

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**AT CAMP COURT SWAT.**

Service Appeal No. 501/2019

Date of Institution ... 15.04.2019

Date of Decision ... 06.10.2021

Afzal Baig Forest Guard Fatehpur Forest Range, District Swat.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Forest, Environment and Wild Life, Peshawar and four others.

... (Respondents)

MR. IMDAD ULLAH  
Advocate

... For Appellant

MR. RIAZ KHAN PAINDAKHEIL,  
Assistant Advocate General

... For Respondents

**ROZINA REHMAN**  
**ATIQ-UR-REHMAN WAZIR**

...  
...

**MEMBER (JUDICIAL)**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-**

Brief facts of the case are

that the appellant joined the respondent department as Forest Guard in the year 1988 and during the course, some of his colleagues were promoted to the next grade, but case of the appellant was not considered. On query, the appellant was communicated adverse ACRs for the period from 2013 to 2016 vide memo dated 03-12-2018. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 22-03-2019 and communicated to the appellant on 02-04-2019, hence the instant service appeal with prayers that the impugned adverse

Entries in the ACRs of the appellant may be expunged and the impugned order dated 22-03-2019 may be set aside.

02. Learned counsel for the appellant has contended that before entry of the adverse remarks, certain mandatory requirements are to be fulfilled, which however, were not done in case of the appellant, hence the appellant has not been treated in accordance with law; that the appellant has been condemned unheard, which is also an act, disapproved by the law; that astonishingly, ACRs encompassing so many years have been put together and communicated on a single day, which also shows utter disregard to the law and rules; that the authorities have misused their authority and have exercised the same to the utter detriment of the appellant.

03. Learned Assistant Advocate General for respondents has contended that performance of the appellant was not up to the mark, hence he was awarded punishments during the tenure time and again; that adverse remarks were also communicated to the appellant in 2005 too; which shows the level of efficiency of the appellant; that promotion case of the appellant was not considered as his ACRs for the years 2013 to 2016 were adverse, which were communicated to him on 03-12-2018; that departmental appeal of the appellant being devoid of merit, was rejected by the appellate authority.


04. We have heard learned counsel for the parties and have perused the record.

05. We have observed that adverse remarks contained in ACRs for the period from 2013 to 2016 were communicated to the appellant vide letters of even Number dated 03-12-2018, which however was required to be communicated after start of every year, thus the respondents deviated from the set legal procedure and deprived the appellant to respond to such remarks well in time. Perusal of the comments furnished by respondents would reveal that the appellate authority has already called explanation of the reporting officer for clubbing ACRs of so many


years together and communicating adverse remarks to the appellant in one stroke, which shows that the appellate authority was cognizant of the fact that his reporting officer has committed illegal act. We are of the considered opinion that the appellant was kept deprived of his right to defend his cause well in time.

06. In view of the foregoing discussion, the instant appeal is accepted and the adverse remarks are hereby expunged. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
06.10.2021



(ROZINA REHMAN)  
MEMBER (J)  
CAMP COURT SWAT




(ATIQ UR REHMAN WAZIR)  
MEMBER (E)  
CAMP COURT SWAT


ORDER  
06.10.2021

Mr. Imdad Ullah Advocate, for the appellant present. Mr. Riaz Khan paidakheil, Assistant Advocate General alongwith Bakht Sher Awan Forest Guard for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted and the adverse remarks are hereby expunged. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
06.10.2021

  
(ROZINA REHMAN)  
MEMBER (J)  
CAMP COURT SWAT

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (E)  
CAMP COURT SWAT

06.01.2021

Due to Covid-19, case is adjourned to 03.03.2021  
for the same as before.

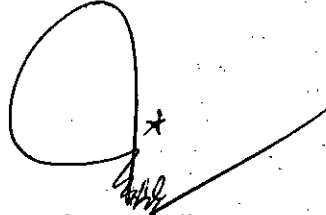
  
Reader


03.03.2021

Appellant present through counsel.

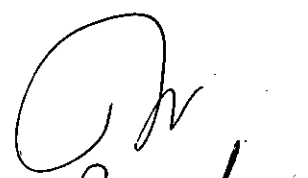
Riaz Khan Paindakheil learned Assistant Advocate General  
for respondents present.

Former submitted rejoinder and made a request for  
adjournment. Adjourned. To come up for arguments on  
5/5/2021 before D.B at Camp Court, Swat.

  
(Mian Muhammad)  
Member (E)  
Camp Court, Swat

  
(Rozina Rehman)  
Member (J)  
Camp Court, Swat

Due to covid-19 the case is  
adjourned to 6/10/21

  
Reader

\_\_\_\_\_ .2020

Due to COVID19, the case is adjourned to

5/10/2020 for the same as before.

Reader

05.10.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Zahir Shah, Range Officer are also present.

Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 5 which is placed on record. File to come up for rejoinder and arguments on 04.11.2020 before D.B at Camp Court, Swat.

(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT SWAT

04.11.2020

Appellant in person present.

Learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 06.01.2021 for arguments, before D.B at Camp Court Swat.

(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, Swat

(Rozina Rehman)  
Member (J)  
Camp Court, Swat

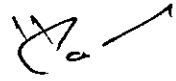
06.07.2020 Bench is incomplete. Therefore, the case is adjourned.  
To come up for the same on 06.08.2020, at camp court  
Swat.



Reader

02.03.2020

Appellant in person present. Written reply not submitted.  
Zahir Shah Range Officer representative of respondent  
department present and seeks time to furnish reply. Granted.  
To come up for written reply/comments on 06.04.2020 before  
S.B at Camp Court Swat.



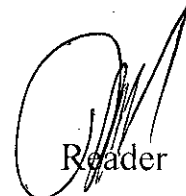
Member  
Camp Court, Swat.

Due to COVID-19 various  
travels to camp court Swat  
has been cancelled. To  
come up for the  
same on 01/06/2020



Reader.

Due to Covid-19, the case is adjourned. To come up for the  
same on 06.07.2020 before SB at camp court Swat.



Reader



08.10.2019

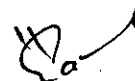
Appellant in person and Mian Ameer Qadir, Deputy District Attorney alongwith Mr. Zahir Shah, Range Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the respondents requested for adjournment. Adjourned to 02.12.2019 for written reply/comments before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court Swat

02.12.2019

Appellant with counsel present. Written reply not submitted. Zahir Shah Range Officer representative of the respondent department present and seeks time to furnish written reply/comment. Granted by way of last chance. To come up for written reply/comments on 03.02.2020 before S.B.



Member  
Camp Court, Swat

03.02.2020

Appellant in person present. Written reply not submitted. Zeeshan Forest Guard representative of respondent department present and seeks time to furnish written reply/comments. Adjourn. To come up for written reply/comments on 02.03.2020 before S.B at Camp Court, Swat.



Member  
Camp Court, Swat.

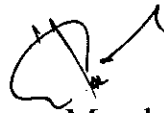
12.06.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Forest Guard) has filed the present service appeal against the adverse remarks recorded in his ACRs for the years 2013 to 2016. The appellant has also assailed the order dated 22.03.2019 through which the appellate authority rejected the departmental appeal filed by the appellant against the adverse remarks recorded in his ACRs mentioned above.


Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections including the issue of maintainability. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for reply/comments. To come up for written reply/comments on 03.09.2019 before S.B at Camp Court, Swat.

Appellant Deposited  
Security & Process Fee  
19/6/19

  
Member  
Camp Court, Swat.




03.09.2019

Learned counsel for the appellant present. Written reply not submitted. Muhammad Zahir Shah Ranger Forests present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 08.10.2019 before S.B at Camp Court, Swat.

  
Member  
Camp Court, Swat.

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Case No. 501 /2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/04/2019	<p>The appeal of Mr. Afzal Baig presented today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 15/4/19</p>
2-	30-4-19	<p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>8-5-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	08.05.2019	<p>Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 12.06.2019 before S.B at Camp Court Swat.</p> <p style="text-align: right;"> Member Camp Court, Swat.</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 501 of 2019

Afzal Baig Forest Guard Fatehpur Forest Range, District Swat.

...Appellant

VERSUS

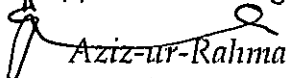
The Government of Khyber Pakhtunkhwa through Secretary Forest, Environment  
and Wild Life, Peshawar and Others.

...Respondents

INDEX

S #	Description of documents	Annexure	Pages
1.	Memo of Appeal	....	1-5
2.	Affidavit	....	6
3.	Addresses of the parties	....	7
4.	Copies of the Memos dated 03-12-2018	A	8-11
5.	Copy of the Departmental Appeal	B	12
6.	Copy of the Order dated 22-03-2019	C	13
7.	Vakalat Nama	....	14

Appellant Through

  
Aziz-ur-Rahman  
Advocate Swat

Office: Khan Plaza, Gulshone Choruk,  
Mingora Swat, Cell 0333 929 7746

①

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 501 of 2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 618

Dated 15/04/2019

Afzal Baig Forest Guard Fatehpur Forest Range, District  
Swat.

... Appellant

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Secretary Forest, Environment and Wild Life, Peshawar.
2. The Chief Conservator of Forests, Malakand Forest Region III, Saidu Sharif, District Swat.
3. The Conservator of Forests, Malakand Circle East, Saidu Sharif, District Swat.
4. The Divisional Forest Officer, Swat Forest Division, Mingora, District Swat.
5. The Range Forest Officer Fatehpur Forest Range, District Swat.

... Respondents

**Filed to-day**

**Registrar**

15/4/19,

SERVICE APPEAL UNDER SECTION 4  
OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974  
AGAINST THE MEMO NO. 2229/E  
DATED MINGORA THE 03-12-2018, NO.  
2232/E DATED MINGORA 03-12-2018,  
NO. 2235/E DATED MINGORA THE 03-  
12-2018 AND 2238/E DATED MINGORA  
THE 03-12-2018 VIDE WHICH THE  
ADVERSE ACRS FOR THE PERIODS  
FROM 2013 TO 2016 WERE

②

COMMUNICATED TO THE APPELLANT ON 03-12-2018 AGAINST THE LAW, RULES AND SHARIAH AND ARE LIABLE TO BE EXPUNGED. FEELING AGGRIEVED OF THE SAME THE APPELLANT PREFERRED A DEPARTMENTAL APPEAL, BUT THE SAME WAS ALSO REJECTED IN A VERY MECHANICAL MANNER VIDE OFFICE ORDER NO. 51 DATED SAIDU SHARIF THE 22-03-2019, COMMUNICATED ON 02-04-2019, AGAINST THE LAW, RULES AND SHARIAH AND IS ALSO LIABLE TO SET ASIDE.

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Prayer:

*That on acceptance of this service appeal the impugned adverse entries in the ACRs of the appellant may very kindly be expunged and the order impugned dated 22-03-2019 may also very kindly be set aside.*

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Respectfully Sheweth:

Facts:

- i. That the appellant joined the respondent department in the year 1988 and since then is regularly performing his duties to the satisfaction of the authorities without any complaints.
- ii. That the appellant has got a very clear service record till date and has worked efficiently and ensured the curtailing of the activities of the timbre mafia.

- iii. *That recently certain promotions were being made in which, to the utter surprise of the appellant, the appellant was not considered, though juniors to the appellant were considered.*
  
- iv. *That upon the inquiry of the appellant, to his utter dismay and surprise he was communicated adverse ACRs for the period from 2013 to 2016 on single day vide memos No. 2229/E dated Mingora the 03-12-2018, No. 2232/E dated Mingora 03-12-2018, No. 2235/E dated Mingora the 03-12-2018 and No. 2238/E dated Mingora the 03-12-2018 against the law, rules and Shariah. Copies of the memos dated 03-12-2018 are enclosed as Annexure "A".*
  
- v. *That feeling aggrieved the appellant preferred a departmental appeal, but the same was also rejected vide office order No. 51 dated Saidu Sharif the 22-03-2019, communicated on 02-04-2019 against the law, rules and Shariah. Copy of the departmental appeal is enclosed as Annexure "B" and that of the order dated 22-03-2019 is enclosed as Annexure "C", respectively.*
  
- vi. *That still feeling aggrieved and having no other option this honourable tribunal is approached on the following grounds for the redressal of the grievances.*

Grounds:

4

- a. That before the entry of adverse remarks in the dossier there are certain mandatory requirements to met, but in case of the appellant the same have not been complied with and the appellant has been treated in a manner not in accordance to the law.
- b. That the appellant has been made to suffer and condemned as unheard, which is also an act disapproved by the law emanating from the commands of the constitution.
- c. That this is a classic case in which ACRs for such a long period have been communicated on a single day, and that also adverse, which also shows the utter disregard to the law and rules on the subject by the respondents.
- d. That the authorities have misused their authority and have exercised the same in a very colourful and fanciful manner to the utter detriment of the appellant.
- e. That the appellant has not done any act of commission or omission which may constitute any offence under any law.

It is, therefore, very respectfully prayed that on acceptance of this service appeal the order impugned may very kindly be set aside and the adverse entries made in the service record of the appellant be expunged.



5

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Appellant

*Afzal Baig*  
Afzal Baig

Through Counsels,

*Aziz-ur-Rahman*  
Aziz-ur-Rahman

*Imdad Ullah*  
Imdad Ullah  
Advocates Swat

(6)

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

Service Appeal No. \_\_\_\_\_ of 2019

Afzal Baig Forest Guard Fatehpur Forest Range, District  
Swat.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Forest, Environment and Wild Life, Peshawar  
and Others.

...Respondents

**AFFIDAVIT**

It is solemnly stated on Oath that all the contents of  
this service appeal are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this Honourable  
Tribunal.

Deponent  
*Afzal Baig*  
Afzal Baig

**ATTESTED**

*Umar Sadiq*  
UMAR SADIQ Advocate,  
OATH COMMISSIONER  
Distt: Courts Swat  
No. 440 Date 08/01/19

(7)

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

Service Appeal No. \_\_\_\_\_ of 2019

Afzal Baig Forest Guard Fatehpur Forest Range, District  
Swat.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Forest, Environment and Wild Life, Peshawar  
and Others.

...Respondents

**ADDRESSES OF THE PARTIES**


Appellant:

Afzal Baig Forest Guard Fatehpur Forest Range, District  
Swat.

Respondents:

1. The Government of Khyber Pakhtunkhwa through  
Secretary Forest, Environment and Wild Life,  
Peshawar.
2. The Chief Conservator of Forests, Malakand Forest  
Region III, Saidu Sharif, District Swat.
3. The Conservator of Forests, Malakand Circle East,  
Saidu Sharif, District Swat.
4. The Divisional Forest Officer, Swat Forest  
Division, Mingora, District Swat.
5. The Range Forest Officer Fatehpur Forest Range,  
District Swat.

Appellant  
Through Counsel,

  
Imdad Ullah  
Advocate Swat

OFFICE OF THE DIVISIONAL FOREST OFFICER SWAT FOREST DIVISION MINGORA.

To,

Mr. Afzal Baig Forest Guard  
C/O Range Officer FatehpurNo. 2229 /E, Dated Mingora the: 03/12/2018.Subject: ANNUAL CONFIDENTIAL REPORT FOR THE YEAR 2013 ADVERS REMARKS THEREOF

Memo:

The following adverse remarks have been recorded in your ACR for the year 2013  
(08.05.2013 to 31.12.2013).6) OBSERVATIONS

- i) Supervision, Control and general check over the work of:-
- a) Subordinate \_\_\_\_\_ Week
- b) Contract and Labour \_\_\_\_\_ Week
- ii) Distribution of work among his subordinate \_\_\_\_\_ Week
- iii) Promptness in Submission of:
- a. Replies to the communication from high authorities \_\_\_\_\_ Week
- b. Reports & Return \_\_\_\_\_ Week
- iv) Amenability to maintenance of order and discipline \_\_\_\_\_ Week
- v) Capacity to train, help and advise staff \_\_\_\_\_ Week
- vi) Technical knowledge application:-
- a. Sericulture \_\_\_\_\_ week
- b. Range Management \_\_\_\_\_ Not tested
- c. Soil Conservation \_\_\_\_\_ Week
- d. Engineering \_\_\_\_\_ Not tested
- e. Protection \_\_\_\_\_ Week
- vii) Initiative:
- a. Knowledge of procedure and regulations \_\_\_\_\_ Week
- viii) Relation with the public \_\_\_\_\_ Week
- ix) Particulars of reprimand of a warning if any administered \_\_\_\_\_ Week
- x) General Remarks by reporting officer:-  
Unable to fit for promotion. He should be strictly dealt for the Execution of work. Dishonest person.

Sd/- RFO (Reporting Officer)

General Remarks by countersigning Officer.. Agreed and convey the adverse remarks

Sd/- DFO Swat (Countersigning Officer)

You are directed to improve your works and conduct. This will be in your own interest.

Divisional Forest Officer  
Swat Forest Divn: MingoraNo. \_\_\_\_\_ /E,  
Copy forwarded to the:

1. Range Forest Office, Fatehpur Range for information and necessary action. The enclosed copy meant for the above named Forest Guard may be delivered to him under proper receipt which may be sent to this office for record in this office.
2. Character Roll File.

Divisional Forest Officer  
Swat Forest Divn: MingoraAttested  
*[Signature]*  
Advocate

OFFICE OF THE DIVISIONAL FOREST OFFICER SWAT FOREST DIVISION MINGORA.

To,

Mr. Afzal Baig Forest Guard  
C/O Range Officer Fatehpur

No. 2232

/E,

Dated Mingora the: 03/12/2018.

Subject: ANNUAL CONFIDENTIAL REPORT FOR THE YEAR 2014 ADVERS REMARKS THEREOF

Memo:

The following adverse remarks have been recorded in your ACR for the year 2014.

6) OBSERVATIONS

- i) Supervision, Control and general check over the work of:-  
c) Subordinate \_\_\_\_\_ Week  
d) Contract and Labour \_\_\_\_\_ Week
- ii) Distribution of work among his subordinate \_\_\_\_\_ Week
- iii) Promptness in Submission of:  
c. Replies to the communication from high authorities \_\_\_\_\_ Week  
d. Reports & Return \_\_\_\_\_ Week
- iv) Amenability to maintenance of order and discipline \_\_\_\_\_ Week
- v) Capacity to train, help and advise staff \_\_\_\_\_ Week
- vi) Technical knowledge application:-  
f. Sericulture \_\_\_\_\_ week  
g. Range Management \_\_\_\_\_ Not tested  
h. Soil Conservation \_\_\_\_\_ Week  
i. Engineering \_\_\_\_\_ Not tested  
j. Protection \_\_\_\_\_ Week
- vii) Initiative:  
b. Knowledge of procedure and regulations \_\_\_\_\_ Week
- viii) Relation with the public \_\_\_\_\_ Week
- ix) Particulars of reprimand of a warning if any administered \_\_\_\_\_ Week
- x) General Remarks by reporting officer:-  
Be keep for away from Developmental work. Irresponsible, disrupter man.

Sd/- RFO (Reporting Officer)

General Remarks by countersigning Officer.. Agreed and convey the adverse remarks

Sd/- DFO Swat (Countersigning Officer)

You are directed to improve your works and conduct. This will be in your own interest.

Divisional Forest Officer  
Swat Forest Divn:Mingora

No.

/E,

Copy forwarded to the:

Range Forest Office, Fatehpur Range for information and necessary action. The enclosed copy meant for the above named Forest Guard may be delivered to him under proper receipt which may be sent to this office for record in this office.

Character Roll File.

Divisional Forest Officer  
Swat Forest Divn:Mingora

**Attested**  
*[Signature]*  
**Advocate**

OFFICE OF THE DIVISIONAL FOREST OFFICER SWAT FOREST DIVISION MINGORA.

To,

Mr. Afzal Baig Forest Guard  
C/O Range Officer Fatehpur

No. 2235 /E,

Dated Mingora the: 03/12/2018.

Subject: ANNUAL CONFIDENTIAL REPORT FOR THE YEAR 2015 ADVERS REMARKS THEREOF

Memo:

The following adverse remarks have been recorded in your ACR for the year 2015.

6) OBSERVATIONS

- i) Supervision, Control and general check over the work of:-  
e) Subordinate \_\_\_\_\_ Week  
f) Contract and Labour \_\_\_\_\_ Week  
ii) Distribution of work among his subordinate \_\_\_\_\_ Week  
iii) Promptness in Submission of:  
e. Replies to the communication from high authorities \_\_\_\_\_ Week  
f. Reports & Return \_\_\_\_\_ Week  
iv) Amenability to maintenance of order and discipline \_\_\_\_\_ Week  
v) Capacity to train, help and advise staff \_\_\_\_\_ Week  
vi) Technical knowledge application:-  
k. Sericulture \_\_\_\_\_ week  
l. Range Management \_\_\_\_\_ Not tested  
m. Soil Conservation \_\_\_\_\_ Week  
n. Engineering \_\_\_\_\_ Not tested  
o. Protection \_\_\_\_\_ Week  
vii) Initiative:  
c. Knowledge of procedure and regulations \_\_\_\_\_ Week  
viii) Relation with the public \_\_\_\_\_ Week  
ix) Particulars of reprimand of a warning if any administered \_\_\_\_\_ Week  
x) General Remarks by reporting officer:-  
Unable to fit for promotion. He should be strictly dealt for the Execution of work. Dishonest person.

Sd/- RFO (Reporting Officer)

General Remarks by countersigning Officer.. Agreed and convey the adverse remarks

Sd/- DFO Swat (Countersigning Officer)

You are directed to improve your works and conduct. This will be in your own interest.

Divisional Forest Officer  
Swat Forest Divn: Mingora

No.

/E,

Copy forwarded to the:

1. Range Forest Office, Fatehpur Range for information and necessary action. The enclosed copy meant for the above named Forest Guard may be delivered to him under proper receipt which may be sent to this office for record in this office.

2. Character Roll File.

Divisional Forest Officer  
Swat Forest Divn: Mingora

Attested  
*[Signature]*  
Advocate

OFFICE OF THE DIVISIONAL FOREST OFFICER SWAT FOREST DIVISION MINGORA. (11)

To,

Mr. Afzal Baig Forest Guard  
C/O Range Officer Fatehpur

No. 2238 /E, Dated Mingora the: 03/12/2018.

Subject: ANNUAL CONFIDENTIAL REPORT FOR THE YEAR 2016 ADVERS REMARKS THEREOF

Memo:

The following adverse remarks have been recorded in your ACR for the year 2016.

6) OBSERVATIONS

- i) Supervision, Control and general check over the work of:-  
e) Subordinate \_\_\_\_\_ Week  
f) Contract and Labour \_\_\_\_\_ Week  
ii) Distribution of work among his subordinate \_\_\_\_\_ Week  
iii) Promptness in Submission of:  
e. Replies to the communication from high authorities \_\_\_\_\_ Week  
f. Reports & Return \_\_\_\_\_ Week  
iv) Amenability to maintenance of order and discipline \_\_\_\_\_ Week  
v) Capacity to train, help and advise staff \_\_\_\_\_ Week  
vi) Technical knowledge application:-  
k. Sericulture \_\_\_\_\_ week  
l. Range Management \_\_\_\_\_ Not tested  
m. Spil Conservation \_\_\_\_\_ Week  
n. Engineering \_\_\_\_\_ Not tested  
o. Protection \_\_\_\_\_ Week  
vii) Initiative:  
c. Knowledge of procedure and regulations \_\_\_\_\_ Week  
viii) Relation with the public \_\_\_\_\_ Week  
ix) Particulars of reprimand of a warning if any administered \_\_\_\_\_ Week  
x) General Remarks by reporting officer:-  
Unable to fit for promotion. He should be strictly dealt for the Execution of work. Dishonest person.

Sd/- RFO (Reporting Officer)

General Remarks by countersigning Officer.. Agreed and convey the adverse remarks

Sd/- DFO Swat (Countersigning Officer)

You are directed to improve your works and conduct. This will be in your own interest.

Divisional Forest Officer  
Swat Forest Divn:Mingora

No. /E,  
Copy forwarded to the:

1. Range Forest Office, Fatehpur Range for information and necessary action. The enclosed copy meant for the above named Forest Guard may be delivered to him under proper receipt which may be sent to this office for record in this office.

2. Character Roll File.

Divisional Forest Officer  
Swat Forest Divn:Mingora

Attested  
Indef  
Advocate

Signature *B*

BEFORE THE WORTHY CONSERVATOR OF FORESTS MALAKAND EAST CIRCLE SAIDU SHARIF AT SHAGAI.

12

Through Proper Channel

Subject. APPEAL AGAINST THE IMPGNEED RAMARKS RECORDED IN MY ACR FOR THE YEARS 2013,2014,2015,AND 2016.

Respected Sir, With reference to Divisional Forest Officer Swat Forest Division letter No.2229/E, No.2232/E, No.2235/E and No.2238/E dated 3/12/2018 acknowledge by me on 8/12/2018. (Attaché as annexure-I, II, III & IV)

.....  
It is humbly submitted that the remarks endorsed vide DFO Swat Forest Division letter referred to above are unfounded as explained below.

In the Annual Confidential Report for the years 2013 to 2016 I have been marked either weak or not tested against each heading of the ACRs. All the ACR have been written in one stroke and contention of the writing officer are totally based on personal grudges, the cause of which is not known because I have left no stone in the discharging of of my official duties. Since before 2013 and after 2016 I have earned good remarks from my immediate officer.

It is also worth mentioned here that I am working in the department since 1988 and being graduate I have gain sufficient experience in the field work and also got training from the Sarhad Forest School Thai Abbottabad. I know all the official affairs/decorum and have always complied with the directives of my superiors. All the observations of the reporting officer recorded in my ACR are quite unjustified as not a single instance has ever been experienced, complained or even the slightest counseling advise or warning received in this regard.

Beside forest protection, I am fully acquainted with the technique of raising of tub ling, bare rooted nursery as well as afforestation. I am also experienced hand in Range Management, and soil conservation etc .Moreover I am amenable to maintain order and discipline, and had never worked to destruct the interest of the department.

The remarks being baseless unjustified and against the facts may therefore kindly be expunged and my due promotion may not be withhold/confined with the remarks of reporting officer based on biased and personal unfair relationship self created by him please.

Yours Obediently

( Afzal Baiq)  
Forest Guard  
Fatehpur Forest Range  
Swat Forest Division Mingora.

Attested  
*[Signature]*  
Advocate



OFFICE ORDER NO. 51 DATED SAIDU SHARIF THE 22/3/2019 ISSUED BY MR. MUHAMMAD RIAZ,  
CONSERVATOR OF FORESTS, MALAKAND FOREST CIRCLE EAST, SAIDU SHARIF SWAT.

READ WITH

1. Adverse remarks recorded in the ACR for the year 2013 to 2016 of Mr. Afzal Baig FG.
2. DFO Swat letter No. 2654/E, dated 14.12.2018.
3. This office letter No.5970/E, dated 02.01.2019.
4. DFO Swat letter No.4500/G, dated 17.01.2019.
5. This office letter No.6531/E, dated 21.01.2019.
6. Personal hearing dated 23.01.2019.
7. This office letter No. 6946/E, dated 01.02.2019.
8. Reporting Officer (Mr. Mohammad Zahir Shah the then RFO Fatehpur) letter dated 01.3.2019
9. Discussion dated 03.3.2019 with the Reporting Officer.

BRIEF HISTORY OF THE CASE

While serving in Fatehpur Range of Swat Forest Division, adverse remarks were recorded in the ACR of Mr. Afzal Baig Forest Guard for the year 2013 to 2016 by the Range Forest Officer Fatehpur (Reporting Officer) which were communicated to the appellant vide DFO Swat No.2229/E, dated 03.12.2018, No.2232/E, No.2235/E and No.2238/E of even date.

DISCUSSION

Being aggrieved with above remarks the official preferred departmental appeal received in this office vide DFO Swat No.2654/E, dated 14.12.2018. The DFO Swat was asked vide this office No.5970/E, dated 02.01.2019 for comments. In response, the DFO Swat vide his No.4500/E, dated 17.01.2019 submitted comments. The appellant was called for on 23.01.2018 for personal hearing vide this office No.6531/E, dated 21.01.2018.

The appeal, comments of the DFO Swat and other related documents, provided by the representative of DFO Swat, were perused and the appellant was heard in person on 23.01.2019. It was noticed that the ACR for the year 2013 to 2016 have been written in one stroke and accordingly the adverse remarks were communicated on 03.12.2018.

The Reporting Officer (Mr. Mohammad Zahir Shah the then RFO Fatehpur) was called upon to explain his position for writing of ACR for 2013 to 2016 in one stroke vide this office No.6946/E, dated 01.02.2019. In response the Reporting Officer vide his letter dated 01.3.2019 reported and stated that:-

- i) The appellant Forest Guard intentionally failed to provide ACR forms in time.
- ii) The delinquent Forest Guard filled up his ACR forms for the year 2013 to 2016 in one stroke at his own, affixed his fake signature as Reporting Officer and delivered to Divisional office.
- iii) The Reporting Officer Mr. Muhammad Zahir Shah Range Forest Officer urgedly stated that Mr. Afzal Baig Forest Guard is taking no interest in his primary duty as per job description in the best interest of public service and state as well, rather he is performing for his own sweet well; hence he is an proved inefficient ill disciplined.
- iv) The Reporting officer also disclosed that the Forest Guard concern is colluder by nature, always creating problems in his sphere of duty.

When he came across the situation, he attended Divisional office in connection with confirmation of the issue and it was noticed that the bogus ACR supplied by the appellant were got back from the record.

ORDER

Keeping in view the above exposition, I Mohamnad Riaz, Conservator of Forests Malakand Circle East in the capacity of appellate authority hereby reject the appeal of Mr. Afzal Baig Forest Guard of Swat Forest Division. The DFO Swat may initiate proper enquiry against the staff involved in submission as well as withdrawal of bogus ACRs by the appellant.

**Attested**

*[Signature]*  
**Advocate**

Sd/-  
(MUHAMMAD RIAZ)  
CONSERVATOR OF FORESTS,  
MALAKAND FOREST CIRCLE EAST,

No. 8338-40 /E,

Copy forwarded to the:-

- 1) Divisional Forest Officer, Swat Forest Division Mingora for information and further n/action.
- 2) Mr. Mohammad Zahir Shah Forest Ranger, C/O DFO Swat, for information and further necessary action.
- 3) Mr. Afzal Baig Forest Guard C/O Divisional Forest Officer Swat, for information and further necessary action with reference to his appeal cited above.

Mr. Afzal Baig F/G  
1 DFO Swat.

*[Signature]*  
CONSERVATOR OF FORESTS,  
MALAKAND FOREST CIRCLE EAST,

In the matter of:-

Appal Raiz \_\_\_\_\_ Petitioner

VERSUS

The Govt of K.P. through \_\_\_\_\_ Respondent  
Secretary Forests and Other

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH  
Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To act, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 4 day of 4 2018

\_\_\_\_\_  
(Signature or thumb impression)

Imdad Ullah  
\_\_\_\_\_  
(Signature or thumb impression)

\_\_\_\_\_  
(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk  
G.T. Road Mingora, District Swat.  
Cell No. 0300 907 0671

(IMDAD ULLAH)

Advocate High Court,

Office: Khan Plaza, Gulshone Chowk,  
G.T. Road, Mingora, District Swat  
Cell No. 0333 929 7746

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

Service Appeal No.501 of 2019.

Afzal Baig Forest Guard Fatehpur Forest Range, Swat..... **Appellant**

Versus

- 1) Government of Khyber Pakhtunkhwa  
Through Secretary Forestry, Environment and Wildlife Department.
- 2) Chief Conservator of Forests, Malakand Forest Region-III Saidu Sharif Swat.
- 3) Conservator of Forests, Malakand Circle East Saidu Sharif Swat.
- 4) Divisional Forest Officer, Swat Forest Division Mingora, Swat.
- 5) The Range Forest Officer Fatehpur Forest Range.

**Respondents...**

**Para-wise Comments on behalf of Respondent No.1 to 5.**

**Preliminary Objection**

1. That the appellant has got no locus standi against the respondent
2. That appeal is barred by law
3. That the appellant has got no cause of action
4. That the appeal is incomplete
5. That the appellant appeal is not maintainable
6. That this honorable Tribunal has got no jurisdiction

**Respectfully Sheweth:**

**Facts:**

- i) Correct to the extent that the appellant joined the respondent Department in the year 1988 so far as performing of duties in concerned the same is quite clear from his service record. Due to ill discipline and not obeying the orders of his higher ups, he was awarded fine during the training at Forest School at Thai Abbottabd on 12.03.1991 **(copy attached as Annex-A)**. In the initial two (2) years of his service, he was awarded punishment of stoppage of two annual increments for the year 1998 and 1999 (copies of office order attached **as Annex-B&C**). Moreover, majority of his ACR are either average or below average position as evident from the adverse remarks recorded in the ACR for the year 2005, communicated to him vide this office letter No.479/R, dated 23.08.2006 (copy attached **as Annex-D**).
- ii) Incorrect. As explained in para-i above which is clearly shown efficiency of the appellant. Rather as reported by Reporting Officer (RFO Faterpur) as recorded in Conservator of Forests Malakand East (Appellant authority) office order No.51 dated 22.03.2019, he produced his ACR for 2013 to

2016 by affixing fake signature of the Reporting Officer which is misconduct under amendment Rules, 1987.

- iii) Incorrect. The DPC was considered him for promotion and differed him due to non completion of his ACR for the year 2013 to 2016 rather production of fake ACR, the process of promotion to the post of Forester has been purely on merit basis strictly in accordance to the rules. Criteria for promotion are on the basis of seniority cum fitness. As the Departmental Promotion Committee after scrutinizing service record of the appellant could not found, the appellant fit for promotion and differed him with condition. (copy of minutes of DPC meeting attached **as Annex-E**).
- iv) Incorrect, when the ACRs send in DFO Swat office, the adverse remarks for the year 2013 to 2016 were communicated. The appellate authority (Conservator of Forests Malakand East) vide office order No.6946, dated 01.03.2019 (**Anex.F**) has already called explanation of the Reporting Officer for provision of ACR for the year 2013 to 2016 in one stroke. In response the Reporting Officer, the petitioner himself submits ACRs forms late after ascertain of signature of the Reporting Officer as bogus/fake.
- v) The appellant Authority (Conservator of Forests, Malakand Forest Circle East) has consider the appeal and rejected the appeal on the basis of explain of Reporting Officer who consider reported that signatures affixed on ACR for the year 2013 to 2016 are fake.
- vi) In view of the above facts, the honorable Service Tribunal is requested to dismiss the service appeal of the appellant with cost on the following grounds.

**Grounds:**

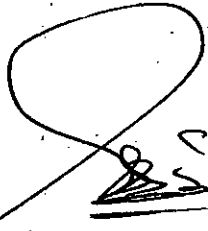
- a) Incorrect. As explained in para-i, ii and iii of the facts.
- b) Incorrect. If the appellant is sincere with his job and service carrier, then he would have learnt the lesson from his past service, where he was awarded fine during initial stage of training on 5.01.1991 and stoppage of two annual increments for 1998 and 1999 with adverse remarks recorded in his ACR for the year 2005 and 1999. He should have improved him-self, but he failed to do so.

- c) Incorrect. As explained in para-iv of the facts above.
- d) Incorrect. The appellant authority rejected departmental appeal on the basis of explanation furnished by Reporting Officer. The action taken by the authorities are accordance with the rules rested of personal grades.
- e) As explained above the appellant had affixed fake signatures of the Reporting Officer, the PER instructions, which is violation of service rules.

Keeping in view of the above exposition, it is humbly prayed that this appeal may kindly be dismissed and the entries are justified stand on solid footing, may please be up held in the best interest of the Forest Conservancy, protection and discouraging of others disobedient staff.

**Respondents:**

- 1) Secretary to Government of Khyber Pakhunkhwa  
Forestry, Environment & Wildlife Department  
Peshawar (Respondent No.1).
- 2) Chief Conservator of Forests,  
Malakand Forest Region (Region-III)  
Saidu Sharif Swat (Respondent No.2).
- 3) Conservator of Forests, Malakand Forest  
Circle East Saidu Sharif Swat (Respondent No.3)
- 4) Divisional Forest Officer  
Swat Forest Division Mingora  
(Respondent No.4)
- 5) Range Forest Officer  
Fatehpur Forest Range Swat


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

  
CONSERVATOR OF FORESTS  
MALAKAND EAST FOREST CIRCLE  
SAIDU SHARIF SWAT.

  
Divisional Forest Officer  
Swat Forest Divn. Mingora

AFFIDAVIT.

It is solemnly stated on oath that all the contents of this reply/comments is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable tribunal.

  
Divisional Forest Officer  
Swat Forest Divn: Mingora

Annex - A

5

8	9	10	11	12	13	14	15
				Leave			
Signature of the head of the office or other attesting officer in attestation columns 1 to 8		Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave or average pay upto four months for which leave salary is debit to another Government	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
Signature of Government servant				Period		Government to which debit to	
A: B. W. J.				<p>Appointed as Officer in PDS No. 2 with DFID Swat (S) on 30.10.88.</p> <p><i>[Signature]</i> Divisional Forest Officer, Swat Forest Division, Mangoch.</p>			<p>Service from 30.10.88 to 31.12.88 with pay from 31.12.88.</p> <p><i>[Signature]</i> Divisional Forest Officer, Swat Forest Division, Mangoch.</p>
H. G. W. J.				<p>Reported departure for joining 29th Forest Guard Training Camp in SF-S-Mal after probation from 10-10-1990 till now.</p> <p><i>[Signature]</i> Divisional Forest Officer, Swat Forest Division, Mangoch.</p>		<p>Services from 10-10-89 to 9-1-91.</p> <p>Verified from records.</p> <p><i>[Signature]</i> Divisional Forest Officer, Swat Forest Division, Mangoch.</p>	
M. W. J.				<p>Awarded fine of Rs. 10/- with office order no: 93 dated 05-1-91.</p> <p><i>[Signature]</i> PRINCIPAL, KARIMABAD FOREST SCHOOL, KARIMABAD.</p>			
M. W. J.				<p>Delected to conduct marks with office order no: 136 dated 21/9/91.</p> <p><i>[Signature]</i> PRINCIPAL, KARIMABAD FOREST SCHOOL, KARIMABAD.</p>			
M. W. J.				<p>Retained off on the After Noon of 31-3-91 after successful completion of 29th Forest Guard course.</p> <p><i>[Signature]</i> PRINCIPAL, KARIMABAD FOREST SCHOOL, KARIMABAD.</p>			

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 if officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating.	6 Other emolument falling under the term 'Pay'	7 Date of appointment	8 Signature of Government servant	9 Signature and position of the officer of the office or attesting authority (in cases 1 to 8)
Forest Guard in Revised Pay Scale-5 (Rs. 1400-66-2390)	Temp	Temp	Rs 2192/-	✓	-	12/2001		
Revised Pay Scale No. 5 (2001) (Rs. 2100-100-5100)	do	do	Rs 3300/-	✓	-	12/2001		
			Rs 3400/-	✓	-	12/2002		
			2100-100-5100/-					
			2126/-					
			2192/-					
			3300/-	✓				
			3400/-					
			3400/-			9/15/2003		

GOVERNMENT OF INDIA  
MINISTRY OF DEFENSE  
OFFICE OF THE SECRETARY  
NEW DELHI

*[Handwritten Signature]*

SECRETARY (RRHS)  
SECRETARY (RRV)



Annex - B/C

OFFICE ORDER NO. 200/93/93 DATE: MINGORA THE 08/12/1993 ISSUED BY  
EYED KHURSHID ANWAR DIVISIONAL FOREST OFFICER SWAT FOREST DIVN:  
MINGORA SWATA

Mr. Muhammad Ismail Range Forest Officer, was appointed as  
Authorized Officer vide this office order No. 27 dated 2.12.1996  
to conduct formal enquiry against Mr. Afzal Baig Forest Guard, who  
has finalized the enquiry proceedings vide his No. 291/S dated  
19.11.1998 and found him guilty of the charges of corruption and  
mis-conduct as embodied in the enquiry proceedings.

Therefore, the undersigned agreed with the authorized  
Officer and hereby imposed the following punishment on the accused  
Forest Guard (Mr. Afzal Baig):-

1. Stoppage of two annual increments fallen due on  
1.12.1998 and 1.12.1999 respectively with cumulative  
effect.
2. Character Roll warnings.

Sd/-  
(Eyed Khurshid Anwar)  
Divisional Forest Officer,  
Swat Forest Division, Mingora.

300/93-93/93

- Copy forwarded to the:-
1. Mr. Muhammad Ismail Range Officer Swat (Authorized  
Officer) for information and action.
  2. Mr. Afzal Baig Forest Guard S/C R.O. Swat for informati

*(Signature)*  
Divisional Forest Officer,  
Swat Forest Division, Mingora.

(Annex ~~1~~) <sup>D</sup> 11



Tel/Fax: 0946-9240260

OFFICE OF THE  
DIVISIONAL FOREST OFFICER  
SWAT FOREST DIVISION SHAGAI

No. 479 /R, dated the 23 / 08/2006

To

Mr. Afzal Baig  
Forest Guard,  
C/O  
Sub-Divisional Forest Officer,  
Swat Range.

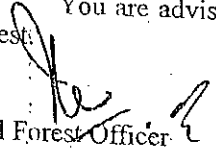
Subject: ANNUAL CONFIDENTIAL REPORT FOR THE PERIOD ENDING  
FROM 01-4-2005 TO 22-10-2005

Memorandum:

You have earned the following entries in your annual confidential report  
the period ending 01-4-2005 to 22-10-2005:

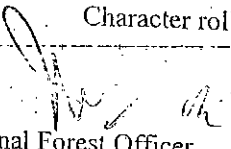
**General Remarks:** *The performance as Beat Guard remained poor.*

You are advised to improve your work and conduct. This will be in your  
own interest.

  
Divisional Forest Officer  
Swat Forest Divn. Shagai

No. 480 /R,

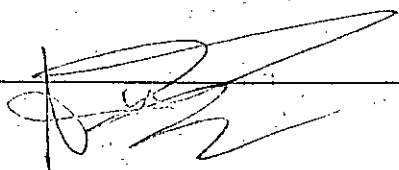
- Copy forwarded to:
- 1) Mr. Farooq Khan, Sub-Divisional forest Officer, Swat Range for information. The enclosed copy may be delivered to Mr. Afzal Baig Forest Guard under proper receipt which should be sent to this office for record.
  - 2) Character roll of the official

  
Divisional Forest Officer  
Swat Forest Divn. Shagai

**MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE HELD ON 17.12.2018 IN THE OFFICE OF D.F.O SWAT REGARDING PROMOTION OF FOREST GUARDS (BPS-8) TO THE RANK OF FORESTER (BPS-10)**

In response to DFO Swat office order No.134 dated 29.11.2018, the Departmental Promotion Committee held its meeting on 17.12.2018 and consulted the service record of the senior most Forest Guards of Swat Forest Division and took the following decision:

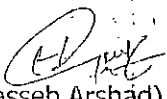
S.No.	Name of Forest Guard	Decision of the DPC.
1	Bakhshi Mohammad	The official was time and gain nominated for 72 <sup>nd</sup> Forest Guards training course vide this office letter No.738/G, dated 24.9.2012 and Khyber Pakhtunkhwa Training School Thai Abbottabad letter No.1065-1100/GE, dated 23.12.2012 for 73 <sup>rd</sup> Forest Guards training course, but failed to join the Forest Guards training course. Hence un-trained Forest Guard cannot be promoted. Beside this the official is under Metric. Hence superseded.
2	Afzal Baig	The DPC examined the relevant record, his ACRs for the year 2013, 2014, 2015 and 2016 adverse remarks communicated vide this office No.2230-31/E, dated 03.12.2018, No.2233-34/E, dated 03.12.2018, No.2236-37/E, dated 03.12.2018 and No.2239-40/E, dated 03.12.2018 however, the official has not yet preferred any appeal for expunction of adverse remarks. Hence deferred.

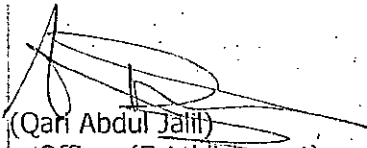



3	Fazal Qadeem	The DPC examined the relevant record, his ACRs for the year 2011, 2013 and period from 01.08.2017 to 31.12.2017 were found missing. Hence deferred till the completion of the said ACRs.
4	Ali Noor Rehman	The DPC recommended him for promotion to the Rank of Forester (BPS-10) on regular basis.

*Disciplinary actions may be taken against the applicant on account of bagas Si of Di Swat on ACR*

Note:- He will be on probation for a period of one year.

  
 (Hasseb Arshad)  
 Sub Divisional Forest Officer  
 Mingora Sub-Division Shagai  
 (Member of DPC)

  
 (Qari Abdul Jalil)  
 Section Officer (Establishment)  
 Forestry, Environment & Wildlife  
 Department Peshawar  
 (Member of DPC)

  
 Divisional Forest Officer  
 Swat Forest Divn: Mingora  
 (Chairman of the DPC)

*Estt:*  
 To issue proper promotion order.  
 M. DFO Swat  
 18/12/18

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



Ph: 0946-9240281  
Fax: 0946-9240239

No. /E, Dated Saidu Sharif the 01 of 02 2019

To

Mr. Muhammad Zahir Shah,  
Forest Ranger Demarcation.

SUBJECT: WRITING OF ACR.

Memo:

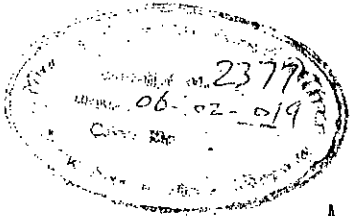
Against the adverse remarks recorded by you (as RFO Fategarh) in the ACR of one Mr. Afzal Baig Forest Guard for the year 2013 to 2017, the departmental appeal in this office. During personal hearing the relevant DFO Swat office, it was disclosed that ACRs for four years were written and supplied by you in one stroke.

Before disposal of the appeal in hand, you are directed to intimate reasons for writing of ACRs for four calendar years in one stroke. Your detail explanation should reach this office within 15 days from the date of issue of this letter.

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

No. 6997 /E,

Copy forwarded to the Divisional Forest Officer, Swat Forest Division Mingora for information and necessary action with reference his No. 1500/E, dated 17/01/2019.



Estt  
Am. DFO Swat 02.19

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

S

( Annex - B )

To

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

Subject:- WRITING OF ACR

R/Sir,

Reference office letter No.7398/E, dated 25/2/2019

It is submitted that reply the above cited letter under reference are given as under:-

- 1) That the appellant Mr. Afzal Baig Forest Guard is a fraud. The official was transfer from Fatehpur Forest Range and attached with Divisional Office. After that he was transfer to Matta Sub-Division. Due to which the ACRs forms were sent to Matta Sub-Division and not write in time.
- 2) That the official has write the ACR forms himself and signed bogues with my signatures and submit himself to Divisional Office. The ACRs forms were refer to the official and signed the bogues signatures of undersigned.
- 3) During that time I was transferred from Swat Forest Division to Chitral Forest Division and the ACRs forms were not signed by me due to my transfer.

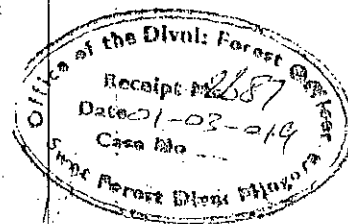
Sir, Mr. Afzal Baig Forest Guard is in efficient official and did not take interest in official duty and also making fraud ACRs. Kindly give me a chance to meet you and inform your good-self about the official concerned..

Yours Obediently

Muhammad Zahir Shah  
Range Forest Officer

Copy forwarded to the Divisional Forest Officer, Swat Forest Division, Mingora for favour of information, please.

Muhammad Zahir Shah  
Range Forest Officer



Estl.  
Dfo Swat

With Copy

24

**FOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.501 of 2019.

Afzal Baig Forest Guard Fatehpur Forest Range, Swat..... **Appellant**

Versus

- 1) Government of Khyber Pakhtunkhwa  
Through Secretary Forestry, Environment and Wildlife Department.
- 2) Chief Conservator of Forests, Malakand Forest Region-III Saidu Sharif Swat.
- 3) Conservator of Forests, Malakand Circle East Saidu Sharif Swat.
- 4) Divisional Forest Officer, Swat Forest Division Mingora, Swat.
- 5) The Range Forest Officer Fatehpur Forest Range.

**Respondents...**

**Para-wise Comments on behalf of Respondent No.1 to 5.**

**Preliminary Objection**

1. That the appellant has got no locus standi against the respondent
2. That appeal is barred by law
3. That the appellant has got no cause of action
4. That the appeal is incomplete
5. That the appellant appeal is not maintainable
6. That this honorable Tribunal has got no jurisdiction

**Respectfully Sheweth:**

**Facts:**

- i) Correct to the extent that the appellant joined the respondent Department in the year 1988 so far as performing of duties in concerned the same is quite clear from his service record. Due to ill discipline and not obeying the orders of his higher ups, he was awarded fine during the training at Forest School at Thai Abbottabd on 12.03.1991 (**copy attached as Annex-A**). In the initial two (2) years of his service, he was awarded punishment of stoppage of two annual increments for the year 1998 and 1999 (copies of office order attached as **Anex-B&C**). Moreover, majority of his ACR are either average or below average position as evident from the adverse remarks recorded in the ACR for the year 2005,

With Copy

24

**FORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.501 of 2019.

Afzal Baig Forest Guard Fatehpur Forest Range, Swat..... **Appellant**

Versus

- 1) Government of Khyber Pakhtunkhwa  
Through Secretary Forestry, Environment and Wildlife Department.
- 2) Chief Conservator of Forests, Malakand Forest Region-III Saidu Sharif Swat.
- 3) Conservator of Forests, Malakand Circle East Saidu Sharif Swat.
- 4) Divisional Forest Officer, Swat Forest Division Mingora, Swat.
- 5) The Range Forest Officer Fatehpur Forest Range.

**Respondents...**

**Para-wise Comments on behalf of Respondent No.1 to 5.**

**Preliminary Objection**

1. That the appellant has got no locus standi against the respondent
2. That appeal is barred by law
3. That the appellant has got no cause of action
4. That the appeal is incomplete
5. That the appellant appeal is not maintainable
6. That this honorable Tribunal has got no jurisdiction

**Respectfully Sheweth:**

**Facts:**

- i) Correct to the extent that the appellant joined the respondent Department in the year 1988 so far as performing of duties in concerned the same is quite clear from his service record. Due to ill discipline and not obeying the orders of his higher ups, he was awarded fine during the training at Forest School at Thai Abbottabd on 12.03.1991 (copy attached as **Annex-A**). In the initial two (2) years of his service, he was awarded punishment of stoppage of two annual increments for the year 1998 and 1999 (copies of office order attached as **Anex-B&C**). Moreover, majority of his ACR are either average or below average position as evident from the adverse remarks recorded in the ACR for the year 2005,



communicated to him vide this office letter No.479/R, dated 23.08.2006 (copy attached as **Annex-D**).

- ii) Incorrect. As explained in para-i above which is clearly shown efficiency of the appellant. Rather as reported by Reporting Officer (RFO-Faterpur) as recorded in Conservator of Forests Malakand East (Appellant authority) office order No.51 dated 22.03.2019, he produced his ACR for 2013 to 2016 by affixing fake signature of the Reporting Officer which is misconduct under amendment Rules, 1987.
- iii) Incorrect. The DPC was considered him for promotion and differed him due to non completion of his ACR for the year 2013 to 2016 rather production of fake ACR, the process of promotion to the post of Forester has been purely on merit basis strictly in accordance to the rules. Criteria for promotion are on the basis of seniority cum fitness. As the Departmental Promotion Committee after scrutinizing service record of the appellant could not found, the appellant fit for promotion and differed him with condition. (copy of minutes of DPC meeting attached as **Annex-E**).
- iv) Incorrect, when the ACRs send in DFO Swat office, the adverse remarks for the year 2013 to 2016 were communicated. The appellate authority (Conservator of Forests Malakand East) vide office order No.6946, dated 01.03.2019 (**Anex.F**) has already called explanation of the Reporting Officer for provision of ACR for the year 2013 to 2016 in one stroke. In response the Reporting Officer, the petitioner himself submits ACRs forms late after ascertain of signature of the Reporting Officer as bogus/fake.
- v) The appellant Authority (Conservator of Forests, Malakand Forest Circle East) has consider the appeal and rejected the appeal on the basis of explain of Reporting Officer who consider reported fake signatures annexed on ACR for the year 2013 to 2016 are fake.

vi) In view of the above facts, the honorable Service Tribunal is requested to dismiss the service appeal of the appellant with cost on the following grounds.

**Grounds:**

- a) Incorrect. As explained in para-i, ii and iii of the facts.
- b) Incorrect. If the appellant is sincere with his job and service carrier, then he would have learnt the lesson from his past service, where he was awarded fine during initial stage of training on 5.01.1991 and stoppage of two annual increments for 1998 and 1999 with adverse remarks recorded in his ACR for the year 2005 and 1999. He should have improved him-self, but he failed to do so.
- c) Incorrect. As explained in para-iv of the facts above.
- d) Incorrect. The appellant authority rejected departmental appeal on the basis of explanation furnished by Reporting Officer. The action taken by the authorities are accordance with the rules rested of personal grades.
- e) As explained above the appellant had affixed i.e. signatures of the Reporting Officer, the PER instructions, which is violation of service rules.

Keeping in view of the above exposition, it is humbly prayed that this appeal may kindly be dismissed and the entries are justified stand on solid footing, may please be up held in the best interest of the Forest Conservancy, protection and discouraging of others disobedient staff.

**Respondents:**

- 1) Secretary to Government of Khyber Pakhunkhwa Forestry, Environment & Wildlife Department Peshawar (Respondent No.1).
- 2) Chief Conservator of Forests, Malakand Forest Region (Region-III) Saidu Sharif Swat (Respondent No.2).

*Settled subject to the correction*

*28/11/14*

*DA*

*28/11/14*

*28/11/14*

Khyber Pakhunkhwa  
Service Tribunal Peshawar

3) Conservator of Forests, Malakand Forest  
Circle East Saidu Sharif Swat (Respondent No.3)

4) Divisional Forest Officer,  
Swat Forest Division Mingora  
(Respondent No.4)

5) Range Forest Officer  
Fatehpur Forest Range Swat

  
Swat Forest Divn: Mingora

  
Swat Forest Divn: Mingora

**AFFIDAVIT.**

It is solemnly stated on oath that all the contents of this reply/comments is true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable tribunal.

  
Divisional Forest Officer  
Swat Forest Divn: Mingora

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

*Service Appeal No. 501 of 2019*

*Afzal Baig Forest Guard Fatehpur Forest Range, District Swat.*

*...Appellant*

**VERSUS**

*The Government of Khyber Pakhtunkhwa through Secretary Forest, Environment and Wild Life, Peshawar and Others.*

*...Respondents*

**REJOINDER BY THE APPELLANT**

*Respectfully Sheweth:*

*Preliminary Objections:*

*That all the preliminary objections are incorrect, baseless, against the law, rules, facts and Shariah, hence are specifically denied. Moreover the Appellant has got a prima facie case in his favour and has approached this Honourable Tribunal well within time and this Honourable tribunal has got the jurisdiction to adjudicate upon the same.*

*On Facts:*

- i) Para 1 of the comments as drafted as drafted is incorrect, baseless and devoid of merits, hence the same is denied.*

- ii) *Para 2 of the comments as drafted also is incorrect and against the facts and record, hence the same is also denied.*
- iii) *Para 3 of the comments as drafted is whimsical, devoid of merit and against the law and rules on subject, thus the same is denied as well.*
- iv) *Para 4 of the comments as drafted is baseless, incorrect, based on misstatements and in need of solid evidence, thus the para is denied specifically.*
- v) *Para 5 of the comments as drafted is devoid of merits, vague and evasive, hence the same is denied as well.*
- vi) *Para 6 of the comments as drafted also is devoid of merits and incorrect, hence denied.*

On Grounds:

- a) *Ground A of the comments as drafted is vague, evasive, baseless, against the facts and whimsical, thus the same is denied.*
- b) *Ground B of the comments as drafted is misconstrued and devoid of merits, thus the same is denied as well.*
- c) *Ground C of the comments as drafted also is vague evasive and amounts to admission, however in light of the foregoing discussion, the same is denied.*

- d) Ground D of the comments as drafted also is devoid of merits and in need of solid evidence, hence the same is denied.
- e) Ground E of the comments as drafted also is incorrect, baseless and in need of solid evidence, thus the same is denied.

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be decided as prayed for originally.

Appellant  
*Afzal Baig*  
Afzal Baig  
Through Counsel  
*Imdad Ullah*  
Imdad Ullah  
Advocate Swat

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

Service Appeal No. 501 of 2019

Afzal Baig Forest Guard Fatehpur Forest Range, District  
Swat.

...Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa through  
Secretary Forest, Environment and Wild Life, Peshawar  
and Others.

...Respondents

**AFFIDAVIT**

It is solemnly stated on Oath that all the contents  
of this rejoinder are true and correct to the best of my  
knowledge and belief and nothing has either been  
misstated or kept concealed before this Honourable  
Tribunal.

