


17.01.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Syed Anwar, SDFO for the respondents. Partly arguments heard. To come up for remaining arguments on tomorrow i.e 18.01.2018 before D.B at camp court, Abbottabad.

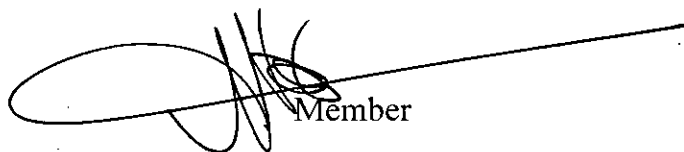
  
Member

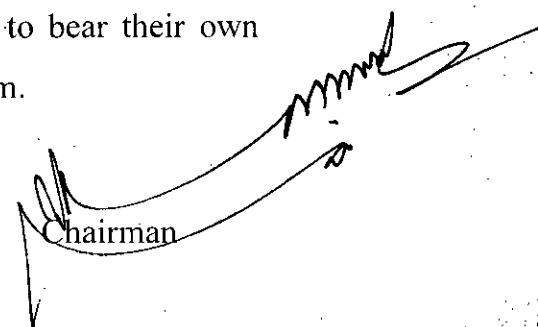
  
Chairman  
Camp court, A/Abad.

18.01.2018

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Saeed Anwar, SDFO for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today in connected service appeal No. 438/2016 entitled "Muhammad Faridooon Vs. The Chief Conservator of Forests, Northern Forest Region-II, Abbottabad and others. Parties are left to bear their own costs. File be-consigned to the record room.

  
Member

  
Chairman

ANNOUNCED  
18.01.2018

18.01.2017

Appellant in person and Mr. Muhammad Siddique, Sr.GP with Saeed Anwar, SDFO for the respondents present. Requested for adjournment as counsel for the appellant has not turned up from Peshawar. To come up for arguments on 17.05.2017 before D.B at camp court A/Abad.

Member

Chairman  
Camp court A/Abad.

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, to come up for the same on 22.11.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly.

Registrar

22.11.2017

Appellant alongwith counsel and Addl. AG alongwith Saeed Muhammad Anwar, SDFO for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 17.01.2018 before the D.B at camp court, Abbottabad.

Member

Chairman  
Camp Court, A/Abad.

23.06.2016

Appellant in person and Mr. Wahdat Zeeshan, SDFO alongwith Addl: AG for respondents present. Para-wise comments on behalf of respondents No. 1 to 3 submitted. The appeal may be placed before D.B for rejoinder and final hearing for 25.08.2016. The Chairman may assign the appeal to appropriate D.B.



MEMBER

25.08.2016

Counsel for the appellant and Mr. Wahdat Zeeshan, SDFO alongwith Mr. Muhammad Jan, GP for respondents present. Rejoinder on behalf of the appellant submitted, copy whereof handed over to learned GP. The Tribunal was informed that the appeal pertains to the territorial jurisdiction of Camp Court Abbottabad, hence; be placed before the Worthy Chairman for further orders.



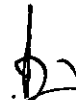
Member



Member

10.10.2016

The appeal pertains to territorial limits of Hazara Division, therefore, assigned to camp court, Abbottabad for final hearing before the D.B on 18-01-2017.



Chairman

6.05.2016

Appellant with counsel present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has challenged order dated 16.2.2016 whereby the appellant was dismissed from service with immediate effect. Against the impugned order, the appellant filed departmental appeal on 29.2.2016. The appellate authority while disposing of the departmental appeal vide order dated 16.2.2016 converted dismissal from service of the appellant into compulsorily retirement alongwith recovery of Rs.684060/- of total loss of 1140100/-. The intervening period from 16.2.2016 to 4.2016 was also treated as leave without pay. Against the impugned orders the appellant filed to instant appeal.

Since the appeal is within time in further consideration therefore the appeal for regular hearing alongwith an application. Learned counsel for the appellant today submitted an application for recovery to respondents held dismissal from.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.6.2016 before S.B.

*Notice of stay application be issued to the respondents for the date fixed.*




Member

Appellant Deposited  
Security & Process Fee

Form- A  
FORM OF ORDER SHEET

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

Case No. 437/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.04.2016	<p>The appeal of Mr. Jehanzeb presented today by Mr. Noor Muhammad Khattak 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</p>
2	25-04-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-04-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	28.4.2016	<p>Agent of counsel for the appellant present. Seeks adjournment due to strike of the bar. Adjourned for preliminary hearing to 6.5.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

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

APPEAL NO. 437 /2016

**JEHANZEB**

**VS**

**FOREST DEPARTMENT**

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**APPELLANT**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCTE**

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

APPEAL NO. 437 /2016

K.W.P. Province  
Service Tribunal

Diary No. 409

Dated 22-4-2016

Mr. Jehanzeb, Ex: Forest Guard (BPS-7),  
Agror Tanawal Forest Division Oghi, Mansehra ..... **Appellant**

**VERSUS**

- 1- The Chief Conservator of Forests, Northern Forest Region-ii at Abbottabad.
- 2- The Conservator of Forests, Upper Hazara Forest Circle Mansehra.
- 3- The Divisional Forest Officer, Agror Tanawal Forest Division Oghi, *Mansehra*.

..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 8-4-2016 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN CONVERTED TO THAT OF COMPULSORY RETIREMENT FROM SERVICE ALONGWITH RECOVERY AND AGAINST THE ORIGINAL ORDER DATED 16.2.2016 WHEREBY THE MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED ON THE APPELLANT**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 16-02-2016 and 8-04-2016 may very kindly be set aside and the appellant may kindly be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant joined the respondent Department as Forest Guard (BPS-7) and has served the respondent department for more than 26 years quite efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant while serving the respondent Department as Forest Guard a charge sheet was issued to appellant in which it was alleged that appellant is guilty of inefficiency, misconduct and corruption. That in response the appellant submitted his detail reply along with documentary proofs

*Handwritten signature and date:*  
22/4/16

and denied the allegations. Copies of the charge sheet, reply and other documents are attached as annexure ... **A, B & C.**

- 3- That the respondent No.3 without conducting fact finding and regular Departmental inquiries in the matter straight away issued the impugned order dated 16.2.2016 against the appellant whereby the appellant was dismissed from service without taking into consideration the lengthy service of more than 26 years of the appellant. Copies of the inquiry report and impugned order dated 16.02.2016 are attached as annexure ..... **D and E.**
- 4- That feeling aggrieved from the impugned order dated 16-02-2016 the appellant filed Departmental appeal before the appellate authority. That the appellate authority while disposing the Departmental appeal of appellant converted the penalty of dismissal from service to that of compulsory retirement along with recovery and declared the intervening period of suspension to that of extra ordinary leave without pay vide order dated 8.4.2016. Copies of the Departmental appeal and appellate order are attached as annexure ..... **F & G.**
- 5- That appellant feeling aggrieved from the impugned orders dated 16.2.2016 and 8.4.2016 prefer the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 16-02-2016 and 8-04-2016 issued by the respondents 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 the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no fact finding inquiry has been conducted in the matter of the appellant which is mandatory in such like cases, therefore the impugned orders are not tenable and liable to be set aside.
- D- That no statement of allegation has been served on the appellant before issuing the impugned order dated 16.2.2016 against the appellant.



- E- That no show cause notice has been served on the appellant before issuance of the impugned order dated 16.2.2016 against the appellant.
- F- That no chance of personal hearing/ defense has been given to the appellant before issuing the impugned orders against the appellant, which is mandatory under the amended E & D rules 2011.
- G- That the punishments imposed by the respondents on the appellant are against the spirit of Article 13 of the Constitution of Pakistan 1973.
- H- That no regular Departmental inquiry has been conducted in the matter of appellant which is as per Supreme Court judgments is necessary in cases of punitive actions against the civil servant.
- I- That the respondent acted in arbitrary and malafide manner while issuing the impugned orders dated 16-02-2016 and 8-04-2016.
- J- That no chance of cross examination has been provided to the appellant, therefore the impugned orders dated 16.2.2016 and 8.4.2016 are not tenable and liable to be set aside.
- K- That appellant has been made scape goat in the above mentioned case and as such the respondents violated the principle of natural justice.
- L- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 14-04-2016

**APPELLANT**

  
**JEHANZEB**

**THROUGH:**  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**(MOBILE NO.0345-9383141)**

A-9

CHARGE SHEET

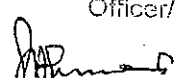
1. Qazi Shabir Ahmad Divisional Forest Officer, Agror Tanawal Forest Division Oghi as competent authority hereby charge you, Jehanzeb Forest Guard the then incharge Shahtoot Beat Agror Forest Sub-Division as follows:

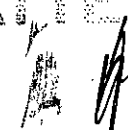
1. That you as incharge Shahtoot Beat has committed the following irregularities:
  - a. That on receipt of serious nature complaints regarding illicit cutting of trees from Shahtoot Beat of Dilbori Block Agror Forest Sub-Division, Mr. Nasim Hijazi Conservator of Forests, Upper Hazara Circle vide office order No. 20 dated 17.12.2014 constituted a committee comprising of M/S Taimur Ilyas DFO Unhar Watershed Division Mansehra, Muhammad Maqbool and Sher Bahadar Forester with the directives to inspect Shahtoot beat and expedite report.
  - b. That on 25 & 26.12.2014 the committee checked Kala Pahar Reserve Land forests <sup>area</sup> Compartment No. 4 alongwith concerned officials and ruthless indiscriminate reported/reported illicit damage to the tune of 80 Kail trees= 11401-Cft standing volume was detected and was accordingly recorded. The detail is available in the statement of allegations. The illicitly cut stumps were accordingly numbered, engraved and filled with red paint to avoid future complexity.
  - c. The above illicit damage has taken place very peacefully with your active connivance within a short span/period for ulterior motives.
2. By reason of the above you appear to be guilty of in-efficiency, Misconduct and Corruption under rule-3 of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rule ibid.
3. You are therefore, required to submit your written defense within 7 days of the receipt of this charge sheet to the inquiry officer/committee as the case may be.
6. Your written defense, if any, should reach the inquiry officer/committee within the specified period failing which it shall be presumed that you have no defense to put in and in that case exparte action shall be taken against you.
5. Intimate whether you wish to be heard in person.
8. A statement of allegation is enclosed.

Sd/- (Qazi Shabir Ahmad)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

No. 3253-57 /GE, dated Oghi the 02-10/2015  
Copy forwarded to:

1. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for favor of information. This is with reference to his office letter No. 5796/E dated 19.2.2015 addressed to the Conservator of Forests, Upper Hazara Circle Mansehra please.
2. The Conservator of Forests, Upper Hazara Circle Mansehra for favor of information. This is with reference to his office letter No. 5632/GL dated 24.02.2015 please.
3. M/S Azhar Ali Khan DFO Galis Abbottabad and Sagheer Ahmad Malik Principal KPK Forest School Thai Abbottabad (Inquiry Committee) for initiating disciplinary proceedings against the accused under the provisions of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011 and to finalize the case within prescribed period. Enquiry file from page-1 to \_\_\_ is enclosed.
4. Mr. Jehanzeb Forest Guard C/O Conservator of Forests, Upper Hazara Circle Mansehra for information. He is directed to appear before the Inquiry Officer/Committee on the date, time and place fixed by the Inquiry Officer/Committee for purpose of inquiry proceedings.
2. Mr. Muhammad Maqbool Forester incharge Agror Forest Sub-Division for information and necessary action. He is directed to appear before the Inquiry Officer/Committee as Prosecutor alongwith all relevant original record during the course of inquiry proceedings, as and when called for by the Inquiry Officer/Committee.

bc  
CF  
✓  
  
Divisional Forest Officer  
Agror Tanawal Forest Division

**ATTESTED**  


property with your active connivance as you deliberately failed to pay any legal action within time to save the Government wealth. (5)

- xii. That mere issuance of damage reports against few trees illicitly cut by the forest offenders do not serve any purpose as neither case property has been seized nor value of forest produce has been realized even the alarming situation has not been brought in to the notice of your superiors for seeking help.
- xiii. That you have not approached the local Police for registering FIRs against the notorious forest offenders.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an Enquiry Officer/Committee consisting of the following is constituted under rules 10 (1) (a) of the ibid rules:

1. Mr. Azahar Ali Khan DFO Galis Abbottabad (Chairman)
2. Mr. Sagheer Ahmad Malik Principal KPK Forest School Thai Abbottabad (Member)

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

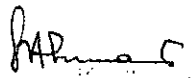
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

Sd/- (Qazi Shabir Ahmad)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

No. 3258-62 IGE dated Oghi the 02 / 03 / 2015

Copy forwarded to:

1. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for favor of information. This is with reference to his office letter No. 5796/E dated 19.2.2015 addressed to the Conservator of Forests, Upper Hazara Circle Mansehra please.
2. The Conservator of Forests, Upper Hazara Circle Mansehra for favor of information. This is with reference to his office letter No. 5632/GL dated 24.02.2015 please.
3. M/S Azhar Ali Khan DFO Galis Abbottabad and Sagheer Ahmad Malik Principal KPK Forest School Thai Abbottabad (Inquiry Committee) for initiating disciplinary proceedings against the accused under the provisions of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011 and to finalize the case within prescribed period. Enquiry file from page-1 to \_\_\_ is enclosed.
4. Mr. Jehanzeb Forest Guard C/o Conservator of Forests, Upper Hazara Circle for information. He is directed to appear before the Inquiry Officer/Committee on the date, time and place fixed by the Inquiry Officer/Committee for purpose of inquiry proceedings.
5. Mr. Muhammad Maqbooi Forester incharge Agror Forest Sub-Division for information and necessary action. He is directed to appear before the Inquiry Officer/Committee as Prosecutor during the course of inquiry proceedings as and when called for by the Inquiry Officer/Committee.

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

**ATTESTED**  




(2)

(7)

جناب عالی! مندرجہ بالا خلاصہ سے ظاہر ہے کہ 80 سے زائد درختان کی بابت کارروائی ریکارڈ پر موجود ہے۔

2- پیرا گراف نمبر ۷ اور ۶ میں کہ رپورٹ نمبر 60/1 تا 64/1 کا یہ الزام ہے کہ یہ چیکنگ کے بعد پہلی تاریخوں میں جاری کی گئی ہیں حقائق کے خلاف ہے۔

چیکنگ پارٹی نے مورخہ 25-12-2014 کو ڈیٹچ رپورٹ بک مانگی تو فدوی نے ڈیٹچ رپورٹ نمبر 60/1 بابت نقصان جنگل بتانے کیلئے کھولی تو آفیسر مذکورہ نے بجائے اگلی رپورٹ میں ملاحظہ کرنے کے اس کے پیچھے اپنا دستخط کر دیا۔ جبکہ بقیہ رپورٹ ہائے بھی اس سے پہلے ہی جاری کی جا چکی تھی۔

3- یہ کہ ڈیٹچ رپورٹ نمبر 64/1 کی نسبت تو فدوی نے 24-12-2014 کو تھانہ اوگی میں ملازمان کے خلاف کارروائی کے لئے درخواست بھی دی تھی جو کہ SHO صاحب نے تفتیش کے لئے اپنے ماتحت ہیڈ کانسٹیبل کو مارک کیس ہے جسکی عکسی نقل لف جواب کی جاتی ہے۔ عالیجاہ اگر ڈیٹچ رپورٹ نمبر 64/1 فدوی نے 24-12-2014 کو جاری نہ کی ہوتی تو تھانہ میں یہ درخواست اسی تاریخ کو کیسے وصول ہو کر کارروائی کیلئے جاتی۔

دراصل چیکنگ آفیسر کو یہ غلط فہمی اس لئے پیدا ہوئی کہ فدوی نے 64/1 ڈیٹچ رپورٹ سے اوپر جاری تمام رپورٹیں ملاحظہ کرائی تھی لیکن DFO صاحب نے گارڈ بک اپنے پاس لیکر 60/1 کو پڑھنے کے بعد اسکی پشت پر دستخط کر دیئے۔ اور باقی رپورٹیں وہ نہ دیکھ سکے اس غلط فہمی کا دوسرا ثبوت یہ ہے کہ موقع پر ڈیٹچ رپورٹ نمبرات منڈیوں پر کندہ تھے اگر DR جاری نہ ہوتی تو فدوی درخواستوں پر کیسے نمبر لگاتا۔

4- یہ کہ فدوی نے بروقت ملازمان کے خلاف DR جاری کر کے بزرگیہ بلاک آفیسر SDFO صاحب اوگی کو بھجوا میں جہاں تک الزام کا تعلق ہے کہ SDFO صاحب اوگی نے فدوی سے جواب طلبی اس ضمن میں کی ہے۔ تو SDFO صاحب اوگی کو حقائق سے آگاہ کیا گیا تو ڈیٹچ رپورٹ ہائے اُنکے دفتر میں موجود تھیں جس پر اُنکی تسلی ہوئی اور مزید کارروائی روک دی گئی۔

ATTESTED



12/12/2014

8

خدمت جناب اظہر علی خان صاحب DFO گلہ  
عنوان

3

5- یہ غلط ہے کہ فدوی نے ملزمان کو کھلی چھوٹ دے رکھی تھی اور وہ اطمینان سے نقصان جنگل کرتے رہیں 80 درختان سے زیادہ منڈیوں کی رپورٹ ہائے موجود ہیں لیکن فہرست مرتبہ میں کئی درختان کی منڈیاں بالن کیلئے کاٹی گئی ہیں جن سے نمبر ترایشہ ہو کر ختم ہو گیا۔ فہرست سے بخوبی اندازہ لگایا جاسکتا ہے کہ منڈی کی عمر 5/10 دن ہے لیکن وہاں یہ تحریر کہ صرف چھپس موجود ہے جس سے صاف ظاہر ہے کہ منڈی بالن بنانے کیلئے کاٹی گئی جس سے وہ تازہ ہو گئی ہے۔

جناب عالی!

مندرجہ بالا حقائق سے واضح ہے کہ جملہ نقصان جنگل کی بابت قانونی کارروائی بروقت کی گئی ہے اور کبھی بھی کوئی کوتاہی نہیں کی گئی ملزمان کو پکڑ کر ان سے جناب SDFO صاحب نے عوضانہ اور قیمت مال بھی وصول کیا ہے۔

نوٹ: شہوت کمپارٹمنٹ نمبر 4 و شہوت گزارہ میں کوئی حد بندی نہیں ہے اور نہ ہی باؤنڈری کی جدائی ہے اس کی باؤنڈری نکالنا ضروری ہے تاکہ پتا چل سکے کہ یہ درختان گزارہ میں ہیں یا سرکار میں ہیں کمپارٹمنٹ نمبر 4 اور گزارہ کے درمیان کوئی برجیات نہیں ہے اس کی وضاحت ضروری ہے۔ لہذا پ جناب سے استدعا ہے کہ فدوی کو اسکے خلاف عائد کردہ الزامات اور انکی بنیاد پر قائم کردہ فرد جرم سے بری فرمایا جاوے۔

ارض

مورخہ: 18/05/2015  
ATTESTED

18-5-2015  
جہانزیب فارست گارڈ

اگرورتناول فارست ڈویژن اوگی

کامت لا - SHO صاحب نمائندہ ادویہ  
 ضا - خان صاحبہ  
 مقامہ لاہور

گزارش جو کہ صحت آج دراصل 23  $\frac{12}{14}$  مشورت ہیڈ کمیٹی ریفٹنر 4

سے گشت پر تھا کہ اسی اثناء میں درخت گرنے کے آواز آئے جو

پہلے تو آواز کھان چھوڑا، میں معروف کے مہنگان سے اوزار

طلب کیا جو کہ دینے سے انکا وہی ہوا اور آمادہ فساد ہوئے جگہ

مکمل ہوئی اسی دوران شرکت و ملا اور اعزازت نے آواز کے مہنگان سے

مکمل ہونے کے دوران کاروں ہمارے اور ملاشکوٹ محمد پور ہان کی سے

بہتکل اپنی جان بچا کر نکل گیا مہنگان نے کہا کہ مہنگان سے دوبارہ آئے تو

جان سے ہار دوں گا مہنگان نے یہی ٹکڑا فیٹ سے منے دی اور مہنگان

پہلے نہ گھرواں ہی نہ گرنے دی مہنگان نے موقع پر 20 بجے درختان قسم ہمارے

کاٹے ہوئے تھے۔ مہنگان سرشتہ اور عادی جراثیم پیشہ ہیں مہنگان

کے خلاف کارسہ کار سے مدافعت ہان سے عادی ان کے دھمکے کا دعویدار رہا

اور سہ کاروں اولان کو نقصان پہنچانے کا دعویدار ہیں۔ 15 کسے دیگر آواز کھان

ATTESTED









13

نمبر 61  
روز 13  
ذو الحجه

کارڈ نمبر 61

61

ابتدائی رپورٹ کارڈ بابت امتحان چیکل بالاسپارک  
No 24  
ذو الحجه 13

نمبر	نام	تاریخ	وقت	محل

26  
12  
38

ATTESTED

*[Signature]*

نمبر	نام	تاریخ	وقت	محل
	ناچار	12	16	5/10
	خان	2014		4
	بدر			
	24			
	25			

مختل رپورٹ مورثی علیہ بدوڑان امتحان کچھل بالاسپارک  
جناب عالی! صبرم بالا جیسا علیہ بالا کو فرستدیں یا  
علیہ سے وضو امتحان ہوگا علیہ کیا جو تیار کیا  
یہاں علیہ آفادہ فرادہ ہو سکتا ہے  
یہاں علیہ سے وضو امتحان ہوگا علیہ کیا جو تیار کیا

School

کارڈ نمبر 61







D - 16

ENQUIRY REPORT IN DISCIPLINARY CASE OF MR. JEHAZEB FOREST GUARD OF AGROR TANAWAL FOREST DIVISION OGHJ.

Read with;

1. List of illicit damage detected in Kala Pahar Forest C-4.
2. Charge sheet along with statement allegations, bearing No. 3253-57/GE, dated 2.3.2015
3. DFO Agror Tanawal Forest Division Oghi letter No. 3258-62/GE, dated 2.3.2015 wherein the enquiry committee to probe into the facts is constituted..
4. DFO Agror Tanawal Forest Division Oghi office order No. 284 dated 30.3.2015 wherein the official without prejudice to the outcome of enquiry proceeding reinstated on duty.
5. Reply to charge sheet submitted by Mr. Jehanzeb Forest Guard dated 18.5.2015.
6. Damage reports No. 60,61,62,63/1, 64/1 and 834/50 (06 Nos).
7. Application to SHO Oghi about lodging of FIR against the timber smuggler.
8. DFO Galis letter No. 4493/E, dated 29.4.2015, No. 4658-59/E, dated 13.5.2015 and No. 4796-97/E, dated 25.5.2015.

Brief History of case.

On receipt of serious nature of complaints regarding illicit damage in Shahtoot Beat of Dilbori Block of Agror Forest Sub Division the Conservator of Forests Upper Hazara Forest Circle Mansehra vide his office order No. 20 dated 17.12.2014 constituted a committee comprising of M/S Taimur Ilyas Divisional Forest Officer Unhar Watershed Division Mansehra. Mr. Muhammad Maqbool and Sher Bahadar Forester to check the Forest and submit the detail report. In response the committee checked the forest in question and submitted detail damage list of 80 Kail trees with commutative measuring 11401Cft standing volume.

Out of such huge forest damage, only damage pertaining to 18 trees measuring 3302Cft was covered with different damage reports, though veracity thereof was not ascertained. The remaining Forest damage of 62 trees commutative measuring 8099Cft was detected as unreported at the time of checking.

To evaluate the conduct of the Mr. Jehanzeb Forest Guard incharge Forest Guard the then incharge Shahloot beat (accused) an enquiry committee comprising following Forest officer was constituted by Divisional Forest Officer Agror Tanawal Forest Division vide letter No. 3258-62/GE, dated 2.3.2015.

1. Mr. Azhar Ali Khan DFO Galis Abbottabad (Chairman).
2. Malik Sagheer Ahmed Principal Khyber Pakhtunkhwa Forest School Thai, Abbottabad (Member).

The accused was accordingly charge sheeted as per statement of allegations

Proceeding and discussion:

The reply to the charge sheet was examined besides hearing in person on 12.6.2016. The departmental representative assisted the enquiry committee.

Ignoring the repetitions of statement of allegations, the contentions of accused vis-à-vis allegations is summarized as under:

**ATTESTED**

The accused did not deny physical checking of the forest in question wherein following forest damage noticed:

Species	Reported damage		Un-reported damage		Total	
	Nos. of trees	Volume (Cft)	Nos. of trees	Volume (Cft)	Nos. of trees	Volume (Cft)
Kail	18	3302	62	8099	80	11401

OK

However, the accused contend that no forest damage was unreported rather the following legal action was by chalking damage reports:

#	Name of Forests and compartment	Damage report No.	Date	No. of trees	Volume
1	Kala Pahar C- No. 4	60/1	14.4.2014	12	1521cft
2	Kala Pahar C-4	61/1	16.12.2014	26	3328Cft
3	Kala Pahar C-4	62/1	18.12.2014	18	2862
4	Kala Pahar C-4	63/1	20.12.2014	20	3216
5	Kala Pahar C-4	64/1	24.12.2014	20	3002
6	Kala Pahar C-4	34/50	14.12.2014	04	759
		Total		100	14691Cft

- It is contended that due to chopping of stumps for fire wood collection by locals, the stumps lost Damage Report No., hence erroneously reckoned as "unreported"
- It is alleged that chalking of damage reports against noticed "unreported" forest damage was an afterthought. At the time of forest checking the Guard Book was also checked and signed by committee. The accused chalked damage reports as an attempt to cover the damage. The Sub Divisional Forest Officer called explanation of accused for chalking reports in bulk. The accused contend that further enquiry into allegation was stopped by SDFO as he was convinced that action of accused was in accord with procedure.
  - It is alleged that the forest damage occurred peacefully with connivance of accused and he neither apprised higher-ups about alarming situation of beat nor took any legal action at his own. In response the accused has referred an application submitted to SHO Oghi dated 24.12.2014 marked by SHO Oghi on 12.3.2015.
  - It is also alleged that the accused failed to apprehend offenders, seize cutover material or realize compensation. In response the accused referring uncongenial situation of law and order coupled with ever-increasing pressure of growing population, showed his inability to take such actions against the forest offenders.

#### Findings.

From the analyses of the explanation made by the accused in reply to allegation and discussion during personal hearing, the following inferences are drawn:

- Chalking of damage reports against damage of 64 trees during short period i.e. From 16.12.2014 to 24.12.2014 loudly speak that it was an afterthought action in order to preempt the prospective disciplinary action.
- No one can believe in the contention that the stumps lost damage Reports numbers due to chopping for firewood collection in a very short period as forest checking was done on 26.12.2014. Therefore it is established without any doubt that no damage report number was inscribed on the stumps categorized as "unreported" during checking by the committee.

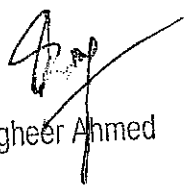
Hence the charge of **Misconduct and Inefficiency against the accused stand established.**

- Since neither any proof of pecuniary gains on the part of accused is provided by the prosecution nor genuineness of the impugned Damage Reports is ascertained by assigning enquiry and preparation of challans, therefore, the charge of corruption could not be established.

**ATTESTED**



(Azhar Ali Khan)  
Divisional Forest Officer  
Galis Forest Division  
Abbottabad (chairman)

  
Malik Sagheer Ahmed  
Principal  
Khyber Pakhtunkhwa Forest School  
Thai (Member)

READ WITH:

- i. Conservator of Forests Upper Hazara Forest Circle Mansehra office order No. 20 dated 17-12-2014
- ii. Inspection Report of Kala Phar RLC-4 received DFO Unhar Watershed Division Mansehra letter No. 453/UWS dated 02-1-2015.
- iii. Charge Sheet served upon accused official vide No. 3253-57/GE dated 02-3-2015
- iv. Statement of allegation bearing No. 3258-62/GE dated 2-3-2015
- v. Reply to the Charge Sheet dated 18-3-2015 furnished by the accused
- vi. Personal hearing of the accused official 12-6-2015.
- vii. Enquiry report submitted by Enquiry Committee vide his No. 1256/E dated 29-9-2015
- viii. DFO A.T No. 1638/GE dated 13-10-2015.
- ix. Enquiry Committee letter No. 1796/E dated 30-10-2015.
- x. Show Cause Notice served upon the accused official bearing No. 2211/GE dated 10-11-2015
- xi. Reply to the Show Cause Notice dated 05-1-2016
- xii. Personal hearing of the accused official dated 08-2-2016

BRIEF HISTORY OF THE CASE

On receipt of serious nature complaint regarding illicit damage in Shahtoot Beat of Dilbori Block., the Conservator of Forests vide office order No. 20 dated 17-12-2014 constituted a committee comprising of M/S Taimur Ilyas DFO Unhar Watershed Division, Muhammad Maqbool and Sher Bhadar Forester to check the Forests and submit the detail report. In compliance the committee checked the Forests in question and submitted detail damage list of 80 Kail trees = 11401-Cft (S.V).

PROCEEDINGS:

To probe in to the allegation , the DFO Agror Tanawal Forest Division served charge sheet No. 3253-57/GE dated 2-3-2015 & memo of allegation bearing No. 3258-62/GE dated 2-3-2015 upon Jehanzeb Forest Guard the then Incharge Shahtoot Beat of Agror Forest Sub-Division and appointed M/S Azhar Ali Khan DFO Galies (Chairman) Malik Sagheer Ahmed Principal Khyber Pakhtunkhwa Forest School Thai ( Member) as Enquiry Committee.

The accused official furnished reply to the Charge Sheet to the enquiry committee. The Enquiry Officer conducted proper disciplinary proceeding against the accused official and after hearing in person submitted his enquiry report vide No. No. 1256/E dated 29-9-2015 where in charges of Mis-conduct and In-efficiency proved against him mentioning that the charge of Corruption could not establish.

The Enquiry Committee has not mentioned about clear cut recommendation in the enquiry report , therefore Enquiry Report alongwith Enquiry file returned to the Chairman Enquiry Committee with the request to induce clear cut recommendation vide letter No. 1638/GE dated 13-10-2015. In response the DFO Galies ( Chairman Enquiry Committee) returned the case stating that Enquiry has been conducted in the light of instructions contained in Notification No. SOR-V ( E&AD )/Instruction/2014 dated 28-3-2014 and requested for deciding the case accordingly. Therefore Show Cause Notice bearing No. 2209/GE dated 10-11-2015 was served upon the Forest Guard the then Incharge Shahtoot Beat which was acknowledged by him on 13-11-2015 and furnished reply to the Show Cause Notice on 1-12-2015 received on 6-1-2016 after receipt of reply the accused official heard in person on 08-2-2016. The material on record was critically examined which was not found satisfactory and during the course of personal hearing and cross examination the accused official could not prove himself innocent.

ATTESTED

Jehanzeb Forest Guard  
DFO Galies



In view of the above exposition the undersigned reached to the conclusion that the accused official found guilty of **Mis-Conduct, In-efficiency and Corruption** beyond any doubt and he has judiciously rendered himself liable for Major Penalty due to the following cogent reasons.

1. The accused official badly failed to protect the forest wealth which was his primary duty and joined hands with the Forest Offenders/ timber smugglers and Government exchequer sustained huge loss.
2. The action taken by the accused was an after thought and only to save his skin from legal action. The accused official chalked damage reports for covering the illicit damage of 64 trees during short period from 16-12-2014 to 24-12-2014 which was not further processed by SDFO Agror Forest Sub-Division for prosecuting the case in the court of law.
3. The huge illicit damage had taken place in shorter span of time with the active connivance of accused official with timber smugglers.
4. The position was in the knowledge of the accused official but he intentionally failed in taking action against the offenders and bringing in the notice of his superiors.
5. Large scale illicit damage had taken place in the shortest period and timber transported from spot by the Forest offenders but the accused official failed to apprehend/confiscate a single Cft timber which proves his involvement with Forest Offenders in illicit damage and further transportation from the spot for his ulterior motives.

Whereas to maintain natural principle of justice and equality, all prerequisites of E&D Rules 2011 were accomplished in letter and spirit.

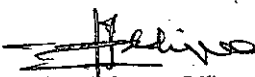
Therefore, the undersigned in the capacity of competent authority and the powers conferred on him vide rule 14 (5) (ii) of the rules ibid hereby orders Major Penalty as under.


**"Mr. Jehanzeb Forest Guard is dismissed from Service with immediate effect"**

Sd/- (Mohammad Siddique)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

Copy forwarded to:-

1. The Conservator of Forests Upper Hazara Forest Circle Mansehra for favour of information please.
2. The SDFO Agror for information and necessary action.
3. ✓ Mr. Jehanzeb Khan Forest Guard c/o SDFO Agror for information and necessary action.
4. Divisional Accountant for information.

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

*Attested*  


## بخدمت جناب کنزرویٹور آف فاریسٹ صاحب

اپر ہزارہ فاریسٹ سرکل مانسہرہ

عنوان:- سروس اپیل برخلاف آفس آرڈر نمبر 219 مجریہ مورخہ 16.02.2016  
از دفتر جناب DFO صاحب اگرورتناول فاریسٹ ڈویژن اوگی۔

جناب عالی:-

اپیل کنندہ، اگرورتناول فاریسٹ ڈویژن کا غریب اور مفلوک الحال فاریسٹ گارڈ ہے۔ دوران ڈیوٹی فدوی پر یہ الزام عائد کیا گیا کہ کالا پہاڑ کمپارٹمنٹ نمبر 4 میں 80 عدد درختان کی غیر قانونی کٹائی ہوئی ہے اور ان میں سے 62 عدد درختان کی بابت کوئی کارروائی عمل میں نہیں لائی گئی۔ اسی بناء پر نااہلی، بد انتظامی اور کرپشن کی فرد جرم عائد کر کے محکمانہ کارروائی عمل میں لائی گئی اور فاضل انکوائری کمیٹی کی مرتب کردہ سفارشات کے برعکس عملدرآمد کر کے آفیسر مجاز صاحب نے بیک جنبش قلم فدوی کو نوکری سے برخاست کر کے غیر قانونی فعل سرانجام دیا ہے اور فدوی کی 26 سالہ سروس جو کہ فدوی نے انتہائی دیانتداری اور جانفشانی کا نتیجہ تھی پر پانی پھیر دیا اور انصاف کے تقاضوں کو پامال کیا۔

لہذا اپیل کی جاتی ہے کہ آفس آرڈر نمبر 219 مجریہ 16.02.2016 از دفتر ڈویژنل فاریسٹ آفیسر اگرورتناول فاریسٹ ڈویژن اوگی کو منسوخ فرما کر فدوی کو جوں کاتوں سروس پر بحال فرمایا جاوے۔

**ATTESTED**



وجوہات اپیل ذیل پیش ہیں۔

۱۔ یہ کہ کیس ہذا میں فاضل انکوائری کمیٹی نے استغاثہ کو بالکل طلب نہیں کیا اور نہ ہی مطلوبہ جنگل کے گرد و نواح سے زمینی حقائق معلوم کیئے گئے اور نہ ہی دوران انکوائری فدوی کو استغاثہ پر جرح کا موقع فراہم کیا گیا جس سے فدوی کا حق دفاع بری طرح مجروح کیا گیا ہے۔ لہذا فاضل انکوائری کمیٹی کی رپورٹ جانبدارانہ اور غیر منصفانہ ہے اور مزید ستم یہ کہ کمیٹی سفارشات کے برعکس لاگو کردہ سزا انصاف کے تقاضوں کے منافی اور غیر قانونی ہے۔

۲۔ یہ کہ خیبر پختونخواہ گورنمنٹ سروسز اینڈ ڈی سپلنر روز 1973ء، 1911ء کے تحت آفیسر مجاز Competent Authority کو یہ اختیار حاصل نہیں ہے کہ وہ بعد از چارج شیٹ اور مابعد انکوائری رپورٹ از انکوائری کمیٹی کی تحقیقات اور سفارشات کے برعکس ملزم پر فرد جرم اضافی عائد کرے اور پھر انصاف کے تقاضو کو پامال کرتے ہوئے من مانی سزا لاگو کرے۔ جیسا کہ محولہ بالا آفس آرڈر میں کیا گیا ہے۔

۳۔ یہ کہ انکوائری رپورٹ میں فاضل عدالت انکوائری کمیٹی نے واضح لکھا ہے کہ فدوی پر عائد کردہ کرپشن کا الزام ثابت نہیں ہوتا اور بے بنیاد ہے اور استغاثہ الزام ثابت کرنے میں ناکام ہوا ہے تو بعد از انکوائری آفیسر مجاز صاحب کی طرف سے فدوی پر کرپشن کا الزام لگانا اور سزا لاگو کرنا بعد از انصاف اور خلاف قانون ہے۔ مزید یہ کہ فاضل انکوائری کمیٹی نے اپنی رپورٹ میں کسی جگہ بھی یہ تحریر نہیں کیا کہ نقصان جنگل فدوی کی ملی بھگت سے ہوا ہے تو پھر سزا کا مرتکب کرنا کہاں کا انصاف ہے۔

ATTESTED



۴۔ یہ کہ نہ صرف کالا پہاڑ بلکہ اگر ورتاول کے تمام دور افتاء جنگلات ہمیشہ سے اشتہاری ملزموں اور مجرموں کی پناہ گاہیں رہے ہیں۔ جہاں پر قانون نافذ کرنے والے ادارے بھی ناکام اور نامراد رہے ہیں۔ اشتہاری مجرم دیگر جرائم

کے ساتھ ساتھ نقصان جنگل بھی کرتے ہیں اور ان کی آڑ میں مقامی آبادیاں بھی بھرپور فائدہ اٹھاتی ہیں۔ ملک میں بڑھتی ہوئی دہشت گردی اور لاقانونیت کی وجہ سے جہاں سکولز، کالجز، مساجد، دفاتر، عدالتیں اور بینک محفوظ نہیں تو ایسے میں واقع دور افتادہ جنگل کا محفوظ رہنا کیسے ممکن ہو سکتا ہے۔ فدوی نے اپنی بساط کے مطابق جن ہتھیالی پر رکھ کر اپنی ڈیوٹی سرانجام دی ہے۔ جنگلات میں پناہ گزین اشتہاری ملزم اکثر رات کی تاریکی اور موسم کی شدت میں فائدہ اٹھاتے ہیں اور جدید ٹیکنالوجی اور ڈیزل پر چلنے والے چین سا (Chan saw) کی مدد سے بھاری درختان منٹوں میں گرا دیتے ہیں تو ایسی صورت حال میں ایک بے کس اور ناچار فاریسٹ گارڈ جس کے پاس ہزاروں ایکڑ پر محیط بیٹ ہوتی ہے کیسے قابو پایا جاسکتا ہے؟

۵۔ یہ کہ تمام نقصان جنگل کی بابت قانونی کارروائی کی گئی ہے جس کا تفصیلاً جواب فدوی نے انکوآری کمیٹی کے سامنے پیش کیا ہے بدیں وجہ فاضل انکوآری کمیٹی فدوی پر کرپشن اور ملی بھگت کا الزام ثابت کرنے میں ناکام ہو رہی ہے۔

خلاصہ کارروائی درج ذیل ہے۔

نمبر	نام جنگل بمعہ کپارمنٹ نمبر	D/R نمبر	موزہ	تعداد درختان	دایم CFT
1	کالا پہاڑ۔ ۴	60/1	14.04.2014	12	1524
2	کالا پہاڑ۔ ۴	61/1	16.12.2014	26	3328
3	کالا پہاڑ۔ ۴	62/1	18.12.2014	18	2862
4	کالا پہاڑ۔ ۴	63/1	20.12.2014	20	3216
5	کالا پہاڑ۔ ۴	64/1	24.12.2014	20	3002
6	کالا پہاڑ۔ ۴	34/50	14.12.2014	04	759
	ٹوٹل			100 نمبرز	14691 CFT

ATTESTED



جناب عالی:- درج بالا خلاصہ سے ظاہر ہے کہ تمام تر درختان کی بابت کاروائی ریکارڈ پر موجود ہے۔

۶۔ یہ کہ فدوی نے بروقت ملزمان کے خلاف (DR) ڈیکچر پورٹس جاری کر کے بذریعہ متعلقہ SDFO اوگی جاری کیں۔ جہاں تک الزام کا تعلق ہے کہ SDFO صاحب اگرور نے فدوی سے جواب طلبی کی تو فدوی نے SDFO صاحب کو حقائق سے آگاہ کیا تو ڈیکچر پورٹس ان کے دفتر میں موجود تھیں جس پر ان کی تسلی ہوئی اور مزید کاروائی روک دی گئی۔ یہ تمام حقائق انکوآری کمیٹی کے روبرو پیش کیئے گئے اور ریکارڈ پر موجود ہیں۔

۷۔ یہ کہ یہ بات بالکل من گھڑت ہے کہ فدوی کے کھلی چھٹی دے رکھی تھی جبکہ تمام منڈیوں کی رپورٹس ہائے موجود ہیں۔ لیکن مرتبہ ڈیکچر لسٹ میں کئی درختان کی منڈیاں بالن کے لیے چھیدی گئی تھیں جن سے نمبر تراشیدہ ہو کر ختم ہو گیا۔ فہرست سے بخوبی اندازہ لگایا جاسکتا ہے کہ منڈی کی عمر 5/10 دن ہے اور تراشیدہ ہے۔ جس سے صاف ظاہر ہے کہ منڈی بالن بنانے کے لیے کاٹی گئی ہے جس سے وہ تازہ نظر آئیں۔

۸۔ یہ کہ فدوی کے تمام تر دفاعی بیانات اور دستاویزات جو فدوی نے دوران انکوآری کمیٹی کو پیش کیں ان کو بھی ملحوظ خاطر رکھا جائے اور میری اپیل میں ان کا جائزہ لیا جاوے۔

ATTESTED



فدوی کو ذاتی شنوائی کا موقع بھی فراہم کیا جائے تاکہ فدوی تمام حقائق جناب کے سامنے پیش کر سکے۔



G-25

OFFICE ORDER NO. 24 DATED MANSERHA THE 08/04/2016 ISSUED BY MIR WALI  
KHAN CONSERVATOR OF FORESTS UPPER HAZARA FOREST CIRCLE MANSEHRA.

**READ WITH:**

- i. Conservator of Forests Upper Hazara Forest Circle Mansehra office order No. 20 dated 17-12-2014
- ii. Inspection Report of Kaia Phar RLC-4 received DFO Unhar Watershed Division Mansehra letter No. 453/UWS dated 02-1-2015.
- iii. Charge Sheet served upon accused official vide No. 3253-57/GE dated 02-3-2015
- iv. Statement of allegation bearing No. 3258-62/GE dated 2-3-2015
- v. Reply to the Charge Sheet dated 18-3-2015 furnished by the accused
- vi. Personal hearing of the accused official 12-6-2015.
- vii. Enquiry report submitted by Enquiry Committee vide his No. 1256/E dated 29-9-2015
- viii. DFO A.T No. 1638/GE dated 13-10-2015.
- ix. Enquiry Committee letter No. 1796/E dated 30-10-2015.
- x. Show Cause Notice served upon the accused official bearing No. 2211/GE dated 10-11-2015
- xi. Reply to the Show Cause Notice dated 05-1-2016
- xii. Personal hearing of the accused official dated 08-2-2016
- xiii. DFO A.T office order No. 218 dated 16-2-2016.
- xiv. Appeal of the accused official.
- xv. Commends submitted vide DFO A.T letter No. 4411/GE dated 22-3-2016.

**BRIEF HISTORY OF THE CASE**

On receipt of serious nature complaint regarding illicit damage in Shahtoot Beat of Dilbori Block., the Conservator of Forests vide office order No. 20 dated 17-12-2014 constituted a committee comprising of M/S Taimur Ilyas DFO Unhar Watershed Division, Muhammad Maqbool and Sher Bhadar Forester to check the Forests and submit the detail report. In compliance the committee checked the Forests in question and submitted detail damage list of 80 Kail trees = 11401-Cft (S.V).

**PROCEEDINGS:**


To probe in to the allegation , the DFO Agror Tanawal Forest Division served charge sheet No. 3253-57/GE dated 2-3-2015 & memo of allegation bearing No. 3258-62/GE dated 2-3-2015 upon Jehanzeb Forest Guard the then Incharge Shahtoot Beat of Agror Forest Sub-Division and appointed M/S Azhar Ali Khan DFO Galies (Chairman) Malik Sagheer Ahmed Principal Khyber Pakhtunkhwa Forest School Thai ( Member) as Enquiry Committee.

**DISCUSSION**

The accused official furnished reply to the Charge Sheet to the enquiry committee. The Enquiry Officer conducted proper disciplinary proceedings against the accused official and submitted his enquiry report vide No. No. 1256/E dated 29-9-2015 where in the charges of Mis-conduct and In-efficiency were proved against the accused official. The charge of Corruption was not established.

The Divisional Forest Officer Agror Tanawal Forest Division Oghi served a Show Cause Notice vide No. 2209/GE dated 10-11-2015 upon the Forest Guard and the accused official furnished his reply to the Show Cause Notice on 1-12-2015. After receipt of reply the accused official the Divisional Forest Officer Agror Tanawal Forest Division conducted personal hearing of the accused official on 08-3-2016 and the

**ATTESTED**



Divisional Forest Officer Agror Tanawal Forest Divison awarded major penalty of dismissal from service to Jehanzeb Forest Guard vide office order No. 219 dated 16-2-2016

Against the said order the accused preferred an appeal before the Conservator of Forests Upper Hazara Forest Circle Mansehra, which was sent to Divisional Forest Officer Agror Tanawal Forest Division Oghi for comments vide Conservator of Forests Upper Hazara Forest Circle Mansehra letter No. 5542/GE dated 02-3-2016 . The DFO A.T vide letter No. No. 4411/GE dated 22-3-2016 has submitted his comments with whole relevant file which was perused thoroughly.

**ORDER**

Keeping in view the finding of the enquiry committee, the appeal of the accused, the Show Cause Notice issued to the accused, the personal hearing of the accused and the office order No. 219 dated 16-2-2016, issued by the competent authority. As evident from the overall service record of the accused Forest Guard, the appellant is a liability on the forest department. The accused Forest Guard was removed from service on account of illicit damage in Kala Pahar Compartment vide office order No. 113 dated 1-12-1996. He was compulsorily retired from service vide office order No. 84 dated 1-11-2010. Suspended vide office order No. 159 dated 26-12-2014. Therefore the undersigned in the capacity of appellate authority in the case, under the powers confirmed on him vide E&D Rules 2011 section- 17 (1), (2) (c) hereby modify the office order No. 219 dated 16-2-2016, issued by the competent authority as under:-

- (a) The words, " Dismissal from Service" are over ruled and ordered to be compulsorily retired from service i.e Mr. Jehanzeb Forest Guard, the accused official.
- (b) Imposed the following penaltiey upon the accused official i.e Mr. Jehanzeb Forest Guard as provided under the E&D Rules 2011 vide section 4 sub section a (iii), b (i), a (i) respectively.

- (1). Recovery of Rs. 684060/-, which is equal to 60% of the total loss of Rs. 1140100/- sustained to the Government
  - (2) Recovery may be made good from the pension of the accused or from the sale of his property.
  - (4) The intervening period from 16-2-2016 to 06-4-2016 is treated as leave without pay.
- As such the case is disposed off.

Sd/-  
(Mir Wali Khan)  
Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

Copy forwarded to:-

- 1. The Divisional Forest Officer Agror Tanawal Forest Division Oghi for information and necessary action. The enquiry file along with personal file of Mr. Jehanzeb Forest Guard received vide your above cited letter is returned herewith.
- 2. ✓ Mr. Jehanzeb Forest Guard for information and necessary action.
- 3. Circle Accountant for information.

**ATTESTED**

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra



**VAKALATNAMA**

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2016

Jehanzeb

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Forest Department

(RESPONDENT)  
(DEFENDANT)

I/We Jehanzeb

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2016

Jehanzeb  
CLIENT

Noor Mohammad Khattak  
ACCEPTED

**NOOR MOHAMMAD KHATTAK  
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

**BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL**  
**PESHAWAR**

C.M No. \_\_\_\_\_/2016

In APPEAL NO. \_\_\_\_\_/2016

**JEHANZEB**

**VS**

**FOREST DEPTT:**

**APPLICATION FOR RESTRAINING THE**  
**RESPONDENTS FROM RECOVERY TILL THE**  
**DISPOSAL OF THE ABOVE MENTIONED SERVICE**  
**APPEAL**

**R/SHEWETH:**

- 1- That the appellant filed above mentioned appeal is pending adjudication before this august Tribunal in which 26.4.2016 date is fixed for hearing.
- 2- That the appellant filed the above mentioned appeal against the impugned orders dated 16.2.2016 and 8.4.2016 whereby initially major punishment of dismissal from service was imposed on the appellant and later on through appellate order the said penalty was converted to compulsory retirement along with recovery.
- 3- That all the three ingredients necessary for the stay is in favor of the appellant.
- 4- That the respondents are pressurizing the appellant to recover the amount which has been mentioned in the impugned orders dated 16.2.2016 and 8.4.2016.
- 5- That the grounds of main appeal is also be considered as integral part of this application.

It is therefore humbly prayed that on acceptance of this application the respondents may kindly be restrained from recovery till the disposal of the above mentioned appeal.

**APPELLANT**

  
**JEHANZEB**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR

**Service Appeal No. 437/2016**

Mr. Jehanzeb Forest Guard,

Agror Tanawal Forest Division Oghi..... **APPELLANT**

**VERSUS**

1. Chief Conservator of Forests, Northern Forest Region-II Khyber Pakhtunkhwa, Abbottabad
2. Conservator of Forests Upper Hazara Circle Mansehra
3. Divisional Forest Officer Agror Tanawal Forest Division Oghi

..... **RESPONDENTS**

REPLY / PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1 TO 3

*Respectfully Submitted,*

**PRELIMINARY OBJECTIONS**

1. That the appeal is without cause and is not maintainable.
2. That the appeal is not in accordance with Service Law
3. That the appellant has got no locus standi.
4. That the appeal is bad for mis-joinder of unnecessary parties and non-joinder of necessary party.
5. That the appellant has not come to this Court with clean hands.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR

**Service Appeal No. 437/2016**

zeb Forest Guard,  
Tanawal Forest Division Oghi..... **APPELLANT**

**VERSUS**

1. Chief Conservator of Forests, Northern Forest Region-II Khyber Pakhtunkhwa, Abbottabad
2. Conservator of Forests Upper Hazara Circle Mansehra
3. Divisional Forest Officer Agror Tanawal Forest Division Oghi

..... **RESPONDENTS**

REPLY / PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO 1 TO 3

**Respectfully Sheweth:**

1. That the appeal is without cause and is not maintainable.
2. That the appeal is not in accordance with Service Law
3. That the appellant has got no locus standi.
4. That the appeal is bad for mis-joinder of unnecessary parties and non-joinder of necessary party.
5. That the appellant has not come to this Court with clean hands.

**PARA-WISE COMMENTS ON THE FACTS OF THE CASE**


1. Correct to the extent that the appellant joined the respondent department as Forest Guard (Bs-7). The past service history of the appellant reveals that he has been penalized from time to time as is evident from **(Annexure-A)**
2. Correct that a Charge Sheet encompassing all the three charges Mis-conduct, In-efficiency and Corruption was served upon the appellant and consequently he submitted his defence reply before the Enquiry Committee.
3. It is in-correct. First of all Checking Committee had detected the damage on spot **(Annexure-B)**. Then Enquiry Committee conducted enquiry within the meaning of E & D Rules, 2011. Upon the completion of enquiry proceedings, respondent No.3 issued the contentious order *ibid*.
4. Correct that appellant lodged appeal before respondent No.02 who while living in his jurisdiction, set-aside the penalties of removal from service and converted into penalties in question.
5. The appellant has got no cause of action to file instant appeal.

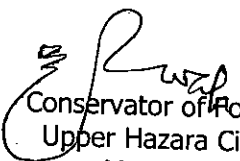
**GROUND**

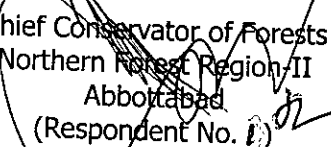
A- Absolutely in-correct. Both the order passed by competent authority (Respondent No.3) and appellate authority (respondent No.2) have been issued within the ambiance of E & D Rules, 2011.

- H- In-correct. Regular Departmental Committee comprises of M/S Azhar Ali Khan, Divisional Forest Officer, Galies Forest Division Abbottabad and Sagheer Ahmed Malik, Principal, Khyber Pakhtunkhwa Forest School Abbottabad at Thai had conducted enquiry proceedings
- I- In-correct. Respondents have acted absolutely at-par with the provisions of E & D Rules, 2011.
- J- In-correct. The appellant has been fully participated in the enquiry proceedings.
- K- In-correct. Respondents have no hostility and enmity with the appellant
- L- The respondent seeks leave of this honorable Court to raise additional grounds at the time of arguments.

In view of the above submission, the appeal is not competent, also based on flimsy grounds/whims & conjectures/surmises and without legal footing may kindly be dismissed with cost, please.

  
 Divisional Forest Officer  
 Agror Tanawal Forest Division  
 Oghi  
 (Respondent No. 3)

  
 Conservator of Forests  
 Upper Hazara Circle  
 Mansehra  
 (Respondent No. 2)

  
 Chief Conservator of Forests  
 Northern Forest Region-II  
 Abbottabad  
 (Respondent No. 1)

BEFORE THE KYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Appeal No.437/2016

Mr. Jehanzeb, Forest Guard  
Agror Tanawal Forest Division  
Oghi.....

Appellant

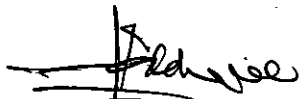
**Versus**

- 1- Chief Conservator of Forests, Northern Forest Region-II Khyber Pakhtunkhwa, Abbottabad
- 2- Conservator of Forests, Upper Hazara Circle, Mansehra
- 3- Divisional Forest Officer, Agror Tanawal Forest Division  
Oghi.....

Respondents

**COUNTER AFFIDAVIT**

I the undersigned hereby solemnly affirm that the contents of para-wise comments are correct to the best of my knowledge and nothing has been concealed from the Honorable Tribunal/Court.



Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

Respectfully Sheweth:

**PARA-WISE COMMENTS ON THE FACTS OF THE CASE**

1. Correct to the extent that the appellant joined the respondent department as Forest Guard (Bs-7). The past service history of the appellant reveals that he has been penalized from time to time as is evident from **(Annexure-A)**
2. Correct that a Charge Sheet encompassing all the three charges Mis-conduct, In-efficiency and Corruption was served upon the appellant and consequently he submitted his defence reply before the Enquiry Committee.
3. It is in-correct. First of all Checking Committee had detected the damage on spot **(Annexure-B)**. Then Enquiry Committee conducted enquiry within the meaning of E & D Rules, 2011. Upon the completion of enquiry proceedings, respondent No.3 issued the contentious order *ibid*.
4. Correct that appellant lodged appeal before respondent No.02 who while living in his jurisdiction, set-aside the penalties of removal from service and converted into penalties in question.
5. *The appellant has got no cause of action*  
~~Correct to the extent to seek more remedy, the appellant preferred the instant appeal.~~  
*to file instant appeal.*

**GROUND**

- a. Absolutely in-correct. Both the order by competent authority (Respondent No.3) and appellate authority *passed*



(respondent No.2) have been issued within the ambiance of E & D Rules, 2011.

Material on the record had been properly perused and principals of justice and equality have been honored.

B

As explained above, the appellant has been treated by the respondent department in-accordance with Rules ibid.

i). The appellant has been properly dealt with in accordance with E&D Rules-2011. Hence Article-4 of the Constitution of Islamic Republic of Pakistan, 1973 has not been violated.

ii). Being citizen of the Pakistan, he has been awarded equal protection of law and hence Article -25 of the Constitution ibid has not been violated.

C

In-correct. Checking of spot had been carried out by Checking Committee comprises of M/S Taimur Ilyas Divisional Forest Officer, Unhar Watershed Division Mansehra, Maqbool Forester, Agror Tanawal Forest Division and Sher Bahadur Forester, Agror Tanawal Forest Division Oghi

D

In-correct. Statement of allegations had already been served on the appellant vide No.3258-62/GE, dated 02.3.2016 (**Annexure-C**)

E

In-correct. Show cause notice had already been served on the appellant vide No.2209/GE, dated 10.11.2015 (**Annexure-D**)

F

In-correct. The appellant had been fully participated in the enquiry proceedings.

G

In-correct. The appellant has not been proceeded before this in any agency. Hence Article-13 of the constitution ibid has not been violated.

J) In-correct. Regular Departmental Committee comprises of M/S Azhar Ali Khan, Divisional Forest Officer, Galies Forest Division Abbottabad and Sagheer Ahmed Malik, Principal, Khyber Pakhtunkhwa Forest School Abbottabad at Thai had conducted enquiry proceedings

i. In-correct. Respondents have acted absolutely at-par with the provisions of E & D Rules, 2011.


J. In-correct. The appellant has been fully participated in the enquiry proceedings.

k. In-correct. Respondents have no hostility and enmity with the appellant

L. ~~The appellant can enjoy his legal rights to the desired level.~~

*The respondent seek leave of this honorable court to raise additional grounds at the time of*

In view of the above submission, the appeal is not competent, also based on *arguments* flimsy grounds/whims & conjectures/surmises and without legal footing may kindly be dismissed with cost, please.

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi  
(Respondent No. 4)

Conservator of Forests  
Upper Hazara Circle  
Mansehra  
(Respondent No. 3)

Chief Conservator of Forests  
Northern Forest Region-II  
Abbottabad  
(Respondent No. 2)

Secretary  
Govt. of Khyber Pakhtunkhwa  
Forestry, Environment & Wildlife  
Department Peshawar  
(Respondent No. 1)

~~ARG~~ please ret

*3/5/16*  
*corrected*  
*voted subject to annexure*  
*attachment of affidavit and approval of*  
*Group/RA*  
*Smsr*

*for AP*

*3/5/16*

*CP I*

*Do attach the entire of*  
*proceedings along with the written*  
*complaint*

*Additional Secretary*  
*Forestry, Environment & Wildlife*  
*Department Peshawar*  
*3/5/16*

(7)

" Annex - A "

Note: - The entries in this page should be renewed or re-attested at least every five years and the signature to lines 9 and 10 should be dated.

1. Name ... JEHANZEB KHAN

2. Race ... TANOLI

3. Residence ... village: Tarvai, P.O. Dilbose  
Teh & Dist: Manshehra.

4. Father's name and residence ... Mohammad Jahangir Khan.

5. Date of birth by Christian era as nearly as can be ascertained ... 12-3-1969.

6. Exact height by measurement ... 5-7

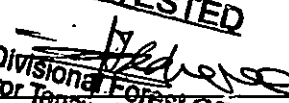
7. Personal marks for identification ... NIL

8. Left hand thumb and Finger impression of (non-gazetted) officer


Little Finger. Ring Finger



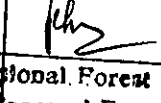

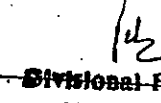
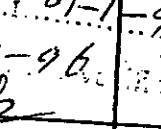
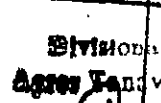

Middle Finger. Fore Finger

Thumb.

**ATTESTED**  
  
 Divisional Forest Officer  
 Agror Tanawal Forest Division  
 Oghi

9. Signature of Government servant.

10. Signature and designation of the Head of the Office, or other Attesting Officer.  
  
 Divisional Forest Officer  
 Agror Tanawal Forest Division  
 Manshehra

8	9	10	11	12	13	14	15
Signature and designation 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	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Leave		
					Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Period	Government to which debitable
30/95 Allowed Annual Increment.							
<div style="text-align: right;">             Divisional Forest Officer            Agror Tanawal Forest Division            Manshra.         </div>					Service w.e.f... 01-1-95 to 31-12-95 Salary Bill verified from  D.F.O. Manshra.		
Absorbed against vacancy Post of Forest Guard under Normal Budget vide O/o No. 73 dt 25/10/96.							
<div style="text-align: right;">             Divisional Forest Officer            Agror Tanawal Forest Division            Manshra.         </div>							
Allowed Annual Increment. Divisional Forest Officer Agror Tanawal Forest Division Manshra.					Removed from service with immediate effect on account of illicit damage in Kala Pahar RFE-3 and 4 vide O/o No 113 dt 01/12/1996	Dismiss from service for illicit damage in Kala Pahar RFE-3 vide O/o No. 122 dt 17-12-96.	<div style="text-align: right;">             Divisional Forest Officer            Agror Tanawal Forest Division            Manshra.         </div>
<div style="text-align: right;">             Divisional Forest Officer            Agror Tanawal Forest Division            Manshra.         </div>					Service w.e.f. 01-1-96 to 30-11-96.	Salary Bill verified from  D.F.O. Manshra.	
Considering of closing legal Lacunce office order No. 113 dt 1-12-96 and 122 dt 17-12-96 are hereby set a-side and the period terminated on service vide CF/PO O/o No. 123 dt 30-4-97. The absence period from date of termination will be decided by competent authority on out come of de novo enquiry.							
<div style="text-align: right;">             Divisional Forest Officer            Agror Tanawal Forest Division            Manshra.         </div>					<b>ATTESTED</b>  Divisional Forest Officer Agror Tanawal Forest Division Oghl		




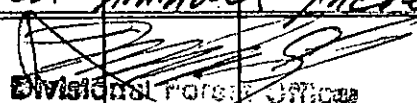

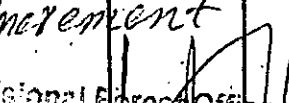
1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant
Forest Guard in BPS-5 of Rs (2415-115-5865)	Temp	yes	Rs 4140/-	-	-		
F/Guard in Revised BPS-5 of Rs (2780-135-6830)			Rs 4805/-	-	-	01/7/2007	
Forest Guard in Revised BPS-5 of Rs (3340-160-8140)			Rs 5740/-	-	-	01/7/2008	
			Rs 5900/-	-	-	12/2008	
Forest Guard in BPS-7 of Rs (3530-190-9230)			Rs 5810/-	-	-	22/6/2010	

**ATTESTED**

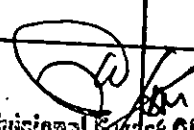

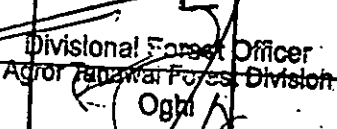
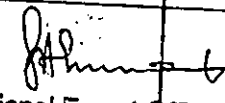
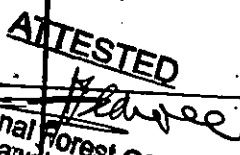
*[Signature]*  
 Divisional Forest Officer  
 Agror Tanawal Forest Division  
 Oghi

As a result of enquiry proceedings for illicit damage in Kalla Pahar Company No. 122 detected on 13/8/2007, the official has been exonerated vide office order No-158 dated 20/3/2012 and the warned to be careful in future.

*[Signature]*  
 Divisional Forest Officer  
 Agror Tanawal Forest Division  
 Mansabrig

8	9	10	11	12	13		14	15
Nature of increment	Signature and designation of the head of the office or other attesting officer in attestation of 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	Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government Period Government to which debitable		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					<p>In accordance with Govt. of NWFP            Finance Dept's Notification No. FD (PRE)            2-1/2001 dt. 27/2001 after allowing Annual            Increment w.e.f. 1-12-2001 vide FD Circular            No. FD (PRE) 4/2001 dt. 15/2001 Pay fixed in            BPS-5 w.e.f. 1-12-2001.</p>			
<p><b>ATTESTED</b>              Divisional Forest Officer            Agror Tanawal Forest Division            Oghi</p>				<p>            Divisional Forest Officer            Agror Forest Division            Manshehra</p>	<p>Service from 01-01-2001            to 31-12-2001 verified            from salary bill</p>		<p>            Divisional Forest Officer            Agror Forest Division            Manshehra</p>	
					<p>Allowed Annual Increment              Divisional Forest Officer            Agror Tanawal Forest Division            Manshehra</p>		<p>Service w.e.f. 1-1-2002            to 31-12-2002... verified from            salary bill</p>	
					<p>Allowed Annual Increment              Divisional Forest Officer            Agror Tanawal Forest Division            Manshehra</p>		<p>Service w.e.f. 1-1-2003            to 31-12-2003 verified from            Salary Bill</p>	
					<p>30/04 Allowed Annual            Increment              Divisional Forest Officer            Agror Forest Division            Manshehra</p>		<p>Service w.e.f. 01-1-2004            to 31-12-2004 verified from            Salary bill</p>	
				<p>In accordance with Govt. of NWFP, Finance Dept's No. FD (PRE) 1-1/2005 dt. 9-7-2005            pay fixed in revise BPS-5 (2485-115-5865) CBS-4449 P.M w.e.f. 1-7-2005.</p>	<p>Divisional Forest Officer            Agror Tanawal Forest Division</p>			

9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of 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	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
				service w.e.f. 01-1-2005 to 31-12-2005		Service w.e.f. 01-1-2006 to 31-12-2006	
				Salary Bill verified from		Salary Bill verified from	
				O.F.O. A.T. Divn: Manshehra		O.F.O. A.T. Divn: Manshehra	
In accordance with Govt. of NWFP Finance Deptt. No. FD(PRC) 1-1/2007 dt 20-7-07 pay fixed in revised BPS-5 of Rs (2780-135-682)						service w.e.f. 01-1-2007 to 31-12-2007	
				Divisional Forest Officer, Agror Tanawal Forest Division, Manshehra.		Salary Bill verified from	
In accordance with Govt. of NWFP Finance Deptt. No. FD(PRC) 1-1/2008 dt 10-7-2008 pay fixed in Revised BPS-5 of Rs (3345-160-8145) @ Rs. 5735/- p.m. w.e.f. 01-7-2008.						service w.e.f. 01-1-2008 to 31-12-2008	
				Divisional Forest Officer, Agror Tanawal Forest Division, Manshehra.		Salary Bill verified from	
Allowed Annual Increment on 01-12-2008.						service w.e.f. 01-1-2009 to 31-12-2009	
				Divisional Forest Officer, Agror Tanawal Forest Division, Manshehra.		Salary Bill verified from	
				O.F.O. A.T. Divn: Manshehra		O.F.O. A.T. Divn: Manshehra	
up-graded to BPS-7 of Rs (3530-190-9230) vide Environment Deptt's Notification No. 50(Estt)/Envmt/1-4/2K10 dt 22-8-2010 & pay fixed @ Rs 5810/- p.m w.e.f. 22-8-2010.							
				Divisional Forest Officer, Agror Tanawal Forest Division, Manshehra.		ATTESTED	
As result of enquiry proceeding for recording statement in the Court of civil Judge-VIII Manshehra against the Department in case of Tax Mohd. & others v/s Govt's Compulsory retirement from service with effect from 01-11-2010 vide G.O.Mo. 84 dated 01/11/2010.						Divisional Forest Officer, Agror Tanawal Forest Division, Manshehra.	
				Divisional Forest Officer, Agror Tanawal Forest Division, Manshehra.			

9	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
		Period	Government to which debitable				
<p>In pursuance with Finance Deptt. Notification No PD(SNSR-III) 12-1/2005 dtd 27-2-2013, decision of Service Tribunal Peshawar dated 2-1-2013, decision of High Court Peshawar dt 10-2-1998, the service of PG regularized on regular basis vide of O No. 243 dated 30-4-2014 and pay is revised as under:</p>							
		Pay on 1-7-2005 in BPS-5				Rs. 4149- ✓	
		" 1-12-2005 in "				Rs. 4257- ✓	
		" 1-12-2006 "				Rs. 4379- ✓	
		Pay on 1-7-2007 (Revised) BPS-5				Rs. 5079- ✓	
		" 1-12-2007 "				Rs. 5219- ✓	
		" 1-7-2008 (Revised) "				Rs. 6229- ✓	
		" 1-12-2008 "				Rs. 6389- ✓	
		" 1-12-2009 "				Rs. 6549- ✓	
		Pay on 22-6-2010 BPS-7 upgraded				Rs. 6579- ✓	
		" 1-12-2010 "				Rs. 6579- ✓	
		" 1-7-2011 (Revised) BPS-7				Rs. 10929- ✓	
		" 1-12-2011 "				Rs. 11249- ✓	
		" 1-12-2012 "				Rs. 11569- ✓	
		" 1-12-2013 "				Rs. 11889- ✓	
				 Divisional Forest Officer, Agror Tanawal Forest Division Manshra.			
<del>Allowed Annual Increment</del>				Service U.E. from 01-01-2014 To 31-12-2014 (Verified from Pay bills.			
 Divisional Forest Officer Agror Tanawal Forest Division Oghi				 Divisional Forest Officer Agror Tanawal Forest Division Oghi			
Placed Under Suspension vide of p No. 159 dt. 26-12-2014 with immediate effect on account of alleged damage in Kales Pader RL C-4.							
 Divisional Forest Officer Agror Tanawal Forest Division Oghi				<b>ATTESTED</b>  Divisional Forest Officer Agror Tanawal Forest Division Oghi			



9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of 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	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave entry is debitable to another Government		
<p>In accordance with Govt. of KPK, Finance Deptt (Reg. Wing) Notification No. FD (PRE) 1-1/2015 dated 27-7-2015 in Revised PPS-79 R. 2015 of R. (7490-415-1994) @ Rs. 15799/- p.m. w.e.f. 01-7-2015</p>				Period	Government to which debitable		
						<p><i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>	
						<p><i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>	
							<p>Found absent from Chajjal Forest Check Post on 23-10-2015, therefore one day absence period is treated as leave without pay vide o/p no. 119 dt 23-10-2015.</p> <p><i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>
							<p>Allowed annual increment</p> <p><i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>
							<p>Service w.e.f. 01-01-2015 to 31-12-2015. Verified from Pay bills</p> <p><i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>
							<p>An accordance with Govt. of KPK Finance Department Notification No. FD/50 (FR) 7-20/2015 dt 30-6-2015 up graded to BPS-08. @ Rs (7750-455-21400) @ Rs. 16345/2 Per month</p> <p><i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>
<p><b>ATTESTED</b></p> <p><i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>							<p>Dismissed from service with immediate effect on a/c of illicit damage in Kala Pahar compartment no. 4</p> <p>Vide D/O. A.T. O/P No. 219 dt. 16-2-2016</p> <p><i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>

(For use in Police and other similar Departments).

RECORD OF POSTINGS.

District and post	No of District Order	Date	District and post	No. of District Order	Date
<p>As a result of appeal the C.F. upper Hazara circle set aside DFO, AT, OO No 219, dt. 16-02-2016 and awarded following penalties vide OO No. 24 dt. 08-04-2016:-</p>					
<p>a) The words "Dismissal from Service" are over-ruled and ordered to be compulsorily retired from Service.</p>					
<p>b) Imposed the following penalties upon the accused under Rule E &amp; D Rules-2011, vide Section-4 sub-Section a (iii), b(i) a (i) respectively.</p>					
<p>1- Recovery of Rs. 684060/- which is equal to 60% of the total loss of Rs 1140100/- sustained to Govt.</p>					
<p>2- Recovery may be made from the pension of the accused or from the sale of his property.</p>					
<p>3- The intervening period from 16-02-2016 to 06-04-2016 is treated as leave without pay.</p>					
					<p><i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>
					<p><b>ATTESTED</b> <i>[Signature]</i> Divisional Forest Officer Agror Tanawal Forest Division Oghi</p>

Annex-B

STATEMENT SHOWING THE DETAIL OF ILLICIT DAMAGE DETECTED IN  
KALA PAHAR FOREST COMPARTMENT NO. 4 DURING CHECKING ON 25 &  
26.12.2014

S. #	Species	Dia	Volume	Stump height	Duration	DR #	Remarks
1	Kail	21	89	2.5'	10/15 days	Nil	Sawn. Nothing on spot
2	"	20	79	2'		Nil	Sawn. Nothing on spot
3	"	29	188	2'		Nil	Sawn. Nothing on spot
4	"	26	147	3'		Nil	Sawn. Nothing on spot
5	"	26	147	2.5'	20 days	Nil	Sawn. Branches & chips lying on spot.
6	"	29	188	2.5'		Nil	Sawn. Nothing on spot
7	"	24	122	2.5'		Nil	Sawn. Nothing on spot
8	"	24	122	3'		Nil	Sawn. Nothing on spot
9	"	24	122	3'	15 days	Nil	Sawn. Nothing on spot
10	"	25	134	2.5'	One month	Nil	Sawn. Nothing on spot
11	"	23	110	2.5'	25 days	Nil	Sawn. Nothing on spot
12	"	30	205	2.5'		Nil	Sawn. Nothing on spot
13	"	24	122	2.5'		Nil	Sawn. Nothing on spot
14	"	21	89	2'		Nil	Sawn. Nothing on spot
15	"	27	160	2'		Nil	Sawn. Nothing on spot
16	"	17	53	2'		Nil	Sawn. Ships lying on spot
17	"	24	122	2.5'	20 days	Nil	Sawn. Branches and ships lying on spot.
18	"	24	122	2'		Nil	
19	"	26	147	2'		Nil	
20	"	24	122	2'	25 days	Nil	
21	"	26	147	2'	15-days	Nil	
22	"	25	134	2'		Nil	
23	"	25	134	1'		Nil	Sawn. Nothing on spot
24	"	26	147	2'	10-days	Nil	Sawn. Nothing on spot
25	"	25	134	2.5'		Nil	Sawn. Nothing on spot
26	"	24	122	2.5'	25 days	Nil	Sawn. Nothing on spot
27	"	31	226	4'	20 days	60/1	Sawn. Nothing on spot
28	"	28	174	3.5'		34/50 & 60/1	Sawn. Branches and chips lying on spot.
29	"	27	160	3.5'	15-days		
30	"	32	237	3'	10-days	34/50	
31	"	29	188	3.5'		34/50	
32	"	34	273	4'	25-days	61/1	
33	"	24	122	3.5'		61/1	
34	"	31	226	4'		61/1	
35	"	34	273	2.5'	20-days	Nil	Sawn. Nothing on spot
36	"	27	160	3'		61/1	Sawn. Nothing on spot
37	"	27	160	3.5'	17-days	61/1	Sawn. Nothing on spot
38	"	28	174	3'	15-days	61/1	Sawn. Chips and branches lying on spot.
39	"	25	134	2.5'	18-days	Nil	Sawn. Nothing on spot
40	"	27	160	1.5'		Nil	Sawn. Nothing on spot
41	"	24	122	4'	20-days	Nil	Sawn. Nothing on spot
42	"	24	122	2'	19-days	Nil	Sawn. Nothing on spot
43	"	24	122	2.5'	16-days	Nil	Sawn. Nothing on spot
44	"	25	134	3'	26-days	Nil	Sawn. Nothing on spot
45	"	34	273	2.5'	20-days	Nil	Sawn. Nothing on spot
46	"	30	205	2.5'	10/20 days	Nil	Stump burnt, nothing on spot
47	"	24	122	2'		Nil	
48	"	28	174	2'	10/20 days	Nil	Sawn. Nothing on spot
49	"	21	89	2.5'		Nil	Sawn. Nothing on spot
50	"	24	122	2'	25-days	Nil	Sawn. Nothing on spot
51	"	20	79	2.5'	15 days	Nil	Sawn. Nothing on spot
52	"	24	122	2'	20 days	Nil	Sawn. Nothing on spot
53	"	20	79	3'	25 days	Nil	Sawn. Chips lying on spot
54	"	23	110	2.5'	20 days	Nil	
55	"	25	134	2'	10 days	Nil	Sawn. Chips & branches lying in adjacent nullah
56	"	24	122	2.5'	15 days	Nil	
57	"	27	160	2'	12 days	Nil	Sawn. Chips lying on spot
58	"	20	79	2'	10 days	Nil	
59	"	24	122	3'	10 months	Nil	Sawn. Nothing on spot
60	"	23	110	2.5'	8 months	Nil	Sawn. Nothing on spot
61	"	22	99	2.5'	6 months	Nil	Sawn. Nothing on spot
62	"	28	174	3'	7 months	Nil	Sawn. Nothing on spot

ATTESTED

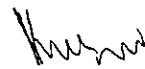
*[Signature]*


Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi


63	Kail	22	99	2'	8 months	Nil	Sawn. Nothing on spot
64	"	23	110	2.5'	9 months	Nil	Sawn. Nothing on spot
65	"	20	79	2'	11 months	Nil	Sawn. Nothing on spot
66	"	20	79	1'		Nil	Sawn. Nothing on spot
67	"	23	110	1'	10 months	Nil	Sawn. Nothing on spot
68	"	23	110	1.5'		Nil	Sawn. Nothing on spot
69	"	25	134	2'	9 months	Nil	Sawn. Nothing on spot
70	"	22	99	1.5'		Nil	Sawn. Nothing on spot
71	"	27	160	6"	2 months	Nil	Sawn. Nothing on spot
72	"	30	205	2'	20/25 days	60/1	Sawn. Chips were hidden under soil
73	"	26	147	2'		60/1	
74	"	24	122	2.5'	20 days	60/1	Sawn. Nothing on spot
75	"	28	174	2.5'		60/1	Sawn. Nothing on spot
76	"	25	134	2'	25 days	60/1	Sawn. Nothing on spot
77	"	26	147	2.5'	22 days	60/1	Sawn. Nothing on spot
78	"	34	273	2.5'	15 days	60/1	Sawn. Nothing on spot
79	"	26	147	2.5'	3 months	60/1	Sawn. Nothing on spot
80	"	24	122	2.5'		Nil	Sawn. Nothing on spot
<b>Total</b>			<b>11401</b>			Nil	Sawn. Nothing on spot

**ABSTRACT**

Dia	No. Trees	Volume	Total
17	1	53	53
20	6	79	474
21	3	89	267
22	3	99	297
23	6	110	660
24	19	122	2318
25	9	134	1206
26	8	147	1176
27	7	160	1120
28	5	174	870
29	3	188	564
30	3	205	615
31	2	226	452
32	1	237	237
34	4	273	1092
<b>Total</b>	<b>80</b>		<b>11401</b>

  
(Muhammad Maqbool)  
Forester

  
(Taimur Ilyas)  
Divisional Forest Officer  
Unhar Watershed Division  
Mansehra

  
(Sher Bahadar)  
Forester

**ATTESTED**  
  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

Annex-c  
11

I, Qazi Shabir Ahmad Divisional Forest Officer, Agror Tanawal Forest Division Oghi as competent authority, am of the opinion that Mr. Jehanzeb Forest Guard while holding the charge of Shahtoot Beat Agror Forest Sub-Division has rendered himself liable to be proceeded against as he committed the following acts/omissions, with in the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.

STATEMENT OF ALLEGATIONS

- i. That on receipt of serious nature complaints regarding illicit cutting of trees from Shahtoot Beat of Dilbori Block Agror Forest Sub-Division, Mr. Nasim Hijazi Conservator of Forests, Upper Hazara Circle vide office order No. 20 dated 17.12.2014 has constituted a committee comprising of M/S Taimur Ilyas DFO Unhar Watershed Division Mansehra, Muhammad Marqbool and Sher Bahadar Forester with the directives to inspect Shahtoot beat and expedite report.
- ii. That on 25 & 26.12.2014 the committee checked Kala Pahar Resume Land Forests Compartment No. 4 alongwith concerned officials and ruthless indiscriminate ~~un~~reported/reported illicit damage to the tune of 80 Kail trees= 11401-Cft standing volume was detected and was accordingly recorded. The illicitly cut stumps were accordingly numbered, engraved and filled with red paint to avoid future complexity. The detail list of illicit damage is enclosed while extract is as under:

Species	Reported damage		Un-reported damage		Total	
	Nos. of trees	Volume (Cft)	Nos. of trees	Volume (Cft)	Nos. of trees	Volume (Cft)
Kail	18	3302	62	8099	80	11401

- iii. That the above illicit damage has taken place very peacefully with your active connivance within a short span/period for ulterior motives.
- iv. That fire traces were also observed during the inspection of forests which clearly indicates that an attempt has been made by you to burn unwanted material in the adjacent nullah in order to destroy/remove on ground evidence.
- v. That the Guard Book of Shahtoot Beat was closed by checking party incharge on 25.12.2014 and the last damage report found chalked was 60/1 dated 14.12.2014. During inspection of forests, the checking party also observed damage report No. 61/1 written in advance on 6 Nos. stumps which is a major evidence of your connivance for ulterior motives.
- vi. That after thorough inspection of the forests, you realizing seriousness of the incidence immediately chalked out the following damage reports without taking into the account the remarks already recorded on the Guard Book regarding its closure on the date of inspection:

S. #	Damage Report #	Date	Name of Forests	Extent of damage
1	61/1	16.12.2014	Kala Pahar C-No. 4	26 Kail trees
2	62/1	18.12.2014	Shahtoot C-4	18 Kail trees
3	63/1	20.12.2014	Shahtoot C-4	20 Kail trees
4	64/1	24.12.2014	Compartment No. 4	20 Kail trees

- vii. That the SDFO Agror vide his letter No. 02/2014-15 dated 29.12.2014 also called you to explain the position regarding issuance of bogus damage report bearing No. 60/1 to 64/1 but you have failed to expedite your reply which also prove your connivance for ulterior motives.

**ATTESTED**

*[Signature]*  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

- viii. That you vide DFO Agror Tanawal Forest Division office order No. 159 dated 26.12.2014 has placed under suspension with immediate effect on account of illicit damage in Shahtoot Beat.

That neither alarming situation was reported by you to high-ups nor have you taken sufficient actions regarding protection of forests wealth and thus heavy loss sustained to Government exchequer.

- x. That you have failed to apprehend the forest offenders, seize the timber obtained from the above illicitly cut trees or even realize compensation which proves your involvement with the forest offenders

- xi. That the position of illicit damage speaks that free hand was given to the forest offenders for illicit cutting of precious species trees and taking away the case

*[Signature]* 26/12/14

(9)

property with your active connivance as you deliberately failed to pay any legal action within time to save the Government wealth.

- xii. That mere issuance of damage reports against few trees illicitly cut by the forest offenders do not serve any purpose as neither case property has been seized nor value of forest produce has been realized even the alarming situation has not been brought in to the notice of your superiors for seeking help.
- xiii. That you have not approached the local Police for registering FIRs against the notorious forest offenders.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an Enquiry Officer/Committee consisting of the following is constituted under rules 10.(1) (a) of the ibid rules:

1. Mr. Azahar Ali Khan DFO Galis Abbottabad (Chairman)
2. Mr. Sagheer Ahmad Malik Principal KPK Forest School Thai Abbottabad (Member)

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

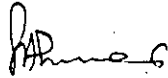
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer/Committee.

Sd/- (Qazi Shabir Ahmad)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

No. 3258-62 /GE dated Oghi the 02/03/2015

Copy forwarded to:

1. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for favor of information. This is with reference to his office letter No. 5796/E dated 19.2.2015 addressed to the Conservator of Forests, Upper Hazara Circle Mansehra please.
2. The Conservator of Forests, Upper Hazara Circle Mansehra for favor of information. This is with reference to his office letter No. 5632/GL dated 24.02.2015 please.
3. M/S Azhar Ali Khan DFO Galis Abbottabad and Sagheer Ahmad Malik Principal KPK Forest School Thai Abbottabad (Inquiry Committee) for initiating disciplinary proceedings against the accused, under the provisions of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011 and to finalize the case within prescribed period. Enquiry file from page-1 to 10 is enclosed.
4. Mr. Jehanzeb Forest Guard C/o Conservator of Forests, Upper Hazara Circle for information. He is directed to appear before the Inquiry Officer/Committee on the date, time and place fixed by the Inquiry Officer/Committee for purpose of inquiry proceedings.
5. Mr. Muhammad Maqbool Forester incharge Agror Forest Sub-Division for information and necessary action. He is directed to appear before the Inquiry Officer/Committee as Prosecutor during the course of inquiry proceedings as and when called for by the Inquiry Officer/Committee.

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

**ATTESTED**  
  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

Muhammad Siddique Divisional Forest Officer		Agror Tanawal Forest Division Oghi Phone # 0997-321244
No. _____ /GE		Dated 10 /11/2015

Mr. Jehanzeb Forest Guard  
the then Incharge Shahtoot Beat  
c/o SDFO Agror

Subject: - SHOW CAUSE NOTICE

I, Muhammad Siddique Divisional Forest Officer Agror Tanawal Forest Division Oghi as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Jehanzeb Forest Guard the then Incharge Shahtoot Beat Show Cause Notice as follows:-

- (i) that consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide communication No. 4493/E dated 29-4-2015.
- (ii) on going through the findings of the Inquiry Committee, the material on record and other connected papers including your defence before the Inquiry Committee

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

- a) In-efficiency
- b) Mis-Conduct
- c) Corruption

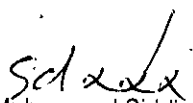
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Major Penalty under rule 4 of the said rules.

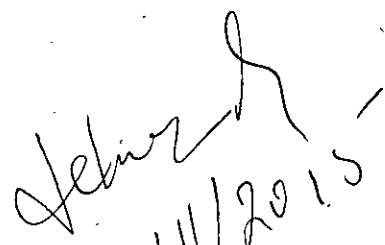
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. The copy of findings of the inquiry committee is enclosed.

Encl: As above.

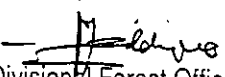
  
(Muhammad Siddique)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

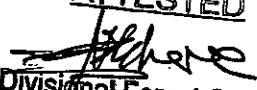
  
13/11/2015

No: 8210 /GE,

Copy alongwith original copy of show cause notice addressed to Jehanzeb Forest Guard is forwarded to the SDFO Agror Forest Sub-Division for information and necessary action. He is Directed to handover the Show Cause notice to the accused Forest Guard under proper receipt which may be sent to this office for further necessary action and record.

Encl: As above.

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

**ATTESTED**  
  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

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

**APPEAL No.437/2016**

**JEHANZEB                      VS                      FOREST DEPTT**

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE**  
**TO THE REPLY SUBMITTED BY THE RESPONDENTS**

**R.SHEWETH:**

**PRELIMINARY OBJECTIONS:**

**(1 TO 5):**

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Incorrect and not replied accordingly. That appellant right from appoint till date the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors. That during the entire service career no complaint whatsoever has been lodged against the appellant.
- 2- Admitted correct hence need no comments.
- 3- Incorrect and not replied accordingly. That the respondent No.3 without conducting fact finding and regular Departmental inquiries in the matter straight away issued the removal order dated 16-02-2016 against the appellant.
- 4- Incorrect and not replied accordingly. That the appellant feeling aggrieved from the impugned order dated 16-02-2016 filed Departmental appeal before the appellate authority. That it is very pertinent to mention that the appellate authority while disposing the Departmental appeal called comments from respondent No.3 who in his reply vide dated 22-03-2016 summarized in para-06 sub para (i) That the appellant has not been mandatory participated in the enquiry proceedings which is the legal right of the appellant. That similarly in sub para (iv) of the comments he replied that the body language of the appellant also suggests him to be innocent and reveals that enquiry committee has done injustice to him. Moreover the comments submitted by the said respondent in another case of appellant colleague has



clearly stated that one Mr. Maqbool Forester has dug a pit for the appellant and his other colleagues, therefore in light of that observation the appellant is innocent and the impugned order dated 16.2.2016 is not tenable and liable to be set aside. Copies of the comments are attached as annexure.....**R and R1.**

5- Incorrect and not replied accordingly hence denied.

**GROUND:**

**(A to E):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That the impugned order dated 16-02-2016 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside. That no statement of allegation has been served on the appellant before issuing the impugned order dated 16-02-2016. That no charge sheet no show cause notice and chance of personnel hearing/defense has been given to the appellant. That no regular inquiry has been conducted against the appellant which is as per Supreme Court judgments is necessary in punitive actions against civil servants. That respondent No.3 acted in arbitrary and malafide manner while issuing the impugned order dated 16-02-2016 against the appellant. That the punishments imposed by the respondents on the appellant are against the spirit of Article 13 of the Constitution of Pakistan 1973.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

**APPELLANT**


  
**JEHANZEB**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
&

**SYED IMDAD HUSSAIN**  
**ADVOCATES**

R-3

Muhammad Siddique DIVISIONAL FOREST OFFICER		Agror Tanawal Forest Division Oghi Phone # 0997-321244
No 4410 IGE		Dated 22/03/2016

The Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

Subject: **APPEAL OF MR.MASOOD-UR-REHMAN FORESTER PREFERRED AGAINST OFFICE ORDER NO.217 DATED 16.02.2016-PARA-WISE COMMENTS THEREOF**

Reference: your letter No.5822/GE, dated 10.03.2016

The para-wise comments are furnished as under please:

- 1- Correct
- 2- Correct
- 3- Correct to the extent that huge targets of BTAP had been allotted to the appellant but protection of Forest was his prime duty as envisaged in Section-3 of the Khyber Pakhtunkhwa Forest Ordinance 2002. It is also correct that complaint had been poured into the office of Conservator of Forests, Upper Hazara Forest Circle Mansehra who had accordingly constituted an Enquiry Committee.
- 4- The appellant should have clarified his contention before the enquiry committee.
- 5- Correct to the extent that the appellant had realized compensation amounting to Rs.80, 000/-. As far as giving weight-age to this action of the appellant is concerned, it relates to the jurisdiction of the checking committee. However, this action should have given due weight-age by the checking committee.
- 6- The appellant should have raised this point before the enquiry committee.
- 7- It is true that the enquiry committee has mentioned its remarks ibid in the report and has proved only the charge of In-efficiency while the competent authority after conducting proper personal hearing/cross examination has proved all the three charges i.e Mis-conduct, In-efficiency and Corruption.
- 8- Correct

Hence analyzing, summarizing, eccentricizing and summing up above contentions of appellant coupled with Para-wise comments, the following inferences can easily be drawn:

*Masood*  
*EP*

i) The appellant had not even submitted his defence reply which makes the whole proceedings doubtful and utterly infringes the provisions of E&D Rules, 2011.

ii) The Enquiry Committee is in the best position to induce "Recommendations absolutely at-par with the gravity of charges"

In the instant case, the enquiry committee has not induced clear cut recommendations despite the fact that the case had been referred back to it which is contrary to the universal practice being in-vogue in the department since ages

iii) During the enquiry proceedings, facts on ground have not been properly valued, gravitated and only record has been thrashed out and that too without reply of the appellant.

iv) The body language of the appellant also suggests him to be innocent and reveals that checking committee (especially Mr. Muhammad Maqbool Forester) had dug a pit for him and thus has done injustice to him.

By virtue of above, the appellant being in the climax stage of his career, judiciously deserves a chance and ambit of law also delegates powers to you for doing so.

Therefore, keeping in-view the above facts and figures and narrated version, it is requested that the instant appeal may kindly be thumbed-up and decided as per your sweet will, please.

The personal file from page No.01 to NIL and enquiry file from page No.01 to 088 are also enclosed herewith, please.

Encl. As Above)

MS  
9/2  
Divisional Forest Officer  
Agror Tandra Forest Division  
Oghi

Recd  
MD  
Doral Ramesh  
Attested  
MD

<b>Muhammad Siddique</b> DIVISIONAL FOREST OFFICER		Agror Tanawal Forest Division Oghi Phone # 0997-321244
No 4409 /GE		Dated 22/03/2016

5

The Conservator of Forests  
 Upper Hazara Forest Circle  
 Mansehra

Subject: APPEAL OF MR. MUHAMMAD FARIDOOON FORESTER PREFERRED AGAINST OFFICE ORDER NO.218 DATED 16.02.2016-COMMENTS THEREOF

Reference: your letter No.5541/GE, dated 02.03.2016

The para-wise comments are furnished as under:

- 1- It is correct that Enquiry Committee has proved two (02) charges i.e.
- 2- Mis-conduct & In-Efficiency while the competent authority after providing mandatory opportunity of personal hearing/cross examination, has proved all the three (03) charges i.e Mis-conduct, In-Efficiency and Corruption.
- 3- This pertains to the Chairman of Enquiry Committee whether he has involved member of the Committee in the process or not.

Recording of personal hearing/cross-examination is pre-requisite of the E&D Rules-2011.

The perusal of record reveals that personal hearing of the accused is not available.

3. The appellant should have raised this point before the Enquiry committee. As Block officer, he has realized Compensation amounting to Rs.80, 000/- which denies his contention utterly.

Also according to the West Pakistan Forest Manual volume -II, even verbal directive of immediate Boss has to be complied in the best interest of state.

4. The first part of this para relates to the jurisdiction of enquiry committee.

The record reveals that he has realized the compensation stated in this Para.

5. The SDFO Agror had not processed/moved the damage reports in question simply because on the pretext that this is an afterthought action.

This cannot be attributed towards non-holding of charge of the block by the appellant.

6. This also pertains to the jurisdiction of the enquiry committee the appellant should have clarified this point before the enquiry committee.

*Accepted*  
*[Signature]*

Hence analyzing, summarizing, eccentricizing and summing up above contentions of appellant coupled with parawise comments, the following inferences can easily be drawn.

(i) The appellant has not been mandatorily participated in the enquiry proceedings which is the legal right of the appellant and pre-requisite of E&D Rules 2011

(ii) The enquiry committee is in the best position to induce recommendation absolutely at par with the gravity of charge(s)

In the instant case, the enquiry committee has not induced recommendation despite the fact that the case had been referred back to it which is contrary to the universal practice being in vogue in the department since time immemorial.

(iii) During the enquiry proceedings, facts on ground have not been properly valued, gravitated and only available record has been cruised. This omission also needs to be rectified.

(iv). The body language of the appellant also suggests him to be innocent and reveals that enquiry committee has done injustice to him.

By virtue of above, the appellant deserves a chance and ambit of law also delegate's power to your kindself for doing so.

Therefore, keeping in-view the above facts and figures and narrated version, it is requested that the instant appeal may kindly be thumbed-up and decided as per your sweet will please.

The personal file from page No.01 to 246 and enquiry file from page No.01 to 100 are also enclosed herewith, please.

  
Divisional Forest Officer  
Agror Tandawal Forest Division  
Oghi

*Attested*  
*gpc*