant along with other 5 officials. The appellant along with other officials against whom inquiry was conducting wrote an application to the inquiry committee chairman and objected on other member of the committee namely Shah Wazir khan as he is the brother of Haji Shah who is the contractor of the forest. The appellant along with other officials against whom inquiry was conducting also wrote an application to the inquiry committee chairman and requested for calling different witnesses, but the inquiry committee chairman paid deaf ear to those applications and conducted inquiry without

providing proper chance of defence and cross examination of the witnesses to the appellant and held him responsible. (Copy of 3rd inquiry report and applications are attached as Annexure-Q,R&S)


8. That on the basis of that 3rd inquiry report, show cause notice was issued to the appellant which was duly replied by the appellant in which he clear the entire situation and denied all allegations once again. (Copy of show cause notice and replay to show cause notice are attached as Annexure-T&U)
9. That penalty of compulsory retirement from service along with recovery of Rs. 21,98,500/- was imposed upon the appellant vide notification dated 30.6.2016 which was communicated to the appellant on dated 8.8.2016. The appellant filed departmental appeal/ review petition on dated 15.8.2016 against the order dated 30.6.2016 which was not responded within the statutory period of ninety days. (Copies of order dated 30.6.2015 and departmental appeal/review petition are attached as Annexure-V&W)
10. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal/review petition of the appellant and impugned order dated 30.6.2016 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant along with other officials raised objection one of the member of the inquiry committee namely Shah Wazir khan in the 3rd inquiry as he is the brother of Haji Shah who is the contractor of the forest, but the inquiry committee chairman paid deaf ear to this objection, which means the inquiry conducted was biased one and was bent to penalize him at any cost.
- C) That the inquiry was not conducted according to the prescribed procedure as the appellant requested to the inquiry committee chairman for calling up different witnesses in which the owners of timber were also mentioned to asked them about the recovery of the timber, but the inquiry committee chairman did not bother to the

call the witness as requested by the appellant and did not provide opportunity of defence to the appellant, which is not permissible under the law and rules.

- D) That the first 2 inquiries were conducted by visiting the members of the inquiry committee to the site of accident to collect the pro and contra evidence, while the 3rd inquiry was conducted by the inquiry committee in Peshawar without visiting to the site of accident which means that the 3rd inquiry was conducted without collecting pro and contra evidence as the illicit timber was recovered and deposited in the depot but the inquiry committee did not take notice of that and the appellant hold responsible for illicit timber which means that inquiry committee was not conducted in its prescribed procedure and gave its finding in slip shod manner which is not permissible in law and rules.
- E) That three officials namely Shaiber Khan, Muhammad Aslam and Azad Wali, were nominated along with the appellant for departmental proceeding on the accident of illicit timber, but these officials were separately proceeded and were exonerated by the inquiry officer and minor penalty of censure was given to them vide order dated 7.10.2015, which means that the appellant was discriminated as seven officials were nominated in departmental proceeding but these three officials were exonerated while the appellant was punished.
- F) That illicit timber which were taken away during the accident was recovered and deposited in Depot which is evident from the statement showing the re-assessment of left over illicit cut timber in the Harban Forest Sub Division vide illicit report 14.11.2015 (Coordinates), which was also endorsed by the committee member of the locality on affidavits and SDFO Harban Forest Division vide letter dated 15.12.2014, therefore there remain no ground to imposed the penalty of compulsory retirement from service along with the recovery upon the appellant when the forcibly taken away timber was recovered and deposit in the depots. (Copy statement of re-assessment, affidavits and letter dated 15.12.2014 are attached as Annexure-X,Y&Z)

- 
- G) That in the PIT inquiry report, the inquiry report gave its finding that if the stolen timber was not returned by the owner then the cost may be recovered then DFO and ASDFO Upper Kohistan. But the illicit timber was recovered which is evident from statement of re-assessment, affidavits and latter dated 15.12.2014 and there remain no ground to penalize the appellant for illicit timber which means that the appellant's punishment is against the norms of justice.
- H) That after the occurrence of accident the appellant along with other officials of the department suspended the transportation for about 3 days on the basis of letter dated 26.8.2013 and checked the each and every truck but no illicit timber was found in those truck and due to these suspension the Conservator Gilgit Circle Gilgit wrote a letter vide dated 2.9.2013 to Conservator Hazara Kohistan Dassu that 14 tractor/ jeep load sleeper have illegally been transported from Kohistan to Darel, which have been taken into custody by the staff and laying in their superdnama and it is requested to please to direct the concerned DFO to take over the timber in his custody and on the basis of which the concerned DFO recovered the illicit timber. It is pertinent to mentioned here that (Copy of letter dated 26.8.2013 and 2.9.2013 is attached as Annexure-AA&BB)
- I) That damage report was also filed by the forester Muhammad Sherin, but no action was taken against him by the department and the appellant was made scapegoat by penalizing him despite the fact his illicit timber of the appellant was recovered.
- J) That the appellant has been condemned unheard and was not treated according to laws and rules.
- K) That the penalty of compulsory retirement from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- L) That neither any record or witnesses examined in presence of appellant nor any chance of cross examination was given to the appellant and as such the appellant was condemned unheard.

M) That no personal hearing was conducted by the competent authority (Chief Minister) whereas the personal hearing done by stranger (some other official) is not provided under the law.

N) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT

Asghar khan

THROUGH:


(M.ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,


(TAIMUR ALI KHAN)

ADVOCATE, HIGH COURT,


&
S.NOMAN ALI BUKHRI,

ADVOCATE, PESHAWAR.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2016

Asghar Khan

V/S

Forest Deptt:

**APPLICATION FOR STOPPAGE OF RECOVERY OF RS.21,98,500/- VIDE
ORDER DATED 30.06.2016 TILL THE DISPOSAL OF MAIN APPEAL.**

R. SHEWETH.

1. That the appellant has filed an appeal along with this application in which no date is fixed so far.
2. That illicit timber which were taken away during the accident was recovered and deposited in Depot which is evident from the statement showing the re-assessment of left over illicit cut timber in the Harban Forest Sub Division vide illicit report 14.11.2015 (Coordinates), which was also endorsed by the committee member of the locality on affidavits and SDFO Harban Forest Division vide letter dated 15.12.2014, therefore there remain no ground to imposed the penalty of compulsory retirement from service along with the recovery upon the appellant when the forcibly taken away timber was recovered and deposit in the depots.
3. That if the recovery of Rs. 21,98,500/- is not stopped it will cause great irreparable loss to the appellant and will effect whole of his family.
3. That the grounds of main appeal may also be considered as integral part of this application.
4. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.

It is therefore, most humbly prayed that on acceptance of this application recovery of Rs.21,98,500/- vide order dated 30.06.2016 may be stopped till the decision of main appeal.

APPELLANT

THROUGH: *M. Asif Yousafzai*
(M.ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN)
ADVOCATE, HIGH COURT,
S. Noman Ali Bukhri
S.NOMAN ALI BUKHRI,
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

Ace
DEPONENT

ATTESTED



ATTESTED

13-07-2013

I hereby certify that the above is a true and correct copy of the original as shown to me by the person whose name is written above and who has been identified to me as the person who has signed the same.

I further certify that the above is a true and correct copy of the original as shown to me by the person whose name is written above and who has been identified to me as the person who has signed the same.

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(10)

I hereby certify that the above is a true and correct copy of the original as shown to me by the person whose name is written above and who has been identified to me as the person who has signed the same.

[Signature]

3 B 11

Muhammad Farid Divisional Forest Officer		Upper Kohistan Forest Division Dassu Phone # 0998-407022
No. 151 IGL		Dated 15/07/2013

The District Police Officer,
Kohistan at Dassu

Subject TIMBER POLICY OF GILGIT BALTIKISTAN (NORTHERN AREAS) AND THREAT OF ILLICIT ADMIXTURE FROM DISTRICT KOHISTAN THEREOF.

Memo.

A timber Policy is in operation from Northern Areas (Darel/Tangir and Chilas Forest Divisions of Gilgit Baltistan) through which timber is transported to down districts of the country. As there are stakes of timber in roadside depots at KKH Basha and Harban District Kohistan, therefore there is likelihood of admixture of this timber during transportation for which forest staff is already deployed to keep vigilance on ~~illegal movement of timber but yet an active assistance is required from the police personals already~~ deployed in the area of Harban & Sazin Police Stations, particularly on Darel and Tangir Bridges.

Therefore, it is requested to kindly direct the Officials under your supervision to extend every possible help and play active role in controlling any such pilferage of timber during the time of policy i.e 31.08.2013 for which the undersigned will be personally obliged.


Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

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Deputy Commissioner, Kohistan

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Copy forwarded to the Divisional Forest Officer Upper Kohistan Forest Division Dassa for information with reference to above.

Endost: No. 56531

Deputy Commissioner, Kohistan

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incident

Necessary security arrangements may be made to avoid any untoward

A copy of letter No. 695/GL dated 30/07/2013 received from Divisional Forest Officer Upper Kohistan Forest Division Dassa, which is self explanatory, is sent herewith.

Memorandum

TIMBER POLICE OF Gilgit Baltistan (NORTHERN AREAS) AND THREAT OF ILLEGAL ADMINISTRATION FROM DISTRICT KOSHAN

Subject:

The District Officer, Frontier Constabulary, Kohistan

OFFICE OF THE DEPUTY COMMISSIONER, KOSHAN

No. AC: 56531/DC (M) dated Dassa the 27/08/2013

Handwritten notes and stamps at the bottom left

OFFICE OF THE,
DISTRICT POLICE OFFICER, KOHISTAN

No. 252 /PSO, Dated Kohistan the 23 / 8 /2013

To: The Divisional Forest Officer,
Upper Kohistan Forest Division Dassu

Subject: TIMBER POLICY OF GILGIT BALTISTAN (NORTHERN AREAS) AND
THREAT OF ILLICIT ADMIXTURE FROM DISTRICT KOHISTAN THEREOF

Memo:

Reference your office letter No. 101/GI dated 15-07-2013.

Special direction were issued to SDPO Shatial Circle for assistance and legal help to you, similarly police have directed not to allow any illegal transportation of timber and if found proceed direct according to law along with Forest Department please.

Lic

[Signature]
5/9/2013

[Signature]
District Police Officer,
Kohistan

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کویت	ولایت	نام	خانہ نمبر	وقت و دور	تاریخ و جگہ

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طوبہ

ریج

نام جنگل	تاریخ وقوع	وقت وقوع	خلاصہ حیرت	نام ملزم	ولایت	سکونت
گرہی اے ماریگاہ اے	۱۳۵۸/۵/۸	۱۲ ۹ ۱۱	بھٹوانہ تکڑھی و جھانیا ساتھ ڈیڑھ گز ۱۱ گز	نامعلوم	راولپنڈی	راولپنڈی

PR No-98/62-500/500
PR No-100/62-500/500
۱۰۰۰/۱۰۰۰
۱۰۰۰/۱۰۰۰

مفصل حیرت

جناب عالی درج ذیل حیرت کے متعلق میرا کہہنا ہے کہ مذکورہ تندر کرہ (K.R.H) نامی
میرا نام راجندر سنگھ کی طرف سے لکھی گئی ہے۔ میرا نام راجندر سنگھ ہے اور میرا
کے پاس ایک زمین ہے جس کا راجندر سنگھ کے پاس ہے۔ میرا نام راجندر سنگھ ہے
میں ایک زمین ہے جس کا راجندر سنگھ کے پاس ہے۔ میرا نام راجندر سنگھ ہے
میں ایک زمین ہے جس کا راجندر سنگھ کے پاس ہے۔ میرا نام راجندر سنگھ ہے

راجندر سنگھ
فاریسٹ گارڈ
علی گڑھ

ATTESTED

ابتدائی رپورٹ کارڈ بابت نقصان جھگل اسپتال

ریخ 17/08/2013

ڈیپن اسپتال

نام جھگل	تاریخ وقوع	وقت وقوع	خلاصہ حتمی	نام ملزم	ولدیت	اسکولت
اسپتال No 2	25/08/13	2:11	بیمار جا رہا تھا کہ وہی کمرے چلا گیا۔ سابقہ ڈیپن ملزم ماریٹا کو DR-NO 31/50 مزد 290-3000 D: (تقریباً)	نامعلوم	نامعلوم	نامعلوم

حاصل علیہ ذمہ داریوں کے تحت ایک دفعہ 24/8/13 کو نامعلوم ملزم نے ایک دفعہ اسپتال فارم سے چھٹ لیا اور وہاں
 جہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔
 اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔
 اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔
 اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔
 اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔ اس کے بعد وہاں سے اسے لے کر اسپتال میں لایا گیا۔

ڈیپن اسپتال
 ڈیپن اسپتال
 ڈیپن اسپتال

رپورٹ کنندہ: ڈیپن اسپتال فارم
 فارم گارڈ

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Ullah Khan

28 8/13 3/11 2/12

Ullah Khan

Ullah Khan

Ullah Khan

Ullah Khan

Handwritten notes in Urdu script, including the word 'Ullah' and various numbers and symbols.

Ullah Khan

Ullah Khan

Ullah Khan
25.8.13

POLICE STATION
HARBAN

ATTESTED

Handwritten signature/initials

Ullah Khan

بذریعہ مفلداریں نائیکس و ڈائریں، سٹیٹیاں برین کے ذریعے سے علامتوں کی مثال، نائیکس و ڈائریں
نام سے مختلف گائڈوں پر لکھ کر کے مفلداریں نائیکس و ڈائریں نائیکس و ڈائریں نائیکس و ڈائریں
شروع میں نائیکس و ڈائریں نائیکس و ڈائریں نائیکس و ڈائریں نائیکس و ڈائریں
بین مفلداریں نائیکس و ڈائریں نائیکس و ڈائریں نائیکس و ڈائریں نائیکس و ڈائریں
سے لے کر نائیکس و ڈائریں نائیکس و ڈائریں نائیکس و ڈائریں نائیکس و ڈائریں
بذریعہ مفلداریں نائیکس و ڈائریں نائیکس و ڈائریں نائیکس و ڈائریں

MHC 5031
28.8.03

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1. District Police Officer
Kohistan

Subject: TIMBER POLICY OF GILGIT BALTISTAN (NORTHERN AREA)
AND THREAT OF ILLICIT ADMIXTURE FROM DISTRICT
KOHISTAN THEREOF

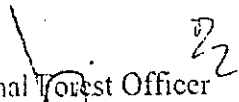
Reference: This office letter No.101/GL, dated 15/07/2013

You were requested to provide full support to the forest staff to avoid any illegal transportation of timber from Kohistan area to Northern Area and also to direct the police staff to control any such like transportation but it is very much dis-appointing that instead of verbal and written request nothing was done in this regard and almost 18000 cu illicit timber lying in different areas were illegally transported to Darel and Tangir. You are well known to the facts that both Darel and Tangir bridges police checkpost are well established and are most four police officials are deployed on the same at a time but it is very much astonishing that the above timber was smuggled across the river through these checkposts and your staff failed to stop the same.

Instead of taking any disciplinary action against the delinquent police staff it is brought to my notice that police force is harassing the forest staff to perform their duty and throwing all the mud on the forest officials as per report of SDFO Harban dated 3/9/2013 (copy attached) which is self explanatory.

You are requested to direct your staff not to misuse their powers and authorities. As per Chapter 2 section 77(2 & 3) police officer is not authorized to keep any timber if apprehended in his custody. therefore, you are requested that all timber recovered from Tangir should be immediately handed over to the forest staff.

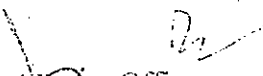
You are once again requested to provide full support to the forest staff in future.


Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

No. 1708-10 /GL

Copy forwarded to :

1. The PA to Deputy Inspector General Police Hazara Region for favor of information and further necessary action.
2. The Deputy Commissioner, Kohistan for favour of information and necessary action. This is in-continuation of this office letter No. 695/GL, dated 30/7/2013
3. The Conservator of Forests, Upper Hazara Forest Circle, Manshara for favor of information.

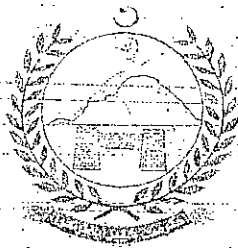

Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

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CONFIDENTIAL



PROVINCIAL INSPECTION TEAM, KHYBER PAKHTUNKHWA

INQUIRY REPORT

SUBJECT: APPREHENDING OF SIXTY EIGHT TRUCKS OF TIMBER
BEING TRANSPORTED UNDER THE COVERAGE OF
AMNESTY POLICY, 2013

1- ORDER OF INQUIRY

The PSO to Chief Secretary, Khyber Pakhtunkhwa vide letter No PSO/CS/KPK/1-29/2013 dated 12th September, 2013 forwarded a copy of letter dated 12-9-2013 received from the Commissioner Hazara Division with the request to conduct a preliminary inquiry in the matter and submit report accordingly (Annex-A).

2- BACKGROUND

The Commissioner Hazara Division in letter addressed to the Chief Secretary Khyber Pakhtunkhwa intimated that the Federal Government announced "Amnesty Policy, 2013" for a period of three months with effect from 1-6-2013 to 31-8-2013 for one million Cubic feet Timber of Northern Areas. About 30% timber was transported through Kara Kurram Highway (KKH) & 70% via Dargai, District Malakand. On expiry of Amnesty Policy, 2013 on 31.8.13 transportation of timber was

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stopped by the Forest Department. Fourteen trucks have been stopped at Ghazi Kot, Forty trucks at Battal, District Mansehra, Nine at Shang, Five near Besham, District Shangla and one at Shatial, District Kohistan. About 18,000 Cubic feet timber has been stolen from three depots. Timber dealers have also registered an FIR against Forests employees. Minister for Environment ordered an inquiry on 5-9-2013. Haji Mushtaq, Divisional Forest Officer Siran Division has been appointed as Inquiry Officer. Inquiry Officer has submitted preliminary report to Minister for Environment and Chief Conservator of Forests. Divisional Forest Officer intends to meet the Secretary Environment. The trucks stopped contain timber in excess of quantity mentioned in the Transport Passes including 5% allowance (Annex-B).

3- PROCEEDINGS

Upon receiving the orders from the Chief Secretary, Khyber Pakhtunkhwa the undersigned alongwith Mr. Liaqat Ali, Member PIT left for Mansehra early in the morning on 13-9-2013. We inspected trucks parked on road sides at Ghazi Kot, Battal, in District Mansehra and Dandi and Besham in District Shangla. We met drivers, timber dealers and Officers/ Officials of Forests Department. Copies of Transport Passes (TP) were collected photographs of trucks were taken, and statement of Chief Conservator of Forests Hazara Division, Divisional Forest Officer, Siran and employees of Upper Kohistan Forest Division were recorded. Joint application presented by Mr. Bashratullah & Others is attached (Annex: C).

16-9-2013

4- OBSERVATIONS

On the basis of perusal of record and discussions with concerned officers and officials of Forest Department, Transporters and Timber Merchants, following observations were noted:-

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a. The Federal Government announced Amnesty Policy, 2013 for Gilgit-Baltistan under which about one million Cubic feet timber was allowed to be transported from Thore Range, Chillas Division to Tarnol within a period of three months with effect from 1st June, 2013 to 31st August, 2013. Since the timber was to be transported through Khyber Pakhtunkhwa, therefore, the Provincial Government collected duty @ Rs. 30/- per cft. About 30% Timber was transported through Kara Kurram Highway and 70% via Dargai Depot. The scheme was being implemented as per schedule.

b. Minister for Environment ordered an inquiry. Mr. Mushtaq, Divisional Forest Officer Siran was appointed as Inquiry Officer. However, inquiry was conducted by Haji Mohammad Hanif, Divisional Forest Officer, Working Plan, Unit No. II, Abbottabad along with Mohammad Pervez. The preliminary report is at (Annex-D). The inquiry committee confirmed that extra timber is available in each consignment ranging from 50-100 Cft. per truck. Moreover, the sizes mentioned in the challans do not match with sizes actually loaded in the trucks which mean that genuineness of the consignment is doubtful. It was recommended that stern action may be taken against staff working in Upper Kohistan Division besides, transfer from the present posts without further delay. All the timbers lying on various roadside depots in Harban Kohistan must be re-measured through the committee to know the actual timber lifted from Kohistan. It was also recommended that Conservator of Forest Circles must confirm the present consignment and prove the genuineness. Reportedly the inquiry has been conducted without informing the Chief Conservator of Forest, Region-II, Abbottabad. Formal order was required to be issued by the Administrative Department. No

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such record is available with Chief Conservator of Forests. It is apprehended that timber stolen from three Depots will be transported to down Districts under the coverage of Amnesty Policy, 2013, therefore Minister for Environment has ordered stoppage of transportation of timber for indefinite period.

- c. Perusal of the record of Forest Check Posts near Abbottabad Public School, Abbottabad revealed that 528 trucks details given below were cleared during the last five days of the Amnesty Scheme, 2013. It indicates that those trucks which reached before expiry date i.e. 31-8-2013 were allowed to cross the check post:-

S.No	Date	Number of Truck cleared
i.	27-8-2013	72
ii.	28-8-2013	69
iii.	29-8-2013	59
iv.	30-8-2013	90
v.	31-8-2013	238
	Total	528

- d. During our visits to Ghazi Kot, Battal, Dandi and Besham number of Trucks mentioned in the reference received from the Commissioner Hazara Division it was noticed that trucks are still parked on road sides. Details are as under:-

S.No	Name of Forest Check Post	Number Of Trucks Parked
i.	Ghazi Kot, Mansehra	14
ii.	Battal, Mansehra	40
iii.	Dandi, Shangla	5
iv.	Besham, Shangla	9
	Total	68

e. GHAZIKOT, MANSEHRA

- i- Fourteen loaded trucks were parked on Kara Kurram Highway near Ghazikot, District Mansehra (Annex-E). Trucks drivers were waiting for the last fourteen days. Timber dealers were in contact with transporters but not present at site. Majority of the drivers being illiterate were

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unaware why their trucks have been halted. Perusal of record revealed that fourteen trucks having Transport Passes Nos: 118, 1156 and 1171 owned by Mr. Kiyat Khan S/O Mir Wali Khan, R/O Dareel, District Dianir reached Ghazikot Forests Check post well in time but due to Stay Order issued by the Civil Judge-VIII/MOD, Mansehra on 17.8.2013 which was further extended up to 04.9.2013 by JMJC-Oghi/MOD, Mansehra they were stopped by Forests Staff (Annex: F). Stay Order issued by Senior Civil Judge, Mansehra and Forests Magistrate was vacated after expiry of Amnesty period i.e. 31-8-2013. Other Trucks reached after expiry of last date i.e. 31-8-2013. They approached the Chief Conservator of Forests for extension of Transport Pass period through a number of applications (Annex: G). The Chief Conservator of Forests Hazara Division under Rule 13 of the Khyber Pakhtunkhwa Forest Produce Transport Rules, 2004 (Annex: H) asked the Conservator of Forests, Lower/Upper Hazara Forest Circles Abbottabad and Mansehra) to direct Divisional Forest Officer for extension of time period. Orders of Chief Conservator of Forests have not been implemented so far.

ii- The Divisional Forest Officer, Siran Forest Division Mansehra vide his letter No. 1406/GB dated 10.9.2013 (Annex: I) addressed to the Chief Conservator of Forest, Northern Forest Region II, Abbottabad intimated that Minister for Environment directed him to conduct an inquiry about the stoppage of various trucks which have entered in the jurisdiction of the Province after the expiry of Amnesty Policy. Preliminary inquiry has been conducted and report submitted on 9.9.2013. The locals of the area met the Minister for Environment who has advised him

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personally on 9.9.2013 and telephonically on 10.9.2013 not to release the trucks carrying timber till the decision by his good self. It may be mentioned that original challans have been collected by the Divisional Forest Officer Siran which are still in his custody.

iii- The Chief Conservator of Forest, Region-II on 10.9.2013 again directed Divisional Forest Officer Siran Forest Division to obey his orders and hand over challans to the respective truck drivers. Any act in contravention of the directives will tantamount to disobedience, hence he shall be liable for disciplinary proceedings under E&D Rules, 2011 (Annex: J). On the same day i.e. 10.9.2013 the Chief Conservator of Forest again directed the Conservator of Forest Lower Hazara Forest Circle, Abbottabad that Divisional Forest Officer Siran has refused to comply his order in writing therefore, Mr. Sher Mohammad, Conservator of Forest, Lower Hazara Forest Circle, Abbottabad is authorized to extend the time period under Rule 13 of the Khyber Pakhtunkhwa Forest Produce Transport Rules 2004 (Annex: K).

f. BATTAL, MANSEHRA

i- During our visit to Forest Check Post at Battal, District Mansehra on 13.9.2013, it was observed that forty loaded trucks were parked on road side and near check post/hotels. Photo copies of Transport Passes (TP) are attached at (Annex: L). Perusal of the record revealed that out of forty challans twenty two challans were issued on 28.8.2013 while remaining eighteen were issued on other dates ranging from 25th to 27th August 2013. A delegation of timber dealers also met the members of the Provincial Inspection Team.

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They admitted that Amnesty period as well as period of challan both has expired on 31.8.2013, therefore, their trucks were stopped by the Forest staff. They complained that they met the Chief Conservator of Forest Region-II was kind to issue release order but his orders have not been implemented so far. They added that they are sustaining unbearable financial loss on daily basis. Photos of the trucks and timber dealers are attached at (Annex: M).

ii- Eleven trucks owned by Mr. Nasir Khan were forcefully stopped at Battal due to dispute with locals. Similarly, seven trucks owned by Mr. Inayat were stopped at Battal due to disputes on ownership. Thirteen trucks of Mr. Basharatullah were stopped at Battal due to disputes amongst private parties. The local disputes were settled but after expiry of Amnesty period.

g. DANDE DISTRICT SHANGLA

i- During our visit to Dandi, District Shangla on 13.9.2013, it was observed that five loaded trucks were parked on road side. Photo copies of Transport Passes (TP) are attached at (Annex:N). Perusal of the record revealed that three challans were issued on 28.8.2013 while remaining two on 29.8.2013.

ii- There were hardly 2-3 days for transportation of timber from Chilas to Tarnol. Due to rush during the last days truck drivers could hardly reach Dandi. The area falls within the jurisdiction of Chief Conservator of Forest, Malakand Division, therefore, action taken by them could not be confirmed.

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BESHAM, DISTRICT SHANGLA

The Provincial Inspection Team visited Besham, District Shangla on 14.9.2013. It was noticed that nine loaded trucks were parked on road side near Forest Check Post. Perusal of the record revealed that four Transport Passes were issued on 27.8.2013, three on 28.8.2013 and one on 26.8.2013. One Transport Pass was with driver who had left the site on the day of visit (Annex-O).

THEFT OF 18,000 CFT, TIMBER FROM KOHISTAN DEPOTS

i- An incident happened on the night between 24th August and 25th August, 2013. According to statements of staff they received a letter that stop your movement otherwise your lives would be at risk. They remained within their Check Posts and on the same night 18,000 cubic feet timber was stolen from three transit depots Basha, Harban and Sazeen of Kohistan District. Two FIRs were registered by the employees against unknown persons (Annex-P). One FIR has been registered by Mr. Ali Akbar Khan Sub-Inspector after conducting investigation in the case against following staff of Forests Dept (Annex-Q):-

S.NO.	Name	Designation
1.	Muhammad Asghar	Ex-Sub Divisional Forest Officer, Kohistan
2.	Mr. Shebar Khan	Forest Guard
3.	Mr. Jameel Khan	Forest Guard
4.	Mr. Naseeb Khan	Forest Guard
5.	Mr. Umar Khan	Forest Guard
6.	Mr. Abdul Manan.	Forest Guard

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ii- The perusal of the record of the office of Divisional Forest Officer Upper Kohistan Forest Division, Dassu, shows that the Divisional Forest Officer, Dassu addressed a letter to the District Police Officer, Kohistan Dassu bearing No. 101/GL dated 15-7-2013 and inform that

"A timber Policy is in operation from Northern Areas Darel, Tangir and Chilas Forest Divisions of Gilgit Baltistan through which timber is transported to down districts of the country. As there are stakes of timber on roadside depots at KKH Basha and Harban District Kohistan, therefore there is likelihood of admixture of this timber during transportation for the which Forest staff has already been deployed to keep vigilance on illegal movement of timber, yet an active assistance is required from the police personnel already deployed in the area of Harban and Sazin Police Stations, particularly on Darel and Tangir Bridges. It was further requested that to direct the officials under DPO, Kohistan to extend every possible help and play active role and controlling any such pilferage of timber during the time of policy i.e. 31-8-2013". (Annexure-R).

iii- In response, District Police Officer, Kohistan informed vide his letter No. 252/PSO dated 23-8-2013 that special directions have been issued to SDPO Shatial Circle for assistance and legal help. Similarly police have directed not to allow any illegal transportation of timber and if found proceed direct according to law alongwith Forest Department (Annexure- S). Further Deputy Commissioner also directed District Officer Constabulary, Kohistan to make necessary security arrangements so as to avoid any

ATTESTED

untoward incident vide his letter No. AG/5652/DC(KH) dated 16-8-2013 (Annexure-T). The record also shows that Divisional Forest Officer Kohistan informed vide letter NO. 1736/GL dated 13-9-2013 that it is very regretted to note that SHO Sazin is misusing his authority and violating the law. He further requested to hand over the recovered illicit timber to the Forest Department (Annexure-U).

iv- The Divisional Forest Officer, Upper Kohistan Forest Division Dassu issued an office order bearing NO. 04 Dated 26-8-2013 with copies to Conservator Forest, Upper Hazara Forest Circle, Conservator of Forest, Gilgit Baltistan, Northern Area, Divisional Forest Officer, Darel, Tangir Forest Division, Sub-Divisional Forest Officer, Harban (Annexure-V) in this letter the said officer communicated the incident occurred on the midnight of 24th & 25th August 2013, wherein more than 200 armed persons came to different depots, where illicit timber of Kohistan Forest Division was stacked. They transported illegally by force more than 7000 cft from Sazin, 5000 cft from Harban and 6000 cft from Basha Depots across the river to the jurisdiction of Darel Tangir Valley, Northern Forest Division area for the purpose to transport the same in the guise of Amnesty Policy, 2013 for Northern Areas. The Forest staff was unable to control the situation as they remained within their headquarter after receiving written threats. The offenders also managed to keep off the S.Com mobile booster to make unable the Forest staff to communicate with high ups and Police Department. Therefore the said officer suspended all the transportation of Darel Tangir, Forest, Northern Areas till the timber of Kohistan Forest Division is recovered back.

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v- On 28-8-2013 Divisional Forest Officer, Kohistan again warned Mr. Muhammad Asghar, Forester, Harban Forest Division to be very much careful about the illicit timber lying in different KKH roadside depots in particulars as to avoid any admixture of the same in the Northern Areas Amnesty Policy, 2013. He further instructed him being incharge of the Sub Division failed to control the illegal transportation of eighteen thousand illicit deodar timber lying in Sazin, Harban and Basha depots. He was disagreed with the report of Sub-Divisional Forest Officer that it was not possible that such a huge quantity of timber is transported during several hours between the mid night of the 24th and 25th August, 2013 as per his report. Finally the Divisional Forest Officer, Kohistan asked for the explanation of the said Sub-Divisional Forest Officer, Kohistan (Annexure-W).

vi- Divisional Forest Officer Kohistan vide letter No. 1633/GL dated 29.8.2013 directed Sub Divisional Forest Officer Harban to allow transportation of only those trucks which are loaded on 25th and 26th of August, 2013 after entire satisfaction and recording a certificate on the challan that there is no admixture of Kohistan theft timber in the same (Annexure-X). The Chief Conservator Northern Forest Region-II Abbottabad Khyber Pakhtunkhwa took notice of the incident and ordered vide letter dated 29.8.2013 that Mr. Asghar, Forester Incharge Harban Forest Sub-Division shall immediately be removed by Conservator of Forest Upper Hazara Forest Circle with suitable replacement to facilitate the transportation of timber in transparent manner (Annexure-Y).

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vii- The Provincial Inspection Team recorded the statement of the following Staff Forest Department Kohistan:-

S.No	Name	Designation	Annexures
1	Mr. Muhammad Asghar	Ex-Sub- Divisional Forest Officer, Kohistan	Z
2	Mr. Shebar Khan	Forest Guard	A1
3	Mr. Jameer Khan	Forest Guard	B1
4	Mr. Umar Khan	Forest Guard	C1
5	Mr. Azar Wali	Forest Guard	D1
6	Mr. Abdul Manan	Block Officer	E1
7	Mr. Naseeb Khan	Forest Guard	F1

viii- The perusal of the above statements shows that the contents of the most statements are contradictory with regard receipt of threaten letter, time of incident, presence of mob, other activities which took place during the course of incident.

ix- During the course of inquiry it was brought in the notice of the Team by the concerned persons that rupees 22 per cft have been paid to Mr. Muhammad Tariq, DFO Upper Kohistan beside payment of official duty at the rate of rupees 30 per cft. Now they are being compelled to negotiate through a person actively involved in the halting of the trucks at KKH.

5- FINDINGS

On the basis of observations given at Para 4 of the report the following findings were emerged:-

ATTESTED

a) Sixty eight loaded trucks of Timber having Transport Passes issued by the Forest Department of Chilas Division, Northern Area were stopped at Ghazi Kot and Battal, District Mansehra and Dandi and Besham, District Shangla due to expiry of Transportation Passes as well as Amnesty Policy, 2013 on 31.8.2013. In one of the case stay order was issued by the Civil Judge-VIII Mansehra. In few cases there were disputes between private parties over the ownership of timber. The Chief Conservator of Forest, Region-II, Abbottabad ordered release of timber under Rule 13 of the Khyber Pakhtunkhwa Forest Produce Transport Rules, 2004. However, due to orders of the Honourable Minister for Environment as communicated by Mr. Mushtaq, Divisional Forest Officer, Siran, Mansehra the timber in question has not been released for the reasons that it contains excess quantity. Moreover, it is also apprehended that timber stolen from district Kohistan is being transported under the coverage of Amnesty Policy, 2013. He failed to quote a single case in which the stolen timber has been detected. Trucks are still parked on roadside. The department has neither unloaded trucks to measure the actual volume of the timber nor other practical steps have been taken during the last sixteen days.

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b) So far the theft case is concerned Mr. Mohammad Tariq, Divisional Forest Officer (BPS-18) was posted vide office order No. SO(Estt)Envnt/1-8/2010 dated 10.7.2013 (Annex: G1). The text of his posting order being unique is reproduced below;

"Consequent upon tendering of un-conditional apology by Mr. Mohammad Tariq, Divisional Forest Officer (BPS-18) for his past inappropriate working and conduct and assurance for strict compliance with official rules and norms, the Competent Authority in consultation with Chief Conservator of Forest, Khyber Pakhtunkhwa has been pleased to transfer Mr.

ATTESTED

[Signature]

had the 28/11/13

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Mohammad Tariq, Divisional Forest Officer (BPS-18) from Demarcation Division, Forestry Planning and Monitoring Circle, Peshawar and post him as Divisional Forest Officer, Upper Kohistan against the vacant post with immediate effect till further orders".

c) Mr. Mohammad Tariq, Divisional Forest Officer Upper Kohistan was directed to appear before the P.I.T on 14-9-2013 but he did not turn up. Reportedly, during his earlier posting in district Kohistan heavy losses were caused to the provincial exchequer. A case against him is pending in the National Accountability Bureau. It has been reported that his re-posting particularly, during the Amnesty Policy, 2013 is part of the pre-planned game. It is astonishing to note that he wrote letters to Deputy Commissioner, District Police Officer and District Officer Frontier Constabulary for taking remedial measures but did not perform duties by himself. He has been served with explanations for frequent and unauthorized absence from Headquarter which he did not respond. Amnesty Policy for Northern Area played important role in theft of timber from district Kohistan. Superdari Nama given by Haji Shaber Shah, Mr. Abdul Hameed and Mr. Bola S/O Abdullah Khan indicates that 18000 cubic feet stolen timber will be returned as & when demanded by the Forest Department (Annex: H1). It is apprehended that in place of stolen timber other trees will be cut and fresh timber will be handed over to the Forest Department. The Forest Department may constitute a committee to ensure that actual stolen timber is handed over to the Department rather than newly cut timber.

6- RECOMMENDATIONS

On the basis of observations and findings given at Paras 4 & 5 of this report, the Provincial Inspection Team recommends that;

ATTESTED

/s/

a- Specific Recommendations:

i) Mr. Mohammad Tariq, Divisional Forest Officer, Upper Kohistan may be transferred immediately and then suspended. Strict disciplinary action may be taken against Mr. Mohammad Tariq Divisional Forest Officer and Mr. Mohammad Asghar ex-Sub Divisional Forest Officer alongwith other staff for causing heavy losses to the Government on account of theft of 18,000 cubic feet timber on the night between 24th August and 25th August 2013. If stolen timber is not returned by the owners then cost of 18,000 cft timber may be recovered from DFO and SDFO Upper Kohistan.

✓

ii) A high level committee may be constituted to ensure that actual timber is recovered rather than fresh one. The Deputy Commissioner and District Police Officer Kohistan should extend all possible security assistance to the said committee.

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16.8.13

iii) If the Forest Department still feels that loaded trucks parked at various places contain excess timber then timber may be unloaded and measured in the presence of timber dealers within 2-3 days. If excess quantity/volume is detected it may be confiscated besides, imposing penalties. In case timber is found in accordance with the challan then it may be released immediately by the concerned Divisional Forest Officer otherwise Government can face law & order situation on Kara Kurram Highway.

iv) Mr. Abdus Sattar, ex-SHO Police Station Shatial and incharge of the Police Chowki, Shatial and Harban may be taken into task for refusing to register F.I.R and extending

ATTESTED

undue favour to the culprits in transportation of stolen timber to Northern areas.

- v) Deputy Commissioner, Kohistan, District Police Officer Kohistan may be served with Show Cause Notices for not extending genuine help to Forest Department particularly when written requests were made by the Forest Department.

b- General Recommendations:

- i) ~~During inspection it was noticed that there is acute shortage of staff in the department. Forest guards and foresters have been directed to perform additional duties on check posts. It badly affects their notified duties.~~
- ii) Forest staff performing duties at check posts may be provided sophisticated weapons for their self-defence and to check smuggling of illicit timber.
- iii) At the time of posting transfer particularly in Forest Department due care must be given to the performance and reputation of the officer. Moreover frequent posting transfer may be avoided.

LIAQAT ALI
- Member
Provincial Inspection Team

MUHAMMAD HUMAYUN
Chairman
Provincial Inspection Team

16-9-13

ATTESTED

ENQUIRY REPORT

37

Subject: APPREHENDING OF SIXTY TRUCKS OF TIMBER BEING TRANSPORTED UNDER THE COVERAGE OF AMNESTY POLICY OF 2013

I. Order

The Secretary to Govt. of Khyber Pakhtunkhwa Environment Department Notification No. SO(Estt)Ent/1-8/2013 dated. 01-10-2013, on the recommendations of Provincial Inspection Team (PIT). The Competent Authority constituted an Enquiry Committee comprising of the following (Annex-A):

1. Mr. Hasham Ali Khan Chief Conservator of Forests Malakand Region-III (Chairman).
2. Malik Javed Khan Conservator of Forests Forestry Planning & Monitoring Circle Peshawar.
3. Mr. Tauhid ur Raq Divisional Forest Officer Working Plan Unit-V Mansehra.

ATTESTED

II. ToRs

- i. To ensure that actual stolen / illicit timber, which is reported to be around 18,000 Cft. is recovered rather than fresh timber.
- ii. If stolen timber is not returned by the owner then cost of 18,000 Cft. timber may be recovered from Divisional Forest Officer and Sub Divisional Forest Officer Upper Kohistan.

The enquiry report of the Provincial Inspection Team (the annexure were not enclosed) alongwith the Notification endorsement No.SO(Estt)Envvt/1-50 (88) 2K6/4869-73 dated 01-10-2013 was received to conduct the enquiry as per ToRs mentioned above.

III. Back Ground

The Khyber Pakhtunkhwa Provincial Inspection Team conducted an enquiry in September 2013 on the subject "Apprehending of 68 trucks of timber being transported under the coverage of amnesty Policy of 2013" and given "Specific Recommendations", which are reproduced below:

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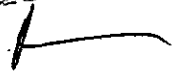
Mr. Muhammad Tariq, Divisional Forest Officer, Upper Kohistan may be transferred immediately and then suspended. Strict disciplinary action may be taken against Mr. Mohammad Tariq Divisional Forest Officer and Mr. Mohammad Asghar ex-Sub Divisional Forest Officer alongwith other staff for causing heavy losses to the Government on account of theft of 18,000 cft timber on the night between 24th August and 25th August 2013. If stolen timber is not returned by the owners then cost of 18,000 cft timber may be recovered from DFO and SDFO Upper Kohistan.

- ii. A high level committee may be constituted to ensure that actual timber is recovered rather than fresh one. The Deputy Commissioner and District Police Officer Kohistan should extend all possible security assistance to the said committee.

IV. Procedure

Receiving the orders of Enquiry; discussed the factual and ground realities with Mr. Sardar Sultan the Acting Chief Conservator of Northern Forest Region-II on 27-10-2013 at Abbottabad and given some guidelines in assisting and conducting of enquiry..

ATTESTED



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Later on 02-11-2013 the enquiry team discussed the strategy for visiting and inspection of Sazin, Harban and Basha Road Side Depots on KKH in Harban Forest Sub-Division.

As per programme scheduled from 27-11-2013 to 29-11-2013 proceeded to Dassu, Divisional Office, collected record and also discussed the issues with the newly posted DFO Mr. Muhammad Shoaib and visited Sazin, Harban and Basha Road side depots on 28-11-2013, also got statements of staff and owners. The DFO Upper Kohistan, SDFO Harban, Ex-SDFO Harban and other staff were accompanied.


V. ToR-I

TO ENSURE THAT ACTUAL STOLEN / ILLICIT TIMBER WHICH, IS REPORTED TO BE AROUND 18,000 CFT IS RECOVERED RATHER THAN FRESH TIMBER.

a. Local Precautionary Measures for Admixture :

At the Forest Sub Divisional level, the then SDFO Mr. Farukh Sair constituted the local raid parties vide his office order No.01 dated 03-05-2013 (Annexure-B) and in his tenure no incidence was occurred, also written another letter to the

ATTESTED



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Incharge and staff posted at Shatial Forest Check Post for detail checking of trucks transporting timber to down country (Annexure-C).

VI. RECORD PERUSAL, OBSERVATIONS AND DISCUSSION

i. Information Report of SDFO Harban:

The then SDFO Harban Mr. Mohammad Asghar reported to DFO Upper Kohistan on 25-08-2013 that about 18,000 cft timber illegally carried by 200-300 armed persons forcibly between the night of 24-08-2013 and 25-08-2013 from the following road side depots.

Sazin road side depot	=	7000 cft about
Harban road side depot	=	5000 cft about
Basha road inspection depot	=	<u>6000 cft about</u>
TOTAL:	=	18000 Cft.

Also stating that the staff were made confined to Shatial Forest Check Post and the mobile system was blocked. He himself stated that this information telephonically given by the Shabir Khan Forest Guard and Umar Khan Forest Guard from Chilas at 5:00 a.m. (Annexure-D).

ATTESTED


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(ii) OFFICE ORDER NO.04 DATED DASSU THE 26/08/2013 ISSUED BY MUHAMMAD TARIQ DIVISIONAL FOREST OFFICER, UPPER KOHISTAN FOREST DIVISION, DASSU.

On receipt of information from Sub Divisional Forest Officer, Harban Sub Division dated 25-08-2013 that on the midnight of 24th & 25th August, 2013 more than 200 armed persons came to different depots where illicit timber of Kohistan Forest Division was stacked. They transported illegally and by force more than 7000 cft from Sazin, 5000 cft from Harban and 6000 cft from Basha depots across the river to the jurisdiction of Darel/Tangir Forest Division Northern Areas for the purpose to transport the same in the guise of amnesty policy 2013 of Northern Areas. The forest staff was unable to control the situation as they were threaten and kept bound to the headquarter. Also the offenders managed to keep off the mobile booster to make unable the forest staff to communicate with high ups and police department.

Keeping in view the above situation/circumstances, all the transportation from Darel/Tangir Forest Division Northern Areas is suspended under amnesty policy till the timber of Kohistan Forest Division is recovered back.

Sd/-(Muhammad Tariq)
Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

Memorandum :

Copy for favour of information and necessary action forwarded to the :

1. Conservator of Forests, Upper Hazara Forest Circle, Mansehra w/r to telephonic discussion dated 25-08-2013.
2. Conservator of Forests, Gilgit Biltistan Northern Area with reference to telephonic discussion by CF Upper Hazara dated 25-08-2013.
3. Divisional Forest Officer, Darel/Tangir forest Division w/r to telephonic discussion by SDFO Harban dated 25-08-2013.
4. Sub Divisional Forest Officer, Harban w/r to his report dated 25-08-2013. He is directed that any transportation of timber from Darel Tangir Forest Division will not be allowed.

Sd/-
Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

(Annexure-E)

ATTESTED


(iii). Letter No.1311/GL dated 03-09-2013

The Conservator of Forests Upper Hazara Forest Circle Mansehra after receiving the Officer Order No.4 dated 26-08-2013, in response he wrote to the DFO Upper Kohistan reproduced as given below:

"The pleas taken in your office order No.04, dated 26-08-2013 regarding thefting of 18000 cft timber of Kohistan origin by 200 armed persons is incorrect and can not be tenable. The incident has been occurred with the connivance of SDFO, Foresters and Forest Guards, therefore, the case should be dealt according to the ground reality". (Annexure-F)

(IV) SUPERDNAMAS

The three superdnams 27-08-2013 given by Haji Shabir Shah, C/O Subhan Shah of Harban, Bola S/O Abdullah Khan of Harban and Abdul Hamid S/O Muhammad Aslam of Basha. The following questions arised are :

- (a) All the superdars belongs to Upper Kohistan and non of them belong to Tangir, Darel or Chilas. How they will produce the theft from the area, to which they do not belong.

ATTESTED

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(b) The Superdnamas given for the case property which already theft means not available. How the superdnamas are valid?

(c) All the superdnamas having no detail of "case property" i.e. species, number of scants and sizes. (Annexure-G)

V. Statement of Ex-SDFO Harban

The Ex-SDFO Harban Mr. Mohammad Asghar who was accompanied with the Enquiry Committee during the inspection dated 28-11-2013 and stated the timber stolen returned on the pointation of staff (Annexure-H).

VI. Statement of Block Officer Harban.

Mr. Abdul Manan stated that he was on leave from 12-08-2013 to 31-08-2013 and the SDFO Harban telephonically informed on 28-08-2013 that he had been suspended. He further stated that ask the SDFO. (Annexure-I).

ATTESTED

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(VII). STATEMENT OF SDFO HARBAN

The present SDFO Harban, Mr. Mohammad Anwar that the stolen timber returned and lying on KKH on Harban Road side Depot 12000 cft and Basha Road side Depot about 6000 cft. (Annexure-J)

V. INSPECTION OF ROADSIDE DEPOTS/CHECK POST:

The enquiry committee accompanied by the newly posted DFO Upper Kohstan, SDFO and the then SDFO Harban, inspected the following roadside depots / check posts.

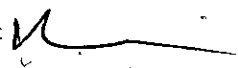
a. SAZIN ROADSIDE DEPOT

No timber found/available either stolen recovered or old one. No record of Roadside depot produced to the enquiry committee.

b. HARBAN ROADSIDE DEPOT

A large and unknowns quantity of old timber found/available with no record i.e. form 5 & 6. The owners / elites of the timber were not allowing for inspection and loudly stating that no timber will be given to the Govt. unless, until the necessary payment are made. In this respect the enquiry committee requested to give their demand in writing (Annexure-K). The recovered timber as per statement of Ex-SDFO and present SDFO is doubtful.

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c. BASHA ROADSIDE DEPOT

A large and unknown quantity of old timber were lying above and before the KKH. The SDFO and Ex-SDFO pointed an old stack of Kail timber lying below the KKH which is an old stock. The record was not maintained and produced to the enquiry committee which mean that the stolen timber did not recovered.

d. SHATIAL FOREST CHECK POST

All the staff were present and produced the record checked with following observations:

(i) On the day of inspection i.e. 28-11-2013 A truck No. TKS 220 loaded with timber Deodar 104 scants = 765.47 cft challan No.1721 Book No.35 asking the staff, why it is halted. They replied that this truck reached after sunset on 31-08-2013. The driver and owner both were not available.

(ii) ROZNAMCHA:

As the DFO Upper Kohistan office order No.4 dated 26-08-2013 suspended the transportation of policy timber from Tangir / Darel till the recovery of stolen timber but upto 31-08-2013 the trucks were passed instead of suspension.

ATTESTED

VIII. OBSERVATIONS AND DISCUSSIONS :

Based on the scrutiny of record, statements of officers and officials, inspection of road side depots and check posts the following observations are noticed given below :

The information report of the then SDFO was doubtful as no officers reported. The No. of scants, species, place of shifting and names of offenders. ? Unknown people

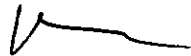
The DFO Upper Kohistan office order No.4 dated 26-08-2013 also contradictory to the information report the transportation suspended from Tangir and Darel but practically the transportation was continued after 26-08-2013 to 31-08-2013.

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The Conservator of Forests Upper Hazara declared this office order of DFO Upper Kohistan as in correct and can not be tenable.

The superdnamas given by the person of Harban are legally invalid, as discussed in para-VI (iv). The timber stolen 18,000 cft not recovered even no practical step taken by the DFO and the then SDFO Harban for recovery.

ATTESTED



Every statement / letter / office order are contradictory and shifted the whole responsibility to superdnamas as an eye wash.

VIII. FINDINGS

On the basis of perusal of record, observation inspections of roadside depots / check posts the following findings are arised:

1. The timber 18,000 cft stolen /theft/ leftover from Sazin, Harban and Basha roadside depots are not recovered or handed over by the superdnars to the forest department DFO Upper Kohistan / SDFO Harban.
2. The then DFO and the then SDFO did not take any practical step for recovery except of correspondence which are not tenable and invalid.

ATTESTED

[Signature]

IX. ToR (ii)

IF STOLEN TIMBER IS NOT RETURNED BY THE OWNERS THEN
COST OF 18000 CFT TIMBER MAY BE RECOVERED FROM DFO
AND SDFO UPPER KOHISTAN.

Average rate of deodar scants in 7/2013 was Rs.1630/= per cft as reported by DMM/FDC timber Market Goharabad.

$$\text{Cost } 18000 \times 1630 = \text{Rs.}2,93,40,000/-.$$

Therefore, Rs.2.93.40.000/- (Two crore, Ninty three lacs and forty thousands) may be recovered from Mr. Mohammad Tariq Ex-DFO Upper Kohistan and Ex-SDFO Harban Mr. Mohammad Asghar at the ratio of 60% DFO and 40% SDFO respectively.

ATTESTED

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FARHAD ALI DIVISIONAL FOREST OFFICER		Agror Tanawal Forest Division Mansehra Phone # 0997-020144
No / 502-9/GE		Dated 25/10/2013

1. Mr. Muhammad Asghar Forester
2. Mr. Abdul Manan FG
3. Mr. Umer Khan FG
4. Mr. Shabir Khan FG
5. Mr. Muhammad Aslam FG
6. Mr. Naseeb Khan FG
7. Mr. Azad Wali FG
8. Mr. Jameer FG


C/o

DFO Upper Kohistan, Dasso

Subject: DISCIPLINARY PROCEEDING AGAINST THE STAFF OF UPPER KOHISTAN FOREST DIVISION

Reference DFO Upper Kohistan letter No. 1863-65/E, No. 1866-68/E, No. 1869-71, No. 1872-74/E No. 1875-77/E, No. 1878-80/E, No. 1881-83/E and No. 1884-86/E dated 10.10.2013 respectively.

Please expedite submission of your reply to the charge sheet/statement of allegation to the undersigned at your earliest and state if you wish to be heard in person so that the subject disciplinary proceedings could be finalized within stipulated period of time.

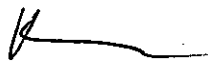

 Divisional Forest Officer
 Agror Tanawal Forest Division
 Mansehra
 (Enquiry Officer/Committee)

No. /GE


Copy forwarded to the Divisional Forest Officer, Upper Kohistan Forest Division Dasso for information. This is with reference to his letter No. 1887/GE dated 10.10.2013. Please deliver the enclosed letter to the addressees under proper receipt and send the same to the undersigned for record and further course of action. The acknowledgement receipts of charge sheets/statement of allegations obtained from the accused officials may also be supplied to the undersigned for further necessary action. It is further requested to please appoint/nominate a Prosecutor and direct him to attend the enquiry proceedings on the date & venue whenever fixed along with relevant record in original in order to defend the enquiry proceeding.

Divisional Forest Officer
 Agror Tanawal Forest Division
 Mansehra

ATTESTED



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Divisional Forest Officer		Upper Kohistan Forest Division Dassu Phone # 0998-407022
No. 3454 /GE		Dated 04/10/2014

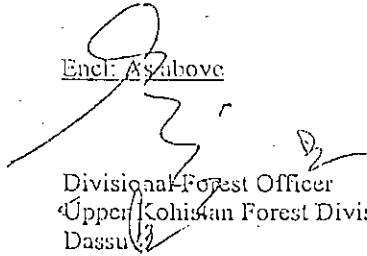
Mr. Farhad Ali
Divisional Forest Officer,
AgrorTanawal Forest Division
Mansehra

Subject: DISCIPLINARY PROCEEDING AGAINST THE STAFF OF UPPER KOHISTAN FOREST DIVISION.

Enclosed please find herewith Charge sheets alongwith Memo of Allegations against the following staff of Upper Kohistan Forest Division for initiating enquiry and submit recommendation within stipulated period.

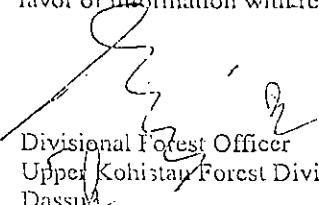
- 1- Mr. Shabir Khan Forest Guard
- 2- Mr. Muhanamad Aslam Forest Guard
- 3- Mr. Azad Wali Forest Guard

Encl: As above


Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

No. 3455 /GE,

Copy forwarded to the Conservator of Forests, Upper Hazara Forest Circle, Mansehra for favor of information with reference to his office letter No. 6837/GE, dated 18/03/2014.


Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

DIVISIONAL FOREST OFFICER
UPPER KOHISTAN FOREST DIVISION
DASSU

M = 52

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INQUIRY PROCEEDINGS AGAINST THE STAFF OF UPPER KOHISTAN FOREST DIVISION AT PATTAN.

BRIEF HISTORY OF THE CASE.

Divisional Forest Officer Upper Kohistan vide his letter No.3454/GI, dated 04/4/2014 nominated the undersigned as Inquiry/Committee office to conduct inquiry into the allegation leveled against following officials of Kohistan Forest Division:

1. Mr. Shaiber Khan Forest Guard.
2. Mr. Mohammad Islam Forest Guard.
3. Mr. Azad Wali Forest Guard.

Accordingly the accused officials were directed to submit reply to the memo of allegation vide Divisional Forest Officer, A/T No.4372-73/GI, dated 08/5/2014.

The accused officials submitted their written replies.

The accused officials alongwith prosecution were directed to appear before the inquiry Committee on 20/5/2014. The prosecutor failed to appear before the Inquiry Committee and thus proceedings adjourned. In the meantime as proceedings were underway against staff of Upper Kohistan Forest Division in the same incident therefore the proceedings were kept in abeyance so as to get insight and to see the outcome of the inquiry committee being senior to the undersigned.

The Inquiry Committee comprising Mr. Shah Wazir Khan, Managing Director, FDC and Mr. Tariq Rashid Secretary Benevolent fund conducted the inquiry during September, 2014.

The Inquiry Committee proposed various penalties upon accused officials vide their report dated 08/9/2014.

The accused officials in the instant inquiry were summoned on 25/2/2015 at Divisional Forest Officer Alpur office however the accused officials as well as the prosecution failed to appear before the Inquiry Committee.

The accused officials and the prosecution were again directed to appear before Inquiry Committee on 12/3/2015 at Divisional Forest Officer, Office Alpur but the Divisional Forest Officer, Kohistan replied that the letter was received late, therefore the Inquiry Committee again vide Divisional Forest Officer, Alpur letter No.2879/GI, dated 21/4/2015 directed the accused officials and prosecution to appear before Inquiry Committee on 24/4/2015, At Conservator of Forests, Upper Hazara Office at Manshra.

The accused officials as well as the prosecutor appeared before the Inquiry Committee on 24/4/2015.

The accused officials were given the opportunity of personal hearing and cross examination of prosecutor.

The Divisional Forest Officer, Kohistan was asked to provide the record regarding the allegation and posting orders of the accused officials at different places, vide Divisional Forest Officer Alpur No.3113/GI, dated 20/5/2015 all the other record provided however, posting orders at various places i.e. posting order of Shaiber Khan Forest Guard at Harban Depot and Darrel Bridge could not be provided, similarly posting order of Mohammad Aslam Forest Guard at Tangir Bridge could not be provided.

Discussion.

An incident of lifting and transport of 18000 CU of timber of various species from Kohistan Forest Division to Northern Area took place on 24/3/2013.

Keeping in mind the gravity of issue the concerned staff was charge sheeted including the Divisional Forest Officer, Upper Kohistan, Sub-Divisional forest Officer Harban, Mr. Abdul Hamid Block Officer, Jamir Forest Guard, Nasib Khan Forest Guard and Umar Khan Forest Guard etc and high level inquiry committee comprising Mr. Shah Wazir Khan Managing Director, FDC and Mr. Tariq Rashid Secretary Benevolent Fund constituted.

Later on it was realized that three officials namely Shaiber Khan, Mohammad Aslam and Azad Wali also needs to be proceeded and thus a separate inquiry was initiated.

ATTESTED

Shah Ali Divisional Forest Officer, ATF Division to have insight into the conduct of these officials.

Shaher Khan: Mr. Shaiber Khan Forest Guard was charge sheeted for being incharge Kalaz and Batobat beat, Harban Depot and Darrel Bridge and failed to stop lifting and transport of timber of Kohistan Forest Division to Northern Areas.

The accused official both in written reply and during personal hearing and cross examination denied the allegation.

In his plea he stated that not a single Cft timber of his beats was transported during the incident similarly he denied any order (verbal/written) regarding his posting on Harban depot and Darrel Bridge.

The prosecution was asked to produce evidence regarding the allegation leveled.

Even during cross examination the prosecutor was asked whether any timber pertaining to the beats of accused forest guard was transported to Northern areas, the reply was "no" while regarding posting of the accused on Harban depot or Darrel Bridge, prosecution witness could not produce any documentary evidence and said that no such order is available on the record. Similarly, the prosecution witness was asked why the accused was charge sheeted, the reply was that he has signed a damage report as "hamra" with Jamair Forest Guard who chalked damage report No.32/50 dated 25/8/2013, however, said that mere signing of damage report do not prove the accused as guilty.

From the aforementioned discussion, written reply of accused, cross examination of prosecution witness and personal hearing it is evident that the accused official has very little role of signing Damage Report No.32/50 with Jamair Forest Guard who has already been recommended major penalty of reversion to initial Scale of BS-7 and recovery of 1/4, the amount i.e. Rs.4,33,000/- of duty, FDF.

Further the prosecution could not produce any documentary evidence regarding his posting on Harban depot or Darrel Bridge. Also non inclusion of the forest guard in main inquiry conducted by Mr. Shah Wazir Khan, Managing Director, FDC and Mr. Tariq Rashid Secretary Benevolent fund makes the case of prosecution further weak. Posting of one official at several places actually show the lack of resources and poor reinforcement. The situation demanded extra ordinary measures on part of Forest Department, Police and Administration which are not evident and making a forest guard responsible for such a huge fiasco is not justified.

However, the accused official can not be totally declared innocent as he was aware of the situation and should have played better role. In light of above the allegation of in-efficiency partially proved.

Recommendation.

Ensured to be careful in future.

Azad Wali.

Mr. Azad Wali Forest Guard was charge sheeted for being incharge Barooga beat, Shattal heek post and Basha KK11 Depot and lifting of 2000 Cft timber of his beat during the incident and his failure to stop the incident.

In his written reply the accused official denied the allegations and stated that he performed his duty as per desired standard, however, the situation was so grim that he could not stop the incident, however, he chalked the damage report No.73/45 dated 25/8/2013 and lodged FIR in the Police Station.

The prosecution in its statement said that the timber of 2000 Cft of his beat (Barooga) is transported/stolen and he failed to safeguard the Govt. interest.

During cross examination and personal hearing again the accused forest guard denied the allegation.

After going through the available evidence on record, it is proved that the accused official failed to protect the timber of his beat. However, it is also a fact that the timber was lying on Harban Depot whose incharge was Jamair Khan Forest Guard who has already been recommended for the allegation. Non inclusion of the forest guard in main inquiry also weakens the prosecution stance. However, transport of 2000 Cft timber...

ATTESTED



(89) (13)

not be denied and he should have played better role to safeguard the Govt. interest by not allowing lifting and transport of 2000 Cft timber of his beat.

Recommendation.

Major penalty of reversion to initial Scale BS-7.

Mohammad Aslam Forest Guard.

Mr. Mohammad Aslam Forest Guard was charge sheeted for being incharge Shatial beat and Tangir bridge and failing to stop lifting and transport of timber of Kohistan Forest Division to Northern Areas.

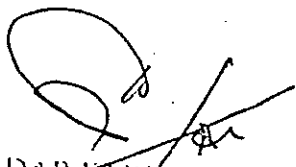
Mohammad Aslam Forest Guard in his written reply denied the allegation and submitted that no timber of his beat has been transported during the incident. Similarly, no verbal/written order was issued to him regarding duty at Tangir bridge.

During cross examination with prosecution and personal hearing of the accused the prosecution was asked to produce the posting order of accused as Incharge Tangir bridge which the prosecution failed to provide.

After going through the record, reply of accused personal hearing and listening to prosecution witness the charges against the accused official could not be established Mr. Naseeb Khan Forest Guard has already been proved guilty in the incident and recovery has been recommended. However, incident of this nature is a real question mark and every official should have played role which is missing even on part of the accused Mohammad Aslam Forest Guard.

Recommendation.

Censure to be careful in future.


(SARDAR FARHAD ALI)
INQUIRY OFFICER,
DIVISIONAL FOREST OFFICER,
ALPURI FOREST DIVISION,
ALPURI SHANGLA.

ATTESTED


15 *MS*

N 58

OFFICE ORDER NO 14 DATED DASSU THE 07/10/2015 ISSUED
BY MUHAMMAD SHOAIB, DIVISIONAL FOREST OFFICER, UPPER
KOHISTAN FOREST DIVISION DASSU

The Enquiry Officer/Committee has submitted enquiry report
vides No.514/G dated 24.08.2015 in response to this office
letter No. 3454/GE, dated 04.04.2014.

I agree with the findings of the Enquiry Officer/Committee
on the charges of Corruption, In-efficiency and Mis-
conduct and hereby order:-

- i. Mr. Shaiber Khan censured to be careful in future.
- ii. Mr. Azad Wali Major Penalty of reversion to initial
Scale BS-07.
- iii. Mr. Muhammad Aslam Censured to be careful in future.

Sd/- (Muhammad Shoaib)
Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

Copy forwarded to:-

- ✓ 1. All concerned Forest Guards C/O SDFO Harban for
information.
2. Divisional Accountant/Establishment clerk for
information and necessary action.

MS
Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

ATTESTED
MS

956

Pervez

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as competent authority, hereby charge you, Muhammad Asghar, Sub-Divisional Forest Officer as follows:

That you, while posted as a Sub-Divisional Forest Officer, Harben of Upper Kohistan Forest Division, committed the following irregularities:-

- i. ~~You being incharge Sub-Divisional Forest Officer of Harben Sub-Division, failed to protect the timber lying in Basha Harban and Sazin KKFI roadside Depots against admixture in timber being transported under the Northern Area Amnesty Policy, 2013. You are supposed to be vigilant during currency of the instant policy but you intentionally escaped from the scene, particularly at the time of occurrence, for free exercise of lifting of timber under your control.~~
- ii. You failed in adopting preventive measures against admixture of timber of Kohistan origin in timber of Northern Area and hence you severally and jointly alongwith other accuseds in the case responsible for recovery of losses sustained by the public exchequer, in addition to the interest as per law.
- iii. You failed to protect the timber and sufficient evidence in this regard are available that with your involvement with the timber mafia 18,000 Cft pilfered timbers were theft for which you are solely responsible.

2. By reason of the above, you appear to be guilty of misconduct, inefficiency 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.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer / Enquiry Committee, as the case may be.

4. Your written defence, if any, should reach the Enquiry Officer/Enquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-party action shall follow against you.

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

6. A statement of allegation is enclosed.

ATTESTED

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER, KHYBER
PAKHTUNKHWA
25.05.2016.

DISCIPLINARY ACTION

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I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Muhammad Asghar, while posted as a Sub-Divisional Forest Officer Harben of Upper Kohistan Forest Division has rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATION

- i. He being incharge Sub-Divisional Forest Officer of Harben Sub-Division, failed to protect the timber lying in Basha, Harban and Sazin KKH roadside Depots against admixture in timber being transported under the Northern Area Amnesty Policy, 2013. He supposed to be vigilant during currency of the instant policy but he intentionally escaped from the scene, particularly at the time of occurrence, for free exercise of lifting of timber under his control.
 - ii. He failed in adopting preventive measures against admixture of timber of Kohistan origin in timber of Northern Area and hence he severally and jointly alongwith other accuseds in the case responsible for recovery of losses sustained by the public exchequer, in addition to the interest as per law.
 - iii. He failed to protect the timber and sufficient evidence in this regard are available that with his involvement with the timber mafia 18,000 CFT pilfered timbers were theft for which he is solely responsible.
2. For the purpose of Enquiry against the said accused with reference to the above allegations, an Enquiry Officer/Enquiry Committee, consisting of the following, is constituted under rule 10 (1) (a) of Rules ibid:-

- i. Mr. Tariq Rashid (SG-BS-19)
- ii. Shah Nazir Khan. MD FDC.
- iii. _____

3. The Enquiry Officer/Enquiry Committee shall, in accordance with the provisions of the Rules ibid, provide reasonable opportunity of hearing to the accused; record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Enquiry Committee.

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER, KHYBER
PAKHTUNKHWA
25.05.2014

ATTESTED

[Signature]

پ. جوب۔ 2 بقہ مکٹی

(58)

بخدمت جناب جمیر مین صاحب انکوائری کمیٹی

عنوان! چارج شیٹ!

بحوالہ چٹھی نمبر اسٹ 14 SO(Estt)/Env/1-8/Tariq Khan/DFO/2K.14

مورخہ 02.01.2014، DFO، اپر کوہستان نمبر 3138/39/G.E مورخہ

11.03.2014

جناب عالی!

فدوی پر یہ الزام عائد ہے کہ وہ بحیثیت سب ڈویژنل فارسٹ آفیسر ہرین سب ڈویژن بھاشہ، ہرین، سازین روڈ سائیڈ ڈپو میں پڑی لکڑی کی ناردرن ایریا کی 2013ء کی پالیسی کی لکڑی میں ملاوٹ کے خلاف حفاظت نہ کر سکا اور اس الزام کو بنیاد بنا کر فدوی پر نا اہلی، کرپشن اور بدانتظامی کی فرد جرم عائد کر کے وضاحت طلب فرمائی ہے۔

جناب عالی!

فدوی بوجہ ذیل دو دیگر صحت جرم سے انکاری ہے۔

عالیجاہ! فدوی اپنی ان ناقابل تردید کاوشوں کا ذکر بعد میں کرنے کی اجازت چاہتا ہے اور اس سے پہلے کوہستان میں جنگلات سے متعلق حقائق کی روئید ضروری خیال کرتے ہوئے وہ پیش کرنے کی اجازت کا خواہاں ہے۔

(۱)۔ یہ کہ ضلع کوہستان کو دریا سندھ دو حصوں میں تقسیم کرتا ہے۔ دائیں جانب سابقہ ریاست سوات کا علاقہ ہے اور اس میں واقع جنگلات ریاست کے پاکستان کے ساتھ اہاق یا دمغم ہونے کے بعد نوٹیفیکیشن نمبر 70/1(a)/No. Logis:1 مجریہ مورخہ 20 مئی 1974ء (عکس نقل لف ٹیمپل نمبر 1 ہے) کے ذریعہ تمام قوانین کا اطلاق چترال، دیر، مالاکنڈ، کالام اور سوات کے علاقوں پر کیا گیا جن میں فارسٹ ایکٹ 1927ء شامل تھا۔

(۲)۔ ان علاقوں میں پائے جانے والے جنگلات کو Protected forest

بذریعہ نوٹیفیکیشن نمبر (ii) No. SOFT(FAD)V-168/71 مورخہ 22 دسمبر

1975ء کو مستہر کر دیا جبکہ دریا کے بائیں جانب کے جنگلات جو لوگوں کی ملکیت تھے

ATTESTED

(بھاشہ، ہرین، سازین، جالکوٹ، پالس، کولائی وہ گذارہ فارسٹ تسلیم کئے گئے) کیونکہ یہ علاقے الگ نوٹیفیکیشن کے تحت سال 1955ء میں اس وقت کے ضلع ہزارہ (اب ہزارہ ڈویژن) میں مدغم کر دیئے گئے تھے۔

جناب عالی! چارج شیٹ میں مذکورہ جنگلات بھاشہ، ہرین، سازین وغیرہ گذارہ جنگلات ہیں اور یہ لوگوں کی ملکیت ہیں۔ حکومت صرف محکمہ جنگلات کے ذریعہ ان کا انتظام و انصرام کرتی ہے اور چوب نکاسی پر 20% لکڑی اور انتظامی اخراجات وصول کرتی ہے۔

جہاں تک زیر تفتیش عمارتی لکڑی کا تعلق ہے یہ گذارہ جات بھاشہ، ہرین اور سازین کے جنگلات سے ناجائز کٹائی کردہ لکڑی ہے اس کٹائی کا پس منظر یوں ہے کہ:-
سال 1992ء میں ہزارہ اور دیگر شمالی پہاڑی علاقوں میں شدید اور لگاتار بارشوں کے باعث بدترین سیلاب آیا جس سے ملک کے زیریں علاقوں میں سڑکوں، پلوں، فصلات اور ترقیاتی کاموں کو نقصان پہنچا جس پر حکومت پاکستان نے سال 1993ء میں دو سال کیلئے جنگلات سے سبز درختان کی تجارتی مقاصد کیلئے کٹائی پر پابندی عائد کر دی۔

سال 1995ء میں اس پابندی میں غیر معینہ مدت کیلئے توسیع کر دی گئی۔ اس توسیع کے رد عمل میں کوہستان کے علاقہ پالس میں لوگوں نے اجتماعی طور پر بغاوت کر کے تین دن تک مسلسل درختان کاٹتے رہے اور لاکھوں درخت کاٹ دیئے گئے۔ اس وقت کی صوبائی حکومت نے ڈپٹی کمشنر کوہستان، ایس۔ پی۔ کوہستان اور DFO کوہستان کو حکم دیا کہ فورس FC پولیس وغیرہ استعمال کر کے یہ لکڑی نکاس کر کے بحق سرکار ضبط کر کے منڈی لا کر فروخت کی جائے۔

جناب عالی! لیکچرار گورنر کمشنر چیمبر ہندی کی بناء پر ڈپٹی کمشنر صاحبہ نے حکومت کو مطلع کیا کہ لکڑی کی بزرگ طاقت نکاسی پر دونوں اطراف سے جانی نقصان کا شدید خطرہ ہے لوگ مہر چرن ہو چکے ہیں اسلئے لکڑی کی بزرگ نکاسی ممکن نہیں۔

عالیجاہ! اس کے بعد سال 1998ء میں صوبائی حکومت نے اس ناجائز کٹائی شدہ لکڑی کیلئے ایک پالیسی دی جس کے تحت مالکان سے -/50 روپیہ فی فٹ جرمانہ اور 20% لکڑی لے کر یہ لکڑی واگہدار کر دی۔ اس پر باقی کوہستان کے لوگوں نے بھی اپنی

ATTESTED

ناجائز کٹائی شدہ لکڑی کیلئے بھی ایسی ہی پالیسی کا مطالبہ کیا جو حکومت نے منظور کر لیا۔
جناب عالی! سال 1998ء کے بعد لوگ ناجائز طور پر درختان کاٹتے رہے اور
حکومت کے بعد دیگر پالیسیاں دیتی رہی۔

زیر تفتیش لکڑی بھی قوموں کی طرف سے ناجائز کٹائی کردہ ہے اور لوگ
حکومت کی ایماء پر جنگل سے روڈ سائڈ تک لائے اور پالیسی کے انتظار میں یہ لکڑی
روڈ سائڈ پر پڑی تھی اور پڑی ہے لیکن یہ محکمہ کی تحویل میں نہیں اور نہ ہی محکمہ کے ریکارڈ
پر ہے۔

عالیجاہ! اب ناردرن اریاء (گلگت بلتستان) میں اسی طرح کی لکڑی (ناجائز کٹائی
کردہ) پر مرکزی حکومت نے پالیسی 2013ء کا اجراء کیا اور یہ لکڑی کرستان کے
راستہ راولپنڈی جانا تھی اور گئی بھی۔

چونکہ بھاشہ، ہربن، سائین میں (بلکہ پورے کوہستان) میں سیٹلمنٹ نہ
ہونے کی وجہ سے جنگلات قوموں کی مشترکہ ملکیت ہیں اور بغیر قومی مشورہ کے لکڑی
ادھر ادھر نہیں ہو سکتی۔

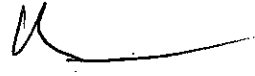
چونکہ لکڑی پوری قوم کی ملکیت تھی کسی فرد واحد کی ملکیت نہ تھی لوگوں کو یہ خدشہ
پیدا ہوا کہ چونکہ لکڑی روڈ پر پڑی ہے یہ شمالی علاقہ جات کی لکڑی میں کوئی اٹھا کر نہ
لے جائے، لوگوں نے اٹھا کر سڑک سے پیچھے گاؤں کی طرف سڑک سے دور لے گئے
اور ازاں بعد وہ لکڑی واپس روڈ سائڈ پر لے آئے۔

(۳)۔ اب فدی ان کاوشوں کی روئیداد بیان کرنے کی اجازت چاہے گا جو اس نے
انسانی بساط کے مطابق نہایت دیانتداری سے کی ہیں۔

(1)۔ یہ کہ فدی کو شک گذرا کہ لوگ بھوکے ہیں اور لکڑی سڑک پر پڑی ہے کہیں
یہ ناردرن اریاء کی لکڑی میں شامل کر کے نہ لے جائیں۔ اس شک پر میں نے اپنے
DFO صاحب کو صورت حال سے آگاہ کیا جس پر جناب DFO صاحب نے
DC صاحب اور SP صاحب کوہستان کو فدی کی مدد کیلئے لکھا جن کی عکسی نقول ضمیمہ
3 میں شامل کی جاتی ہیں۔

عالیجاہ! فدی کو نہ تو پولیس نہ FC اور نہ ہی اپنے محکمہ کی جانب سے کوئی اضافی
ٹاف کی مدد ملی۔

ATTESTED



مورخہ 25 اگست کی شب کچھ شہر پسند لوگ چند ایک سلیپران اٹھا کر دریا کے پار شمالی علاقہ جات کی لکڑی میں ملانے کی کوشش کی گئی اس پر قوم نے متحد ہو کر اپنی لکڑی اٹھا کر سڑک کے پیچھے گاؤں کی طرف لے گئے۔

فدوی نے جناب DFO صاحب سے ذاتی طور پر ایبٹ آباد ان کی رہائش پران سے رابطہ کر کے انہیں واقعات سے آگاہ کیا۔

فدوی کی کاوش سے ناردرن اریبا کی لکڑی کی ترسیل معطل کرادی جس پر وہاں کے DFO نے ہمیں مطلع کیا کہ کوہستان کی لکڑی انہوں نے پکڑ لی ہے اور اسے شمالی علاقہ کی پالیسی کی لکڑی میں شامل ہونے سے روک دیا ہے۔

یہ لکڑی نکلے دوبارہ واپس لایا۔ اس وقت فدوی کی وہاں سے تبدیلی ہو چکی تھی۔ فدوی نے معززین بھاشہ، ہربن اور سازین سے بھی رابطہ کیا اور انہوں نے فدوی کو لکڑی کا سپرد نامہ دیا جس کی عکسی نقل ضمیمہ 5 کے طور پر شامل جواب کیا جاتا ہے۔

جناب عالی! یہ الزام بے بنیاد ہے کہ لکڑی نیچے چلی گئی ہے۔ ہم نے پوری تسلی سے لکڑی واگزار کی ہے اور محکمہ کے جملہ بیریزز جو تعداد میں شتتال کے بعد آٹھ ہیں پختی سے پڑتال ہوتی رہی کسی بھی جگہ کوہستان کی لکڑی نہیں پائی گئی۔

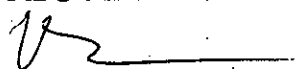
فدوی کے تبدیلی کے بعد جناب SDFO ہربن نے تحریری طور پر لکھ دیا ہے کہ ہربن، سازین اور بھاشہ سے اٹھائی گئی لکڑی مالکان واپس لے آئے ہیں اور دریا سے پار گئی لکڑی بھی واپس اپنی جگہ پر پہنچ چکی ہے۔

عالیجاہ! فدوی اپنے طور پر پر انسانی بساط کے مطابق لمحہ بہ لمحہ اپنے افسران سے رابطہ میں رہا اور مدد کی درخواست کرتا رہا کہ لکڑی شمالی علاقہ جات کی لکڑی میں شامل ہو کر نہ چلی جائے جس میں باوجودیکہ مجھے کوئی اضافی مدد نہ ملی لیکن پھر بھی کوئی لکڑی شمالی علاقہ کی لکڑی میں نہیں گئی۔

جناب عالی! لکڑی مذکورہ لوگوں کی ملکیت ہے ناجائز کٹائی کردہ ہے اور اس سے حکومت کا اس وقت تک کوئی واسطہ نہیں جب تک حکومت اس کی بابت کوئی فیصلہ نہیں کرتی۔

حکومت خیبر پختون خواہ کے فارسٹ آرڈیننس 2002ء کی دفعہ 60 کے

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بموجب اگر کوئی لکڑی جو جائز ذرائع سے بھی حاصل کردہ ہو اور اسے آرڈیننس کی کسی دفعہ یا اس کے تحت بنائے گئے قواعد کے تحت کسی بھی جگہ روکا جائے اور کسی بھی وجہ سے ماسوائے محکمہ کے اہلکاران کی سازش کے اسے کوئی نقصان پہنچ جائے تو محکمہ یا حکومت اس کی ذمہ دار نہیں ہوگی۔ چہ جائیکہ ناجائز لکڑی جو محکمہ کے چارج میں بھی نہیں۔

جناب عالی! یہ لکڑی تو ناجائز کٹائی کردہ لکڑی ہے اور اس میں کسی قسم کا کوئی نقصان بھی نہیں ہوا۔ لکڑی مالکان اس ڈر سے اٹھا کر لے گئے تھے کہ شمالی علاقہ جات کی پالیسی کی لکڑی میں چلی نہ جائے وہ وہاں لا کر واپس رکھ دی ہے جس کی تصدیق محکمہ نے کر دی ہے۔

خلاصہ!

- متذکرہ حقائق و تفصیلات کا منصفانہ اور حقیقت پسندانہ تجزیہ سے ثابت ہے کہ
- الزام نمبر 1:- فدوی پر کسی طور ثابت نہیں کہ وہ اپنے فرائض منصبی کی انجام دہی میں لاپرواہ رہا۔ DFO کا خط لف ضمیمہ 6 سے صاف واضح ہے کہ تعینات عملہ محکمہ جنگلات سب ڈویژن ہر بن مکمل تندہی (Vigilant) تھا۔
 - الزام نمبر 2:- حکومتی تحویل سے لکڑی کی نہ کوئی چوری ہوئی اور نہ ہی ہونے دی گئی بلکہ اقوام سے ملکیت لکڑی جو ان کے ذاتی ڈپو میں تھی بھی واپس موزوں جگہ پر جمع کروائی گئی تاکہ محکمہ جنگلات کی زیر نظر رہے۔ لہذا الزام کسی طور پر ثابت ہونے کے لائق تصور نہیں کیا گیا۔
 - الزام نمبر 3:- محکمہ جنگلات کو ہستان کاریکار ڈگواہ ہے کہ 18000cft لکڑی ہی اس کی ملکیت تھی نہ ہے بلکہ لکڑی اقوام کی ملکیت ہے جو کہ غیر قانونی کٹائی شدہ ہے اور برائے نگرانی محکمہ جنگلات سب ڈویژن ہر بن کی زیر نظر ہے۔ لہذا 18000cft لکڑی چوری کا سوال ہی پیدا نہیں ہوتا۔

لہذا استدعا کی جاتی ہے کہ فدوی کے خلاف عائد کردہ الزامات جو درج بالا حقائق سے رد کئے جا چکے ہیں اور ان کی بنیاد پر قائم کردہ فرد جرم سے فدوی کو بری فرمایا جاوے۔ مزید استدعا ہے کہ فدوی کو اصالتاً پیش ہو کر مزید وضاحت کی اجازت مرحمت فرمائی جائے۔

ATTESTED

محمد اسفر خان، سب ڈویژنل فارسٹ آفیسر..... جواب دہندہ

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Q.N. 63

ENQUIRY REPORT AGAINST
MR. MUHAMMAD TARIQ DFO
& OTHER OFFICIALS OF KHYBER
PAKHTUNKHWA
FOREST DEPARTMENT.

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**ENQUIRY REPORT AGAINST MR. MUHAMMAD TARIQ DFO
& OTHER OFFICIALS OF KHYBER PAKHTUNKHWA
FOREST DEPARTMENT**

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**ENQUIRY REPORT AGAINST MR. MUHAMMAD TARIQ DFO
& OTHER OFFICIALS OF KHYBER PAKHTUNKHWA
FOREST DEPARTMENT.**

I. **BACKGROUND**

Government of Khyber Pakhtunkhwa, Environment Department vide Notification No. SO(Estt)Env/1-8/Tariq DFO/2k14 dated 02.06.2014 constituted Enquiry Committee of Mr. Tariq Rashid, Secretary, Benevolent Fund (the then Reforms Coordinator) & Mr. Shah Wazir Khan, Managing Director, Forest Development Corporation to conduct an enquiry against the following officer / officials of Khyber Pakhtunkhwa, Forest Department into the charges / allegations leveled against them in their respective charge sheets and statement of allegations (Annexure 1 – 12) under the provision of Khyber Pakhtunkhwa, Efficiency & Discipline Rules, 2011:-

- i. Mr. Muhammad Tariq, Divisional Forest Officer (BPS-18) the then DFO Upper Kohistan Forest Division.
- ii. Mr. Muhamad Asghar, Forester (BPS-09), I/C SDFO Harben Forest Sub Division.
- iii. Mr. Abdul Manan, Block Officer (BPS-07), Harben and Basha Blocks of Upper Kohistan, Forest Division.
- iv. Mr. Jamir, Forest Guard (BPS-07), I/C Harben Road Side Depot.
- v. Mr. Nasib Khan, Forest Guard (BPS-07), I/C Sazin Road Side Depot.
- vi. Mr. Umar Khan, Forest Guard (BPS-07), I/C Basha Road Side Depot.

II. **PROCEEDINGS**

After the receipt of the Notification No. SO(Estt)Env/1-8/Tariq DFO/2k14 dated 02.06.2014 (received on 17.06.2014), the Enquiry Committee initiated proceedings as under:-

A. **1ST MEETING ON 19.06.2014**

Preliminary meeting of the Committee held in the office of Reforms Coordinator. Present status along with postal address of the

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major accused officer / officials were requested from the Section Officer (Estb) of Environment Department. Provincial Inspection Team (PIT) enquiry report & preliminary enquiry report conducted by Hashim Ali Khan & others were reviewed. All accused officer / officials were communicated to submit their reply by 30.06.2014.

B. 2ND MEETING ON 02.07.2014

Held second meeting of the Enquiry Committee in the office of Reforms Coordinator. Reply of Muhammad Tariq Divisional Forest Officer (D.F.O) accused officer at S.No.1 received on 23.06.2014 was examined (Annexure-13). Rest of the accused (5 in number) had not yet submitted their reply. The Environment Department had not yet nominated officer as prosecutor of the department.

To start with regular proceedings the remaining accused officials were reminded to submit their reply by 10.07.2014. Section Officer Environment Department was again reminded both on telephone & vide letter to nominate an officer of the department as prosecutor. Perusal of reply of Mr.Tariq D.F.O & P.I.T enquiry report reveals that other relevant officers mentioned would also be summoned on appropriate dates of hearing.

C. 3RD MEETING ON 15.07.2014

Replies to charge sheets received from the remaining 5 officials uptill 14.07.2014 (Annexure 14-18), the same were examined in the light of charge sheets served on the Officers / Officials. After preliminary examination of the replies it was agreed to initiate regular proceedings / hearings of the accused officer / officials on 24.07.2014 in the office of Reforms Coordinator in the presence of Departmental representative (Prosecutor). They were communicated to appear before the Enquiry Committee on 24.07.2014

D. 4TH MEETING ON 24.07.2014

Regular proceedings fixed for 24.07.2014 were held wherein all the accused officials except Mr.M Tariq DFO & Mr. Umar Kan Forest Guard attended.

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Mr. M Ashghar Forester, the then incharge SDFO Harben (the accused official) was cross questioned by the Committee & the Prosecutor. During the course of proceedings it was brought to the notice of the Committee that the stolen timber measuring 18000 cft from Basha, Sazin and Harben depot have been retrieved. In order to ascertain the facts a sub-committee comprising of Raja M. Imtiaz DFO and Mr. M. Shoaib DFO was constituted to report in the matter on the next date of hearing i.e. 11.08.2014 (Annexure-19). CCF I was accordingly requested to take further necessary action in this regard.

E. 5TH MEETING ON 11.08.2014

Regular proceedings fixed for 11.08.2014 were held in the Committee Room of Forest Development Corporation wherein all the accused officials except Mr. Muhammad Tariq, DFO and Mr. Umar Khan, Forest Guard attended. Departmental representative (Prosecutor) Mr. Muhammad Shoaib, DFO Lower Kohistan represented the Department

Mr. Muhammad Tariq DFO informed Managing Director FDC telephonically that he was hospitalized from 27.07.2014 to 07.08.2014 but still on bed rest and not in a position to attend the proceedings due to bad health. He also sent medical report (Annexure-20) in this regard which was accepted by the Committee and directed him to appear on the next date. The present accused officials were cross examined by the Enquiry Committee and Prosecutor.

Muhammad Shoaib DFO informed the Committee that Mr. Raja Imtiaz DFO had been posted as Conservator of Forests, Lower Hazara and the sub-committee constituted on 24.07.2014 could not finalize its report for which another week is required. The committee expressed concern and conveyed its displeasure on non-submission of the required report in time. The sub-Committee was further directed to finalize its report and submit by 18.08.2014 without further delay.

The other accused officials except Umar Khan, Forest Guard, were asked to present further points if any but they did not.

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The proceedings were therefore adjourned to 21.08.2014 in the Committee Room of Forest Development Corporation.

F. 6th MEETING ON 21.08.2014

Regular proceedings fixed for 21.08.2014 were held in the Committee Room of Forest Development Corporation from 1100 Hrs till 2000 Hrs. Wherein all the accused officer / officials were present along with Departmental Representative Mr. Muhammad Shoaib, DFO Lower Kohistan (Prosecutor).

Mr. Muhammad Shoaib, DFO Lower Kohistan submitted written report of the Sub-Committee appointed for ascertaining the retrieved timber (Annexure-21).

All accused officials were questioned by the Enquiry Committee and Prosecutor to examine their charges / allegations.

After detailed enquiry proceedings, Mr. Muhammad Shoaib, DFO Lower Kohistan was directed to submit the relevant record before the enquiry committee in next week.

G. 7th MEETING ON 01.09.2014

On perusal of record submitted by DFO (Lower Kohistan) Prosecutor of the Department on 26-08-2014 it came to surface that the re-measured timber of Northern Area in 54 trucks at Tarnol Depot was reduced by 4843 cft (Annexure-22) which created further doubts in the matter.

In order to clarify the factual position the committee headed by Muhammad Tehmasip, DFO Kaghan along with Conservator of Forest, Abbottabad and Prosecutor were summoned for appearance on 02-09-2014. CCF-1 was accordingly asked to direct the officers / officials for attending the proceedings on due date.

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H. 8TH MEETING ON 02.09.2014

Re-measurement Committee headed by Muhammad Tehmasip, DFO, Qazi Mushtaq, Ex-DFO Siran, Raja Imliaz Ahmad, Conservator of Forest Abbottabad and Muhammad Shuaib, DFO, Lower Kohistan (Prosecutor) were heard and the Re-measurement Committee members were cross-examined to dig out the facts about the re-measured timber at Tarnol Depot.

Record regarding participation of District administration, representative and further details about re-measurement (truck wise record) was demanded from the Prosecutor who promised to produce it within 02 days.

III. GENERAL DISCUSSION

On receipt of the replies of the accused officer / officials, they were all summoned for examination / cross examination to analyze their charges and statement of allegation one by one in detail. The analysis was made mainly on available record, defense / prosecution evidences and cross examination by departmental representative / prosecutor. No defense witness or prosecution witness was either produced or requested.

All the accused were given fair and ample chance to put before the Enquiry Committee any additional information, record and evidence in their defense. Similar opportunity was also extended to the departmental representative / prosecutor (Mr. Muhammad Shoaib DFO) who provided some additional information / record relating to the subject from the record of Forest Department.

A. During the course of enquiry, detailed analysis of the following three enquiry reports were made: -

- I. Provincial Inspection Team, Khyber Pakhtunkhwa - Enquiry Report "Apprehension of 68 trucks of timber being transported under the coverage of Amnesty Policy 2013". (13-14/09/2013).

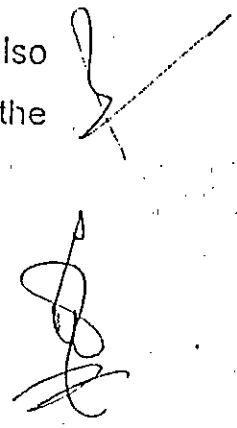
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- ii. Fact Finding report on lifting of timber from road side depots of Upper Kohistan for admixture in timber of Northern Area Amnesty Policy 2013 conducted by Muhamamd Siddique Khattak Conservator of Forest & Muhammad Shoaib DFO, Lower Kohistan (26-27/08/2013).
- iii. Enquiry Report on apprehending of sixty trucks of timber being transported under the coverage of Amnesty Policy 2013 conducted by Hashim Ali Khan, Chief Conservator of Forest – III, Malakand, Malik Javed Khan, Director CDE & GAD, Peshawar and Tauheed-ul-Haq, DFO. Working Plan Mansehra (October / November 2013).

Detailed perusal and analysis of the above three reports brought to light the following facts: -

- i. That the charge sheet / statement of allegation against the accused were largely based on the findings of these reports.
- ii. Simultaneously these reports also highlighted certain flaws in the process adopted in handling the issue besides cross cutting issues involved in the Amnesty Policies of Northern Areas.
- iii. Sensitivity of the matter especially KKH was also exploited by the vested interest to transport the stolen timber.

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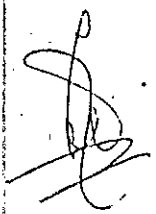


B. While conducting enquiry proceedings, report of the Committee headed by Muhammad Tehmasip, DFO on re-measurement of Northern Area Timber (54 trucks) halted in the jurisdiction of Siran Forest Division which detected that the timber in these 54 trucks was reduced by 264 scants = 4843 cft.

Detailed analysis of the report and subsequent cross examination of the Re-measurement Committee facilitated by Qazi Mushtaq Ahmad, Ex-DFO, Siran and Raja Imtiaz Ahmad, Conservator of Forest, Abbottabad brought to surface the following: -

- i. Participation of Additional Deputy Commissioner (ADC) Mansehra in the Re-measurement Committee was not supported by any authentication in the report.
- ii. It is hard to understand and believe that 54 trucks carried less timber than the recorded number and volume for which price of timber and duty / taxes etc. had been paid.
- iii. The two members of the Re-measurement Committee headed by Mr. Tehmasip (who are Muhamad Muzzaffar and Muhammad Pervaiz) had themselves stopped these 54 trucks in their respective jurisdiction in Siran Forest Division for excess timber and stolen timber of Kohistan Forest Division. But in the Re-measurement Committee they put their signatures on the Committee report showing thereby reduced number of scants and volume than the consignment of these 54 trucks. Such like dubious enquiry report and breach of trust always create embarrassment for the department / government and is against the interest of the state which should not be left unnoticed.

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IV.

INDIVIDUAL CHARGE-WISE DISCUSSION AND CONCLUSION

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A. Mr. Muhammad Tariq, Divisional Forest Officer (BPS-18) the then DFO Upper Kohistan Forest Division,

Charge No. (i)

"You always remained absent from your headquarter at Dassu without any prior permission / approval of the competent authority or sanction of any leave as stipulated in Civil Servants Act 1973, due to which the locals of area faced hardship to address their problems. Consequently the illicit trade of timber and illicit damage to the forest was rampant. Moreover, you failed to take appropriate measures necessary for guarding against pilferage of local timber when transportation of timber from Northern Area was under the "Amnesty Policy for illicit timber of Northern Areas 2013" was in progress."

To ascertain the presence / absence of the officer at headquarter, the accused officer produced copies of his tour diaries from 18-07-2013 to 30-09-2013 depicting routine duties without any major absence except on gazetted holidays / weekends (Annexure-23). The tour diary for the month of August had even shown office attendance on 14.08.2013 (Independence Day) which is not comprehensible.

Copies of these tour diaries provided by the accused officer were, however, not authenticated by Muhammad Shoaib, DFO (Prosecutor) despite the fact that he is holding the charge of DFO Upper Kohistan Dassu. On a query, the Prosecutor (DFO Lower & Upper Kohistan) clarified that these tour diaries are not available on record of DFO Upper Kohistan, therefore, cannot be authenticated.

The casual presence of the accused officer in Upper Kohistan was further substantiated by almost all the accused officials during their cross examination who stated that Muhammad Tariq, DFO rarely attended office at Dassu which resulted in a lot of complications in the working of the department in general & matters relating to the Amnesty Policy of Northern Area Timber (in vogue at that time) in specific.

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From the above analysis it is apparent that the accused official casually attended his office and for most of the time remained stationed at Abbottabad disposing off his official correspondence from there.

Charge No. (ii)

"In a meeting held in the office of Commissioner Hazara Division at Abbottabad on 19.09.2013, DC Kohistan expressed his entire dissatisfaction about your performance as DFO Upper Kohistan Forest Division. He categorically mentioned about your continued absence from your headquarter at Dasso since you took over the charge of the Upper Kohistan Forest Division that caused mis-management of the forest resources, lack of effective supervision and control over the subordinate staff necessary to guard against illicit damage to the forests and pilferage / smuggling of timber. As per findings of Provincial Inspection Team confirmed your continued frequent willful absence from station of duty. Furthermore you caused heavy losses to the Government on account of theft of 18,000 cft of timber on the night between 24th and 25th August 2013. The Provincial Inspection Team has recommended recovery of the cost of 18,000 cft timber from you. During the course of enquiry the concerned persons brought in the notice of PIT that you have been paid Rs. 22 / per cft over and above the forest duty @ Rs. 30 / cft, the same has been reflected in the report by PIT, therefore, you indulged in corruption."

Minutes of the meeting under chairmanship of Commissioner Hazara on 19-09-2013 endorsed vide Assistant Commissioner (R&GA) vide endorsement No.GB/ACR/CHD/8483/8513 dated 19-09-2013 contains no specific reference to the issue pertaining to Muhammad Tariq, DFO, Upper Kohistan (Annexure-24).

Provincial Inspection Team during their enquiry visit to Hazara Division in connection with 68 trucks parked on KKH transporting timber of Northern Areas under Amnesty Policy 2013 directed

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Munammad Tariq, DFO to appear before them on 14-09-2013 but he did not attend. The accused officer in response stated that he was asked by Superintendent Circle office to direct SDFO and other Field Staff to appear before Provincial Inspection Team on 14-09-2013 and showed ignorance of any direction for his personal appearance. The prosecutor kept silent.

As regards taking of bribe @ 22 per cft over and above the duty @ 30 per cft, the prosecution could not substantiate the charge and merely referred to the Provincial Inspection Team report wherein this charge has been clearly mentioned under Para ix (Page 12).

Regarding his presence / absence at headquarter the charge has been discussed in detail under Charge No. (i) above. The officer had full knowledge of Provincial Inspection Team visit but remained away from its proceedings. The charge regarding taking of bribe could not be established as no evidence except reference in Provincial Inspection Team report was ever produced.

Charge No. (iii)

"You willfully / deliberately / maliciously abstained and did not appear before the Provincial Inspection Team that was assigned the task of enquiry of 18,000 cft pilfered timbers which is sufficient evidence that you were involved and responsible for the theft of 18,000 cft timbers."

Stealing of 18,000 cft from the following road side depots in Upper Kohistan Forest Division occurred between the night of 24th - 25th August 2013.

Name of Depot	Timber Lifted (cft)		Total cft
	Deodar	Kail	
Basha	-	6,000	6,000
Harben	3,000	2,000	5,000
Sazeen	7,000	-	7,000
Total	10,000	8,000	18,000

During cross examination the accused officer admitted that the timber was stolen and taken to Northern Areas (Diamer District) for

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accused officer was away from his headquarter on the night of occurrence and was informed by the SDFO on 25-08-2013 at about 11:00 hrs. The incharge SDFO Mr. Muhamad Asghar had already left the headquarter on 24-08-2013 in the afternoon on the pretext that the timber would be stolen during the night to come and was proceeding to Abbottabad to inform the DFO and Conservator. It is sufficient proof that the whole saga was pre-planned and engineered. The entire staff right from the Forest guard upto the SDFO did not take a single step at the time of occurrence to stop the lifting / stealing of timber – meaning, thereby, clear cut involvement of the accused. Lifting of 18,000 cft timber and its transportation in one night is not possible without active connivance and support of the incharge staff along with the consent of their DFO.

Charge No. (iv)

-The Chief Conservator of Forests Northern Forest Region-II Abbottabad called your explanation for continued absence from headland you being a subordinate officer instead of adopting appropriate approach for furnishing reply, used the abusive / obnoxious language for your superior officer not only insulting your superior but also exhibited disrespect / disregard to the service decorum that tantamount to misconduct, indiscipline and disobedience. The Administrative Department took notice of your letter No.1610-11/E dated 28-08-2013 addressed to Chief Conservator of Forests Northern Forest Region – II Abbottabad and called for your explanation stating that your aforesaid letters are void of appropriate language essential while corresponding with superiors as stipulated in the "Rules of Business" which speaks volumes of your disregard and insubordination to the higher officers."

Detailed scrutiny of the correspondence reveals that the language used in the letters was inappropriate and a bit in disregard to the service decorum.

ATTESTED




Charge No. (v)

"You have occupied residential Bungalow at Abbottabad from July, 2008 to date while posted as DFO Peshawar Forest Division, DFO Demarcation Peshawar unlawfully and beyond entitlement. After your posting as DFO Upper Kohistan Dassu you continued with illegal occupation of the said residence. Furthermore, when Conservator of Forests Lower Hazara Circle asked you to vacate the residence, you not only refused but also replied in very disrespectful manner which tantamount to misconduct and insubordination."

During cross examination the accused officer showed copy of the office Order No.77 dated 10-06-2008 issued by Chief Conservator of Forest NWFP (Now Khyber Pakhtunkhwa) regarding allotment of bungalow of Conservator of Forest Watershed Abbottabad to Muhammad Tariq, DFO Gallis Forest Division Abbottabad. On a query, the Prosecutor could not substantiate the charge and did not produce any letter written by Conservator of Forest, Abbottabad and reply by the accused officer as stated in the charge.

It transpired that the bungalow at Abbottabad had been allotted by the then Chief Conservator of Forest NWFP and the Prosecutor could not prove the charge.

Keeping in view the above, charges of corruption and misconduct partly established. The charge of inefficiency, however was not established.

Recommendation

On the basis of aforesaid discussion and conclusions, the following recommendations are made: -

Recovery of Rs.15,48,200/- being 1/4th of the price, forest duty and FDF of 18,000 cft timber (10,000 cft Deodar scants plus 8,000 cft Kail @ 20% government share) from Mr.Muhammad Tariq Ex-DFO Upper Kohistan to make the losses sustained by the provincial exchequer

Reversion from the post of DFO (BPS-18) to the post of SDFO (BPS-17) with immediate effect.

ATTESTED



B. Mr. Muhammad Asghar, Forester (BPS-09), Incharge Sub-Divisional Forest Officer, Harben.

Charge No. (i)

"You being incharge Sub-Divisional Forest Officer of Harben Sub-Division, failed to protect the timber lying in Basha, Harben and Sazin KKH roadside Depots against admixture in timber being transported under the Northern Area Amnesty Policy, 2013. You are supposed to be vigilant during currency of the instant policy but you intentionally escaped from the scene, particularly at the time of occurrence, for free exercise of lifting of timber under your control."

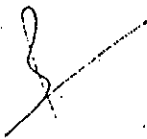

From the detailed analysis of the charge it transpires that the accused official instead of exercising control over his field staff, escaped from the scene and thus the stealing /lifting of 18,000 cft timber occurred – meaning thereby that the charge proved.

Charge No. (ii)

"You failed in adopting preventive measures against admixture of timber of Kohistan origin in timber of Northern Area and hence you severally and jointly along with other accuseds in the case responsible for recovery of losses sustained by the public exchequer, in addition to the interest as per law."

Analyzing the charge it came to surface, that the accused official neither adopted any preventive measures nor remained at headquarter to stop the occurrence of stealing of timber but tried to escape from the scene of occurrence. He further failed to recover the stolen timber which is clear from the sub-committee report for ascertaining the genuineness of claimed recovered stolen timber. The charge thus stands proved.

ATTESTED

Charge No. (iii)

"You failed to protect the timber and sufficient evidence in this regard are available that with your involvement with the timber mafia 18,000 cft pilfered timbers were theft for which you are solely responsible."

Detailed analysis of the charges revealed that stealing / lifting of 18,000 cft timber in one night is not possible without the active connivance of the incharge Sub-Divisional Forest Officer and his subordinate field staff. The accused official proceeded to Abbottabad on 24.08.2013 on the pretext that the timber would be stolen in the night to come. The charge thus stands proved.

In view of the above, the charges of misconduct, inefficiency and corruption under Rule 3 of Khyber Pakhtunkhwa E&D Rules, 2011 proved against the accused official.

Recommendation

On the basis of aforesaid discussion and conclusions, the following recommendations are made: -

Recovery of Rs.21,98,500/- being 1/4th of the price, forest duty and FDF of 18,000 cft timber (10,000 cft Deodar scants plus 8,000 cft Kail @ 20% government share) and 1/4th of additional loss pertaining to Sazin Depot as Incharge Forester from Mr. Muhammad Asghar, Forester (BPS-09) Incharge SDFO, Harben to make the losses sustained by the provincial exchequer

Compulsory retirement from service with immediate effect.

ATTESTED

(79)

Mr. Abdul Manan, Block Officer (BPS-07), Harben and Basha Block.

Charge No. (i)

"You being incharge Block Officer, failed to protect the timber from illegal lifting for admixture in Northern Area Amnesty Policy, 2013, whereas you were supposed to be extra vigilant for protecting the timber lying in Basha and Harben KKH timber depots."

Detailed analysis of the charge shows that the accused official Mr. Abdul Manan, Block Officer mainly engineered the whole saga as mastermind and created camouflage for being on leave without any legal authority. Thus the charge stands proved.

Charge No. (ii)

"You have no preventive control over your subordinate staff, incharge roadside depots, which is a cardinal supervisory failure."

Detailed examination / cross examination of the accused official Mr. Abdul Manan, Block Officer brought to surface that he not only failed to supervise his subordinate staff, incharge road side depots but joined hands clandestinely with the timber mafia and remained away from the scene of occurrence intentionally through self claimed leave. His understating with timber mafia encouraged them to lift the timber from the depots thus proving the charge against him.

Charge No. (iii)

"That you are severally and jointly along with other accused in the case responsible for illegal lifting of timber which caused colossal loss to the Government exchequer."

As discussed under the above two charges, the accused official in collaboration with his subordinate forest guards (incharge of the road side depots) managed the illegal lifting of 11,000 cft timber

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causing heavy losses to the Provincial exchequer, thereby proving the charge against him.

In view of the above facts, the charges of misconduct, inefficiency and corruption under Rule 3 of Khyber Pakhtunkhwa E&D Rules, 2011 stand proved against the accused official.

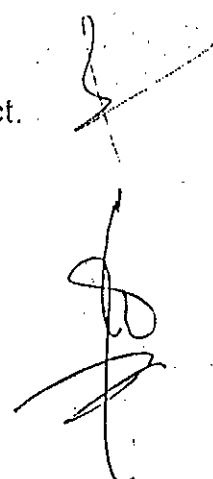
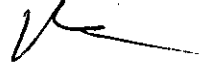
Recommendation

On the basis of aforesaid discussion and conclusions, the following recommendations are made: -

Recovery of Rs.8,97,900/- being 1/4th of the price, forest duty and FDF of 11,000 cft limber (3000 cft Deodar scants plus 8000 cft Kail @ 20% government share) from Mr.Abdul Manan, Block Officer (BPS-07), Harben Basha Block to make the losses sustained by the provincial exchequer.

Compulsory retirement from service with immediate effect.

ATTESTED



Mr. Jamir, Forest Guard (BPS-07), Incharge Harben Road side Depot.

Charge No. (i)

"You being incharge of the depot, failed to protect the timber from illegal lifting for admixture in Northern Area Amnesty Policy, 2013, whereas, being incharge of the depot you were supposed to watch the depot day and night against any un-authorized pilferage."

During detailed examination of the charge through examination cross examination of the accused official, he did not take any practical step, to stop the lifting of timber despite the fact that the Amnesty Policy for Northern Area – 2013 was in progress and the accused official had full knowledge of chances of admixture of Afghani origin timber in the said policy. Being incharge of the depot he failed to protect the unauthorized pilferage of 5000 cft timber from Harben Depot thereby proving the charge against him.

Charge No. (ii)

"You were supposed to be extra vigilant during the execution of N.A. Amnesty Policy, 2013, as it was every likelihood of lifting of timber for illegal admixture in the above said policy timber."

Analysis of the charge revealed that instead of being extra vigilant during the execution of Northern Areas Policy 2013, the accused official remained silent which clearly indicates that he remained a silent spectator confirming his involvement in the illegal lifting of timber thus proving the charge against him.

Charge No. (iii)

"In case of any visible threat to the timber in depot under your control you should have mustered the support of available staff from your seniors besides lodging an F.I.R in the respective Police Station prior to the incidence of timber lifting. You failed to watch the depot during the

ATTESTED

times of incidence and fabricated a story of forceful lifting without identification of the offenders."

Cross examination of the accused official made it crystal clear that he did not take any practical step to stop lifting of timber from his depot and afterwards reporting the matter for lodging FIR with the police without charging identified offenders in a fabricated way thus proving the charge against him.

Charge No. (iv)

"That you are severally and jointly along with other accuseds in the case responsible for illegal lifting of timber which caused colossal loss to the Government exchequer."

As discussed under the above three charges, the accused official joined hands with his superiors and facilitated stealing of timber from his depot resulting in heavy losses to the provincial exchequer.

In view of the above facts, the charges of misconduct, inefficiency and corruption under Rule 3 of Khyber Pakhtunkhwa E&D Rules, 2011 stand proved.

Recommendation

On the basis of aforesaid discussion and conclusions, the following recommendations are made:

- i. Recovery of Rs.4,33,500/- being 1/4th of the price, forest duty and FDF of 5000 cft timber (3000 cft Deodar scants plus 2000 cft Kail @ 20% government share) from Mr. Jamir, Forest Guard (BPS-07) Incharge Harben Road side Depot to makeup the losses sustained by the provincial exchequer.
- ii. Reversion of the accused official to initial scale BPS-07 keeping in view his short span of service and young age.

ATTESTED

E Mr. Nasib Khan, Forest Guard (BPS-07), Incharge Sazin Road side Depot.

Charge No. (i)

"You being incharge of the depot, failed to protect the timber from illegal lifting for admixture in Northern Area Amnesty Policy, 2013, whereas, being incharge of the depot you were supposed to watch the depot day and night against any un-authorized pilferage."

During detailed analysis of the charge through examination / cross examination of the accused official, it reveals that he did not take any practical step to stop the lifting of timber despite the fact that the Amnesty Policy for Northern Area 2013 was in progress and the accused official had full knowledge of chances of admixture of Konistan origin timber in the said policy. Being incharge of the depot he failed to protect the unauthorized pilferage of 7000 cft timber from Sazin Depot thereby proving the charge against him.

Charge No. (ii)

"You were supposed to be extra vigilant during the execution of N.A. Amnesty Policy, 2013, as it was every likelihood of lifting of timber for illegal admixture in the above said policy timber."

Analysis of the charge revealed that instead of being extra vigilant during the execution of Northern Areas Policy 2013, the accused official remained silent which clearly indicates that he remained a silent spectator confirming his involvement in the illegal lifting of timber thus proving the charge against him.

Charge No. (iii)

"In case of any visible threat to the timber in depot under your control you should have mustered the support of available staff from your seniors besides lodging an F.I.R in the respective Police Station prior to the incidence of timber lifting. You failed to watch the depot during the

ATTESTED

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times of incidence and fabricated a story of forceful lifting without identification of the offenders."

Cross examination of the accused official made it crystal clear that he did not take any practical step to stop lifting of timber from his depot and afterwards reporting the matter for lodging FIR with the police without charging identified offenders in a fabricated way thus proving the charge against him.

Charge No. (iv)

"That you are severally and jointly along with other accuseds in the case responsible for illegal lifting of timber which caused colossal loss to the Government exchequer."

As discussed under the above three charges, the accused official joined hands with his superiors and facilitated stealing of 7000 cft timber from his depot resulting in heavy losses to the provincial exchequer.

In view of the above facts, the charges of misconduct, inefficiency and corruption under Rule 3 of Khyber Pakhtunkhwa E&D Rules, 2011 stand proved.

Recommendation

On the basis of aforesaid discussion and conclusions, the following recommendations are made:

- i. Recovery of Rs.6,50,300/- being 1/4th of the price, forest duty and FDF of 7000 cft timber (7000 cft Deodar @ 20% government share) from Mr.Nasib Khan, Forest Guard (BPS-07) Incharge Sazin Road side Depot to make the losses sustained by the provincial exchequer.
- ii. Reversion of the accused official to initial scale in BPS-07 keeping in view his short span of service and young age.

ATTESTED

F. Mr. Umar Khan, Forest Guard (BPS-07), Incharge Basha Road Side Depot.

Charge No. (i)

"You being incharge of the depot, failed to protect the timber from illegal lifting for admixture in Northern Area Amnesty Policy, 2013, whereas, being incharge of the depot you were supposed to watch the depot day and night against any un-authorized pilferage."

During detailed analysis of the charge through examination / cross examination of the accused official it revealed that he did not take any practical step to stop the lifting of timber despite the fact that the Amnesty Policy for Northern Area was in progress and the accused official had full knowledge of chances of admixture of Kohistan origin timber in the said policy. Being incharge of the depot he failed to protect the unauthorized pilferage of 6000 cft timber from Basha Depot thereby proving the charge against him.

Charge No. (ii)

"You were supposed to be extra vigilant during the execution of N.A. Amnesty Policy, 2013, as it was every likelihood of lifting of timber for illegal admixture in the above said policy timber."

Analysis of the charge revealed that instead of being extra vigilant during the execution of Northern Areas Policy 2013, the accused official remained silent which clearly indicates that he remained a silent spectator confirming his involvement in the illegal lifting of timber thus proving the charge against him.

Charge No. (iii)

"In case of any visible threat to the timber in depot under your control you should have mustered the support of available staff from your seniors besides lodging an F.I.R in the respective Police Station prior to the incidence of timber lifting. You failed to watch the depot during the

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times of incidence and fabricated a story of forceful lifting without identification of the offenders."

Cross examination of the accused official made it crystal clear that he did not take any practical step to stop lifting of timber from his depot and afterwards reporting the matter for lodging FIR with the police without charging identified offenders in a fabricated way thus proving the charge against him.

Charge No. (iv)

"That you are severally and jointly along with other accuseds in the case responsible for illegal lifting of timber which caused colossal loss to the Government exchequer."

As discussed under the above three charges, the accused official joined hands with his superiors and facilitated stealing of timber from his depot resulting in heavy losses to the provincial exchequer.


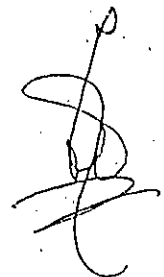
In view of the above facts, the charges of misconduct, inefficiency and corruption under Rule 3 of Khyber Pakhtunkhwa E&D Rules, 2011 stand proved.

Recommendation

On the basis of aforesaid discussion and conclusions, the following recommendations are made:

- i. Recovery of Rs.4,64,400/- being 1/4th of the price, forest duty and FDF of 6000 cft timber (6000 cft Kail scants @ 20% government share) from Mr.Umar Khan, Forest Guard (BPS-07) Incharge Basha Road side Depot to make the losses sustained by the provincial exchequer.
- ii. Compulsory retirement from service with immediate effect.


ATTESTED

GENERAL RECOMMENDATIONS

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1. An independent inquiry shall be conducted against the Re-measurement Committee comprising of Muhammad Tehmasip, DFO, Muahmmad Muzzaffar, RFO, Pervaiz, Forester and ADC Mansehra for their dubious report putting the state interest at stake.
2. A detailed stock taking shall be undertaken of the timber lying in all the roadside depots of Upper and Lower Kohistan, Forest Division prior to allowing transportation under Northern Area Timber Amnesty Policy. Record of such stock taking should be kept in District Forest Office, Conservator of Forest and Chief Conservator of Forest offices for record and reference in such like cases.
3. Ill-reputed officers shall not be posted in important forest district like Kohistan especially when such Northern Area Timber Amnesty Policy is in pipeline / operation.
4. Basic role of departmental representative / Prosecutor (Mr. Muhammad Shoab, DFO) was against the interest of the department for which he shall be warned.


(SHAH WAZIR KHAN)
MANAGING DIRECTOR
FOREST DEVELOPMENT
CORPORATION


(TARIQ RASHID)
SECRETARY
BENEVOLENT FUND CELL

ATTESTED


جناب جنتی ہیں صاحب انکوٹری جنتی

کشمیر ۹

عنوان: درخواست برادر علی گوجان ذیل برائے عرج

جناب عالی

تذکرہ میں ہے کہ ہم سب سے ذیل مزید درخواست برادر آبی خدمت ہیں

مخصوص ہیں کہ ہماری انکوٹری کے سلسلے میں درج ذیل گوجان کو

صحت کیا جائے تاکہ بلورڈ انکوٹری ان پر عرج کر سکے

اور انکوٹری نامہ ۱۹۸۴ کے ایڈٹ کی مستحق نمبر ۱۵ کے تحت

ہماری قانونی اور آئینی حق ہے

گوجان ذیل میں: (۱) ہاشم علی خان صاحب CCF لیٹور I

(۲) عبد جاوید صاحب CF - ورڈین بلورڈ سائبرنگ سٹیل لیٹور

(۳) ابو عبد اللہ صاحب SDF ایئر گوجان

(۴) SHO سائین فائر (۵) علی آبرو SHO ایچارج سٹیل جوہی

(۶) DSP سٹیل سٹریٹ سائین (۷) SDF محمد الفوز صاحب اور سکیم بلورڈ سٹیل

(۸) عبدالحمید صاحب سٹیل سٹریٹ سائین (۹) سٹریٹ سائین سٹیل سٹریٹ سائین

(۱۰) سٹیل سٹریٹ سائین

P.T.O

Handwritten signature

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القارصين

شماره ۱۹۱۱ SDF

عمران

عمران

الحمد لله

R (8)

محرم حساب جمعہ میں صا انکوائری کمیٹی

درخواست نمرد تدریجی تبدیلی (محرم انکوائری کمیٹی) کا
حالی

لذا درج ذیل ہے کہ پروگرام انکوائری کمیٹی کا تبدیلی جمعہ یعنی شاہ وزیر خان
ایم ڈی FDC صا بھارت سے ساتھ ساتھ اپنے بھائی سنی عالی شاہ ساکن درستی
جو کہ کو پٹنہ میں حائل کا ٹھکانہ ہے درانی بناد رکھا ہے
اور ہمیں ملازم کرا دینے میں دیکھی رکھا ہے ہم یہ تم اسے کیا میں
دیکھ کر خوف میں بھی ہے کہ انکوائری کے جوڑہ طریقہ کار سے ہوا ہے
الخریف کرتے ہوئے جو صوف نے نہ ہمیں ذمہ داری سنبھالنے کا موقع دیا اور نہ ہی
کرومیں سوالوں کا موقع فراہم کرنے دیا جو کہ قانونی بنیادوں 1984 کی
آرٹیکل 51 کے تحت ہمارا قانونی حق ہے
جسے بنا دیم حساب شاہ وزیر خان جمعہ کمیٹی کو تبدیل کرنے میں غلطی
محرم کو کمیٹی میں شامل بنا جائے اور ہمیں دفاع کا پورا حق دیا جائے
تاکہ انصاف کے تقاضے پورے ہوں

العارض

مہمان

دعا عبدالرحمان B-5 (2) عمر 60 FG (3) محمد عبدالصفر خاں
2-9-2014

ATTESTED

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT.

No.SO(Estt)Env/1-50(69)/2012/
Dated Pesh: 21st October, 2014

To

Mr. Muhammad Asghar,
Forester (BPS-09),
C/O Chief Conservator of Forests,
Northern Forest Region-II, Abbottabad.

Subject: SHOW CAUSE NOTICE.

I am directed to enclose herewith Show Cause Notice (in duplicate) duly signed by the Chief Minister, Khyber Pakhtunkhwa for necessary action.

2. Please acknowledge the receipt.

(MIR ZALI KHAN),
SECTION OFFICER (ESTT)

Enclst: No. & date even 4344, 4346/mc

Copy is forwarded to :

1. PS to Secretary, Forestry, Environment & Wildlife Department.
2. Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar, for necessary action.
3. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad, alongwith a copy of the Show Cause Notice as well as inquiry report with the request that on the receiving of reply on the Show Cause Notice of the accused officer, comparative statement with comments of the department may be furnished to this department within stipulated period.

SECTION OFFICER (ESTT)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA

SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you; Mr. Muhammad Asghar, Forester (BPS-09), Forest Department, as follows:

- (i) that consequent upon the completion of enquiry conducted against you by the Enquiry Committee, for which you were given opportunity of hearing vide office communication No.SO(Estt)Envt/1-8/Tariq DFO/2k14/2413-2415 dated 02/06/2014; and
- (ii) on going through the findings and recommendations of the Enquiry Officer, the material on record and other connected papers including your defence before the Enquiry Officer.

I am satisfied that you have committed the following acts/omissions specified in the Rule-3 of the said Rules:

1. Inefficiency.
2. Misconduct.

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalties of 1) Compulsory retirement from service with immediate effect
2) Recovery of Rs. 2198500/=
under rule-14(4) (b) of the Rules
ibid.

3. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days of its receipt by you, it shall be presumed that you have no defence to put in and in that case, an ex-parte action shall be taken against you.

5. A copy of the findings of the Enquiry Officer is enclosed.

ATTESTED

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER,
KHYBER PAKHTUNKHWA/
COMPETENT AUTHORITY
13.10.2014.

عزت مآب جناب وزیر اعلیٰ صاحب خیبر پختونخواہ پشاور

بوساطت: ڈی ایف او صاحب اپر کوہستان فارسلٹ ڈویژن داسو

عنوان: شوکار نوٹس

بجوالہ: چھٹی نمبری 2012 (69) 1-50 (Estt) No. So

بجریہ مورخہ 21 اکتوبر 2014ء

جناب عالی! شوکار ہذا کا جواب دینے سے پہلے درج ذیل حقائق کی وضاحت ضروری ہے۔

(ا)۔ حقائق کے مطابق تمام الزامات چارج شیٹ اور انوائزی لی کاروائی درست نہیں تو اس بناء پر مرتب کردہ شوکار / اظہار وجوہ بھی مبنی بر حقیقت نہیں اور انصاف کے منافی ہے۔

جس کی وضاحت کچھ یوں کی جاتی ہے۔ چارج شیٹ کے مطابق (ضمیمہ نمبر 1) چارج شیٹ کے حصہ اول میں شق نمبر i، ii، کے مطابق

(i) You being incharge Sub Divisional Forest Officer of Harban Sub- Division, failed to protect the timber lying in Basha, Harban and Sazin KKH roadside Depots against admixture in timber being transorted under the Northern Area Amnesty Policy, 2013.

are supposed to be vigilant during currency of the instant policy but you intentionally escaped from the scene, particularly at the time of aoccurrence , for free exercise of lifting of timber under your control.

(ii) You failed in adopting preventive measures against admixtur of timber of Kohistan origin in timber of Northern Area and hence you severally and jointly alongwith other accuseds in the case responsible for recovery of losses sustained by the public exchequer, in addition to the interest as per law.

i اور ii کے جواب میں یہ عرض ہے کہ کسی بھی جگہ اور کسی بھی وقت یہ رپورٹ

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نہیں کی گئی ہے کہ کوہستان کی کوئی لکڑی نادران ایریا کی عام معافی کی پالیسی میں ملائی / admixture کی گئی ہے۔ اور نہ ہی ایسی کوئی اطلاع یا رپورٹ موجود ہے جس میں کہا گیا ہو کہ کسی بھی گاڑی میں کوئی لکڑی کسی چیک پوسٹ یا فارسٹ بیئر پر پائی گئی ہو یا اسکا جرمانہ وصول کیا گیا یا لکڑی ضبط کی گئی ہو یہ اس بات کا واضح ثبوت ہے کہ سرے سے کوئی لکڑی admixture ہی نہیں کی گئی جہاں تک اس الزام کا تعلق ہے کہ فدوی موقع سے چلا گیا اس ضمن میں عرض ہے کہ فدوی نے فوراً افسران بالا کو مطلع کر کے ٹرانسپورٹیشن معطل کرائی تاکہ کوئی لکڑی نیچے نہ جاسکے میرا اسٹاف موقع پر موجود تھا لیکن ایسی بغاوت کو روکنا ہمارے بس میں ہی نہ تھا میں نے ٹرانسپورٹیشن معطل کروا کر لکڑی روک دی ہے۔

(ii) You failed to protect the timber and sufficient evidence in this regard are available that with your involvement with the timber mafia 18000 Cft pilfered timbers were theft for which you are solely responsible

iii- اس شق میں بزور اٹھائی گئی 18000 ہزار مکسرفٹ لکڑی کا ذکر ہے کہ یہ ہماری لاپرواہی اور ملی بھگت سے اٹھائی گئی ہے۔

جب کہ حقیقت میں یہ لکڑی زبردستی اٹھائی گئی جس میں سے کچھ لکڑی دریائے سندھ کے پتار داریل / تانگیر کے بجائی گئی جبکہ کچھ لکڑی بھاشا اور ہربن میں مختلف جگہوں پر چھپائی گئی تھی تاہم ہمارے رپورٹوں، دور ڈھوپ اور چیخ و پکار کی وجہ سے مقامی لوگ ہماری مدد کے لئے متحرک ہوئے اور انہوں نے مختلف اوقات میں مذکورہ لکڑی قبضہ میں لی اور بعد میں ہمیں دئیے پر آمادہ بھی ہوئے اور ہمیں بطور ثبوت سپرد نامے بھی دیئے۔ (ضمیمہ 2) ان کے علاوہ داریل / تانگیر حکمران جنگلات کے افسران کی مدد اور تعاون سے ہمیں 14 کرائی لکڑی واپس ڈالائی گئی ہے جس کی تصدیق بعد میں آئی ہے۔ SDEO نے کی ہے جو ہاشم علی خان صاحب کی رپورٹ میں 9 نمبرہ (نمبرہ 7) میں موجود ہے نہایت عاجزی کے ساتھ یہ وضاحت کی جاتی ہے کہ کوہستان سے اٹھائی گئی لکڑی نادران ایریا کی

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2/10

پالیسی کی لکڑی میں Admixture کا کوئی ثبوت نہیں ہے اور اسی طرح برزور لے جانی گئی لکڑی نادرن ایجیا کے محکمہ جنگلات کے تعاون سے واجب مل گئی۔ جس کا ذکر بھی ضمیمہ میں موجود ہے۔

اس کے علاوہ معززین و اکابرین علاقہ کے بیان preliminary انٹرویو رپورٹ اور ان کے پیردائموں میں موجود ہے اور پیردائموں کی لکڑی محکمہ جنگلات کو بہتان فارست ڈویژن کے پاس موجود ہے جو کہ سرکاری دستاویزات چارج رپورٹ وغیرہ میں مذکور ہیں

(ضمیمہ نمبر 3)

جناب عالی مزید برآں کو بہتان وہ ضلع ہے جہاں پر 1997-2002 تک تقریباً 35 لاکھ مکسرفٹ سے زیادہ لکڑی غیر قانونی طریقے سے کاٹی گئی اس غیر قانونی لکڑی کو ضبط کرنے اور ملزمان کو کیفر کردار تک پہنچانے کے لئے محکمہ جنگلات پولیس ڈسٹرکٹ انتظامیہ کیسر بنا کام نظر آئی جس کی وجہ سے حکومت نے مجبوراً مختلف اوقات میں 5 دفعہ عام معافی کی پالیسیاں دیں جن کے ذریعے مجرمان پر معافی جرنالیز کر کے لکڑی نکلو واپس لائی گئی ان پالیسیوں کی وجہ سے حکومت کے پہلے سے کمزور گرفت مزید کمزور ہوئی اور کو بہتان میں غیر قانونی کٹائی جنگلات اور ناجائز لکڑی کے خلاف قانونی کارروائی ایک خواب بن گئی۔

(۲) 2009 کی آخری سیشن پالیسی کے اختتام کے بعد بھی ہر بن سب ڈویژن میں لاکھوں فٹ ناجائز لکڑی پڑی ہوئی رہ گئی جس کو پالیسی کی شرائط کے مطابق ضبط کرنا تھا مگر اس بابت کوئی سیرس رفت نہ ہوئی اور آج تک یہ لکڑی مختلف مقامات پر پڑی ہوئی ہے۔

(۳) - مارچ 2002 کی سیشن نمبر 60 کے تحت جائز لکڑی کے ڈپو پر بھی نقصان کے ذمہ دار محکمہ کے اہلکار نہیں ہوتے جبکہ یہ لکڑی تو سے ہی ناجائز جس کی حفاظت کے ذمہ دار محکمہ کے اہلکار ان قسطی نہیں جبکہ یہ لکڑی مالکان کی تحویل میں ہے

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3/9 3/10

محکمہ کے لئے ایک آرڈر پر جسے اور یہی محکمہ کی تحویل میں ہے۔ یہی آرڈر کا کوئی
 ہیڈ (Head of funds) جس کے تحت اس لکڑ کی حفاظت کی جائے حکومت کی
 جانب سے اجراء ہوا ہے۔

(۴)۔ جملہ لکڑی دارانوں کے پاس سے کٹائی گئی ہے جس میں محکمہ کا صرف 20% ہوتا ہے
 (بشکل لکڑ)۔

(۵)۔ مسیروں لکڑی دارانوں کی پالیسی لکڑی دارانوں کے لئے اٹھائی گئی تھی چونکہ محکمہ کے
 پاس پالیسی کو معطل کر کے ٹھیکہ داران پر پریشر ڈالنے کا موقع تھا اس لئے اس موقع
 سے فائدہ اٹھاتے ہوئے پالیسی کو معطل کر لیا گیا اور ٹھیکہ داران کو مجبور کر کے لکڑی
 واپس لادی گئی۔

(۶)۔ جملہ چوڑی لکڑی دارانوں کے پاس سے کٹائی گئی ہے جو لکڑی دارانوں کی پالیسی
 پارٹی سے تصدیق کی جاسکتی ہے ورنہ عام حالات میں اس لکڑی کو واپس لایا جاتا ہے
 ناممکن تھا۔

مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے شوکار کا جواب اس امید پر درجہ ذیل
 معروضات میں دیا گیا ہے کہ میرے ساتھ انصاف ہوگا اور مجھے ہر قسم کے الزامات سے
 بری فرمایا جائیگا۔

جناب عالی!

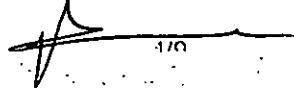
چھٹی محولہ میں یہ کہا گیا ہے کہ فدوی کے خلاف انکواری کمیٹی نے جو تحقیق و تفتیش
 کی ہے اس میں فدوی کو (1) نااہلی (2) بدترغابی کا مجرم پایا جس پر
 فدوی کو اظہار وجوہ کے لئے کہا گیا کہ کیوں نہ آپ کو ذیل سزا دی جائے۔

(۱)۔ فدوی کی فوری طور پر سروں سے سبکدوشی۔

(۲)۔ مبلغ 21,98,500 روپے 1/4 حصہ لکڑی کی قیمت ڈیوٹی اور فارسٹ ڈیولپمنٹ

فنز کی وصولی۔

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4/9

غالیجا! فدوی بوجہ ذیل و دیگر صحت جرم سے انکاری ہے اور استدعا کرتا ہے کہ فدوی کو مجوزہ سزا پر ہمدردانہ غور فرما کر بری فرمایا جائے۔

(۱)۔ یہ کہ فاضل انکواری کمیٹی نے فدوی کی محرمات کو یکسر نظر انداز کیا اور ان حالات سے صرف نظر کیا جو فدوی نے اپنے دفاع میں پیش کی تھیں۔ دوران انکواری کمیٹی نے کوئی گواہ یا دستاویز پیش نہیں کیا۔ ہمیشہ ہی انہیں کی وجہ سے قانون کے تحت ضروری تھا مگر بد قسمتی سے بغیر کسی ٹھوس ثبوت کے سفارشات مرتب کی گئی ہیں۔

(۲)۔ یہ کہ فدوی نے اپنی تمام کاوشوں کا صحیح ثبوت ذکر کیا جو اس نے لکڑی کی حفاظت کے لئے کی ہیں لیکن فاضل کمیٹی نے ان کو یکسر نظر انداز کر دیا

غالیجا!

(الف) فدوی نے وقت سے پہلے جب نادرن ایریا کی پالیسی شروع ہوئی اپنے افسر بالا DFO صاحب کو ربانی اور تحریری طور پر بتایا کہ ڈپٹی کمشنر اور SP صاحب کو ہستان سے رابطہ کیا جائے اور ان کی مدد حاصل کی جائے تاکہ کوئی لکڑی کو ہستان سے جو سڑک پر پڑی ہے کسی بھی طرح نادرن ایریا کی پالیسی لکڑ میں ملاوٹ نہ ہونے پائے لیکن فاضل کمیٹی نے میری اس کاوش کو نظر انداز کیا۔

(ب)۔ فدوی نے اپنے افسران DFO صاحب کو متعدد بار عرض کیا کہ فدوی کے پاس اسٹاف کی کمی ہے دیگر جگہوں سے نادرن ایریا کی پالیسی کے دوران ہربن میں متعین کیا جائے اس بارے میں خط و کتابت کی نقولات لف ہیں۔

(ضمیمہ نمبر 4)

(ج)۔ یہ کہ فارسٹ آرڈیننس 2002 کی سیکشن 77 کے تحت پولیس بھی لکڑی کی سمگلنگ یا پیداواری جنگل کی نقل و حرکت پر کارروائی کی باقاعدہ پابند ہے جس طرح

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کہ محکمہ جنگلات۔

لیکن جگہ جگہ پولیس اور سب سے چوکیاں اور موبائل گاڑیاں گشت کر رہی ہیں لیکن اس

لکڑی کو باوجود درخواست دینے کے پولیس نے کوئی بھی قانونی کارروائی عمل میں نہیں لائی۔ اور خاموش تماشائی بنی رہی۔

تاریخ: 13/07/2013 کو میں نے جناب DFO صاحب کو چٹھی تحریر کی تھی لف ہے۔ (ضمیمہ 5)

جس پر جناب DFO صاحب نے فی الفور کارروائی کرتے ہوئے

مورخہ: 15/07/2013 کو SP کو ہستان کو برائے کارروائی چٹھی تحریر

کی (ضمیمہ نمبر 6) جس پر SP صاحب کو ہستان نے 1 ماہ اور 8 دن کے بعد چٹھی

نمبر: 252 مورخہ: 23/08/2013 کو DSP کو ارسال کی جو لف ہذا ہے

(ضمیمہ نمبر 7) اور مورخہ: 24/08/2013 کو یہ وقوعہ رونما ہوا اتنی دیر سے چٹھی تحریر

کرنے کا کیا مطلب اخذ کیا جاسکتا ہے اور کس سے مدد اور انصاف حاصل کیا جاسکتا ہے۔

(د)۔ فدوی نے کوہستان کے مخصوص حالات کا مجبوراً ذکر بھی کیا جہاں حکومت کی رٹ

(Writ) سرے سے نہیں لوگ اپنی من مانی کرتے ہیں جسکے نتیجے میں نہ صرف

نادرن ایریا سے

بلکہ کوہستان سے بھی ناقابل کفایتی پر حکومت کو ناگوار لگتا ہے پتلی ہے فاضل

کیٹی نے ان خاص حالات کو بھی نظر انداز کیا۔

(۳)۔ فاضل کیٹی نے DFO (مخال علاقہ) کے اس خط کو جس میں اس نے یہ

لکھا کہ انہوں نے کوہستان سے لائی گئی لکڑی اپنے قبضے میں لے لی ہے اور وہ

لکڑی ازان بعد واپس ہرین لائی گئی جس کی تصدیق موقع پر موجود SDFO

ہرین نے بدوزان ابدالی کیٹی کے انکو آڑی ممبران کے سامنے کی تھی جس کا انہوں

نے انکو اپنی رپورٹ میں تسلیم کیا ہے۔

لیکن فاضل کیٹی نے اس کا کہیں کوئی ذکر نہیں کیا کیٹی کی رپورٹ لف ہے۔

(ضمیمہ 8)

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(4)۔ فروری کی اسدھا پر بمکھ نے 26.08.2013 سے نادرون ایریا کی لکڑی کی ترسیل
برائستہ کوہستان منسوخ کر دی تھی تاکہ ہر بن سب ڈویژن سے اٹھائی گئی لکڑی کو
پیچھے جانے سے روکا جاسکے
فاضل کمپنی نے اس کا کوئی ذکر نہیں کیا۔

عالیجا!

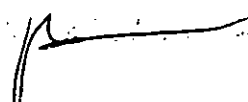
بعد تصدیق کہ جو لکڑی اٹھائی گئی تھی وہ نادرون ایریا کی پالیسی کی لکڑی میں نہیں
ٹلائی گئی SDFO میں نے اپنے قبضہ میں لے لی تھی جو واپس ہر بن لائی گئی۔ جبکہ
باقی لکڑی ماکان سڑک سے اٹھا کر پیچھے گاؤں کی طرف لے گئے تاکہ شریپند ان
کی لکڑی کو نادرون ایریا کی لکڑی میں لے جائیں اور اسکا ثبوت بھی فاضل کمپنی
کو پیش کیا گیا لیکن فاضل کمپنی نے اپنی رپورٹ میں اس کا کہیں ذکر نہیں کیا۔

(5)۔ یہ کہ فاضل کمپنی نے رپورٹ کے صفحہ 7 پر لگاتار (III) میں بندوبست سے حقائق
کو مسخ کرنے کی کوشش کی کہ 54 سڑک سرن فارسٹ ڈویژن میں زائد لکڑی اور
کوہستان سے چوری شدہ لکڑی کے لئے روکے۔ یہ حقائق کو مسخ کرنے کی واضح
مثال ہے یہ ٹرک پالیسی کی معیار ختم ہونے پر روز پر روزک اویسے لگے تھے کہ
زائد لکڑی یا کوہستان سے چوری شدہ لکڑی کی وجہ سے روکے گئے تھے۔ جس کا
کوئی ثبوت فاضل انکواری کمپنی نے مزید کارروائی میں نہیں کیا۔ کوہستان سے چوری شدہ
لکڑی کی جائزائی کے لئے کوہستان ڈویژن کے مظل کر دی گئی تھی اور بعد از
تفتیش کہ کوہستان کی لکڑی نادرون ایریا کی لکڑی میں نہیں ٹلائی گئی تب ٹرانسپورٹیشن
کی اجازت بحال کی گئی۔

جناب عالی!

ایک غیر جانبدار جوڈیشل انکواری کرائی جائے جس سے حقائق سامنے آجائیں گے
کہ جو لکڑی لوگ اٹھا کر لے گئے وہ واپس لائی گئی ہے جس کی تصدیق قوم نے
(ماکان) سے اور SDFO ہر بن نے بھی کر دی ہے۔

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7/9

7/10

25.08.2013 کی رات کے بعد ٹرانسپورٹیشن معطل کر دی گئی اور تصدیق کے بعد ٹرانسپورٹیشن کی اجازت دی گئی اور تمام بیریز پر سختی سے پڑتال کی گئی کسی بھی چیک سے پوسٹ پر کوئی لکڑی جو کوہستان سے اٹھائی گئی نہیں پائی گئی۔

عالیجا! درج بالا حقائق سے واضح ہے کہ جو لکڑی اٹھائی گئی تھی وہ واپس لائی گئی چوری نہیں ہوئی لکڑی لوگوں کی ملکیت ہے اور مالکان اور حکومت کو کسی قسم کا نقصان نہیں ہوا اور اگر کسی بھی قدرتی آفت یا موسمی اثرات یا حادثے کی صورت میں کسی پیداوار جنگل کو جو محکمہ کی تحویل میں ہوں نقصان ہو جائے تو اسکی ذمہ داری حکومت اور اسکے اہلکاران پر نہیں آتی جیسا کہ خیبر پختونخواہ کے فارسٹ آرڈینینس 2002ء کی دفعہ 60 میں صراحت کر دیا گیا ہے۔ فاضل کمیٹی نے اس کا ذکر ضرور کیا لیکن اسکو زیر بحث نہیں لایا۔

عالیجا! لکڑی زیر بحث محکمہ کی تحویل میں نہ ہے نہ تھی اس لئے محکمہ کسی بھی طرح اس لکڑی کا ذمہ دار نہیں۔

لیکن فدوی کی بد قسمتی ہے کہ فاضل کمیٹی نے فدوی کی معروضات کو یکسر نظر انداز کیا جو کہ جانبداری اور بدنیتی پر منحصر ہے۔

مزید یہ کہ بدوران انکوآری ہم نے ایک مشترکہ طور پر گواہان کو طلب کرنے اور

جرح کرنے کے لئے ایک تحریری درخواست جناب شاہ وزیر خان FDC MD ممبر کمیٹی (ٹیکنیکل آفیسر) کو پیش کی کہ گواہان کی طلب کیا جائے تاکہ ہم ان پر جرح کریں لیکن بجائے گواہان طلب کرنے کے مذکورہ ممبر کمیٹی نے درخواست ہی لینے سے انکار کر دیا اور ہم سے دفاع کا حق بھی جان بوجھ کر چھین لیا گیا کاپی لف ہے (ضمیمہ نمبر 9) ہم نے ایک اور درخواست چیئرمین کمیٹی کو دی۔ جس میں مذکورہ ممبر کمیٹی کی تبدیلی کیلئے Request کی گئی۔ کہ اسے انکوآری کمیٹی سے علیحدہ کیا جائے کیونکہ (i) ہم نے بدوراں انکوآری محسوس کر لیا کہ ہمیں مکمل طور پر دفاع کا حق نہیں دیا جا رہا اور نہ ہی سنا جا رہا ہے (ii) انکوآری

ATTESTED

کمیٹی ممبر کا حقیقی بھائی مسمی حاجی شاہ جو کہ کوہستان میں لکڑ کا بڑا کاروباری اٹھکیدار ہے کسی بھی موقع پر اس کو غلط کام سے روکا ہوگا۔ ہو سکتا ہے کہ اس دل میں وہی انتقام ہو۔ ممبر کمیٹی شاہ وزیر صاحب کا بھائی حاجی شاہ ٹھیکیداری کا ثبوت نقل اسٹام لف ہے (ضمیمہ نمبر 10) لیکن ہماری کسی بھی درخواست پر کوئی عمل درآمد نہیں ہوا اور عجلت میں یکطرفہ اور نامکمل انکوائری کر کے آنجناب کی خدمت میں حقائق کو مسخ کر کے پیش کیا گیا۔ درخواست کاپی لف ہے۔

(ضمیمہ نمبر 11)

(۶)۔ یہ کہ فاضل کمیٹی نے پوری انکوائری کے دوران کبھی بھی دفتر سے نکلنے کی زحمت گوارا نہیں کی۔ کہ ہم دور دراز دشوار گزار سفر طے کر کے از خود موقع پر جا کر لکڑی چیک کریں کہ آیا لکڑی واقعی موقع پر موجود ہے کہ نہیں۔ اس سلسلہ میں ہم نے فاضل کمیٹی کو متعدد بار التجا کی لیکن کوئی شنوائی نہ ہوئی۔

(۷)۔ لکڑی متذکرہ تعدادی 18 ہزار فٹ جو کہ ملازمین جنگلات متعلقہ نے از خود کاروائی کر کے Damage Report ہائے چاک کیں علاوہ ازیں پولیس میں FIR کے لئے درخواست بھی دی اور از خود جدوجہد کر کے لکڑی واپس اپنے مقام پر لے آئے جس سے حکومت اور مالکان کو کوئی نقصان نہیں ہوا۔ کاپی Damage Report ہائے درخواست کاپی برائے FIR لف ہے۔ (ضمیمہ نمبر 12 اور 13)

نیز یہ کہ لکڑی کی واپسی پر اور موقع پر موجود رہنے کا ثبوت بھی لف ہے۔ اس ضمن میں جناب فرہاد ساجد ڈی ایف او بطور ثبوت لف ہے۔ بحوالہ چٹھی نمبر 60/H مورخہ 15.12.2014۔

(۸)۔ عالیجا! کمیٹی نے مالکان کو نہ طلب کیا نہ انکا موقف سنا کہ آیا لکڑی چوری ہوئی ہے یا نہ۔ کاپی سپرد نامہ و بیان حلفی اسٹامپ متعلقہ مالکان لف ہے۔

(ضمیمہ 14)

ATTESTED

9/9

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عالیجا!

درج بالا حقائق سے واضح ہے کہ اٹھائی گئی لکڑی چوری نہیں ہوئی اور واپس اپنی جگہ پر رکھ دی گئی ہے جس کی تصدیق SDFO بہر بن نے کر دی تھی اس طرح حکومت اور مالکان کو کسی قسم کا کوئی نقصان نہیں ہوا۔

یہ امر انتہائی اہم ہے کہ مقدمہ ہذا میں چٹھی نمبر 1887 مورخہ 10.10.2013 میں 8 ہلکاران شامل تھے جن میں ہلکاران سلسلہ نمبر 4 شہر خان، 5 محمد اسلم خان، 6 آزاد ولی فارسٹ گارڈ کی انکوائری جناب فرہاد علی صاحب ڈی ایف او نے کی اور حقائق کی بنیاد پر ان ہلکاران کو انصاف دیتے ہوئے ان کو بری کر دیا جب اسی اصول و قانون کا اطلاق زہر نظر اپیل کنندہ گان پر ہونا ہی انصاف کا تقاضا ہے۔

(ضمیمہ نمبر 15)

لہذا استدعا کی جاتی ہے فدوی کے خلاف تجویز کردہ سزا سے فدوی کو بری فرمایا جائے مزید استدعا ہے کہ فدوی کو اصالتاً پیش ہو کر مزید وضاحت کی اجازت زحمت فرمائی جائے۔

المرقوم 287016/01

محمد اصغر خان فارسٹر اپر کوہستان فارسٹ ڈویژن داسو.....سائل

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Pesh: 30th June, 2016

NOTIFICATION

No SO(Estt)FE&WD/1-8/Tariq DFO/2k14: WHEREAS, Mr. Muhammad Asghar, Forester (BPS-09) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the charges as mentioned in the Charge Sheet and Statement of Allegations dated 25/12/2013, served upon the said officer;

AND WHEREAS, Enquiry Committee comprising Mr. Tariq Rashid, (SG BS-19), Reforms Coordinator, Finance Department and Mr. Shah Wazir Khan (BS-19), Managing Director, Forest Development Corporation, to conduct the inquiry against the said accused official

AND WHEREAS, the Enquiry Committee, after having examined the charges, evidence on record and explanation of the accused officer, submitted its report, wherein the charges against the official being of serious nature have been established beyond reasonable doubt;

AND WHEREAS, the Competent Authority, after considering the Inquiry Report and other related documents, of the case, served a Show Cause Notice upon the said official to which he replied, and provided him opportunity of personal hearing;

NOW, THEREFORE, the Competent Authority, after having considered the charges, evidence on record, findings of the Enquiry Committee, the explanation of the accused official, and hearing him in person and exercising his powers under Rule-14(5)(ii) read with Rule 4(1)(b)(i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose a major penalty of "Compulsory retirement from service"; upon and "Recovery of Rs. 21,98,500/-" from Mr. Muhammad Asghar, Forester (BPS-09) of Forest Department, with immediate effect.

CHIEF MINISTER,
KHYBER PAKHTUNKHWA

Endst: No. SO(Estt)FE&WD/1-8/Tariq DFO/2k14/2568-71, Dated Pesh: 30th June, 2016.

Copy is forwarded to:-

- 1) PSO to Chief Minister, Khyber Pakhtunkhwa.
- 2) PS to Secretary Forestry, Environment & Wildlife Department.
- 3) Chief Conservator of Forests, Central and Southern Forest Region-I, Peshawar.
- 5) Director Budget and Accounts Environment Department.
- 6) Official concerned C/O Chief Conservator of Forests, Central & Southern Forest Region-I Peshawar.
- 7) Master file.
- 8) Office order file.

(SYED KAZIM HUSSAIN SHAH)
SECTION OFFICER (ESTD)

No. 145 /E

Dated Peshawar the 25 / 07 / 2016

Copy forwarded to Chief Conservator of Forests Northern Forest Region-II Abbottabad for information and necessary action. A copy of the Notification meant for official concerned is also enclosed, which may be delivered to him under proper receipt.


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

ATTESTED
EA

No. 567 /E, Dated Abbottabad the 01 /08/2016

1034

Copy alongwith copy of Notification meant for official concerned forwarded to the Conservator of Forests, Upper Hazara Forest Circle Mansehra for information and necessary action. A copy of the Notification meant for official concerned is also enclosed which may be delivered, to him under proper receipt.


Chief Conservator of Forests
Northern Forest Region-II Abbottabad
Khyber Pakhtunkhwa

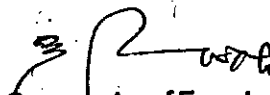
Encl: As above.

No. 805 /GE Dated Mansehra the 03 /08/2016

EC
process further
MS
CK

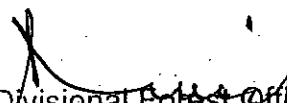
Copy alongwith its enclosures forwarded to Divisional Forest Officer Upper Kohistan Forest Division Dassu for information and necessary action. He is directed to deliver the attached copy of Notification to Mr. Muhammad Asghar Forester under proper receipt.


Encl: As Above:


Conservator of Forests
Upper Hazara Forest Circle
Mansehra

No: 195 /GE, dated Dassu the 05 /8/2016.

Copy is endorsed to SDFO Harban Forest Sub-Division for information to concerned employee. He is no more on the strength of this Department. Further more immediate arrangement of replacement with intimation to this office.


Divisional Forest Officer
Upper Kohistan Forest Division
Dassu


08/08/2016
Received.

بخدمت جناب عزت مآب وزیر اعلیٰ صاحب خیبر پختونخواہ

عنوان: اپیل برخلاف

آرڈر نمبر No. S0(Estt) Fe&WD/1-8/Tariq/2k14 مورکہ 30 جون 2016ء

جناب عالی! اپیل کنندہ کوہستان فارسٹ ڈویژن میں بحیثیت ریج آفیسر تعینات تھا کہ اس دوران اپر کوہستان میں سازین، ہربن اور بھاشہ کے مقام پر ناجائز کٹائی کردہ لکڑی تعدادی 18000 مکعب فٹ، شریپند عناصر نے موقع سے اٹھالی اور اس کو نادرن ایریا کی ایمنسٹی پالیسی کے تحت واہگزار کردہ لکڑی میں شامل کر نیکی کوشش کی۔ اس کوشش کو اپیل کنندہ نے اس وقت کے DFO کے ذریعہ ٹرانسپورٹیشن معطل کر کے ناکام بنا دیا۔

عالیجا!

اٹھائی گئی لکڑی سے کچھ لکڑی داریل / تانگیر چلی گئی تھی جس کو بعد ازاں وہاں کے DFO کے تعاون سے واپس ڈپو لایا گیا جس کی تصدیق اس وقت کے SDFO اور اسکے بعد آنے والے SDFO دونوں نے کی اور بقیہ اٹھائی گئی لکڑی اصل مالکان نے خود شریپند عناصر سے واپس حاصل کر کے ڈپو لادی جس کی تصدیق متعلقہ افسران انچارج نے کی۔

عالیجا!

اپیل کنندہ کے ساتھ اہلکاروں کو ایک محکمانہ انکوائری میں اسی مقدمہ میں بری کر دیا گیا جبکہ اپیل کنندہ کو اس وقت کے DFO کیساتھ منسلک کر کے عنوان بالا میں درج نوٹیفیکیشن کے ذریعہ سروس سے 30.06.2016 کو سبکدوش کر دیا اور اس پر -/21,98,500 کی ریکوری بھی ڈال دی گئی۔

عالیجا!

اپیل کنندہ بے گناہ ہے اور انکوائری کمیٹی کی رپورٹ جانبدارانہ ہے جسکو بنیاد بنا کر اپیل کنندہ کو موجب سزا ٹھہرایا گیا جو قانون کے منافی ہے فاضل انکوائری کمیٹی نے حقائق سے صرف نظر کی اور حقائق کو دبا کر فرضی کہانیاں گھڑ کر اپنی سفارشات مرتب کیں۔

ATTESTED

بخدمت جناب عزت مآب وزیر اعلیٰ صاحب خیبر پختونخواہ

عنوان: اپیل برخلاف

آرڈر نمبر 14/2k/Tariq/WD&Fe (Estt) S0 No. مورخہ 30 جون 2016ء

جناب عالی! اپیل کنندہ کوہستان فارسٹ ڈویژن میں بحیثیت ریج آفیسر تعینات تھا کہ اس دوران اپر کوہستان میں سائین، ہربن اور بھاشہ کے مقام پر ناجائز کٹائی کردہ لکڑی تعدادی 18000 مکعب فٹ، شریپند عناصر نے موقع سے اٹھالی اور اس کو نادرن ایریا کی اینمنسٹی پالیسی کے تحت واہگزار کردہ لکڑی میں شامل کرینکی کوشش کی۔ اس کوشش کو اپیل کنندہ نے اس وقت کے DFO کے ذریعہ ٹرانسپورٹیشن معطل کر کے ناکام بنا دیا۔

عالیجا!

اٹھائی گئی لکڑی سے کچھ لکڑی داریل / تاگیر چلی گئی تھی جس کو بعد ازاں وہاں کے DFO کے تعاون سے واپس ڈپو لایا گیا جس کی تصدیق اس وقت کے SDFO اور اسکے بعد آنے والے SDFO دونوں نے کی اور بقیہ اٹھائی گئی لکڑی اصل مالکان نے خود شریپند عناصر سے واپس حاصل کر کے ڈپو لادی جس کی تصدیق متعلقہ افسران انچارج نے کی۔

عالیجا!

اپیل کنندہ کے ساتھ اہلکاروں کو ایک محکمانہ انکوائری میں اسی مقدمہ میں بری کر دیا گیا جبکہ اپیل کنندہ کو اس وقت کے DFO کیساتھ منسلک کر کے عنوان بالا میں درج نوٹیفیکیشن کے ذریعہ سروس سے 30.06.2016 کو سبکدوش کر دیا اور اس پر -/21,98,500 کی ریکوری بھی ڈال دی گئی۔

عالیجا!

اپیل کنندہ بے گناہ ہے اور انکوائری کمیٹی کی رپورٹ جانبدارانہ ہے جسکو بنیاد بنا کر اپیل کنندہ کو موجب سزا ٹھہرایا گیا جو قانون کے منافی ہے فاضل انکوائری کمیٹی نے حقائق سے صرف نظر کی اور حقائق کو دبا کر فرضی کہانیاں گھڑ کر اپنی سفارشات مرتب کیں۔

ATTESTED

اپیل کنندہ نے تمام حقائق اپنے نوٹس اظہار وجوہ کے جواب میں آنجناب کی خدمت میں پیش کیئے ذاتی طور پر کمیٹی کے سامنے پیش ہو کر حقائق سے کمیٹی کو آگاہ کیا لیکن نہ معلوم کمیٹی نے ان ناقابل تردید حقائق کو کیوں تسلیم نہ کیا۔ لہذا اپیل کی جاتی ہے کہ نوٹیفیکیشن مندرجہ عنوان منسوخ فرما کر اپیل کنندہ کو اسکے تمام سابقہ حقوق و مراعات کے ساتھ سروس پر بحال فرمایا جاوے۔

وجوہات اپیل!

(۱)۔ یہ کہ لکڑی جو موقع سے اٹھائی گئی وہ قوم نے بلوہ کر کے اٹھائی جس کو روکنا اپیل کنندہ یا محکمہ کے بس کی بات نہ تھی۔

(۲)۔ یہ کہ اس لکڑی کو نادران ایریا کی لکڑی میں شامل ہونے سے روکنے کیلئے ٹرانسپورٹیشن فوراً معطل کر دی گئی اور جملہ ٹرک ہائے کی سختی سے پڑتال کی گئی حویلیاں تک کسی ایک فارسٹ بیریر / چیک پوسٹ پر ایک فٹ لکڑی بھی برآمد نہ ہوئی ٹرانسپورٹیشن (معطلی آرڈر کی نقل شامل ہے جو ضمیمہ 1 ہے)۔

(۳)۔ یہ کہ جو تھوڑی بہت لکڑی تاگلیر / داریل چلی گئی تھی وہاں کے DFO نے ضبط کر کے ہمارے حوالہ کی (عکسی نقل DFO تاگلیر / داریل شامل اپیل ہے جو ضمیمہ 2 ہے)۔

(۴)۔ یہ کہ لکڑی مالکان نے شریک عناصر سے بچانے کیلئے خود اٹھائی تھی اور وہ واپس اپنے گاؤں / محفوظ مقامات پر لے گئے جو بعد ازاں انہوں نے واپس ڈپو لا کر رکھ دی جس کی تصدیق SDFO ہر بن اور اسکے پیشرو دونوں نے کی (عکسی نقل شامل اپیل کی جاتی ہے جو ضمیمہ 3 ہے)۔

(۵)۔ یہ کہ لکڑی متذکرہ بالا فارسٹ ڈیپارٹمنٹ کی تحویل میں نہ تھی اور نہ ہی ان کے ریکارڈ پر تھی اسلئے اپیل کنندہ اس کا قانونی طور پر ذمہ دار نہیں ہے۔

(۶)۔ یہ کہ فارسٹ آرڈینینس 2002 کی سیکشن 60 کے تحت بھی اپیل کنندہ پر اسکی ذمہ داری نہیں آتی (عکسی نقل شامل اپیل کی جاتی ہے جو ضمیمہ 4 ہے)۔

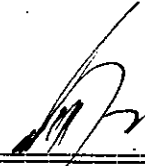
ATTESTED



- (۷)۔ یہ کہ جملہ حقائق تفصیل سے اپیل کنندہ نے نوٹس اظہار وجوہ میں شامل کئے تھے (جس کی عکسی نقل شامل اپیل کی جاتی ہے جو ضمیمہ 5 ہے)۔
- (۷)۔ یہ کہ لکڑی متذکرہ بالا لوگوں کی ملکیت ہے اور لکڑی واپس ڈپو آگئی ہے جس سے حکومت اور مالکان کو کوئی نقصان نہیں ہوا۔
- (۸)۔ درج بالا حقائق سے بلا تردید یہ بات ثابت ہے کہ اپیل کنندہ بے گناہ ہے اور فاضل کمیٹی کی رپورٹ جانبدارانہ ہے اور کمیٹی نے اپیل کنندہ کے پیش کردہ ناقابل تردید حقائق کو تسلیم نہ کر کے جانبداری کا ثبوت دیا ہے۔ ان حقائق سے واضح ہے کہ کمیٹی نے جانبداری کا مظاہرہ کیا جو قانون کے منافی ہے۔ لہذا اس پر قائم کردہ فیصلہ قانونی سقم کا حامل ہونے کی بناء پر قابل تہنیت ہے۔

لہذا اپیل کی جاتی ہے کہ اپیل کنندہ کی اپیل منظور فرما کر اسے اسکے جملہ سابق حقوق اور مراعات کے ساتھ سروس پر بحال فرمایا جاوے۔ مزید استدعا کی جاتی ہے اپیل کنندہ کو اصالتاً پیش ہو کر وضاحت کی اجازت مرمت فرمائی جائے۔

المرقوم..... 016/13



محمد اصغر خان C/O آصف جنرل سٹور پانو ڈھیری تحصیل و ضلع مانسہرہ
----- اپیل کنندہ

رابطہ نمبر 0345-9628600

ATTESTED



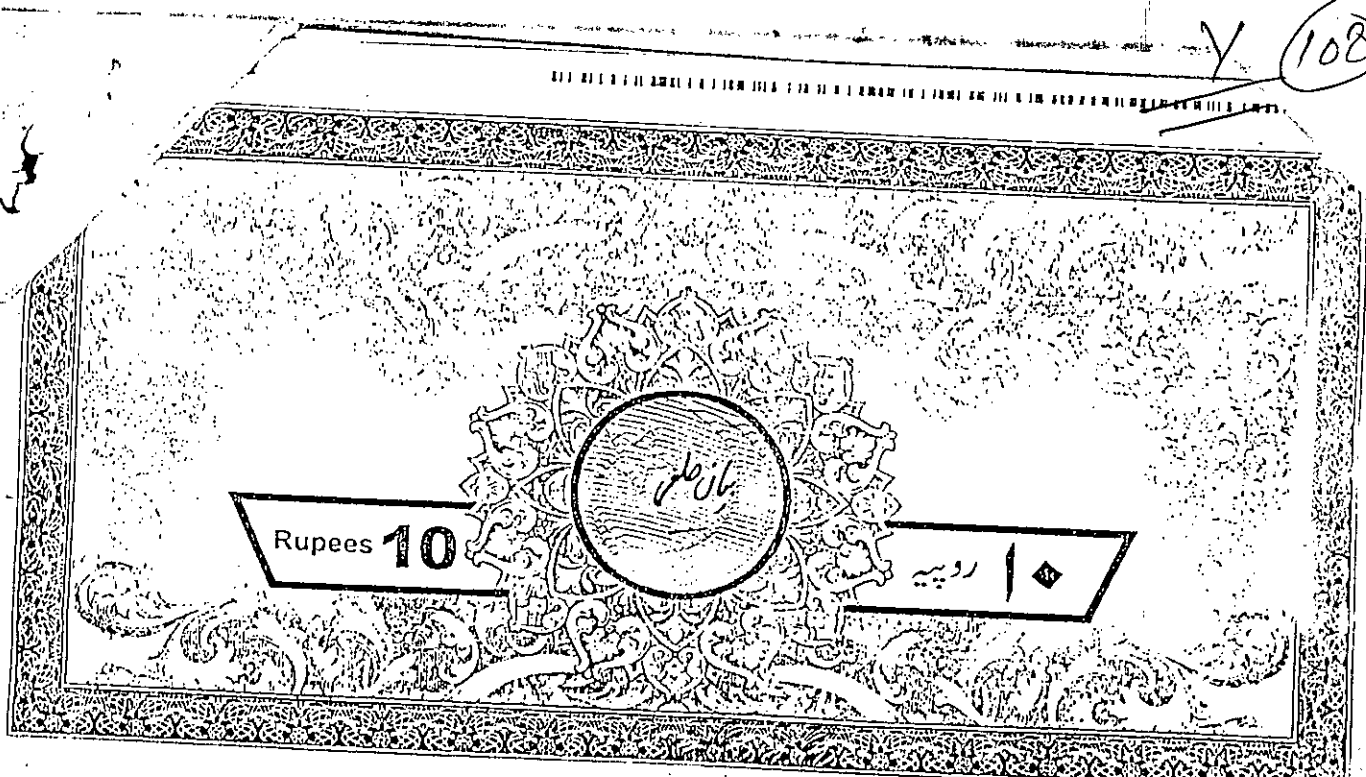
STATEMENT SHOWING THE RE-ASSESSMENT OF LEFT OVER ILLICIT CUT TIMBER IN HARBANB FOREST SUB DIVISION

S.No	D.R.No.	Compartment No.	Name of Owner	Present Location	Estimated Timber/species physically present		
					Species	Scants	Volume
1	98/42	Gangah C-1	Aslan, Khan of Basha	KKH roadside	Kail	500	5000
2	40/54B	Buzurgah C-1	Imanda?	Pathroo Forest	Deodar	1300	13000
3	42/54B	Harail C-2,3	Jehangir	Pathroo Forest	Deodar	1500	17500
4	28/50B	Bakki C-3	Khan, Zamari	Forest	Kail	350	3500
5	30/50B	Shahdoog C-1	Alamsar	Pathroo Forest	Deodar	800	7000
6	37/46	Gashail C-1	Abdul Haq	Forest	Deodar	1500	16000
7	38/46	Jashail C-2,3	Shamsheer	Pathroo Forest	Deodar	700	7500
8	31/50	Ashper C-2	Abdur Razaq	Pathroo Forest	Deodar	300	3000
9	22/50	Shahdoog C-1,2	Hussain Singh	KKH roadside	Deodar	2000	16000
10	23/50	Shahdoog C-1,2	Badam	Harban Kot	Deodar	500	4000
11	26/50	Bakki C-2	Jalidar	Forest	Deodar	400	4000
12	26/54B	Harail C-3	Iqbal Shah and Razawali	Harban Kot	Deodar	500	5000
13	27/54B	Harail C-4	Sardar	Forest	Deodar	1200	10500
14	28/54B	Jashail C-9	Raja	Jashail Village	Deodar	900	9000
15	29/54B	Gashail C-5	Iqbal Shah	Pathroo Forest	Deodar	2000	22000
16	34/54B	Buzurgah C-2,3	Jehangir Khan	Pathroo Forest	Deodar	1500	15000
17	36/54B	Kopal C-2	Sherbaz	Forest	Deodar	750	8000
18	37/54B	Gashail C-3,4	Hazrat Khan	Pathroo Forest	Deodar	2700	32000
19	38/54B	Harail C-4	Hazrat Khan	Harban Kot	Deodar	300	3000
20	11/53	Kelaiz C-12	Abdullah of Harban	Forest	Deodar	1400	13500
21	12/53	Kelaiz C-12	Abdul Saeed	Forest	Deodar	1600	9000
22	76/54	Doong C-3	Iqbal Shah, Raza Wali	Forest	Deodar	1200	8000
23	79/54	Palooli C-4	Salbar Shah of Masrang	Forest	Deodar	1200	8500
24	80/54	Palooli C-4	Gul Muhammad	Forest	Deodar	900	7500
25	81/54	Palooli C-4	Sabbar Khan	Forest	Deodar	1500	8000
26	16/44	Shail C-6	Wajdar of Shail	Forest	Deodar	450	4500
27	20/51	Shukrati C-1	Sabizada Khan	Forest	Deodar	1500	15000
28	21/51	Shuri C-13	Hasham Khan	Forest	Deodar	1400	14000
29	22/51	Shuri C-13	Raza Wali	Pathroo Forest	Deodar	750	5000
30	23/51	Shuri C-2	Yaseen	Forest	Deodar	350	2000
31	24/51	Shuri C-2	Muhammad Khan	Forest	Deodar	183	1100
32	25/51	Shuri C-13	Azizullah	Forest	Deodar	150	1300
33	28/51B	Shuri C-15	Hazrat Umar	Forest	Deodar	250	2500
						34133	303900

ATTESTED

[Signature]

11X
107



منہ مستحق بولا ولد عبداللہ سکسہ پیر میں برے تحصیل داسو ضلع کوہستان اتر میں کہ سو برو گوانا میں موجود 50000 روپیہ مہاراجہ سرین مہاراجہ سے سب ڈویژن کے حکام بیان ہیں کہ مورخہ 08/25/2013ء کو درمیان سب کو ناردرن ایریا کی کثیر تعداد میں لوگوں نے رات کی تاریکی سے فائدہ اٹھاتے ہوئے زبردستی بمقام سائزین سے تعداد تقریباً 70000 سات ہزار مکس فرٹ لکڑی رز قسم دیار اٹھا کر بطرف تانگیر لے گئے جو نامعلوم افراد اٹھا کر لے گئے تھے ایسی منظور ہو ناردرن ایریا کی پولیس کی لکڑی میں شامل کر کے لے جائیں۔ اس دوران میں بسلم ضروری کام مانسہرہ میں کیا۔ تاہم جو کوئی اطلاع عام میں خود موقع پر پہنچا اور مقام معززین علاقہ اور متعلقہ ملازمین کو ہمراہ لے کر بطرف تانگیر لیا جہاں میں نے اس لکڑی کی بخوبی شناخت کی اور باہم جرگہ وغیرہ کرتے ہوئے ہم نے مزودہ لکڑی موقع سے واپس لیا، جو آج درست حالات میں موجود ہے۔ لکڑی کے سروٹے اور ناردرن ایریا والوں کے خود لیا گیا اور موس وغیرہ جہاں کیا جو ہم نے ڈیو میں پھانسیا دو بارہ مشاویہ لکڑی لیا کو بدترین حال 15/81

بکن جنٹل مونسوہ بکن سے ان گنت جس کی ڈیجیٹل ریورٹنگ کیا گیا نامعلوم جاگ کی گئی لیکن جملہ لکڑی کی کٹائی، ڈھلائی، چھری وغیرہ میں اور میں ہی اسکا دھما دار ہوں۔ لہذا میں مذکورہ لکڑی کی ہر قسم کی ضروری قبول کرتا ہوں کہ لکڑی میں جو میں ہے اور اس کے ساتھ اور دو بدل کامیں دھما دار ہوں۔ نیز یہ کہ حکمہ اگر ایسے مارکنگ میں ہے جائیں اور ایسا بیس فیصد لے ہیں اور پولیس کے قبضے میں کسی قسم کا کوئی اعتراض نہیں ہوگا۔ اگر میں مندرجہ بالا بیان اور لکڑی کے حملے میں کسی قسم کے خلاف ورزی کروں تو میں حکمہ کو لکڑی کی موجودہ قیمت کے مطابق تاوان دوں گا۔

12-12-2014

بیان حلی سند ہے۔ مورخہ

باز خان

بولا

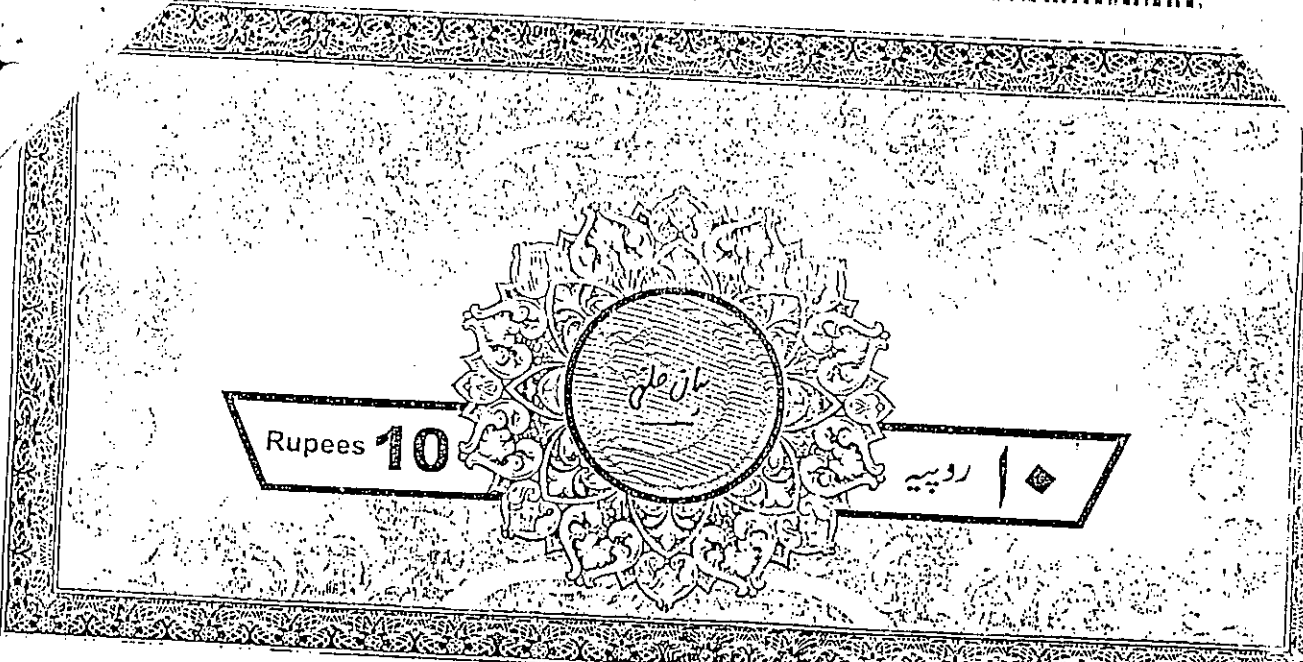
انگاہ
باز خان صدر جاگ سکسہ پیر کوہستان
13401-5856394-5

الہ بولا حالف مذکورہ بالا
13401-7725086-7

ATTACHED

انگاہ
سید الرحمان ولد طاہر درجیان سکسہ پیر کوہستان
13401-1502508-3

OFFICER KHAN SEHRA
WRITER 3 & 4
13401-5856394-5
12-12-2014



سند عبد الحمید مدظلہ العالی کے نام سے لکھی گئی ہے جو کہ 25-8-2013ء کو لکھی گئی ہے۔ جو کہ 2009ء کی پالیسی میں لکھی گئی ہے۔
 جو کہ 72/45، 73/45، 8-8-2013ء کو لکھی گئی ہے۔ اور اس بابت ہر وقت سندز میں ارسال نہ ہو سکا تھا۔ اور لکھی گئی تھی کہ اس میں کوئی ختم معیار یا
 کوئی تنازعہ رہ گئی تھی۔ اس سلسلہ میں گورنر صاحب کے بارے میں عارضی طور پر اس میں مستحکم کیا۔ جو کہ 2013-8-8-
 کی بجائے اطلاع ملی کہ سندز میں لکھی گئی ہے، جو کہ نامعلوم افراد کے انہوں نے حریف 08/2013 کی درسیات
 نامزد کیا ہے۔ پالیسی میں مذکورہ بالا لکھی گئی ہے۔ اگلی کے لئے اگلی کے ہیں۔ اطلاع پانے سے فوراً حریف
 چند مقامی اکابرین اور متعلقہ محکمے کے سندز میں موجود ہیں۔ اور لکھی گئی ہے کہ سندز میں
 کے لئے لکھی گئی ہے اور لکھی گئی ہے۔ تاہم متعلقہ افراد لکھی گئی ہے اور لکھی گئی ہے کہ شفافیت میں
 جس بنا پر اس نے اس وقت آج تک اس کا بار بار اشارہ داروں کے ساتھ اور مقامی محزیوں کی مدافعت پر مذکورہ لکھی گئی ہے
 لاکر کہا تھا کہ کوئی جمع ہے، جو کہ آج بھی مکمل اور درست حالت میں کہا تھا کہ کوئی موجود ہے۔ جو کہ قابل ملاحظہ ہے
 لکھی گئی ہے جس میں اس وقت کے کسی بھی شخص کی یا تبدیل ہونے کا میں خود ذمہ دار ہوں۔ اس کے لئے پالیسی
 کے بارے میں مالکانہ ادارے کو جس قسم کے ساتھ لکھی گئی ہے جسے کو ہر وقت شہر میں۔ نیز یہ کہ
 میں کوئی شخص رکھوں، کہ جس کے ساتھ وہ ہوں، یا لکھی گئی ہے۔ اور یہ کہ اس میں کوئی شخص کو باقاعدگی سے
 موجود شرح سند کے مطابق ناموں کے ساتھ لکھی گئی ہے۔

Attested
 12-12-2014
 Raza

بیان مندرجہ ذیل کو جان سہی - 5 - 12-12-2014

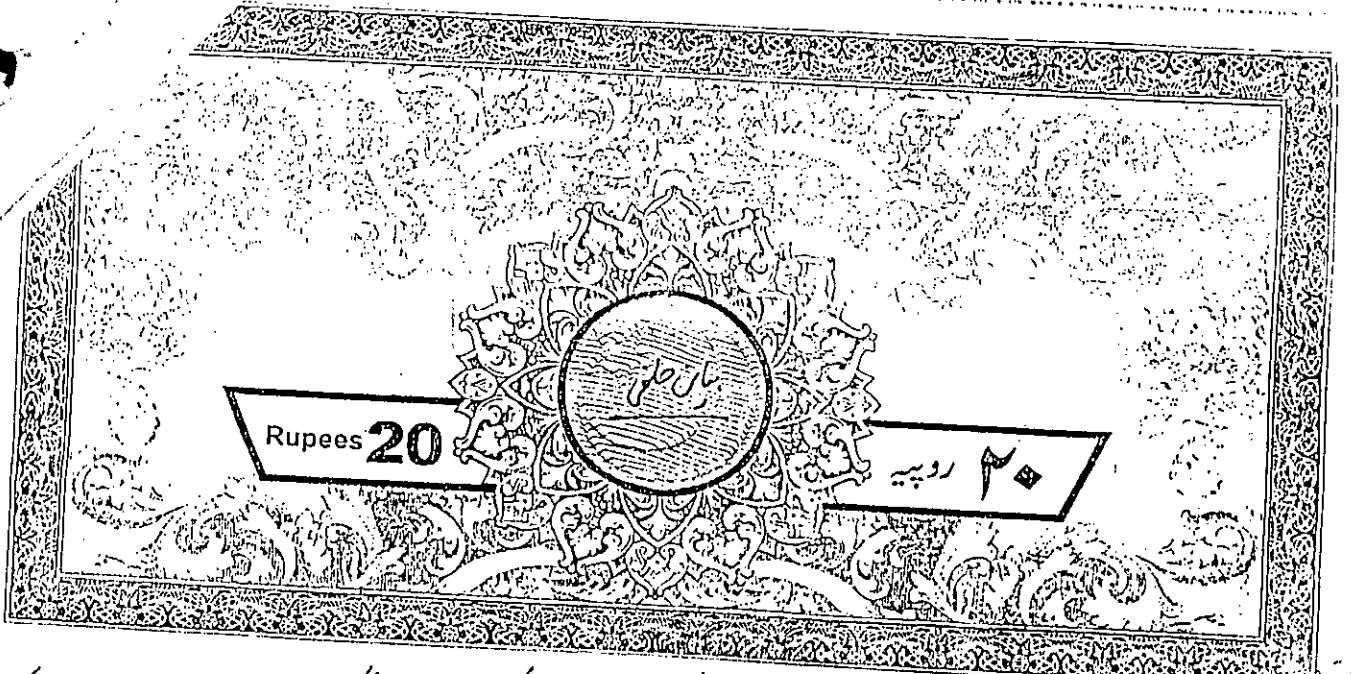
عبد الحمید
 محمد عثمان مدظلہ العالی
 13401-1505483-5
 13401-1502806-7

12-12-2014
 Raza

ATTESTED

محمد عثمان مدظلہ العالی
 13401-1285607-6

MUAFFAR KHAN SEHRA
 13401-1285607-6
 13401-1285607-6



۱۲-۱۲-۲۰۱۴

مکتبہ مسیحی اقبال شاہ والد ملک شاہ سکنہ برہن کور ٹیبل روڈ ضلع پوسٹیان روہڑی لوہانان ضلع فٹوالہ S.D.F.O صاحبان
 حلقہ بیان برہن کور روڈ پتہ 32/50 خیر پورہ 25-8-13 کے درمیان تعداد تقریباً ۲۰
 ہزار ملکہ اتریم دیار قبائلی برہن کور ڈپوسٹ ملکہ ہیکل ملکہ ہندی موجود تھی۔ ہمارا گورڈ پورہ میں جیار ملکہ کے خاص
 مورخہ 08 23 کی درمیان شب نامعلوم ٹوٹ کر ڈپوسٹ کے نشانیوں سے زبردستی منکرہ ملکہ کی اس
 مورخہ 24 2013 میں اطلاع ملنے پر ہم دھرم معززین عدو اور دشمن ملازمین کے ساتھ جامع مفاد اور مشورہ و درجہ سے یہ مختلف ضمانتوں
 ہیکل روہڑی راندہ پر، چنانچہ ہیکل نامہ دروازے یا داروں منکرہ ملکہ رہی۔ یہ اس کی بحالی کے لیے جوہن ضمانتوں
 مورخہ پر کئی روٹوں متعلقہ افراد سے دیکھ کر برہن روڈ میں کئی منکرہ کے لیے جو اس کے لیے روڈ میں برہن
 پوسٹیان۔ جو کہ آج بھی در دست حالت میں ہے ہیکل ملکہ ہندی موجود ہے۔ مکتبہ اقبال شاہ کو 300 ملکہ کے
 جامع روڈ پتہ 32/50 مورخہ 08 24 بنا کر نامعلوم جار شدہ ہے۔ اس لیے اس اور
 مکتبہ کو برہن کور ٹیبل روڈ ضلع پوسٹیان اس لکھن میں ہمارے شراکت دار
 چچا مسیحی حاجی سکھ شاہ والد
 لکھی ہنسی اور رفع نقصان میں ہم دونوں برابر کے شریک ہیں۔ اس لیے میں دوبارہ حلقہ بیان برہن کور ٹیبل روڈ پتہ 32/50
 ہیکل ملکہ ہندی مورخہ پر جوہرے ہر ایک شخص / انفرامق ملافہ / کتا ہے۔ آئندہ کئی لکھن کی کئی منکرہ کی
 گاس خود ذمہ دار ہوں۔ نیز برہن کور ٹیبل روڈ پتہ 32/50 مالکان اور اپنے لکھن کے لیے جس قدر
 حکومت کے حکمت لیا جائے تو ہم دیکھ کر لکھن ہوں۔ ہر وقت شمار ہیں۔ منکرہ بیان میں اگر کوئی بات بھٹن
 لکھن برہن روڈ پتہ 32/50 مورخہ 08 24 بیان حلقہ سندر ہے۔ مورخہ 12-12-2014

اقبال شاہ
 اقبال شاہ حلقہ منکرہ پتہ
 13401-6008967-1
 بارخان
 گوانہ
 بارخانہ برہن کور ٹیبل روڈ
 13401-5856394-5
ATTESTED

MUZAFFER KHAN SEHRA
 P. WRITER & VENDOR
 Daska Kohistan
 Cell: 0300.5678113
 12/12/2014

13/12/14

2 (111)

To

The Divisional Forest Officer,
Upper Kohistan Forest Division
Dassu.

Subject: ILLICIT POLICY TIMBER-Enquiry thereof

Reference: Vide your letter No. 569/GE, dated 8/12/2014.

It is submitted that in compliance of your cited letter above, I summon all the related officials and concern owner of the timber vide letter No. 50-59/SDFO(H) dated 10/12/2014 to identified the timber in question above and date fixed for verification/identification for 12.12.2014

On due date all the concerned staff and owners of the timber accompanied with us to identified the timber.

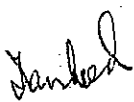
On the pointation and identification of concern staff I inspect the timber and randomly checked the timber on spot which stacked sepret in 4 different portion at Harban Das and in Basha Roadside depot as per Damage report chalked previous. Damage Report No. mentioned on the timber which seems that the timber which was previously pilferage and retrieved stacked in the depot, and also confirmed by my predecessor SDFO Harban in his statement before the preliminary enquiry committee.

From all the concern staff and owners obtain , statement of staff and on oath statement of the owners (which are enclosed) stamp paper and confirmation by the previous SDFO the timber is present on spot and in the custody of concern owners.

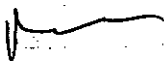
Report is submitted for favor of information, perusal and record, please.

No 60/SDFO(H) dtd 15.12.2014


Sub Divisional Forest Officer
Harban Forest Sub Division



ATTESTED



R. No. 101

113
Ms 872
Dated 29/8/13
Conservator of Forests

No. CF-3(45)/2013
GOVERNMENT OF GILGIT-BALTISTAN
CONSERVATOR OF FORESTS
GILGIT CIRCLE GILGIT

Dated the th August, 2013

To
The Conservator Forests,
Hazara Kohistan Dassu.

Subject- ILLEGAL TRANSPORTATION OF TIMBER FROM KOHISTAN TO DAREL/TANGIR

Memorandum

It is to inform you that the DFO, D/Tangir vide his OM. No. Nil dated 26-8-2013 has reported that 14 Tractor/Jeep load sleepers have illegally been transported from Kohistan to Darel, which have been taken into custody by the staff, and lying in their superdnama.

It is requested to please direct the concerned DFO to take over the timber in his custody and take appropriate action against the offenders and also alert the check post staff of Kohistan to refrain from such practices in future.

[Handwritten signature]

(MUHAMMAD ISMAIL ZAFAR)
CONSERVATOR OF FORESTS
GILGIT CIRCLE GILGIT

Copy to:-
The DFO, D/Tangir with reference his OM. No. referred to above for information.

Most URGENT

(MUHAMMAD ISMAIL ZAFAR)
CONSERVATOR OF FORESTS
GILGIT CIRCLE GILGIT

No. 1242 /GL, dated Mansehra the 2 /8/2013

Copy forwarded to DFO Upper Kohistan Forest Division Dassu for information and necessary action. He is directed to take over the thefted timber from DFO Darel to transport back to its destination and submit latest update. Also proceed against I/C SDFO, Forester and Forest Guards forthwith.

Conservator of Forests
Upper Hazara Forest Circle
Mansehra

ATTESTED

[Handwritten signature]