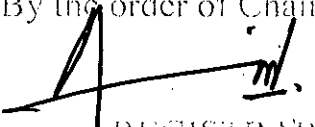


# FORM OF ORDER SHEET

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

Appeal No. 2269/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/11/2023	<p>The appeal of Mr. Saddiq ur Rehman presented today by Mr. Kamran Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

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

APPEAL No. 2269/2023

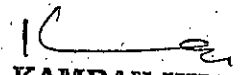
**SADDIQ-UR-REHMAN VS FOREST DEPTT:**

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**APPELLANT**

**THROUGH:**

  
**KAMRAN KHAN**  
**ADVOCATE**

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

**SERVICE APPEAL NO. 2269/2023**

Mr. Saddiq-ur-Rehman, Forest Guard,  
Forest Division, Dir Upper.

.....**APPELLANT**

**VERSUS**

- 1- The Chef Conservator of Forests, Malakand Forest Region (Region-III), Saidu Sharif Swat.
- 2- The Conservator of Forests, Malakand Forest Circle West, Timergara.
- 3- The Divisional Forest Officer, Upper Dir Forest Division.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 11.10.2023 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS PARTIALLY ALLOWED BY CONVERTING THE MAJOR PENALTY OF REMOVAL FROM SERVICE TO REDUCTION OF INITIAL PAY STAGE FOR A PERIOD OF THREE YEARS AND TREATING INTERVENING PERIOD AS LEAVE WITHOUT PAY.**

**PRAYER:**

That on acceptance of this service appeal the impugned appellate order dated 11.10.2023 may very kindly be modified/ rectified by restoring the appellant at his original/ current stage of pay scale on 14-07-2023 as well as the respondents by directed count the intervening period as period spent on duty with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant is an employee of the respondents department and is performing his duty as Forest Guard quite efficiently and whole heartedly and up to the entire satisfaction of his superiors.

- 2- That while performing his duty with devotion and honesty the appellant was charge sheeted and statement of allegations was issued to him whereby charging the appellant for not checking vehicles at the check post. Copy of the charge sheet and statement of allegation are attached as annexure ..... A.
- 3- That the appellant in response to the charge sheet submitted his detailed reply and explain the entire position regarding the alleged charges. Copy of detailed reply is attached as annexure ..... B.
- 4- That after submitting reply to the charge sheet, the appellant was quite hopeful for his exoneration from the alleged charges but astonishingly vide order dated 14.07.2023 the appellant was removed from service. Copy of the order dated 14.07.2023 is attached as annexure ..... C.
- 5- That appellant feeling aggrieved from the order dated 14.07.2023 preferred departmental appeal before the appellate authority by explaining the entire position submitting his justification regarding the allegation so leveled. Copy of the departmental appeal is attached as annexure ..... D.
- 6- That departmental appeal of the appellant was partially accepted vide order dated 11.10.2023 by converting the major penalty of removal from service to that of reduction to initial stage of pay scale for period of three years. Copy of the appellant order dated 11.10.2023 are attached as annexure ..... E.
- 7- That the appellant feeling aggrieved from the appellate order and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned appellate order dated 11.10.2023 by converting the major penalty of removal from service to that of reduction to initial stage of pay scale for period of three years and treating the intervening period as leave without pay are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That regarding the occurrence a Damage report was lodged but in that report the vehicle registration number is different,

however the in the charge sheet the registration number mentioned is never booked by any authority. Copy of the damage report is attached as annexure .....F.

D-That no proper inquiry has been conducted in to the matter and it is necessary to do so that to dig out the real facts.

E-That no chance of personal hearing and personal defense has been provided to the appellant before imposing the penalty.

F- That the appellant was not associated in the inquiry which is mandatory in such like allegations.



G-That at the time of alleged occurrence the appellant was not on official duty.

H-That the appellant seeks permission to advance any other ground 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  
SADDIQ-UR-REHMAN

THROUGH:

  
KAMRAN KHAN  
&   
WALEED ADNAN  
ADVOCATES

AFFIDAVIT

I do hereby solemnly affirm that the contents of this **Service Appeal** are true and correct to the best of my knowledge and belief and nothing have been concealed from this Honorable tribunal.

DEPONENT

CHARGE SHEET

"A" - 4-

1. Mr. Ejaz ur Rehman, Divisional Forest Officer Upper Dir Forest Division, as competent authority Under Khyber Pakhtunkhwa, Government Servants (Efficiency & Disciplinary Rules-2011), in charge you, Mr. Siddiq-ur-Rehman, Forest Guard as follows:-

You, while posted as Forest Guard, Unkar Forest Check Post, Dir Forest Sub division, has committed the following irregularities:-

- I. That besides repeated directives/instructions regarding control of illegal movement of forest produce through proper checking of each and every vehicle crossing Forest Checkpost, especially at the time of sunrise and sunset, but you failed to do so as on 31/5/2022 a Hino Oil Tanker bearing hand writing registration No.C-2605 loaded with illicit timber of 43 No Deodar = 172 cft apprehended by staff of Lower Dir Forest Division at Shamardin.
  - II. As reported by SDFO Dir vide his letter No.71/Dir dated 02/06/2022, that the said vehicle crossed the Unkar forest check post at 6:02 Am morning, as evident from CCTV camera video. The barrier was not closed and you were on duty at the post and not visible in the CCTV Camera during duty, beside repeated direction that the official on duty at Checkpost must be visible in CCTV Camera. As per SDFO report you were on duty at that time, but you did not bother to stop the Oil tanker loaded with illicit timber and left the check post opens to the timber smugglers.
  - III. The CCTV camera video clearly shows that a person sitting in the pilot car (Rav-4) stop at barrier and noticed the position of staff as shows from his gesture and non verbal communication with towards check post cabin, the Oil tanker crossed the check post barrier without any hesitation for checking.
  - IV. Being Forest Guard it is your prime responsibility to keep the barrier closed and stop each and every vehicle for checking, but you did not perform your duty as per your job description which shows your inefficiency in performing your duty.
2. By reason of the above, you appear to be guilty of in-efficiency, mis-conduct and corruption under Rules-3 of Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
  3. You are therefore, required to submit your written defense within seven (07) days of the receipt of this charge sheet to the enquiry officer/committee, as the case may be.
  4. Your written defense, if any, should reach to the enquiry officer/committee within the specified period, failing which it will be presumed that you have no defense to put in and that exparte action shall be taken against you.
  5. Intimate whether you desired to be heard in person.
  6. Statement of allegation is enclosed.

MR. EJAZ UR REHMAN  
DIVISIONAL FOREST OFFICER,  
UPPER DIR FOREST DIVISION

Handwritten signature and notes at the bottom of the page.

**BETTER COPY OF THE PAGE NO. 4**  
**CHARGE SHEET**

I, Mr. Ejaz Ur Rehman, Divisional Forest Officer Upper Dir Forest Division, as competent authority Under Khyber Pakhtunkhwa, Government Servant (Efficiency & Disciplinary Rules 2011) hereby charge you, Mr. Siddiq-ur-Rehman, Forest Guard as follows:

You while posted as Forest Guard, Unkar Forest Check Post, Dir Forest Sub Division has committed the following irregularities.

- i. That besides repeated directives/instructions regarding control of illegal movement of forest produces through proper checking of each and every vehicle crossing Forest Checkpost, especially at the time of sunrise and sunset, but you failed to do so. As on 31/5/2022 a Hino Oil Tanker bearing hand writing registration No.C-2505 loaded with illicit timber of 32 no. Deodar = 172 cft apprehended by staff of Lower Dir Forest Division at Shmardin.
  - ii. As reported by SDFO Dir vide his letter No. 72/Dir dated 02/06/2022, that he said vehicle crossed the Unkar forest check post at 6:02 Am morning, as evident from CCTV Camera video. The barrier was not closed and you were on duty at the post and not visible in the CCTV Camera during duty, beside repeated direction that the officials on duty at Checkpost must be visible in CCTV Camera. As per SDFO report you were on duty at the time, but you did not bother to stop the Oil tanker loaded with illicit timber and left the check post opens to the timber smugglers.
  - iii. The CCTV Camera video clearly shows that a person sitting in the pilot car (Rav-4) stop at barrier and noticed the position of staff as shows from his gesture and non verbal communication with towards check post cabin, the oil tanker crossed the check post barrier without any hesitation for checking.
  - iv. Being forest Guard it is your prime responsibility to keep the barrier closed and stop each and every vehicle for checking, but you did not perform your duty as per your job description which shows your inefficiency in performing your duty.
2. By reason of the above you appear to be guilty of in-efficiency, misconduct and corruption under Rule-3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Disciplinary) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
  3. You are therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the enquiry officer/committee, as the case may be.
  4. Your written defence, if any, should reach to the enquiry officer/committee within the specified period, failing which it will be presumed that you have no defence to put in and that ex parte action shall be taken against you.
  5. Intimate whether you desired to be heard in person.
  6. Statement of allegation is enclosed.

**MR. EJAZ UR REHMAN**  
**DIVISION FOREST OFFICER**  
**UPPER DIR FOREST DIVISION**

DISCIPLINARY ACTION -5-

Mr. Ejaz ur Rehman Forest Officer Upper Dir Forest Division as competent authority, is of the opinion that Mr. Siddique-ur-Rehman, Forest Guard, Unkar Forest Check post, Dir Forest Sub-division of Upper Dir Forest Division has rendered himself liable to be proceeded against, as he committed the following acts of omissions and commissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline) Rule, 2011:-

STATEMENT OF ALLEGATIONS.

- I. That besides repeated directives/instructions regarding control of illegal movement of forest produces through proper checking of each and every vehicle crossing Forest Checkpost, especially at the time of sunrise and sunset, but he failed to do so. As on 31/5/2022 a Hino Oil Tanker bearing hand writing registration No.C-2605 loaded with illicit timber of 43 No Deodar = 172 cft apprehended by staff of Lower Dir Forest Division at Shamardin.
- II. As reported by SDFO Dir vide his letter No.71/Dir dated 02/06/2022, that the said vehicle crossed the Unkar forest check post at 6:02 Am morning, as evident from CCTV camera video. The barrier was not closed and he was sitting inside the post and not visible in the CCTV Camera during duty, beside repeated directions that the official on duty at Checkpost must be visible in CCTV Camera. As per SDFO report he was on duty at that time; but he did not bother to stop the Oil tanker loaded with illicit timber and left the check post opens to the timber smugglers.
- III. The CCTV camera video clearly shows that a person sitting in the pilot car (Ravi) stop at barrier and noticed the position of staff as shows from his posture and non verbal communication towards check post cabin, the Oil tanker crossed the check post barrier without any hesitation for checking.
- IV. Being Forest Guard, it is his prime responsibility to keep the barrier closed and stop each and every vehicle for checking, but he did not perform his duty as per the description which shows your inefficiency in performing your duty.

2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following, is constituted under rule 10(i)(a) of rules ibid:

f) Mr. Murad Ali Shah, Divisional Forest Officer, Patrol Squad, Malakand West Forest Circle at Timergara.

3. The 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 committee.

MR. Ejaz ur Rehman  
DIVISIONAL FOREST OFFICER,  
UPPER DIR FOREST DIVISION

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**BETTER COPY OF THE PAGE NO. 5**

**DISCIPLINARY ACTION**

I, Mr. Ejaz Ur Rehman, Divisional Forest Officer Upper Dir Forest Division, as competent authority is of the opinion that Mr. Siddiq-ur-Rehman, Forest Guard Unkar Forest Check Post Dir Forest Sub-Division of Upper Dir Forest Division has rendered himself liable to be proceeded against as he committed the following acts of omission and commissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline) Rule, 2011:

**STATEMENT OF ALLEGATIONS**

- i. That besides repeated directives/instructions regarding control of illegal movement of forest produces through proper checking of each and every vehicle crossing Forest Check post, especially at the time of sunrise and sunset, but you failed to do so. As on 31/5/2022 a Hino Oil Tanker bearing hand writing registration No.C-2505 loaded with illicit timber of 32 no. Deodar = 172 cft apprehended by staff of Lower Dir Forest Division at Shmardin.
  - ii. As reported by SDFO Dir vide his letter No. 72/Dir dated 02/06/2022, that he said vehicle crossed the Unkar forest check post at 6:02 Am morning, as evident from CCTV Camera video. The barrier was not closed and you were on duty at the post and not visible in the CCTV Camera during duty, beside repeated direction that the officials on duty at Checkpost must be visible in CCTV Camera. As per SDFO report you were on duty at the time, but you did not bother to stop the Oil tanker loaded with illicit timber and left the check post opens to the timber smugglers.
  - iii. The CCTV Camera video clearly shows that a person sitting in the pilot car (Rav-4) stop at barrier and noticed the position of staff as shows from his gesture and non verbal communication with towards check post cabin, the oil tanker crossed the check post barrier without any hesitation for checking.
  - iv. Being forest Guard it is your prime responsibility to keep the barrier closed and stop each and every vehicle for checking, but you did not perform your duty as per your job description which shows your inefficiency in performing your duty.
2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following is constituted under rule 10(i) (a) of rules ibid:
- i) Mr. Murad Ali Shah, Divisional Forest Officer, Patrol Squad, Malakand West Forest Circle at Timergara.
3. The enquiry committee shall, in accordance with the provisions of the rules ibid, provide responsible 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 committee.

**MR. EJAZ UR REHMAN**  
**DIVISION FOREST OFFICER**

خدمت صائب SDFO Litigation ٹیسٹ کی پیشبردگاری

"B"

-6- عنوان 1 جو اب طلبی جارج ٹیٹ - آئس آرڈر 2012-2013

صائب علی!

موردہ نامہ گزارش کے مطابق ہے کہ سائلان انکار ٹیسٹ چیک پوسٹ نامہ بحیثیت ٹیسٹنگ ٹیم کے ہے۔ جناب جی آئس آرڈر 2012-2013 سے پتہ چلا کہ جی ایک غیر قانونی ٹیسٹنگ ٹیم کے ذریعے ایک ایٹل ٹیسٹنگ کو نہ رکوانے ہم جارج ٹیٹ نامہ


جناب! واقعہ والی رات میرا اور عاتوق Blm کی ڈیوٹی تھی۔ سہرے آپ کو شمارہ منسلک ہے کہ جون کے مہینے میں سارا چیک پوسٹنگ کے سلسلے میں CCTV Renovation اور سولہ انٹرنیشن کا کام جاری تھا جو میرا ٹیم میں انکار ٹیسٹ چیک پوسٹ نامہ ہی جاری تھا۔ باقی سب کام ختم ہونے کے بعد وقت سے دو دن پہلے یعنی 29-30 کو CCTV اور سولہ انٹرنیشن کا کام شروع ہوا جس کا SDFO میں ڈیوٹی نہ رہا۔ ڈیوٹی کے سلسلے میں رات میں گزاری گئی اور صبح میں جہد وقت کا ٹیکہ لیا۔ سولہ انٹرنیشن کو بھی مطلع ہے۔ بحیثیت رات میں میرا CCTV انسٹالیشن کا کام مکمل ہوا جس کو آپ مہا صائبان CCTV رکھ کر خود چیک کر سکتے ہیں کہ اس رات CCTV 11:30 پر کام شروع کیا اور مکمل طور پر بحال ہو گیا۔ جناب آپ کو یہ کہہ دیکھ سکتے ہیں کہ رات 12 بجے کے تقریباً میں نے اوپر جا کر چیک کیا کہ CCTV کارڈنگز کو درست کیا۔ اور خود ڈیوٹی لینے روڑ پر موجود رہا۔ چونکہ اس رات میرا اور عاتوق Blm کی ڈیوٹی تھی تو ~~میں نے~~ میں 11 بجے رات سے 3 بجے رات تک ڈیوٹی میں لکھنے سے انجام دی۔ سہرے ٹیم میں سلسلے دو دن سے انسٹالیشن اور سولہ انٹرنیشن کا سہ وقت تھا اسلئے ٹیکہ لیا کہ رات 3 بجے میں نے ڈیوٹی دی اور 3 بجے رات عاتوق Blm کو نیند سے بیدار کر کے ڈیوٹی سونپ دی۔ جو آپ مہا صائبان CCTV رکھ کر چیک کر سکتے ہیں۔

جناب! 3 بجے رات سے 9 بجے تک عاتوق Blm کی ڈیوٹی تھی جس میں یہ واقعہ رونما ہوا۔  
جناب! چونکہ میں اس حکم میں نیا مقرر ہوا اور میرے ساتھ کوئی Senior نہیں تھا جس سے میں یہ سیکھ سکتا کہ خفیہ جانوں اور انجانوں میں طرح سے چھپ چھپ کر چھپ چھپ کر میں نے اپنے اپنے ڈیوٹی میں بغیر چھپ چھپ کی کوئی بھی جانائی نہیں چھپ چھپ کر اپنے ڈیوٹی کے سلسلے میں اسے کیا اور کیا کرنا چاہیگا۔

جناب! سائلان ہم آپس کی الزامات لگا رہے جو ہم سب کے ساتھ ہیں۔ لیکن اپنے صفائی میں صورت یہ کہنا چاہتا ہوں کہ میں اپنے والدین کو خام ناصہ جان کر اور علناً لیتا ہوں اور اس واقعہ اور ایسا کرنے والوں کے ساتھ کوئی تعلق نہیں اور نہ جاننا ہے اور میں اپنے والدین کو اس واقعہ سے کراہتا ہوں اور کراہتا ہوں۔

لیکن آپ مہا صائبان کی صحبت میں نہیں کھاتی ہے کہ ہم کو کھانی کھانی کے سلسلے میں نہیں لیکر تھے اس کیس سے ممانعت بری ہوئی ہے۔

مہدی رحمت  
ٹیسٹنگ ٹیم  
انکار ٹیسٹ چیک پوسٹ  
ٹیسٹنگ ٹیم

<b>OFFICE ORDER</b>		<b>ISSUED BY MR. MUHAMMAD USMAN</b> <b>DIVISIONAL FOREST OFFICER</b> <b>UPPER DIR FOREST DIVISION</b>
No. <u>07</u> dated <u>14</u> /07/2023.		<b>7</b>
Email: <u>dfounperdir@gmail.com</u>		Phone 0944-881715, Fax 0944-881713.

Whereas, the officials mentioned below were charge sheeted on account of illegal movement of timber, as on 31/05/2022 a Hino Oil Truck bearing hand written registration No.C-2605 loaded with illicit timber of 43 Nos Deodar scants having volume = 172 cft apprehended by staff of Lower Dir Forest Division crossed Unkar, Sahibabad, Warri & Akhgram Forest Check Post, Upper Dir Forest Division without stopping and checking and proceeded against under Government of Khyber Pakhturahwa, Efficiency & Disciplinary Rules, 2011, Rule 5 for the charges as mentioned in charge sheet and statement of allegations served upon them.

- (i). Mr. Saddiq-ur-Rehman, Forest Guard
- (ii). Mr. Saif-ul-Islam, Forest Guard
- ✓ (iii). Mr. Aziz Ullah, Forest Guard
- (iv). Mr. Muhammad Rafiq, Forest Guard
- (v). Mr. Niaz Muhammad, Barrierman

Whereas, enquiry has been entrusted to Mr. Saeed Ahmad, the then Sub Divisional Forest Officer, Litigation, Upper Dir Forest Division vide this office order No.92, dated 22/06/2022 under Rule. 10 of ibid rules.

Subsequently personal hearing was held on 20/02/2023 in the office of the Divisional Forest Officer, Working Plan Unit-IV Kanjo Swat.

Whereas, the accused officials have been provided proper chance of defense and proper enquiry has been conducted by enquiry officer under the prescribed rules appointed for the purpose.

Whereas, the enquiry officer after finalization of the inquiry proceeding submitted his findings to the Divisional Forest Officer, Upper Dir Forest Division, the competent authority and concluded that the charges of inefficiency leveled against the above officials has been proved.

Now Therefore, I Mr. Muhammad Usman, Divisional Forest Officer, Upper Dir Forest Division, the competent authority after having considered the charges/evidence on record, hearing them in person and in exercise of powers conferred upon me under Rule 07 (f) read with Rule-4(1) (b) (ii) (iii) of the ibid rules, has been pleased to impose the penalty of "**COMPULSORY RETIREMENT**" upon the official at Sr. No. v namely Mr. Niaz Muhammad, Barrierman and impose the penalty of "**REMOVAL FROM SERVICE**" upon the officials at Sr. No. i,ii,iii & iv namely Mr. Saddiq-ur-Rehman, Forest Guard, Mr. Saif-ul-Islam, Forest Guard, Mr. Aziz Ullah, Forest Guard & Muhammad Rafiq, Forest Guard for the charges leveled against them.


Sd/-  
(Muhammad Usman)  
Divisional Forest Officer  
Upper Dir Forest Division,

No. 204-210 /Estt,

- Copy for information forwarded to the:-
1. Conservators of Forests, Malakand West Forest Circle Timergara.
  2. Principal, Khyber Pakhtunkhwa Forest School at Thal Abbottabad.
  3. Mr. Saeed Ahmad, Sub Divisional Forest Officer, Khar Forest Sub Division, Bajaur Forest Division, Bajaur (Enquiry Officer).
  - ✓ 4. Sub Divisional Forest Officer, Dir/Warri and Range Forest Officer, Darrora for information and necessary action.
  5. Office Assistant/Accountant Upper Dir Forest Division for information and necessary action.
  6. Officials concerned.
  7. Office record file.

Recive by Aziz Ullah

on Date 28  
023

C/O Warri 

Upman  
Divisional Forest Officer,  
Upper Dir Forest Division,  
At Dir.

"D"

-8-

BEFORE THE WORTHY CONSERVATOR OF FORESTS  
MILAKRANI WEST FOREST CIRCLE TIMERGARH

DEPARTMENTAL APPEAL AGAINST OFFICE ORDER  
NO. 07 DATED 11.07.2023 ISSUED BY DFO  
UPPER DIR FOREST DIVISION - DII

Respected Sir,

It is respectfully stated that:

The appellant is the resident of village  
Dhatkay (Dir) Upper Dir District and was appointed  
as forest Guard (A/S) in Upper Dir Forest Division  
during the year 2021. While posted at Unkanj  
Chakiatan Forest Check Post, the appellant was promoted  
as first Under Grant Sergeant Efficiently and discipline  
Rules, 2011 and major penalty of "REMOVAL FROM SERVICE"  
has been imposed upon the appellant in the charges of  
Inefficiency, mis-conduct and corruption vide  
Dfo Upper Dir Forest Division office order No. 07 dated  
11.07.2023, copy enclosed as Annex "A" for perusal  
of perusal please.

The respective DFO Upper Dir served  
upon the appellant a Charge sheet and Statement  
of allegations and appointed Mr. Saeed Ahmad (DFO)  
Enquiry officer to conduct proper enquiry and  
submit its allegation vide his office order No. 02

UPPER DIR FOREST DIVISION  
BETTER COPY OF THE PAGE NO. 8  
BEFORE THE WORTHY CONSERVATOR OF FORESTS MALAKND WEST  
FOREST CIRCLE TIMERGARA

Subject: DEPARTMENTAL APPEAL AGAINST OFFICE ORDER NO. 07  
DATED 14/07/2023 ISSUED BY DFO UPPER DIR FOREST  
DIVISION DIR

Respected Sir,

It is respectfully stated that:

- 1) The appellant is the resident of village Kitkay (Dir) Upper Dir District and was appointed as Forest Guard (BPS-8) in Upper Dir Forest Division during the year 2021, while posted at unkar/ Chakiatan Forest Check Post, the appellant was proceeded against under Govt. Servant Efficiency and Discipline Rules 2011 and major penalty of "Removal From Service" has been imposed upon the appellant in the charges of DFO Upper Dir Forest Division Office Order No. 7 dated 14/07/2023, Copy enclosed as Annex A for favour of perusal please.
- 2) The respective DFO Upper Dir served upon the appellant a charge sheet and statement of allegation and Mr. Saeed Ahmad SDFO was appointed as Enquiry Officer to conduct proper enquiry and probe into the allegations vide DFO Upper Dir Office Order No. 12

(P/2)

22.05.2022. It was alleged in the charge sheet statement of allegation that a Hino oil Tanker carrying valid writing Registration No. C-2605 loaded with timber of 43 Nos. dead or beams of various size = ~~it~~ was apprehended by the staff of Lower Oin Forest Division Timergara on 31.5.2022. It was further alleged that the said oil Tanker crossed ~~the~~ <sup>Upper</sup> Forest Check post ~~was~~ not checked due to an efficiency and loyalty on the part of the appelland.

2) In response, appelland furnished defence copy of the charge sheet and statement of allegations to the respective Enquiry officer wherein the charges of Inefficiency, Misconduct and Corruption were denied and it was stated that installation work of CCTV Cameras and Solarisation System in all the check posts of Upper Oin Forest Division was in progress and the work in ~~Upper~~ <sup>Upper</sup> ~~Chukriat~~ <sup>Chukriat</sup> was got completed on 21.5.2022 (the date of apprehension of the oil Tanker). It was further clarified that on 31.5.2022, the appelland and Muhammad Farooq Basrierman were on duty. The appelland performed duty from 11.00 pm (30.5.2022) to 03.00 am of 31.5.2022 and handed over duty to Muhammad Farooq Basrierman at 03.00 am which can be verified from the log of CCTV Cameras. Similarly from 03.00 am to 09.00 am Muhammad Farooq Basrierman performed duty on the check post when the said truck crossed ~~Upper~~ <sup>Upper</sup> ~~Chukriat~~ <sup>Chukriat</sup> check post at 06.20 am. Since at that time Mr. Muhammad Farooq Basrierman was on duty as also confirmed

BETTER COPY OF THE PAGE NO. 109  
dated 22/08/2022. It was alleged in the charge sheet and statement of allegations that a Hino Oil Tanker bearing Hand writing Registration NO. C-2605 loaded with illicit timber of 43 nos deodar seats of various sizes = 172.0 cft was apprehended by the staff of Lower Dir Forest Division Timergara on 31/05/2022. It was further alleged that the said oil tanker crossed Sahibabad Forest Check Post un-checked due to inefficiency and negligence on the part of the appellant.

- 3) In response, the appellant furnished defence of the charge sheet and statement of allegations to the respective Enquiry Officer where in the charges of in-efficiency, mis-conduct and corruption were denied and it was stated that installation work of CCTV Cameras and solarization system in all the check posts of Upper Dir Forest Division was in progress and the work in Unkar/Chukiatan was got completed on 21/05/2022. The date of application of the oil tanker) it was further clarified that on 31/05/2022, the appellant and Muhammad Farooq Bassierman were on duty. The appellant performed duty from 11:00 am (30/05/2022) to 03:00 am of (01/06/2022) and handed over duty to Muhammad Farooqat 03:00 am which can be verified from the video of CCTV Cameras. Sir, from 03:00 am to 09:00 am Muhammad Farooq Burrisman performed duty on the ---- when the said truck crossed Unkar/Chukiatan Check Post at 06:20 am. Since, at that time Mr. Muhammad Farooq Barriesman was on duty as also confirmed

(P/3)

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by the respective Enquiry officer in his report. Therefore, the appellant could not be held responsible in the instant case.

b) It was further clarified in the reply of charge sheet and statements of allegations that the appellant being newly recruited Forest Guard having about 10 years of service, smuggling in a sack a vehicle which has been prepared in the shape of oil Tanker was a strange news and unique experience. It was stated that the appellant has checked each and every vehicle crossing the barrier of Udhwa forest Check Post and has performed his duty honestly and devotedly. The allegations levelled against the appellant are baseless, without any proof, evidence and video and was declared the oath of Almighty Allah that the appellant has no concern with the instant case and does not know the facts involved in the smuggling of the said timber. At the end it was requested to the Enquiry officer to exonerate the appellant from all the charges/allegations. Unfortunately the reply of charge sheet and statements of allegations furnished by the appellant has been ignored by the respective Enquiry officer without any valid reasons and held the appellant guilty of charge of In-efficiency, mis-conduct and corruption.



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By the respective Enquiry Officer in his report, therefore, the appellant could not be held responsible in the instant case.

- 4) It was further clarified in the reply of charge sheet and statement of allegations that the appellant being newly recruited Forest Guard having about three (3) years of service, smuggling in a such a vehicle which has a strange news and unique experience. It was stated that the appellant has checked each and every vehicle crossing the barrier of Unkar Forest Check Post and has performed his duty honestly and devotedly. The allegations leveled against the appellant are baseless, without any proof, evidence and video and was declared to the oath of Almighty Allah that the appellat has no concern with the instant case and don't know the couple involved in the smuggling of the said timber. At the end it was requested to the Enquiry Officer as exonerate the appellant from all the charges/ allegations.
- 5) Unfortunately, the reply of the appellant has been turned down by the respective Enquiry Officer without valid/solid reasons and held the appellant guilty of charge of in-efficiency, misconduct and corruption

in the enquiry report submitted to the respective  
DFO Upper Division (Competent Authority)  
for taking further action in accordance with the provision  
of Govt. Servants Efficiency and Discipline Rules, 1911.  
After receipt of enquiry report, the DFO Upper  
Division, issued a show cause notice  
bearing office No: 661-94/Estt. Dated 29.05.2023  
in the appellant was asked to show cause as to  
Govt. Servants Efficiency and Discipline Rules, 1911  
I put the enquiry to the appellant. Accordingly reply  
show cause notice was furnished to the respective DFO  
and the reply furnished in response to the change  
and statement of allegations was reported/forwarded  
to the next to examine the appellant from all the  
allegations.  
However, the same has not been considered on  
basis of "Removal from Service" has been considered  
appellant vide DFO Upper Division order not to take  
any action is illegal, irregular, against the law, rules,  
and norms of Govt. Servants, therefore, irregularly  
made due to the following reasons:-  
The illegal transfer was made in a regular manner  
in the shape of an order which was specially

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in the enquiry report submitted to the respective DFO Upper Dir Forest Division (Competent Authority) for taking further action in accordance with the provision of Govt. Servants Efficiency and Discipline Rules, 2011.

- 6) After receipt of enquiry report, the DFO Upper Dir Forest Division served a show cause notice bearing office No. 6691-96/Estt dated 29/05/2023 where in the appellant was asked to show cause as to why minor/major penalties as specified in Rule 4(a) of Govt Servants Efficiency and Discipline Rules, 2011 may not be awarded to the appellant. Accordingly reply of show cause notice was furnished to the respective DFO Dir and the reply furnished in response to the charge and statement of allegations was repeated/narrated with the request to exonerate the appellant from all the allegations.

However, the same has not been considered and penalty of "REMOVAL FROM SERVICE" has been awarded to appellant vide DFO Upper Dir Office order No. 07 dated 14/07/2023 which is illegal, irregular, against the law, rules, and norms of justice, therefore unjustified liable due to the following reasons.

- i) The illegal timber was hidden in a vehicle prepared in shape of oil tanker which was specially

(115)

-12-

prepara for smuggling of timber and its detection  
at Forest Check Post was not possible  
without the authentic and accurate information of  
"informers" where the timber loaded.

It has been learnt through reliable sources that  
said oil tanker specially prepared for smuggling  
timber (in the shape of oil tanker) was apprehended  
by the Divisional Raid Party headed by SDE T. S. G. and  
the detectives of respective DFO Lower Dui who received  
the information in this regard from local informers  
where the truck loaded.

Now, from 0300 am to 09:00 am Mr. Muhammad Farooq,  
the man was on duty when the oil tanker crosses  
Lakhan Forest Check Post. At 06:20 am, therefore, the  
barrier could not be held responsible in the incident  
of smuggling of timber. The respective Enquiry  
Officer has also confirmed the presence of Mr. Muhammad  
Farooq, barrier in a cabin at the time of crossing the said  
oil tanker through Lakhan/Chukintan Forest Check Post.

(iii) The Check Post barrier is kept closed on Sun - Sat  
and opened on Sun - rise. Due to heavy rush of traffic  
the barrier remains open during day time, however, the  
loaded vehicles are stopped, searched and checked  
and then allowed to cross the barrier. If the oil tanker

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Prepare for smuggling of timber and its detection at ansit at Forest Check Post was not possible without the authentic and accurate information of informer, where the timber loaded.

- ii. It has been learn through reliable sources that said oil tanker specially prepared for smuggling timber (In the shape of oil tanker) was apprehended the divisional raid party headed by SDFO T. Gara the directives of respective DFO Lower Dir who received information in the regard from local informer to the tanker loaded.

R/Sir,

From 03:00 am to 09:00 am Mr. Muhammad FarooqBasierman was on duty when the oil tanker crossed Unkar/Chakitan Forest Check Post at of 2:0 am, therefore, the appellat court not be held responsible in the instant case of smuggling of timber. The respective Enquiry Officer has also confirmed the presence of Mr. Muhammad FarooqBassier in a cabin at the time of crossing the oil tanker through Unkar/Chukiatan Forest Check Post.

- iii. The check post barrier is kept closed on sun-set and opened on sun-rise due to heavy rush of traffic the barrier remains open during day time, however the loaded vehicles are stopped, searched and checked and then allowed to cross the barrier. If the oil tanker

(P/3) (6)

observed by Mr. Muhammad Farooq, Barricoman. even  
it was not possible to apprehend the illegal  
one because we have considered it as "oil Tanker"  
not a Truck or Trolley

Unkar/Chukiawan Forest Check Post is situated on  
an Chuldarra-Dit-Chitral road and the huge traffic  
of motor vehicles including public transport of  
Upper, Dir Kohistan and Chitral (Upper/Lower) are  
going through this Check Post. More than five (5) dozen  
oil Tankers are daily passing through this Check  
Post up and down, therefore, detection of such a  
specific oil tanker and unique method/technique of  
timber smuggling at a Check Post is a difficult  
job; however, such lack of identification of oil Tanker  
used for smuggling of timber could not be termed to  
be an inefficiency and negligence on the part of the  
appellant. Awarding of such a severe punishment  
of "REMOVAL FROM SERVICE" in such like Unique Case  
of smuggling of timber is totally unjustified and  
against the norms of justice.

(2) During the preliminary enquiry conducted by  
respectable <sup>5th</sup> Upper Dir soon after the said incident, Mr.  
Muhammad Farooq, Barricoman was held responsible in  
the said case and ordered his transfer from Unkar Forest  
Check Post to Sundarwal Forest Check Post vide his

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Is search by Mr. Muhammad Farooq Bassierman even it was not possible to apprehend the illegal become we have considered it is "Oil Tanker" is not a truck or Trolley.

- iv. Unkar/Chukiatan Forest Check Post is situated at main Chakdara Dir Citiral Road and the huge traffic and loaded vehicles including public transport of Dir Koshistan and Chitral (Upper/Lower) are passing through this check post. More than five (5) dozen oil tankers are daily passed through this check post ups and down, therefore, detection of such specific oil tanker and unique method/technique of timber smuggling at a check post is a difficult job, however, such lack of identification of oil tanker used for smuggling of timber could not be termed to the In-efficiency and negligence on the part of the appellant. Awarding of a sever punishment of "REMOVAL FROM SERVICE" in such like unique case of smuggling of timber is totally un-justified and against the norms of justice.
- v. During the preliminary inquiry conducted by the respective DFO Upper Dirsoon after the said incident, Mr. Muhammad Farooq Bassierman was held responsible in the said case and order his transfer from Unkar Forest Check Post to Sumdrawal Forest Check Post vide his

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(P/3) (P/7)

Case order No. 87 dated 01.06.2022, Copy enclosed  
Annex - "B", however, the appellant has now  
become fully responsible without any proof, evidence  
and records.

The main and important point in the instant  
case is not the efficiency or In-efficiency of any  
official of the department, but the important  
point is the method and technique of the smugglers  
adopted for smuggling of timber.

(2) It is therefore prayed that by accepting this  
appeal of the appellant on humanitarian grounds, the  
impugned office order No. 07 dated 14.07.2022  
issued by the DFO Upper Dir may be set aside and  
the appellant be reinstated in services from the  
date of removal with all back benefits. For this  
act of kindness, the appellant will be highly obliged  
and grateful and will pray for the prosperity of your  
godself.

The appellant also wishes to be heard in person.

Thanks

As above-

Yours obediently,

(SIDDIQUE-UR-REHMAN)  
Ex - FOREST GUARD LINKA  
CHUKIATA N. FOREST CHECK  
POST UPPER DIR DIVISION



BETTER COPY OF THE PAGE NO. 14

Office order No. 87 dated 01/06/2022, copy enclosed as Annex-B, however, the appellant has now to be held responsible without any proof, evidence and predicate.

7. The main and important point in the instant case is not efficiency or in-efficiency of any official of the department, but the important is the method and technique of the smugglers adopted for smuggling of timber.
8. It is therefore prayed that by accepting this appeal of the appellant on humanitarian grounds, the impugned office order No. 07 dated 14/07/2023 issued by the respective DFO Upper Dir may be set aside and the appellant be reinstated in service from the date of removal from service with all back benefits. For this act of kindness, the appellant will be highly obliged/thankful and till pray for the prosperity of your good self.
9. The appellant also wish to be heard in personal please.

Tanks

As Above

Your's Obediently

(Siddique-Ur-Rehman)  
Ex-Forest Guard Unkar/  
Chukiatan Forest Check  
Post Upper Dir Division

"E"

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NO. 11 DATED 11 /10/2023 ISSUED BY MR. SHAUKAT FAIZ CONSERVATOR OF FORESTS MALAKAND WEST FOREST CIRCLE TIMERGARA.

1. Whereas, Mr. Saddiq-ur-Rehman as Forest Guard (appellant) was proceeded under E&D Rules, 2011 and proper charge sheet issued by the DFO Dir Upper with the following charges:
  - a. Misconduct.
  - b. Inefficiency.
  - c. Corruption.
2. Whereas, proper inquiry proceeding was conducted against the accused vide DFO Upper Dir Office Order No. 92 dated 22/06/2020.
3. Whereas, the inquiry officer after fulfillment of the code formalities on the subject, recommended that the charges against the accused official base on fact.
4. Whereas, the competent authority (DFO Upper Dir) served show cause notice upon the accused official vide DFO Upper Dir No.6687/Estt, dated 29/05/2023. Subsequently, the accused official responded to the show cause notice on 6/6/2023, which was found unsatisfactory.
5. Whereas, the accused Official was awarded major penalty of "REMOVAL FROM SERVICE" vide DFO Upper Dir Office Order No. 07 dated 14/07/2023.
6. Whereas, the appellant being aggrieved with the penalty awarded by DFO Upper Dir, filed the departmental appeal to the undersigned (appellate Authority) requesting to set aside the penalty.
7. Whereas, Para wise comments were asked from DFO Upper Dir vide this office letter No.857/E. dated 21/08/2023. The DFO Upper Dir furnished the requisite comments vide his office memo No.886/Estt., dated 29/08/2023. On receipt of the comments, the appellant was provided opportunity of being heard / Personal hearing on 28.09.2023 in the office of Conservator of Forests Malakand West Forest Circle vide memo No.1561-65/E dated 21/09/2023.
8. Whereas, on perusal of record, comments of the D.F.O Upper Dir and personal hearing of the appellant the facts surfaced that the illegal timber was transported in Hino Oil Tanker bearing Registration No.C-2605 and has crossed Unkar Forest Check Post with active connivance of appellant. Hence the charges leveled against him are proved with certainty.

**ORDER:-**

I Mr. Shaukat Faiz Conservator of Forests Malakand West Forest Circle Timergara in the capacity of appellate authority hereby convert the penalty of "REMOVAL FROM SERVICE" to reduction to initial stage of his pay Scale for a period of Three (3) years and the intervening period from 14/07/2023 to 10/10/2023 is treated as leave without pay.

Sd/-

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

No. 1921-24 /E.

Copy to:-

1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar for favour of information please.
2. The Chief Conservator of Forests, Malakand Forest Region (Region-III) Saidu Sharif Swat for favour of information please.
3. The D.F.O Upper Dir Forest Division for information and necessary action.
4. The Official concerned.

CONSERVATOR OF FORESTS  
MALAKAND FOREST CIRCLE WEST  
TIMERGARA

ابتداء پر پورٹ کا راجہ

اسٹیشن	تاریخ آمد	ٹیکٹس	قیمت	ملاحظات
ٹیکس	1022	311	...	...

$D - 43 = 8 \times 12 \times 8 = 768 \text{ CH}$

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No. 6

Serial No. 527

ابتدائی رپورٹ گاڑ بابت جنگل تیرگرہ دیر روڈ بمقام شردین فارسٹ چیک پوسٹ تیرگرہ سب

ڈویژن

نام جنگل	تاریخ وقوعہ	خلاصہ جرم	نام ملزم	ولدیت	سکونت
جنگل تیرگرہ	21/05/2022	غیر قانونی	سہراب اللہ	رضاء اللہ	سکنہ تولڈئی دیر
دیر روڈ بمقام شردین فارسٹ چیک پوسٹ	31/05/2022	سلیپران از قسم دیار 487 عدد بذریعہ ہینوٹیکر نمبر 6202			اپر

جناب عالی

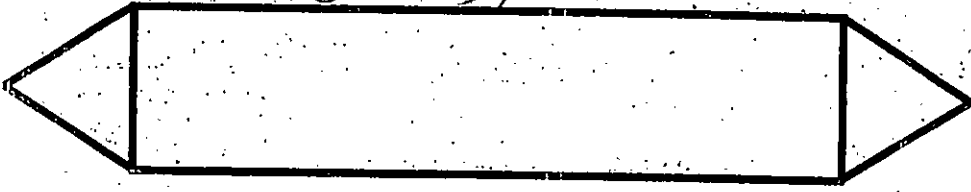
گزارش ہے کہ مورخہ 31/05/2022 مخبر کی اطلاع کو بروئے کار لاتے ہوئے افسران بالا کی ہدایت کی روشنی میں ایک ریڈ پارٹی تشکیل دی گئی، خلیل اللہ فارستر، محمد انور فارسٹ گاڑ اور آواز خان نائب قاصد بمقام شردین فارسٹ چیک پوسٹ ناکہ بندی کی دوران چیکنگ اسی اثناء ایک ہینوٹیکر سفید نمبر C-6202 آ کر روکنے کا اشارہ دیا، گاڑی مذکورہ کو روک کر حلاشی لینے پر گاڑی کے خفیہ خانوں سے سلیپران ڈیور تیرگرہ پہنچایا گیا، ملزم سے قانونی اجازت نامہ طلب کیا جو نہ پیش کر سکا ملزم سے نوٹس گاڑی جرمانہ، عوضانہ اور قیمت مال بحوالہ رسید نمبر 366/6 دیکر مبلغ 1002700/- دس لاکھ دو ہزار دو سو روپے وصول کر کے مال مسروقہ کو بروئے لوکل استعمال واگزار کیا گیا۔

لہذا ملزم بالا کے خلاف ڈیپٹی رپورٹ نمبر 522 چاک کر کے برائے کارروائی پیش خدمت ہے۔

بیڈ گاڑ بلاک آفیسر

سب ڈویژن فارسٹ آفیسر

# بعدالت سندس کورسز کے لئے



22ء 2 منجانب  
صدر لجنہ الحجاب بنام گورنمنٹ

مورخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لیکور کیلئے کھڑاں خان + وللا عرابی  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔  
کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2023ء

در ماہ اکتوبر

المرقوم

العبد گواہ العبد

Al-Hafid