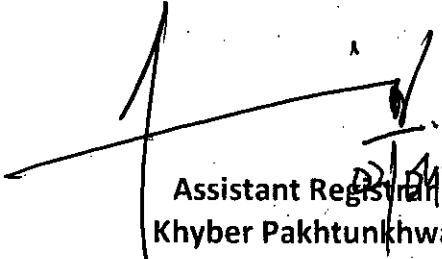


Cost of Rs. 5000/- received in Service Appeal No. 1930/2023  
Titled Ghulam Muhammad vs Forest  
in the office of Assistant Registrar, Vide Order 22-02-2024,  
submitted on 02/04/2024.

  
Assistant Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**BEFORE THE HON'BLE SERVICE TRIBUNAL PESHAWAR**

Appeal No.1930/2023

Ghulam Muhammad Forester

**VERSUS**


Govt of KPK through Chief Secretary at Civil Secretariat  
Peshawar & others

**INDEX**

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14.	Application D.F.O	"II"	6
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17.	Office Order	"A-III)	9
18.	Office Order	"A-III)	10
19.	Application D.F.O	"IV)	11-12
20.	Notice	"B"	13

Respondent

Through

  
Zahoor Ahmad

02-04-2024.  
prohm

one copy handed over to  
the appellant

**BEFORE THE HYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1930 of 2023**

Ghulam Muhammad s/o Muhammad Akbar, Forester resident of Village Khareyala P/O Tehsil Oghi District Mansehra..... Appellant.

**Versus.**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary at Civil Secretariat, Peshawar.
2. Secretary, Forestry, Environment and Wildlife Department Khyber Pakhtunkhwa Peshawar.
3. Director General, Forestry, and Wildlife, Khyber Pakhtunkhwa Peshawar.
4. Chief Conservator of Forests, Central Southern Forest Region-I Peshawar.
5. Divisional Forest Officer Agror Tanawal Forest Division Oghi.
6. Conservator of Forests, Upper Hazara Forest Circle Mansehra.
7. The SDFO, Shergarh Forest Sub Division, Upper Hazara Circle Mansehra.
8. Divisional Accountant, Forestry Upper Hazara Circle Mansehra

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 12070

Dated 21.04.2024

..... Respondents.

**REPLY / PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 8.**

**PRELIMINARY OBJECTIONS**

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

**Respectfully Sheweth**

**FACTS OF THE CASE.**

Para wise comments are as under:-

1. Pertain to record, hence no comments
2. Correct to the extent that the appellant was appointed as Forest Guard vide DFO Office Order No. 70 dated 5.9.1987 (**Annexure-I**). However, he concealed the facts about his past Service history as he has been awarded following penalties during his service.
  - i. He was dismissed from service on account of illicit cutting of 557 numbers Kail trees=64276 cft (SV) vide office orders No. 226 dated 26.06.2001 (**Annex-A**) and reinstated in service vide Service Tribunal NWFP Peshawar order dated 01.06.2002 and in compliance thereof reinstate in service vide DFO office order No. 109 dated 28.08.2002.
  - ii. Stoppage of Four (04) annual increments for the period of 01.12.2006, 01.12.2007, 01.12.2008 and 01.12.2009 on account of illicit cutting of 260 trees=23878 cft in Doga Compartment No. 1 to 12 vide office order No.133 dated 7.3.2006 (**Annex-B**).
  - iii. Due to arrest by NAB authority on 18.08.2007, the official was suspended from service vide office order No.11 dated 20.08.2007 (**Annex-C**).
  - iv. He was again dismissed from service on account of illicit cutting of Doga Compartment No. 1 to 11, 1334 numbers of Kail trees=117058 cft vide DFO Agror Tanawal Mansehra office order No.35 dated 11.10.2007 (**Annex-D**) and reinstated in service vide CF Upper Hazara Forest Circle Mansehra office order No. 110 dated 20.05.2008.
  - v. Stoppage of Two (02) annual increment falling due on 01.12.2017 and 01.12.2018 on account of illicit damage in Doga and Jalogali Forest of Shergarh Forest Division vide office order No. 365 dated 18.05.2017 (**Annex-E**).
  - vi. Dismissed from service due to involvement in negative/illegal activities against the department vide office order No.162 dated 12.02.2018, etc and thus the appellant possesses a blemished service career. (**Annexure-II**) and reinstated in service vide CF Upper Hazara Forest Circle Mansehra office order No. 2 dated 06.07.2018.
3. Incorrect. The appellant was not booked falsely, rather he was charged for his negligence and disinterest towards his basic responsibilities of protection of 10-BTAP activities assigned to him during his posting as Incharge Karori Block. The appellant failed to protect the sowing activity carried out over an area of 66 hectare in Jalo Gali G-12-

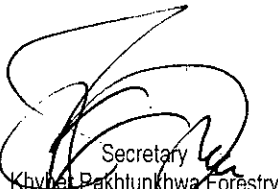
during 2021, under 10-BTAP spending a huge amount resultantly due to his lack of interest and irresponsible attitude 80% sowing area had failed. Moreover, the appellant also failed to carry-out re-sowing/restocking of failed area utilizing the availability of Chowkidar engaged for the purpose as envisaged in PC-I. The area was checked by the SDFO Shergarh Sub Division on 09-07-2021 and found failed upto 90% as reported by him vide his letter No. 01/SFSD dated 10-07-2022, (**Annexure-III**). In this respect the explanation of the appellant was called vide DFO Agror Tanawal Forest Division letter No. 87-88/B&A dated 13-07-2021 followed by reminder No. 195-96/B&A dated 29-7-2021, No. 681-82/B&A dated 27-09-2021 and No. 866-67/B&A dated 20-10-2021 (**Annex-IV**) to explain his position for irregularities committed by him in discharge of his basis responsibilities assigned to him. Later on the appellant furnished his reply to the explanation on 28-06-2022 (**Annexure-V**). The SDFO commented upon that the reply of Forester is un-satisfactory with the recommendations to initiate proper disciplinary action under E&D Rules 2011. Therefore, after completion of all codal formalities, the appellant was rightly charged as the Govt. exchequer has collectively sustained a huge loss to the tune of Rs: 11,403,000/- due to non-professional behavior, poor performance, negligence and in-efficiency of the petitioner.

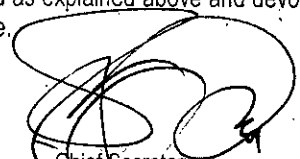
4. Incorrect. On receipt of enquiry report, a show cause notice under **Section-14 (4)(a)** of **E&D Rules 2011** was served upon the appellant vide No. 2977/GB dated 06-02-2023, followed by reminder No. 3198/GB dated 27-02-2023. The appellant furnished his reply on 01-03-2013 and he was also heard in person on 30-05-2023. During personal hearing, the appellant failed to defend the allegations leveled against him and on his own request, the competent authority had given a chance for accomplishment of the task i.e. re-sowing/restocking in the failed area, but the appellant failed.
5. Incorrect. Evidently record is available and also the appellant himself admits that he executed the work but after payment of the expenses incurred upon the sowing activity, the appellant paid no attention to protect the executed work from the damages or its restocking etc; the sowing area comprised of 66 hectare badly failed and he did not bothered to carry-out re-sowing in failed area through the engaged Chowkidar at sowing area in Jalo Gali compart-12.
6. Incorrect. The SDFO Shergarh checked the area on 07-07-2021 in presence of appellant and pointed out failure in the area upto 90%. During the enquiry proceedings, the Enquiry Officer (DFO Patrol Squad) alongwith checking team visited the area on 13-10-2022, where 25-30% survival rate was observed. The checking committee re-visited the area on 21-11-2022, where survival rate 30-40% recorded. On the direction of Enquiry Officer (DFO Patrol Squad), the SDFO Shergarh again visited the area and reported the 40% area. The sowing was carried-out during the month of November and December 2021, and the Appellant had been given several warnings to clear all shortfalls/deficiencies but he failed, hence the actual area reduced.
7. Incorrect. The Enquiry Officer conducted the enquiry strictly followed the rules and procedure. The area was checked by the Enquiry Officer physically on spot as well as by the checking committee. The Appellant being I/C of the sowing area was duty bound to clear all the shortfalls/deficiencies and protect/beat-up the sowing as per requirements of the PC-I, but he did not take any interest for checking/supervision of sowing area. Due to his non-professional behavior, poor performance, disinterest, negligence and in-efficiency, Govt. exchequer sustained huge loss as narrated in the para-3 above. It is worth mentioning here that the sowing area under reference is badly failed and the failure have not beaten up by the appellant despite the fact that the Appellant was given several chances by the DFO, SDFO, Enquiry Officer to improve/beat-up the failed pits but all in vain, therefore, the penalty/recovery has rightly been imposed by the Enquiry Officer. After issuance of office order No. 75 dated 07-06-2023, a monitoring report of PMU has been received in the office of DFO, where the survival of charged area of compartment No. 12 is on 26% due to which the penalty imposed is less and need to increase.
8. Correct to the extent that the Conservator of Forest Upper Hazara Circle rejected the appeal of Appellant in view of facts on ground/on record and up-held the order of recovery amounting to Rs:- 342,889/- vide office order No. 09 dated 31-08-2023.
9. Incorrect. The appellant failed to protect the area through deployed chowkidar which is evident from report of checking committee, enquiry officer as well as report of PMU monitoring report. Therefore, the contents of the appeal are baseless and devoid of merit. Besides, the appellant has not come-up with clean hands. The appellant has tried to cover-up his inefficiency and connivance by taking baseless pleas, which cannot be corroborated by any action taken by him.

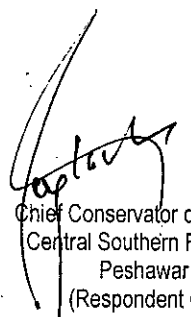
## GROUNDS

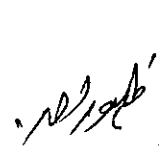
- A. In-correct. The order has rightly been issued after completion of all required formalities as well as procedure & rule on the subject.
- B. Incorrect. The enquiry proceeding has been completed according to provision of E&D Rules 2011. The competent authority has exercised his powers justly, fairly, most honestly, judiciously and in accordance with the mandate of law, rules and regulations promulgated by the Provincial Government.
- C. The Appellant admitted himself that on 66 hectare area sowing was carried-out but he failed to protect the area. The Appellant also failed to carry-out re-sowing in failed area through deployed chowkidar as envisage in PC-I due to which Government sustained huge loss.
- D. Incorrect. Proper enquiry was conducted by the enquiry officer after giving full opportunity i.e. reply of charge sheet, personal hearing date 19-10-2022. & finalized the enquiry and submitted report wherein inter-alia recovery of Rs:- 342,889/- recommended against the Appellant. The competent authority served show-cause notice but in the reply to show cause notice and in response to personal hearing, the Appellant failed to provide any solid proof of his innocence, hence the case was decided according to E&D Rules 2011 following proper procedure on the subject agreeing with the recommendation of enquiry officer imposing the recovery of Rs:- 342,889/-
- E. Incorrect. The appellate authority after getting the comments from competent authority, provided full opportunity of defense to the appellant during personal hearing dated 21-08-2023, but he could not put forth any valid reason in his defense, hence, rejected the appeal accordingly.
- F. Incorrect. The penalty has been imposed rightly under the rules in view of poor performance & disinterest of the Appellant in discharge of his duties due to which the Government sustained huge loss.
- G. The respondents seek leave to raise additional grounds at the time of arguments.

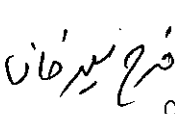
In view of the above facts, it is humbly prayed that the appeal being baseless, lacking the legal and technical ground as explained above and devoid of merit may graciously be dismissed with cost, please.

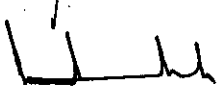
  
Secretary  
Khyber Pakhtunkhwa Forestry  
Environment & Wildlife  
Department Peshawar  
(Respondent 02)

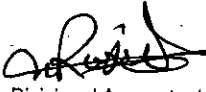
  
Chief Secretary  
Khyber Pakhtunkhwa Forestry  
Environment & Wildlife  
Department Peshawar  
(Respondent 01)

  
Chief Conservator of Forests  
Central Southern Region-I  
Peshawar  
(Respondent 04)

  
Sub Divisional Forest Officer  
Shergah Forest Sub Division  
(Respondent 07)

  
Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra  
(Respondent 06)

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra  
(Respondent 05)

  
Divisional Accountant  
Agror Tanawal Forest Division  
Mansehra  
(Respondent 08)

**BEFORE THE SERVICE TRIBUNAL COURT**  
**PESHAWAR**

Service Appeal No. 1930/2023

Ghulam Muhammad s/o Muhammad Akbar, Forester.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa and others  
.....Respondents

**COMMENTS ON BEHALF OF RESPONDENTS**

**AFFIDAVIT!**

I, AMANULLAH KHAN, DIVISIONAL FOREST OFFICER AGROR TANAWAL FOREST DIVISION MANSEHRA, DO HEREBY SOLEMNLY AFFIRM AND DECLARE OATH THAT THE CONTENTS OF THE PARA WISE, COMMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONORABLE COURT, THE CONTENTS OF ABOVE AFFIDAVIT OF TRUE AND CORRECT TO BEST OF MY KNOWLEDGE AND BELIEF.

  
**DEPONENT**  
Divisional Forest Officer,  
Agror Tanawal Forest Division  
Mansehra



**BEFORE THE HYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1930 of 2023**

Ghulam Muhammad s/o Muhammad Akbar, Forester resident of Village Khareyala P/O Tehsil Oghi District Mansehra..... Appellant.

**Versus.**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary at Civil Secretariat, Peshawar.
2. Secretary, Forestry, Environment and Wildlife Department Khyber Pakhtunkhwa Peshawar.
3. Director General, Forestry, and Wildlife, Khyber Pakhtunkhwa Peshawar.
4. Chief Conservator of Forests, Central Southern Forest Region-I Peshawar.
5. Divisional Forest Officer Agror Tanawal Forest Division Oghi.
6. Conservator of Forests, Upper Hazara Forest Circle Mansehra.
7. The SDFO, Shergarh Forest Sub Division, Upper Hazara Circle Mansehra.
8. Divisional Accountant, Forestry Upper Hazara Circle Mansehra

..... Respondents.

**REPLY / PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 8.**

**PRELIMINARY OBJECTIONS**

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

**Respectfully Sheweth**

**FACTS OF THE CASE.**

Para wise comments are as under:-

1. Pertain to record, hence no comments
2. Correct that to the extant, the appellant was appointed as Forest Guard on Project basis under a developmental scheme captioned "Soka Nulla" vide DFO Agror Tanawal Office Order No. 70 dated 5.9.1987 (**Annexure-I**). However, he concealed the facts is the past Service history of the appellant also transpires that he has been awarded with various penalties vide office orders No. 226 dated 26.06.2001, No.133 dated 7.3.2006, No.11 dated 20.08.2007, No.13 dated 21.08.2007, No.35 dated 11.10.2007, No. 365 dated 18.05.2017 and office order No.162 dated 12.02.2018, etc and thus the ~~accused~~ <sup>appellant</sup> possesses a blemished service career. (**Annexure-II**).
3. Incorrect. The appellant was not booked falsely, rather he was charged for his negligence and disinterest towards his basic responsibilities of protection of 10-BTAP activities assigned to him during his posting as Incharge Karori Block. The appellant failed to protect the sowing activity carried out over an area of 66 hectare in Jalo Gali C-12 during 2021, under 10-BTAP spending a huge amount resultantly due to his lack of interest and irresponsible attitude 80% sowing area had failed. Moreover, the appellant also failed to carry-out re-sowing/restocking of failed area utilizing the availability of Chowkidar engaged for the purpose as envisaged in PC-I. The area was checked by the SDFO Shergarh Sub Division on 09-07-2021 and found failed upto 90% as reported by him vide his letter No. 01/SFSD dated 10-07-2022, (**Annexure-III**). In this respect the explanation of the appellant was called vide DFO Agror Tanawal Forest Division letter No. 87-88/B&A dated 13-07-2021 followed by reminder No. 195-96/B&A dated 29-7-2021, No. 681-82/B&A dated 27-09-2021 and

No. 866-67/B&A dated 20-10-2021 (**Annex-IV**) to explain his position for irregularities committed by him in discharge of his basis responsibilities assigned to him. Later on the appellant furnished his reply to the explanation on 28-06-2022 (**Annexure-V**). The SDFO commented upon that the reply of Forester is un-satisfactory with the recommendations to initiate proper disciplinary action under E&D Rules 2011. Therefore, after completion of all codal formalities, the appellant was rightly charged as the Govt. exchequer has collectively sustained a huge loss to the tune of Rs: 11,403,000/- due to non-professional behavior, poor performance, negligence and in-efficiency of the petitioner.

4. Incorrect. On receipt of enquiry report, a show cause notice under **Section-14 (4)(a)** of **E&D Rules 2011** was served upon the appellant vide No. 2977/GB dated 06-02-2023, followed by reminder No. 3198/GB dated 27-02-2023. The appellant furnished his reply on 01-03-2023 and he was also heard in person on 30-05-2023. During personal hearing, the appellant failed to defend the allegations leveled against him and on his own request, the competent authority had given a chance for accomplishment of the task i.e. re-sowing/restocking in the failed area, but the appellant failed.
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7. Incorrect. The Enquiry Officer conducted the enquiry strictly followed the rules and procedure. The area was checked by the Enquiry Officer physically on spot as well as by the checking committee. The Appellant being I/C of the sowing area was duty bound to clear all the shortfalls/deficiencies and protect/beat-up the sowing as per requirements of the PC-I, but he did not take any interest for checking/supervision of sowing area. Due to his non-professional behavior, poor performance, disinterest, negligence and in-efficiency, Govt. exchequer sustained huge loss as narrated in the para-3 above. It is worth mentioning here that the sowing area under reference is badly failed and the failure have not beaten up by the appellant despite the fact that the Appellant was given several chances by the DFO, SDFO, Enquiry Officer to improve/beat-up the failed pits but all in vain, therefore, the penalty/recovery has rightly been imposed by the Enquiry Officer. After issuance of office order No. 75 dated 07-06-2023, a monitoring report of PMU has been received in the office of DFO, where the survival of charged area of compartment No. 12 is on 26% due to which the penalty imposed is less and need to increase.
8. Correct to the extent that the Conservator of Forest Upper Hazara Circle rejected the appeal of Appellant in view of facts on ground/on record and up-held the order of recovery amounting to Rs:- 342,889/- vide office order No. 09 dated 31-08-2023.
9. Incorrect. The appellant failed to protect the area through deployed chowkidar which is evident from report of checking committee, enquiry officer as well as report of PMU monitoring report. Therefore, the contents of the appeal are baseless and devoid of merit. Besides, the appellant has not come-up with clean hands. The appellant has tried to cover-up his inefficiency and connivance by taking baseless pleas, which cannot be corroborated by any action taken by him.




**GROUNDS**

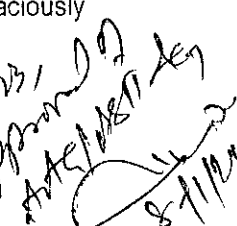
- A. In-correct. The order has rightly been issued after completion of all required formalities as well as procedure & rule on the subject.
- B. Incorrect. The enquiry proceeding has been completed according to provision of E&D Rules 2011. The competent authority has exercised his powers justly, fairly, most honestly, judiciously and in accordance with the mandate of law, rules and regulations promulgated by the Provincial Government.
- C. The Appellant admitted himself that on 66 hectare area sowing was carried-out but he failed to protect the area. The Appellant also failed to carry-out re-sowing in failed area through deployed chowkidar as envisage in PC-I due to which Government sustained huge loss.
- D. Incorrect. Proper enquiry was conducted by the enquiry officer after giving full opportunity i.e. reply of charge sheet, personal hearing date 19-10-2022. & finalized the enquiry and submitted report wherein inter-alia recovery of Rs:- 342,889/- recommended against the Appellant. The competent authority served show-cause notice but in the reply to show cause notice and in response to personal hearing, the Appellant failed to provide any solid proof of his innocence, hence the case was decided according to E&D Rules 2011 following proper procedure on the subject agreeing with the recommendation of enquiry officer imposing the recovery of Rs:- 342,889/-
- E. Incorrect. The appellate authority after getting the comments from competent authority, provided full opportunity of defense to the appellant during personal hearing dated 21-08-2023, but he could not put forth any valid reason in his defense, hence, rejected the appeal accordingly.
- F. Incorrect. The penalty has been imposed rightly under the rules in view of poor performance & disinterest of the Appellant in discharge of his duties due to which the Government sustained huge loss.
- G. *The respondents seek leave to raise additional grounds at the time of arguments.*  
Needs no comments.

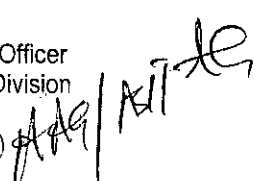
In view of the above facts, it is humbly prayed that the appeal being baseless, lacking the legal and technical ground as explained above and devoid of merit may graciously be dismissed with cost, please.

No 1929/23  
 Other connected appeal having similar facts and law, may also be settled on the same terms and conditions.

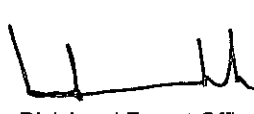
  
 Secretary  
 Khyber Pakhtunkhwa Forestry  
 Environment & Wildlife  
 Department Peshawar  
 (Respondent 02)

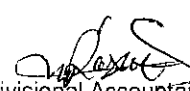
Chief Secretary  
 Khyber Pakhtunkhwa Forestry  
 Environment & Wildlife  
 Department Peshawar  
 (Respondent 01)

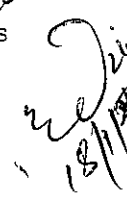
*Noted subject & correct compliance of letter of 29/10/2023, and approval of AAG/NT/23/11/24*  
  
 Chief Conservator of Forests  
 Northern Forest Region-II  
 Abbottabad  
 (Respondent 04)

  
 Sub Divisional Forest Officer  
 Shergarh Forest Sub Division  
 (Respondent 07)

Conservator of Forests  
 Upper Hazara Forest Circle  
 Mansehra  
 (Respondent 06)

  
 Divisional Forest Officer  
 Agror Tanawal Forest Division  
 Mansehra  
 (Respondent 05)

  
 Divisional Accountant  
 Agror Tanawal Forest Division  
 Mansehra  
 (Respondent 08)

  
 Assistant Advocate General  
 Khyber Pakhtunkhwa  
 Services Tribunal Peshawar

Consequent upon the recommendation of Departmental Selection Committee constituted vide this office order No. 20 dated 8-7-67 Mr. Chaman Mansur s/o Mansur Akbar, Village Sani Khayula, Post Office Kaneri, via Shargah Tehsil and District, Mambaha is hereby appointed as Forest Guard in the Forest (No. 625-15-945) @ Rs. 625/- per month plus 10% Dearness Allowance as admissible under the scales of the Forest Guard as per his health certificate.

His appointment as Forest Guard is purely temporary and his services/employment in the Forest Department is also purely temporary and he with his services can be terminated in accordance with the Government of West Pakistan services and General Administration Department Regulation No. XVIII-1-9/65, dated 10-7-1960 at any time, irrespective of the fact that he is holding the charge of post either thus just for the time being or eventually recruited.

If he wishes to resign at any time he would have to serve one month's notice or his one month's pay would be forfeited to Government to him of that.

He will be governed by such rules and orders relating to pay, house rent, travelling allowances, medical allowances, transfers and other matters at the time of issue of this letter and any order issued by the Government in future.

His appointment is subject to the following conditions:

- i. He would have to produce medical certificate of fitness.
- ii. He would have to join his services at his own expenses.
- iii. He is detailed of Reserve Civil Division.

D/-  
(MURAHIM MANSUR KHAN)  
DIVISIONAL FORESTER OFFICER  
SCEA MULLAH MANSUR KHAN PROJECT  
SHERGHAR.

**References:**

- 1. Copy forwarded to :  
 1. Director of Forests, Watered Management Project  
 Islamabad for future of information.
- 2. Divisional Accountant for information.
- 3. Mr. Chaman Mansur s/o Mansur Akbar Village Sani  
 Khayula, Post Office Kaneri, via Shargah Tehsil  
 and District, Mambaha for information.

Attestd. *[Signature]*  
S.D.O.  
Forest Sub Division  
Sherghar

DIVISIONAL FORESTER OFFICER  
SCEA MULLAH MANSUR KHAN PROJECT  
SHERGHAR.

(Annexure - II)  
A

READ WITH.

1. Office Order No. 207 dated 1-6-2000.
2. Show Cause Notice served upon the accused official by Authorised Officer vide his No. 6733/GE, dt: 23-6-2000.
3. Reply to the Show Cause Notice furnished by accused before Authorised Officer.
4. Enquiry Report of Authorised Officer received vide his No. 4343/GE, dated 7-6-2001.
5. Final Show Cause Notice served upon accused vide No. 3263/GE, dated 11-6-2001.
6. Personal hearing dated 26-6-2001.

ARISE HISTORY OF THE CASE.

On a complaint regarding illicit cutting of trees in Doga and Jalogali Forests of Shergarh Range with the connivance of Protective staff, the Conservator of Forests Siran Kaghan Forestry Project Abbottabad constituted a committee of the following officers vide Office Order No. 52 dated 3-4-2000 for checking of forests and submission of detail reports:-

1. Mr. Akhtar Baig, DFO Social Forestry SFPD, Mansheera.
2. Mr. Rustam Khan, DFO Agroh Tanawal Forest Divn: Mansheera.

In compliance thereto, the committee further constituted sub-committees comprising of staff of Siran and Social Forestry Divisions. The sub-committees checked the forests with effect from 3-4-2000 to 14-4-2000 and detected illicit damage in the forests according to terms of reference contained in Conservator of Forests/PD Siran Kaghan Forestry Project Abbottabad Office Order No. 52 dated 3-4-2000. Then in the light of physical checking detail report was transmitted to Conservator of Forests/PD Siran Kaghan Forestry Project Abbottabad vide No. 2799/GE, dated 24-4-2000. The Conservator of Forests/PD SFPD vide his letter No. 5681/GE, dated 15-5-2000 desired for initiating disciplinary proceedings against responsible staff.

The following illicit damage was found caused to the forests during the tenure of Mr. Ghulam Mohammad Forest Guards

S.No.	Forest Compct:	Reported Damage.		Un-R/Damage.		Total.	
		No. of Trees.	Volume.	No. of Trees.	Volume.	No. of Trees.	Volume.
1.	Doga C-1	47	4119	29	2321	76	6440
2.	Doga C-2	31	2677	01	145	32	2822
3.	Doga C-3	34	3020	09	744	43	3764
4.	Doga C-4	18	1513	-	-	18	1513
5.	Doga C-5	08	713	02	160	10	873
6.	Doga C-6	18	1894	28	2597	46	4491
7.	Doga C-7	01	22	-	-	01	22
8.	Doga C-11	165	24671	058	7923	223	32594
9.	Doga C-12	55	5555	23	2377	78	7932
10.	Jalogali C-1	05	448	01	61	06	509
11.	Jalogali C-2	01	312	02	188	03	500
12.	Jalogali C-3	01	61	-	-	01	61
13.	Jalogali C-4	02	474	-	-	02	474
14.	Jalogali C-5	14	2080	-	-	14	2080
15.	Jalogali C-6	01	122	01	79	02	201
<b>Total:</b>		<b>492</b>	<b>47681</b>	<b>155</b>	<b>16595</b>	<b>647</b>	<b>64276</b>

(Contd. P/2 ...)

S.D.F.O  
Forest Sub Division  
Shergarh

17-

... 20000

To Probe into the allegations, Mr. Abdul Qaddus Khan Divisional Forest Officer Birsa Forest Division Mansohra was appointed as Authorised Officer vide office order No. 207 dated 1-6-2000 for initiating disciplinary proceedings against the accused official held responsible for the above damage.

#### DISCUSSION.

The Authorised Officer served Show Cause Notice upon the accused official vide No. 6733/GE, dated 23-6-2000 under the provision of rule 5(3) a, b of Efficiency & Discipline Rules 1973 by levelling the charges of i) In-efficiency, ii) Mis-conduct and iii) Corruption against the accused official. The accused official furnished his reply to the show cause notice vide No. Nil dated 9-8-2000 wherein the accused denied the charges with out providing proof in his support. The opportunity of personal hearing was also given by the authorised officer but the accused again failed to provide cogent proof in his defence, during the course of personal hearing. Therefore the Authorised Officer proved the involvement of accused official in illicit cutting/forest damage caused during the tenure of the accused official. The Authorised Officer further high lighted patronage for the following:-

- i. The accused official issued bogus damage reports mostly against the non locals forest offenders to cover up the damage and tried to get himself absolved of the responsibility.
- ii. Mostly the damage reports have been issued only by the accused Forest Guard without any witness or companion forest guard, just as an eye wash to cover up the damage.
- iii. Against huge damage the accused official has seized nominal quantity of timber and that too in very few cases.
- iv. Against such huge damage the accused official failed to get up challan/special challan before the court of SFM, Mansohra in time alongwith block officer and also made no serious concerted efforts for arresting the forest offenders for trial before the court.
- v. The accused official made no serious efforts to check/control the damage with the help of police or collective efforts of Range Staff.

The authorised officer furnished enquiry report vide No. 4343/GE dated 7-6-2001 and recommended major penalty to be imposed upon the accused official under the provisions of NWFP Govt. Servant (B&D) Rules, 1973.

#### ORDER.

From the perusal of findings of Authorised Officer, available record in the inquiry file and considering the gravity of the case and for the sake of justice, opportunity of defence was again given to the accused official vide Show Cause Notice No. 3263/GE, dated 11-6-2001. Personal hearing was also conducted on 26-6-2001 but the accused official failed to provide any cogent proof in his defence, hence failed to convince the undersigned with regard to charges levelled against him.

( Contd... P/3... )

*Arrested*  
*[Signature]*  
S.D.F.O.  
Forest Sub Division  
Sherghat

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In view of the above facts the official as a main accused/responsible for destruction of Forest caused during his tenure. He has also been found involved in various subversive activities managed against the Forest Conservancy. Therefore I Mr. Rustam Khan Divisional Forest Officer Agror Tanawal Forest Division Manshehra being competent authority in accordance with rule 5(4) hereby order Dismissal of Mr. Ghulam Mohammad Forest Guard, from Service with immediate effect.

*(Signature)*  
(Mr. Rustam Khan)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Manshehra.

Memorandum:

Copy forwarded to:-

1. CF SKFC A'Abad for favour of information please.
2. Range Officer Shergarh Range for information and necessary action.
3. Divisional Accountant for information.
4. Mr. Ghulam Mohammad Forest Guard for information.

Divisional Forest Officer  
Agror Tanawal Forest Division  
Manshehra.

.....

*Attested*

*(Signature)*  
S.D.F.O.  
Forest Sub-Division  
Shergarh

17-01  
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Read With:

1. Report of inquiry committee dated 30-12-2005.
2. Show Cause Notice bearing No.2105/GF, dated 31-1-2006 served upon the accused officials
3. Reply to Show Cause Notice served upon the accused officials.
4. Personal hearing dated 1&3/3/2006

Brief History:

The Range Officer Shergarh alongwith field staff carried out checking of Doga Forest Compartment No. 1,2,3 on 16&17/4/2005, Doga Forest Compartment No. 4,5,6 on 3-5-2005 and Doga Compartment No. 7,8,9,10,11,12 on 8-5-2005 and detected un-reported damage of 260 trees 238\*8-0 ft in Doga Compartment No. 1 to 12 prepare list and submitted to Divisional Office.

Discussion:

To probe into the allegations the case was entrusted to Mr. Mohammad Hail Range Officer Alhai Watershed Range inquiry committee vide endst: No. 833/36/GF, dated 17-9-2005 and the accused officials were served with charge sheet vide No.837/39/GF, dated 17-9-2005 with the direction to furnish their replies direct to inquiry officer's committee. On receipt of replies the inquiry committee conducted inquiry. The inquiry committee officer furnished his report on 30-12-2005 wherein proved the charges against the each official as detail below:-

1. Ghulam Mohammad Forest Guard charges of In-efficiency, Mis-Conduct and Corruption are proved and recommended major penalty of Compulsory Retirement from Service.
2. Haider Zaman Forest Guard Charge of In-efficiency proved against the official and recommended minor penalty of stoppage of one annual increment.
3. Mohammad Javed Forester Charges leveled have not been proved and recommended warned to careful in future.

On receipt of inquiry report show cause notice bearing No.2105/GF, dated 31-1-2006 was served upon the accused by providing copy of finding of inquiry committee with the direction to furnish their Defence statement with in 15 days from the date of receipt of show cause notice. On receipt of reply to show cause notice the opportunity of hearing in persons was given and had in person on 1&3/3/2006.

Order:

After going through the inquiry report with relevant documents replies to the show cause notice and personal hearing the undersigned in the capacity of AUTHORITY under the provision of Government servant Special Power Ordinance, 2000 hereby order for imposition of penalties as under:-

1. Ghulam Mohammad Forest Guard . The increment due on 1-12-2006, 1-12-2007,1-12-2008 and 1-12-2009 stopped with accumulative effect.
2. Haider Zaman Forest Guard Increment due on 1-12-2009 & 1-12-2010 is stopped with accumulative effect.
3. Mohammad Javed Forester Increment due on 1-12-2006 is stopped without accumulative effect and warned to careful in future.

Balhadur Sher Khan  
Divisional Forest Officer  
Agror Latawal Forest Division  
Manshera

Memorandum:

Copy forwarded to:-

1. Conservator of Forests Abbottabad Circle Abbottabad for favour of information please.
2. Range Officer Shergarh Range for information and necessary action.
3. M/S Mohammad Javed Forester, Haider Zaman and Ghulam Mohammad Forest Guards C/O Range Officer Shergarh Range.
4. Divisional Accountant for information.

Divisional Forest Officer  
Agror Latawal Forest Division  
Manshera

Attested

S.D.F.O  
Forest Sub Division  
Shergarh

OFFICE ORDER NO. 11 DATED MANSEHRA THE 20/08/2007, ISSUED BY  
MR. BAHADER SHER KHAN DIVISIONAL FOREST OFFICER AGROR TANAWAL  
FOREST DIVISION, MANSEHRA. A-11

Due to arrest by NAB Authorities on 18.8.2007, the  
following Forest Guards are hereby placed under suspension with  
immediate effect, from 18-8-2007 (Date of suspension). (C)

1. Mr. Khawaj Muhammad Forest Guard (B.O)
2. Mr. Muhammad Shaukat, Forest Guard.
3. Mr. Ghulam Muhammad, Forest Guard.
4. Mr. Abdullah Jan, Forest Guard.

*Amended vide O/o No. 13 dt 21-8-07.*

(Mr. Bahader Sher Khan)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra. (11)

Memorandum:

Copy forwarded to:-

The Conservator of Forests Abbottabad Circle, Abbottabad  
for information please.

Mr. Khalid Iqbal, Deputy Director NAB, NWFP Peshawar  
for information, please.

SDFO Shergarh Sub Division for information and  
necessary action. He is directed to immediately depute/  
post new staff on the places of staff arrested by NAB  
Authorities.

Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra.


*Attested*

*[Signature]*  
SDFO  
Forest Sub Division  
Shergarh

OFFICE ORDER NO. 13 DATED MANSEHRA THE 21 / 08 / 2007, ISSUED BY  
MR. BAHADER SHER KHAN DIVISIONAL FOREST OFFICER AGROR TANAWAL  
FOREST DIVISION, MANSEHRA.

CORRIGENDUM.

The date of suspension of Block Officer and  
Forest Guards of Doga Block shown in Office Order No. 11 dated  
20.8.2007 may be read as 18.8.2007 (Date of their arrest).

  
(Bahader Sher Khan )  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra.

Memorandum:

Copy forwarded to:-

1. The Conservator of Forests Abbottabad Circle Abbottabad  
for information please.
2. Mr. Khalid Iqbal, Deputy Director NAB, NWFP Peshawar  
for information, please.
3. SBO Shergarh Sub Division for information and  
necessary action. He is directed to immediately depute/  
post new staff on the places of staff arrested by NAB  
Authorities.

Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra.

*Arrested*

  
S.D.F.O.  
Forest Sub-Division  
Sherghar



OFFICE ORDER NO. 35 DATED MANSEHRA THE // /10/2007 ISSUED BY BAHADAR SHER KHAN DIVISIONAL FOREST OFFICER AGROR TANAWAL FOREST DIVISION MANSEHRA

1A-7  
D

**Brief History**

Conservator of Forests Hazara Circle vide his No 13011/GI, dated 24.3.2007 ordered to constitute a committee. Consequently a committee was constituted vide O.O.No 105 dated 29.3.2007. The Committee submitted its report which was verified by Mr Farhad Sajid D/R the then SDFO Shergarh. As a result concerned field staff was charge sheeted for the following illicit damage

Sr No	Name of Forest	Reported Damage		Un-reported Damage		Fictitious		Total	
		Trees	Cft	Trees	Cft	Trees	Cft	Trees	Cft
1	Doga C-1	26	1822	2	168	5	364	33	2354
2	Doga C-2	175	15913	22	1950	26	2263	223	20126
3	Doga C-3	91	8087	20	1368	40	3333	151	12788
4	Doga C-4	60	5335	10	1253	18	1642	88	8230
5	Doga C-5	97	8238	15	1204	35	3327	147	12769
6	Doga C-6	129	10698	17	1499	27	2413	173	14610
7	Doga C-7	91	6902	21	1758	25	1854	137	10514
8	Doga C-8	55	4891	13	1138	25	2289	93	8318
9	Doga C-9	57	4569	28	2218	18	1367	103	8154
10	Doga C-10	28	2941	16	969	17	1303	61	5213
11	Doga C-11	78	8556	25	2836	22	2590	125	13982
	Total:	887	77952	189	16361	258	22745	1334	117058

The enquiry was entrusted to Mr. Muhammad Hanif DFO Working Plan Unit No. V Mansehra vide No.4009-12/GE dated 26.5.2007.

The Enquiry Officer conducted enquiry as laid down in the procedure. The accused furnished his reply, was cross examined with Prosecutor and was given a chance of personal hearing on 27.6.2007. The accused mainly relied on the following factors.

- 1- Heavy population around the forests.
- 2- Notorious smugglers/law breakers in the forests.
- 3- Overall lawlessness in the area.
- 4- Political support to offenders.

But could not rebut the charges leveled in the charge sheet especially he failed to submit any cogent reason for the unreported damage and fictitious damage. As a result the enquiry officer finalized the enquiry and recommended major penalty i.e. dismissal from service as all the charges had been proved and established vide his No.386/WP-V dated 25.7.2007.


Show Cause Notice was served upon the accused and again reminded vide No.1120-24/GE dated 4.10.2007.

The accused was arrested by NAB Authorities on 18.8.2007 and later on sent to Jail at Peshawar on 31.8.2007. The accused furnished, his reply to the Show Cause Notice through his relatives. In the reply the accused instead of rebutting the charges, mentioned in the

*Alleged*  
S.D.F.O.  
Forest Sub-Division  
Sherghar


Enquiry Report compared the list prepared by DFO Patrol Squad and his staff and tried to prove that no unreported damage took place during his tenure. He also gave a brief about PC and CC cases during his posting on the said forests. The credibility of the lists prepared by staff of Patrol Squad has been challenged by this office as the comparison of these lists with the previous lists prepared by Mr. Muhammad Ashraf Deputy Ranger and his Committee duly verified by the then I/C Shergarh Sub Division Mr. Farhad Sajid reveals that staff of Patrol Squad Division who are directly responsible to the Conservator of Forests engineered the lists in a way to prove the previous lists as bogus and staff involved/arrested by NAB as innocent. Whereas ground reality is that the accused being local was in a position to control the damage but due to his proved involvement with timber smugglers failed to control the illicit damage. The reply to the show cause is merely a repetition of the reply already furnished to the Enquiry Committee.

Therefore, I Mr. Bahadar Sher in the capacity of Competent Authority fully agree with the findings and recommendations of Enquiry Committee and pleased to impose Major Penalty & recommend i.e. Dismissal From Service on Mr. Ghulam Muhammad, Forest Guard.

  
(Mr. Bahadar Sher)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra.

Copy to :-

- 1- Conservator of Forests Hazara Circle, Abbottabad for information.
- 2- Mr. Tayyab Anwar, Assistant Director, Investigation, NAB, Peshawar for information.
- 3- SDFO Shergarh Sub Division for information.
- 4- Divisional Accountant, Agror Tanawal Forest Division for information.
- 5- Personal File.
6. OFFICIAL CONCERNED

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra.

*Attested*

  
SDFO  
Forest Sub Division  
Sherghar

**READ WITH:**

1. Fact finding enquiry of the complaint made to Secretary, Forestry, Environment and Wildlife Department by Mr. Adalat Khan chairman Kalo Bristi VDC of Sherga Forest sub-Division by Mr. Muhammad Yousaf Khan dated 27.02.2016.
2. Section Officer (Technical), FE&W Deptt: Letter No. 50 (Tech)/FE&WD/V-590/2014/EC/613-14 dated 11.05.2016
3. Charge Sheet bearing No. 5609-11/GE dated 09.06.2016.
4. Statement of Allegation No. 5612-14/GE dated 09.06.2016
5. Reply to the Charge Sheet dated 10-10-2016
6. Personal hearing of accused dated 08.11.2016
7. Report of enquiry officer vide letter No.1179/GE dated 02.12.2016
8. Show cause notice vide DFO Agror Tanawal Forest Division letter No.1956/GE dated 15.12.2017
9. Reply to the Show Cause notice dated 16.01.2017.
10. Personal hearing of the accused dated 26.04.2017.

**ORDER**

Whereas, Mr. Ghulam Muhammad Forest Guard was Charge Sheeted vide DFO Agror Tanawal Forest Division endorsement No. 5609-11/GE dated 09.06.2016.

Whereas, Mr. Mazhar Iqbal Principal Khyber Pakhtunkhwa Forest School Thal Abbottabad was appointed as enquiry officer/committee vide DFO Agror Tanawal office endorsement No. 5612-14/GE dated 09.06.2016.

Whereas, the enquiry committee accomplished the proceedings within the ambit of E&D Rules-2011

Whereas, the enquiry committee submitted its outcome vide office letter No.1179/GE dated 02.12.2016

Whereas, the report of the enquiry committee was perused, and critically analyzed.

Whereas, ignorantly the allegations pertaining to illicit damage in Doga and Jalogali forests have also been scrutinized by the enquiry committee, wherein these had already been probed by the high level enquiry committee constituted vide Government of Khyber Pakhtunkhwa Order No. SO (ESTT) ENV/1-50 (88) / 2006 dated 24-3-2014 and recently by Assistant Director Admn: Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar vide letter No. 1478/ACE dated 25-1-2017.

*Adalat*

Forest Sub Division  
Shergha

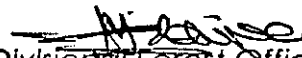
Whereas to maintain the natural principle of justice and equality, to avoid the risk of " double Juperdy " and as mandated in Article 13(a) of the constitution of Islamic Republic of Pakistan 1973, coupled with section-404 CrPc-1898, the penalty recommended by the enquiry officer was examined/ assessed and judiciously brought to the proportionate level of remaining charges proved

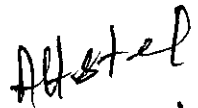
And whereas to some up and conclude above, the undersigned in capacity of competent authority and power vested on him vide rule-14(5) (ii) of the E&D Rules, 2011 hereby orders stoppage of Two (02) annual increments with accumulative effect falling due on 01-12-2017 & 01-12-2018.

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

Copy forwarded to:

1. The Conservator of Forests Upper Hazara Forest Circle Mansehra for favour of information and necessary action please.
2. Mr. Ghulam Muhammad Forest Guard C/O SDFO Shergarh Forest Sub-Division for information.
3. The Divisional Accountant for information.

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi



  
SDFO  
Forest Sub-Division  
Shergarh

(Annex-11)

- Whereas, SDFO Shergarh vide his office letter No.260/SFSD dated 10.02.2018 (enclosed as annexure-I alongwith audio evidence) reported that one, Mr. Taj Muhammad s/O Khalil-ur-Rehman of Kaloo Basti intentionally and maliciously kindled fire in Block plantation in Jalu Gali C No. 9 and Forest of Jalu Gali C No.07 in the wee hours on 06.02.2018 for black mailing and maculating the image of the Department for attaining his vested interest and ulterior motives.
- Whereas, SDFO Shergarh arrested the offender on 8.02.2018 and was taken to police station Darband for initial 24 hrs lock up.
- Whereas, the SDFO took cognizance of the offence under section 26, 33 and 85 of the KP Forests ordinance 2002 vide Damage Report No. 61/16 dated 06.02.2018 (Annexure-II).
- Whereas, the SDFO further unleashed/disclosed that the said incidence had taken place with the active connivance of Mr. Ghulam Muhammad Forester with vexatious, malicious, fraudulent and collusive intent by directing, guiding, goading, encouraging, facilitating and instigating the blue eyed culprit through contacts (02 times) through his cell phone No.0343-9562899.

The detail of these mutual contacts with his accomplice is given as under.

S. No.	Date of Call	Time of Call	Remarks
1	13.02.2017	----	The Forester actively played the role of an abetter in the outbreak of fire and instigated the offender for black mailing the Department.
2	07.02.2018	01:10 pm	-do-
3	07.02.2018	01:31 pm	-do-

- Whereas, the same incidence was also highlighted in local News Paper Daily Sarhad News dated 08.02.2018 (Annexure-III) and Daily Mohasib dated 09.02.2018 (Annexure-iv) which further authenticates the precision of the subject incidence and mutual contacts.
- Whereas, the Daily Mashriq dated 11.02.2018 (Annexure-v), the Daily Jung dated 11.02.2018 (Annexure-vi), the Daily Aaj dated 11.02.2018 (Annexure-vii), the Daily Ausaaf dated 11.02.2018 (Annexure-viii), the Daily Nawa-i-Waqat dated 11.02.2018 (Annexure-ix), the Daily Mohasib dated 11.02.2018 (Annexure-x) and the Daily Sarhad News dated 11.02.2018 (Annexure-xi) have surely and confidently nominated Mr. Ghulam Muhammad Forester alongwith Mr. Muhammad Shoukat FG for their connivance in occurrence of this incidence.
- Whereas, the above incidence supported by these press clippings and audio evidence categorically proves that the Forester has shamefully contributed in the offence with the culprit which tantamounts to abetment as conclusively enshrines in Sections-107, 109 and 116 of the code of criminal procedure-1898.
- Whereas, being Govt, servant and citizen of Pakistan the Forester ought to remain faithful, loyal to Department, state and obedient to constitution and law as explicitly encapsulates in Article-5 of the constitution of Islamic Republic of Pakistan, 1973 but unfortunately his negative act, doubtful, and impeachable integrity proved him harmful, disloyal and disobedient to his bread earning Department and beloved country.
- Whereas, the perusal of his service book reveals that he enjoys a blemished service career because he has been awarded punishment vide office order No. 226 dated 26.06.2001, No.08 dated 16.07.2005, No.133 dated 07.03.2006, No.11 dated 20.08.2007, No.35 dated 11.10.2007, No.101 dated 25.11.2010, No.60 dated 28.08.2015, No.80 dated 22.11.2016, No.25 dated 31.03.201, No.98 dated 26.12.2016, No.265 dated 18.05.2017 & No.83 dated 24.10.2017.

Attested

S.D.F.O.  
Forest Sub Division  
Shergha

- Whereas, he was recently promoted to the rank of Forester BPS-10 vide office order No.132 dated 26.01.2018 (Annexure-xii) and was made bound to all terms and conditions as entailed in this office order, but by involving himself in these subversive activities, he badly infringed these terms and conditions and disgraced the sanctity of his profession
- Whereas, by reasons of above, the situation demands/warrants to proceed the Forester against both under the strong arms of Crpc-1898 as well as under the E&D Rules-2011 but both constitution and law disallow "Double Jeopardy" as contains in Article-13(A) of the constitution coupled with the section-403 CrPc ibid
- Whereas his all acts/omissions not only render the Forester inefficient, guilty of Mis-conduct and guilty of Corruption as envisages in Rule-3(a), 3(b) & 3(c) of the E&D Rules-2011 but it is also reasonably believed that he has associated himself with the culprit in committing subversive activities which come under the purview of Rule- 3(e) and thus in such circumstances the undersigned not only dispenses with the enquiry but also feels no need of providing opportunity of showing cause or personal hearing to him as entails in Rule-5(1)(a) due to the following cogent reasons.


- (i)- He was found involved/associated with the offender in question & others in planning/committing subversive activities which full fills the requirements of Rule-5 (1) (a) (iii) of the Rules ibid.
- (ii)- In presence of such solid proofs and audio evidence the undersigned dose not deem it reasonably practicable to give him such opportunity of showing cause or personal hearing which meets the requirements/provision of Rule-5(1)(a)(iv) of the Rules ibid.
- (iii)- The action is being initiated/completed purely in good faith for spreading/extending for reaching repercussions for the Department for which the undersigned enjoys indemnity as conclusively provisioned in Rule-21 of the E&D Rules-2011 coupled with section-III of the KP Forest ordinance 2002.

And whereas to conclude above exposition and to maintain the natural principle of justice and equality by doing justice with the department, the undersigned as competent authority and powers conferred on him vide Rule-5 (1) (a) (iii) and Rule-5 (1)(a)(iv) read with Rule-4(1)(b)(iv) of the E&D Rules-2011 hereby dismisses Mr. Ghulam Muhammad Forester from service in the best interest of state with immediate effect.

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

Copy forwarded to:

1. The Chief Conservator of Forests Northern Forest Region-II Abbottabad for favour of information. Audio evidence is enclosed herewith please.
2. The Conservator of Forests, Upper Hazara Circle for favor of information with the remarks that this is the unique and first ever incidence of the KP Forest Department which may kindly be circulated throughout the Department for making an exemplary lesson among paraprofessional staff. Audio evidence is enclosed herewith please.
3. The Conservator of Forests Lower Hazara forest Circle Abbottabad for information & similar request. Audio evidence is enclosed herewith please.
4. SDFO Shergarh with reference to his letter No.260/SFSD dated 10.02.2018. His efforts are appreciated for exposing the black sheep/delinquent to the strong arm of law by opening lid of the Pandora box. He is further directed to drag the action against the offender to logical conclusion and restock the damaged plantation area under intimate to this office.
5. RFO Gidderpur for information. He is directed to deliver the office order to the Forest Guard under proper receipt which should be sent to this office immediately.
6. Mr. Ghulam Muhammad C/O RFO Gidderpur Forest Range for information.

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Oghi

  
S.D.F.O.  
Forest Sub-Division  
Shergharh

محترم بنیاد - ۵۵، الف او ای، گوٹھ نظامی، لاہور ڈویژن، ماہیہ

No. 11/5 dated 10.07.2021

میں سے ۹ کو سرورٹ شروع کیا اور نفاذ ۱۵ مئی ۲۰۲۱ء کو مکمل کیا گیا۔

۱. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

۲. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

۳. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

۴. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

۵. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

۶. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

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۱۰. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

۱۱. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

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۱۴. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

۱۵. ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔ سرورٹ شروع کیا گیا۔ ۱۱ بجھانہ میں ایک کھیت کو نوڈلزم کیا گیا۔

۱۰.07.2021  
SDF  
S

Accths call the explanation of the concerned Block officer/Post Guard for poor management of the Soumg area

Handwritten signature/initials.

Handwritten signature.

S.D.F  
Forest Sub Division  
Shergha

Annexure-2/65

(Annexure-18)

MUHAMMAD AMIAD  
DIVISIONAL FOREST OFFICER  
No 87 EB /B&A,



Agror Tanawal Forest Division  
Mansehra  
Phone # 0307 220144  
Dated) 3/07/2021


To: 1-Mr. Ghulam Muhammad Forester  
2-Mr. Moeen Nazir Forest Guard  
C/O SDFO, Shergarh

Subject: FAILURE OF SOWING AREA IN CHAMIAL C-12.

As reported by SDFO, Shergarh Sowing in Chamial Forest C-12 was carried out during Spring 2020-21, over an area of 08 Ha by you. But as per report of SDFO the said Sowing is 95% failed due to your negligence and dis-interest in discharge of your official duties for which you are being paid for. Your this state of affairs speaks otherwise which needs stern action to be taken against you under E & D Rules-2011, besides affecting recovery of the amount incurred on the said Sowing.

Therefore, you are hereby called upon to explain the reasons that as to why you have failed to accomplish the job to the desired extent and why action may not be taken against you under E & D Rules-2011. Your explanation must reach the undersigned within (03) days most positively otherwise exparte action shall be initiated against you.



Please acknowledge the receipt.


  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra

No. 89 /B&A,

Copy forwarded to SDFO, Shergarh for information and necessary action. He is directed to deliver the attached letter to the addressee under proper receipt and send the same to this office, with your own cogent view/comments.

Encl: As above.

  
  
SDFO  
Forest Sub Division  
Shergha

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra

Scanned with CamScanner



MUHAMMAD AMJAD DIVISIONAL FOREST OFFICER		Agror Tanawal Forest Division Mansehra Phone # 0997-920144
No. 185-8/B&A,		Dated 28/07/2021.

(A-JV)  
67  
1

To. 1 Mr. Ghulam Muhammad Forester  
2 Mr. Moeen Nazar Forest Guard  
C/O SDFO, Shergarh


Subject: FAILURE OF SOWING AREA IN CHAMIAL C-12.

Reference this office letter No.87-88/B7A, dated 13.07.2021

Please refer to the above cited letter and you are once again directed to submit reply of the explanation without loss of any time, other- wise stern action shall be initiated against you.

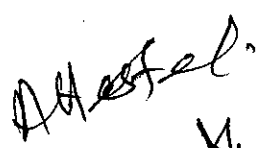
(3)

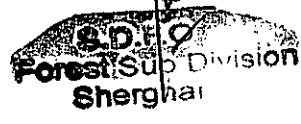
Please acknowledge the receipt.


  
Divisional Forest Officer /c  
Agror Tanawal Forest Division  
Mansehra

187  
No. /B&A,

Copy forwarded to SDFO, Shergarh for information and necessary action. He is directed to get the reply of explanation from concerned officials and send the same to this office own detailed comments.





  
Divisional Forest Officer /c  
Agror Tanawal Forest Division  
Mansehra

(15/10/21)

MUHAMMAD AMJAD DIVISIONAL FOREST OFFICER		Agror Tanawal Forest Division Mansehra Phone # 0997-920144 Dated 27/09/2021
No. 681-82/B&A,		

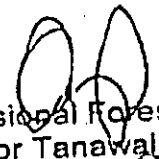
To: 1. Mr. Ghulam Muhammad Forester  
2. MR. Moeen Nazar Forest Guard

Subject: FAILURE OF SOWING AREA IN CHAMIAL C-12

Memo: Reference this office letter No. 87-88/B&A, dated 13.7.2021 and No. 195-96/B&A, dated 29.7.2021.

With reference to the above cited letter and you are once again directed to submit reply of the explanation without loss of any time, otherwise stern action shall be initiated against you.

Please acknowledge the receipt.


  
Divisional Forest Officer o/c  
Agror Tanawal Forest Division  
Mansehra

No. 683 /B&A.

Copy forwarded to SDFO, Shergarh for information and necessary action. He is directed to get the reply of explanation from concerned officials and sent the same to this office own detailed comments.

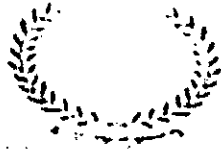
*Attested,*

  
SDFO  
Forest Sub Division  
Shergarh

  
Divisional Forest Officer o/c  
Agror Tanawal Forest Division  
Mansehra

MUHAMMAD AMIAD  
DIVISIONAL FOREST OFFICER

No 866-67/IB&A,



Dated 10/10/2021

(A-IV)

To, 1. Mr Ghulam Muhammad Forester  
2. Mr Moeen Nazar Forest Guard

Subject FAILURE OF SOWING AREA IN CHAMIAL C-12

Memo: Reference this office letter No 87-88/IB&A, dated 13/7/2021 No 195-89/IB&A, dated 29.7.2021 & No 681-82/IB&A, dated 27/9/2021

With reference to the above cited letter and you are once again directed to submit the explanation without loss of any time, otherwise stern action shall be initiated against you

(35)

Please acknowledge the receipt.

Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra

No. 868 IB&A.

Copy forwarded to SDFO, Shergarh for information and necessary action. He is directed to get the reply of explanation from concerned officials and sent the same to this office own detailed comments.

Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra

Attested

SDFO  
Forest Sub-Division  
Sherghar

حکومت پنجاب D.F.O صاحبی اگرورتھانوال فارسٹ ڈویژن مانہرہ

(Annexure-V)

لوہانگت - مینا - D.F.O صاحبی شہر ڈیو فارسٹ سب ڈویژن

عنوان - جہال کھیاریٹھ مینا میں بیجائی کی ناکامی

جو الہ چھٹی نمبر 83/884 87 خبر بہ 2022/3/7

مینا جہال کھیاریٹھ مینا کے لیے بیجائی کی ناکامی کے بعد اس علاقے میں بیجائی کی ناکامی کے بارے میں

ملاحظہ کیا گیا ہے۔ اس ضمن میں مذکورہ ذیل مسودہ نمائندگی پیش کرنا کی اجازت مہیا ہے

1. یہ کہ بیجائی موسم بار 2020/21 میں کی گئی تھی جسے نو بہترین ہوئی جسکا معائنہ D.F.O صاحبی (پتھر کھڑا) نے کیا ہے۔

2. یہ کہ مینا جہال کھیاریٹھ مینا میں 2021 میں کیا اور الجھان کا اظہار کیا گیا ہے۔

3. یہ کہ مینا جہال کھیاریٹھ مینا میں 2021 میں کیا اور الجھان کا اظہار کیا گیا ہے۔

4. یہ کہ مینا جہال کھیاریٹھ مینا میں 2021 میں کیا اور الجھان کا اظہار کیا گیا ہے۔

5. یہ کہ مینا جہال کھیاریٹھ مینا میں 2021 میں کیا اور الجھان کا اظہار کیا گیا ہے۔

6. یہ کہ مینا جہال کھیاریٹھ مینا میں 2021 میں کیا اور الجھان کا اظہار کیا گیا ہے۔

7. یہ کہ مینا جہال کھیاریٹھ مینا میں 2021 میں کیا اور الجھان کا اظہار کیا گیا ہے۔

اللہ اعلم  
غلام محمد فارسیٹر شہر ڈیو سب ڈویژن

20/6/2022

D.F.O A.T

CC  
Go through by  
recommendation  
SOP 24 issue  
change sheet of  
the official  
4/7/2022

ذیل ملاحظہ فرمائیں کہ مینا جہال کھیاریٹھ مینا میں بیجائی کی ناکامی کے بارے میں مسودہ نمائندگی پیش کرنا کی اجازت مہیا ہے۔

Forest Sub-Division  
Sherghar

Attest

D.F.O  
Forest Sub-Division  
Sherghar

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No. 145

SB

Appeal No. 1930 of 20 23  
Ghulam Muhammad Appellant/Petitioner

Chief Secy Peshawar Respondent  
Respondent No. (5)

Notice to: Divisional Forest Officer, Agror, Tanawal Forest  
Division Mansehra.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 07/11/2023 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish a new address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address and if the notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is ~~attached~~. Copy of appeal has already been sent to ~~the~~ office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 9th Day of Oct 20 23

For Reply  
Be immediate check  
reply 9 hrs WP  
13/10/23  
12/10/23

S.D.F.O.  
Forest Sub Division  
Sherghar

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

Service Appeal No. 1930 /2023

Ghulam Muhammad

Versus

Govt. of KPK & Other

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6.	Copies of Showcause notice and reply	"D & E"	14-16
7.	Copies of official records i.e. reports, attendants sheet/register of labour and certificate/santions of Divisonl Forest Officer Agror tanwal Fores division Mansehra	"F"	17-23
8.	Copies of <u>inquiry report</u> and statement of appellatant	"G & H"	24-27
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Dated: 22-09-2023

Appellant

Through

Javed Iqbal/Gulbela  
Advocate Supreme Court,  
Pakistan.

①

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

*Ghulam Muhammad (Forester)* , R/o Seri Kharyala P/O Tehsil Ogi,  
District Mansehra.

..... *Appellant*

**VERSUS**

1. *Government of Khyber Pakhtunkhwa* through Chief Secretary at Civil Secretariat, Peshawar.
2. *Secretary, Forestry, Environment and Wild Life Department, Khyber Pakhtunkhwa*, Peshawar.
3. *Director General, Forestry and Wild Life, Khyber Pakhtunkhwa*, Peshawar.
4. *Chief Conservator, of Forestry Khyber Pakhtunkhwa* Peshawar.
5. *Divisional Forest Officer, Agror, Tanawal Forest, Division Mansehra*.
6. *The Conservator of Forest, Upper Hazara Circle, Mansehra*.
7. *The SDFO, Shergarh Forest, Sub Division, Upper Hazara Circle, Mansehra*.
8. *The Divisional Accountant, Forestry Upper Hazara Circle, Mansehra*.

..... *Respondents*

**Appeal u/s 4 of the Khyber Pakhtunkhwa Services Tribunal Act -1974 against the impugned Order No. 75 dated.07/06/2023 of the office of Divisional Forest Office, Agror Tanawal, Forest Division Mansehra; whereby the Appellant has been illegally Penalized U/S 4(I)(a)(iii) to the amount of Rs.3,42,889/- and Departmental Appeal of the Appellant has been turned down vide impugned Order No. 09 dated.31/08/2023 of the Office of Conservator of Forest, Upper Hazara Forest, Circle Mansehra in a classical, cursory and whimsical manner.**

*Respectfully Sheweth,*

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That the appellant has been appointed in the respondent department years ago as a forest guard, and from the day appointment performed his duty with devotion, faithfully and never unturned any stone in his duty.
3. That all of the sudden like bult from the blue the appellant has been falsely booked for loss to the Govt exchequer in respect of Sowing on area 66 hectare at Jalo Gali Compartment No.12 of Shergarh forest sub division during spring 2021 under 10 BTAP, and a charge sheet as well as statement of allegation in this regard has been issued on 28-06-2022. The appellant has submitted proper reply to the charge sheet wherein the appellant negated all the allegation of the respondent and portrayed true picture before the concerned authority but even then the appellant has been illegally charged. **(Copies of Charge sheet, Statement of allegation and reply are annexed as annexure "A, B & C")**
4. That the appellant has been issued a show cause notice dated 6-02-2023, which has been properly replied by the appellant and denied all the allegation of the authorities and brought true and correct facts on screen. **(Copies of Showcause notice and reply are annexed as annexure "D, E")**
5. That it is pertinent to mention here that the appellant had never remained ignorant from his duty and regularly done his work, which is evident from the official records i.e. reports and attendants sheets/register of labour etc. the charges which occurs on the labour work has been properly written down in the labour attendant sheet which has been legally approved and sanctioned by the competent authority i.e. Divisonl Forest Officer Agror tanwal Fores division Mansehra. **(Copies of official records i.e. reports, attendants sheet/register of labour and certificate/santions of Divisonl Forest Officer Agror tanwal Fores division Mansehra are annexed as annexure "F")**
6. That inquiry has been conducted where the statement of appellant in shape of question and answer has been recorded wherein the appellant proved has



innocences. (Copies of inquiry report and statement of appellant are annexed as annexure "G & H")

7. That inspite of the fact that the appellant has done no falt/offence but even than he was penalized u/s 4(I)(a)(iii) i.e. the amount of Rs 3,42,889/- shall be recoverd from the appellant , vide impugned Order no.74 adted 7-06-2023 of the office of Divisional Forest Officer, Agror Tanawal Frocest Division Mansehra. (Copy of impugned Order no.74 adted 7-06-2023 of the office of Divisional Forest Officer, Agror Tanawal Frocest Division Mansehra annexed as annexure "I")
8. That the appellant has moved departmental appeal against the impugned Office Order No.74 dated 07-06-2023, which has been turned down by the respondents vide impugned order no.08 dated 31-08-2023 of the office of conservator of forest, upper hazara forest circle Mansehra. Which is not sustainable in the eye of law. (Copies of departmental appeal and impugned order no.08 dated 31-08-2023 of the office of conservator of forest, upper hazara forest circle Mansehra are annexed as annexure "J, K")
9. That from the above cited facts, the grievances, that comes into existence, having no other adequate remedy available, and forum to be addressed at, the Appellant approaches this Hon'ble Tribunal for setting aside the Impugned Orders, upon the following grounds, inter-alia:-

**GROUND:**

- A. That the impugned Orders are wrong, illegal, vide ab-initio and are not sustainable at all.
- B. That the Impugned Orders are unwarranted, illogical and against the Law and Rules, so therefore not maintainable at all.
- C. That it is pertinent to mention here that the sowing work on the designated area has been done, which is evident from the official record. Therefore the impugned orders are nullity in the eye of law.

4

- D. That no proper inquiry was ever conducted in case of the Appellant, nor the Appellant was properly heard in person, nor his hearing properly appreciated as well as neither the appellant was ever allowed to cross examine any witness and thus the Appellant was condemned unheard. Hence the impugned orders is liable to be turned down.
- E. That even the Departmental Appeal of the Appellant has been simply turn down without any rem or reason, which is not sustainable in the eye of law.
- F. That from every angle the Appellant is liable to be treated in accordance with law and by doing so the impugned penalty is liable to be set aside.
- G. That any other ground not raised here may graciously be allowed at the time of arguments.


*It is therefore most humbly prayed that on acceptance of the instant service appeal, the Impugned Order No.74 Dated 7-06-2023 of the office of Divisional Forest Office, Agror Tanawal, Forest Division Mansehra and impugned Order No. 08 dated.31/08/2023 of the Office of Conservator of Forest, Upper Hazara Forest, may kindly be set aside, and by doing so the penalty imposed be declared as illegal and void.*

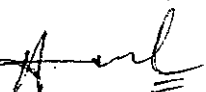
*Any other relief, which this August Tribunal deems fit and appropriate, may also be awarded in the favor of the Appellant.*


Dated: 22-09-2023

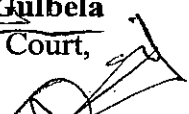
Appellant

Through

  
Javed Iqbal Gulbela  
Advocate Supreme Court,  
Pakistan.

  
Alamzeb Khan  
Advocate, Peshawar.

  
Saghir Iqbal Gulbela  
Advocate High Court,  
Peshawar.

  
M. Arif Mohmand  
Advocate, Peshawar.

Note:- That as per information of my client, no such service appeal has been moved by the Appellant, prior to this ones.

ADVOCATE.  


(S)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

S. Appeal No. \_\_\_\_\_/2023

Ghulam Muhammad

Versus

Govt of KPK & Others

**AFFIDAVIT**

I, Ghulam Muhammad S/o Muhammad Akbar R/o Seri Kharyala, P/O Tehsil Ogi District Mansehra, do hereby solemnly affirm & declare on oath that all contents of the instant Service Appeal are true & correct to the best of my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal.

*[Signature]*

DEPONENT

CNIC# 13504-0593097-9  
Cell# 0343-9562899

Identified By: *[Signature]*

Javed Iqbal Gulbela  
Advocate, Supreme Court,  
of Pakistan.

6

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

**Ghulam Muhammad**

Versus

**Govt. of KPK & Other**

**APPLICATION FOR TEMPORARY INJUNCTION.**

**Respectfully Sheweth:**

1. That the accompanying service appeal has been filed before this Hon'ble tribunal, the contents of which may graciously be considered as integral part and parcel of the instant application.
2. That the appellant has got a good prima facie case and is pertinently sanguine of its success.
3. That balance of convenience also lies in favour of the appellant.
4. That if the instant petition is not allowed the appellant shall suffer irreparable loss.

*It is, therefore, humbly prayed that on acceptance of the instant application, a status quo may kindly be granted in favor of the appellant and the respondents be restrained from deduction the penalty amount from the salaries of the appellant till the final disposal of the accompanying service appeal.*

Dated: 22/09/2023

Appellant

Through

**Javed Iqbal Gulbela  
(ASC)**

7

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

S. Appeal No. \_\_\_\_\_/2023

Ghulam Muhammad

Versus

Govt of KPK & Others

**AFFIDAVIT**

I, Ghulam Muhammad S/o Muhammad Akbar R/o Seri Kharyala, P/O Tehsil Ogi District Mansehra, do hereby solemnly affirm & declare on oath that all contents of the instant application are true & correct to the best of my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal.

  
DEPONENT

CNIC# 13504-0593097-9  
Cell# 0343-9562899

Identified By:

Javed Iqbal Gulbela  
Advocate, Supreme Court,  
of Pakistan.

8

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

**Ghulam Muhammad**

Versus

**Govt. of KPK & Other**

**ADDRESSES OF THE PARTIES**

**ADDRESSES OF THE APPELLANT:**

*Ghulam Muhammad (Forester)* , R/o Seri Kharyala P/O Tehsil Ogi,  
District Mansehra.

**ADDRESSES OF THE RESPONDENTS:**

1. *Government of Khyber Pakhtunkhwa* through Chief Secretary at Civil Secretariat, Peshawar.
2. *Secretary, Forestry, Environment and Wild Life Department*, Khyber Pakhtunkhwa, Peshawar.
3. *Director General, Forestry and Wild Life*, Khyber Pakhtunkhwa, Peshawar.
4. *Chief Conservator*, of Forestry Khyber Pakhtunkhwa Peshawar.
5. *Divisional Forest Officer*, Agror, Tanawal Forest, Division Mansehra.
6. *The Conservator of Forest*, Upper Hazara Circle, Mansehra.
7. *The SDFO*, Shergarh Forest, Sub Division, Upper Hazara Circle, Mansehra.
8. *The Divisional Accountant*, Forestry Upper Hazara Circle, Mansehra.

**Dated: 22-09-2023**

**Appellant**

*Through*

**Javed Iqbal Gulbela**  
Advocate Supreme Court,  
Pakistan.

(9)

Ann - "A" (1)

**CHARGE SHEET**

Mohammad Amjad, Divisional Forest Officer, Agror, Tanawal Forest Division, Mansehra, as competent authority, hereby charge you Ghulam Muhammad Forester, the then Incharge Karori Block of Shergarh Forest, Sub-Division as follows:-

- a. That while your posting as Incharge Karori Block, Jalo Gali Compartment No. 12 (66) hectare sowing was carried out in Jalo Gali Compartment No. 12 of Shergarh Forest Sub-Division during Spring 202, under 10-BTAP and committed the following irregularities:
- i. A huge amount was incurred on 66 hectare sowing at Jalo Gali Compartment No. 12 under 10-BTAP. But due to your lack of interest, irresponsible behavior 80% sowing area has been failed. Besides above you failed to carry out re-sowing in failed area through employed chowkidar as envisaged in PC-I.
  - ii. You were required to protect the sowing area, but due to your un-professional behavior, poor performance, negligence and in-efficiency, Govt; exchequer has collectively sustained loss to the tune of Rs. 11,43,000/-.
- b. By reason of the above you appear to be guilty of In-efficiency, Mis-conduct and Corruption under rule-3 of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all of any of the penalties specified in rule-4 of the rule ibid.
- c. 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.
- d. 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.
- e. Intimate whether you wish to be heard in person.
- f. A statement of allegation is enclosed.

  
Divisional Forest Officer  
Agror, Tanawal Forest Division  
Mansehra

(15) Ann-B  
بخدمت جناب انکوائری آفیسر صاحب DFO پٹرول اسکواڈ اپر ہزارہ سرکل

3736-38

عنوان:- جواب چارج شیٹ نمبر 3739-41/GE مورخہ 28/6/2022

جناب عالی۔

مذکورہ بالا چارج شیٹ میں درج ذیل الزامات لگا کر فدوی سے جواب طلب کیا گیا ہے۔

- ۱۔ یہ کہ فدوی 2021 میں کروڑی بلاک پر تعینات تھا۔ Spring میں جاوگی کپارٹمنٹ نمبر 12 میں 66 ہیکٹر رقبہ میں سوئنگ کی گئی جو فیل ہے
- ۲۔ اس ضمن میں فدوی پر تین الزامات Mis-conduct in efficiency اور Corruption کے تحت جواب طلب کیا گیا ہے۔ معروض ہوں کہ۔
- ۳۔ یہ کہ درج بالا تینوں الزامات باطل ہیں درج ذیل نکات کی روشنی میں بلا جواز ہیں۔  
In efficiency . Mis conduct
- ۴۔ یہ کہ سوئنگ کا کام معین نذر گارٹس گاڑ کی زیر نگرانی ہوا۔ جیسے فدوی وقتاً فوقتاً چیک کرتا رہا۔ اور کام کو تسلی بخش پایا۔ تخم کا معیار بنوانی بنجر۔ بیجائی تخم، سچ کا صلہ مزدوران کے کام کرنے صلاحیت مروجہ طریقہ رائج الوقت کے تحت درست پائی۔ یہ کہ رقبہ چیک کر کے درست پایا گیا تب ہی مسٹروں کو دیگر ریکارڈ پر افسران کے دستخط موجود ہیں۔ جنہوں نے خود مزدوران کو ادائیگی کی۔ اور باقاعدہ اس وقت کے افسران کو چیک کروایا گیا۔ جنہوں نے کام کو تسلی بخش پایا۔
- ۵۔ یہ کہ رقبہ فیل ہونے میں فدوی یا فارست گارڈ انچارج کی کوئی کوتاہی نہیں پائی گئی۔ جس بنا پر چارج شیٹ میں رقبہ فیل ہونے کی وجوہات کا اندازہ ہی نہیں ہے۔ جو ثابت کرتا ہے کہ رقبہ انسانی کوتاہی نہیں بلکہ قدرتی امر سے جزوی طور پر فیل ہوا ہے۔
- ۶۔ یہ کہ فدوی کروڑی بلاک پر تعینات تھا۔ جو فدوی کی اصل ڈیوٹی تھی۔ 10BATAP کے کاموں پر فدوی نے انسانی ڈیوٹی دی۔ جو فارست گارڈ سے لیکر اعلیٰ افسران تک سب کی اضافی ذمہ داری تھی۔ جو صرف فارست گارڈ اور مجھے الزام ٹھہرا کر اس خدشے کے تحت آنے والی 10BATAP سے متعلق کسی بھی انکوائری سے اپنے آپ کو بری الذمہ قرار دینے کی کوشش کے سوا کچھ نہیں۔ کیونکہ چارج شیٹ سے ثابت ہے۔ کہ رقبہ انسانی کوتاہی سے نہیں بلکہ قدرتی اسباب سے فیل ہوا۔ ورنہ چارج شیٹ میں اسباب کا ذکر ہوتا۔
- ۷۔ رقبہ کے مزدوران کی مسٹروں کی مالیت روپے ہے۔ جبکہ فدوی اور فارست گارڈ کو =/11,43000 کے نقصان کا ذمہ دار ٹھہرایا گیا۔ جو غریب ملازم کے ساتھ نا انصافی ہے۔
- ۸۔ یہ کہ مورخہ 28/8/2021 کو اس وقت کے SDFO نے مذکورہ رقبہ چیک کیا اور تسلی بخش پایا۔ اگر کوئی بے قاعدگی ہوتی تو اس وقت کارروائی کی جاتی۔ نقل ٹورڈ اری لف ہے۔
- ۹۔ یہ کہ فدوی نے بلاک کا چارج 23/11/2021 کو دے دیا۔ اگر رقبہ اس وقت فیل ہوتا تو چارج گرینڈہ لازماً SDFO کو رپورٹ کرتا۔ جو نہیں ہوئی جو اس کا ثبوت ہے کہ اس وقت تک رقبہ فیل نہیں تھا۔ کاپی لف ہے۔

لہذا درج بالا حقائق سے Mis conduct In Efficiency ثابت نہیں ہے۔

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- ۱۔ یہ کہ رقبہ SDFO کی طرف سے بنائے گئے اسٹیٹ سے کم رقم پر مکمل ہوا۔ اور مزدوران کو پے منٹ خود SDFO صاحب نے کی اور ریکارڈ پر اپنے شوقیٹ دیئے۔ لہذا اگر فدوی یا متعلقہ فارسٹ گارڈ کوئی کرپشن کرتا۔ تو ایسا ہرگز نہ ہوتا۔
- ۲۔ یہ کہ تخم بیجائی کے دیئے بخر یا سرکاری رقبہ فدوی نے یا متعلقہ فارسٹ گارڈ نے فروخت نہیں کئے۔ جو افسران کی طرف سے لگائے گئے الزامات کا جواز ہوتا۔
- ۳۔ Coruption کا الزام میرے سے بلا جواز ہے اور 10BTAP کے جملہ کام ایک عدد اہلکاران کے کنٹرول میں نہیں ہیں۔ اس میں افسران SDFO سے CF تک کہ آفیسر تک ٹیمیں۔ پینشن کی ٹیمیں۔ غیر ملکی مانیٹرنگ ٹیمیں۔ میڈیا اور عوام علاقہ اور آڈٹ ٹیمیں۔ سخت مانیٹرنگ اور چکینگ میں کسی اہلکار کا کرپشن کرنا فی حال ورنہ ممکن ہے۔
- درج بالا حقائق فدوی کی بے گناہی ثابت کرتے ہیں۔ فدوی اور متعلقہ فارسٹ گارڈ نے رقبہ میں اپنی مدد اور اخراجات سے دوبارہ بیجائی کی ہے۔ جسے ملاحظہ کیا جاسکتا ہے۔ رقبہ جو کہ کچھ فیصد کے حساب سے قبیل ہوا۔ انسانی غفلت، نااہلی، کرپشن سے نہیں بلکہ قدرتی عوامل شامل تھے۔ جسے از سر نو کامیاب کرنے کی کوششیں جاری ہیں۔
- لہذا فدوی کو اس ناکرذہ کیس سے بری الذمہ قرار دیکر شکر یہ کاموقع دیں۔

العارض

غلام محمد فارستر

22.8.2022

(12) Annex C (3)

**DISCIPLINARY ACTION**

I Mohammad Amjad Divisional Forest Officer Agror Tanawal Forest Division as competent authority, am of the opinion that Ghulam Muhammad Forester the then Incharge Karori Block of Shergarh 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 ALLEGATION**

1. That the SDFO Shergarh Forest Sub Division checked the said area on 09.07.2021, and found failure up-to 90% and reported vide his letter No. 01/SFSD dated 10.07.2021, **(Annexure-I)**.
2. That your explanation was called upon vide DFO Agror Tanawal Forest Division Mansehra No. 87-88/B&A dated 13.07.2021, **(Annexure-II)** to explain your position for above irregularities. And subsequently issued reminder No. 195-96/B&A dated 29.07.2021, No. 681-82/B&A dated 27.09.2021 and No. 866-67/B&A dated 20.10.2021, later on you submitted reply to the explanation on 28.06.2022 **(Annexure-III)**.
3. The SDFO Shergarh has submitted your reply with his comments vide your letter No. nil dated 28.06.2022, **(Annexure-IV)** The SDFO commented there upon that the reply of accused is not satisfactory and he recommends initiate proper Disciplinary action against you.
4. That an amount of Rs. 11, 43,000/- was incurred on above mentioned sowing area.
5. That being incharge of the sowing area you were duty bound to clear all short falls/deficiencies and protect/beat-up the sowing as per required standard in the PC-I, but you did not take any pain for checking/supervision of the sowing area, due to which the sowing area has shrunk from 66 hectare to 13 hectare and Govt; exchequer has sustained a huge loss, which indicates your Misconduct, in-efficiency and corruption.
6. That due to your un-professional behavior, poor performance, negligence and in-efficiency, Govt; exchequer has collectively sustained loss to the tune of Rs. 11, 43,000/-.
6. For the purpose of inquiry against the said accused with reference to the above allegation Mr. Saeed Anwar Divisional Forest Officer Patrol Squad Forest Division Mansehra appointed as Inquiry Officer/Committee under **rules 10 (1) (a) of the rules ibid.**

**Mr. Saeed Anwar Divisional Forest Officer Patrol Squad Upper Hazara Circle Mansehra.**

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

- 13
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Committee.

No. 3736-38 /GE Dated Oghi the 28 /06/2022

Copy forwarded to: -

1. **Mr. Saeed Anwar Divisional Forest Officer Patrol Squad Upper Hazara Circle Mansehra** (Inquiry Officer) 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.
2. Ghulam Muhammad Forester the then Incharge Karori Block c/o Shergarh Forest Sub-Division for information. He is directed to submit his reply to the charge sheet direct to the Inquiry Committee within 7 days of receipt of this Charge Sheet and also appear before the Inquiry Committee on the date, time and venue to be fixed by the Inquiry Committee for the purpose of inquiry proceedings.
3. The SDFO Shergarh Forest Sub Division for information and necessary action with reference to his recommendation dated 28.06.2022. He is directed to appear before the Inquiry Officer 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  
Mansehra

<b>Ibrar Ahmad</b> Divisional Forest Officer		Agror Tanawal Forest Division Mansehra Phone # 0997-920144
No. 2977 /GB		Dated 10/02/2023

Mr. Ghulam Muhammad Forester  
C/O SDFO Shergarh

Subject: **SHOW CAUSE NOTICE**

I, Ibrar Ahmad Divisional Forest Officer Agror Tanawal Forest Division Mansehra as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules 2011, do hereby serve you Mr. Ghulam Muhammad Forester as follows:

1. i. That consequent upon the completion of enquiry conducted against you by the enquiry officer/enquiry committee for which you were given opportunity of hearing on 19.10.2022.
- ii. On going through the findings and recommendations of the enquiry officer/enquiry committee, the material on record and other connected papers including your defense before the inquiry officer/enquiry committee.

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

- (i) Mis-conduct.
  - (a) In-efficiency
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the recovery of Rs. 342, 889/- under rule 4 sub rule (a), (b) of the said rules.
  3. You are, thereof, 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 defense to put in and in that case an ex-parte action shall be taken against you.
  5. A copy of the findings of the enquiry officer/enquiry committee is enclosed.

Divisional Forest Officer  
Agror Tanawal Forest Officer  
Mansehra

No. 2978 /GE

Copy alongwith above letter forwarded to the SDFO Shergarh for information and necessary action. He is requested to deliver the letter to the official under proper receipt, which should be sent to this office for necessary action and record.

Divisional Forest Officer  
Agror Tanawal Forest Officer  
Mansehra

(15)

Ann - E

(45)

بخدمت جناب DFO صاحب اگرورتاول مانسہرہ۔ (آفیسر مجاز)۔

عنوان:- شوکاژنوٹس۔

حوالہ:- چھٹی نمبر 2977/GB مورخہ 06-02-2023۔

جناب عالی!

گزارش ہے کہ فدوی کو بروئے انکوائری بذریعہ چھٹی مندرجہ بالا بد عملی اور اور نااہلی کا مرتکب ٹھہرا کر مبلغ 342889 روپے کی ریکوری کا ذمہ دار ٹھہرایا گیا اور وضاحت طلب کی کہ کیوں نہ آپ سے یہ رقم ریکوری کی جائے۔  
فدوی انکوائری رپورٹ کو مد نظر رکھ کر جناب کی خدمت میں مندرجہ ذیل معروضات پیش کرنے کی اجازت چاہتا ہے۔

۱۔ یہ بات درست ہے کہ رقبہ مذکورہ میں تخم کاری فدوی نے کی ہے۔ بلکہ تخم ریزی کا کام فارسٹ گارڈ انچارج بیٹ کی نگرانی میں ہوا۔ فدوی بحیثیت بلاک آفیسر گائے بگائے کام کو چیک کرتا رہا۔ جسے درست پایا اسی ضمن میں فدوی نے مسٹرول پراپنسر ٹیکٹ بھی دیا۔

۲۔ یہ کہ بمطابق رپورٹ ایس ڈی ایف او شیر گڑھ مورخہ 09-07-2021 شجر کاری کردہ رقبہ %90 فیل ہے۔ جبکہ دوسری طرف چیکنگ ٹیم نے مورخہ 13-10-2022 کو رقبہ چیک کیا اور کامیابی کا تناسب 25 سے 30 فیصد پایا۔ جبکہ دوبارہ مورخہ 21-11-2022 کو چیکنگ کرنے پر کامیابی کا تناسب 30/40 فیصد پایا۔ اسی ہر تین رپورٹ میں متظاہر ثابت کرتا ہے کہ رقبہ مذکورہ کسی نے بھی مکمل چیک نہیں کیا تا کہ اصل زمینی حقائق کا درست اندازہ کیا جاتا۔

۳۔ یہ کہ رقبہ مذکورہ تخم کاری کے بعد ہم نے اپنی جیب سے اخراجات کر کے بیٹ اپ یعنی دوبارہ تخم کاری کرتے رہے مگر جنگلی سورا اور سہگ جو کہ اس علاقہ میں بہت زیادہ پائے جاتے ہیں باوجود دن رات ہر ممکن نگہداشت کی تخم اور اگے کے پودہ جات کو بے بہا نقصان پہنچاتے رہے۔ جس سے کامیابی کے تناسب میں کمی ضرور ہوئی ہے مگر اتنی بھی نہیں جتنا چیکنگ پارٹیاں رپورٹ کرتی رہی ہیں

۴۔ یہ کہ تخم کاری کردہ رقبہ میں اگر کمی ہوئی تو بھی فدوی ذمہ دار نہیں ٹھہرایا جاتا کیونکہ مسٹرول کے مطابق جملہ رقم جناب ایس ڈی ایف او نے خود تقسیم کی یہی نہیں بلکہ ایس ڈی ایف او صاحب خود بھی

کام چیک کرتے رہے جس کو درست پایا جس ضمن میں انہوں نے مسٹرول پر باقاعدہ سرٹیفکیٹ تحریر کیا کہ کام درست ہے اگر اس میں کوئی کمی پیشی ہوتی تو وہ اس کا ذمہ دار ہے۔

۵۔ یہ کہ تخم کاری کی کامیابی کا انحصار موسم پر ہوتا ہے اگر بارشیں بروقت ہوں اور خشک سالی نہ ہو تو تخم کاری کردہ رقبہ تب کامیاب ہوتا ہے مگر سال بدوران 2022ء موسم بہار اور برسات میں بارشیں انتہائی کم ہوئیں۔ جبکہ دوسری طرف گرمی کی شدت انتہائی زیادہ رہی جو کہ تخم کردہ رقبہ پر بہت بُری طرح اثر انداز ہوئی۔ لیکن اتنا بھی نہیں جتنا رپورٹ کنندہ اور چیکنگ پارٹیوں نے بتائی۔ جس کا ذکر انکو اٹری رپورٹ میں کیا گیا ہے۔

۶۔ یہ کہ مذکورہ رقبہ کا جو جو حصہ ناکام ہوا ہے ہم آج بھی اس میں تخم ریزی کر رہے ہیں۔

۷۔ جناب عالی! رقبہ آج بھی موقع پر موجود ہے۔ کوئی غیر جانبدار آفیسر مامور کیا جاوے تاکہ رقبہ کی اصل صورت حال ہماری موجودگی میں چیک کر کے جناب کو رپورٹ کریں اور اسی رپورٹ کو مد نظر رکھ کر فیصلہ صادر فرمایا جاوے۔

۸۔ یہاں جناب کی توجہ اس امر کی طرف مبذول کروانا ضروری سمجھتا ہوں کہ آج تک رقبہ پر تعینات چوکیدار جو کہ دن رات کام کر رہا ہیں کی اجرت ادا نہیں کی گئی جو کہ ان کے ساتھ نا انصافی ہے۔ جبکہ تخم ریزی کردہ رقبہ کی مکمل بحالی کے لیے جتنا بھی تخم خریدا گیا ہے اس کی ادائیگی اپنی جیب سے کی گئی ہے۔

مندرجہ بالا حقائق کی روشنی میں جناب سے گزارش کی جاتی ہے کہ فدوی کے اوپر لگائے گئے الزامات اور مختص کردہ ریکوری سے بری فرمایا جاوے۔ فدوی کو مزید گزارشات کرنے کے لیے زبانی شنوائی کا موقع بھی فراہم کیا جائے۔

المرقوم: 22-23-23

ارض

غلام محمد فارم سٹریٹ گڑھ فارم سب ڈویژن مانسہرہ سرائی

Re

Shirif

11/3/2023

(17) (18)

Ann - F

08.09.2021	Along with concerned staff proceeded to Kalapahar Compart No. 6 Closure. Issued necessary instructions to staff. Later on back to Mansehra and halt.  Time 1000 - 1800 hrs. 100 KM by Govt. Vehicle No. KH-5335
09.09.2021	Attended office and did office work.
10.09.2021	Attended office and did office work.
15.09.2021	Along with concerned staff proceeded to Dewal gali and checked Dewal gali Afforestation. Then proceeded to Darband checked barrier staff. Then proceeded to Shergarh and halt.  Time 1200 - 1800 hrs. 140 KM by Govt. Vehicle No. KH-5335
16.09.2021	Along with concerned staff proceeded to Gali Badral and checked closure Gali Badral Compart-3 and Compart-4 and issued necessary instructions to staff. Later on back to office and halt.  Time 1000 - 1900 hrs. 80 KM by Govt. Vehicle No. KH-5335
17.09.2021	Attended office and did office work
18.09.2021	Saturday. Proceeded to Oghi. Checked Arbora Afforestation. Issued necessary instructions to staff. Halt at Oghi.  Time 1100 - 1900 hrs. 65 KM by Govt. Vehicle No. KH-5335
19.09.2021	Along with staff proceeded to Shamdara. Checked Shamdara Compart-4,5 and 6. Issued necessary instructions. Later on back to Mansehra and halt.  Time 1000 - 2000 hrs. 75 KM by Govt. Vehicle No. KH-5335
20.09.2021	Attended office and did office work.
21.09.2021	Attended office and did office work
22.09.2021	Attended office and did office work
23.09.2021	Proceeded to Gidderpur. Checked Bare Rooted nursery Bairkund and close space plantation Khaki. Issued necessary instruction to staff. Later on back to Mansehra and halt.  Time 1000 - 1900 hrs. 60 KM by Govt. Vehicle No. KH-5335
24.09.2021	Attended office and did office work.
25.09.2021	Saturday
26.09.2021	Carried out Patrolling up to Gali Badral and then checked Oghi Barrier. Back Mansehra and halt.  Time 1300 - 2200 hrs. 120 KM by Govt. Vehicle No. KH-5335
27.09.2021	Attended office and did office work.
28.09.2021	Attended office and did office work.

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(17) (18)

29.09.2021	Attended office then proceeded to Shargah and halt Time 1400 - 1800 hrs.	75 KM by Govt. Vehicle No. KH-4095
30.09.2021	Along with staff proceeded to Kala Malra. Checked Kala malra compar. 3 & 4 Closure. Issued necessary instructions. Later on back to Mansehra and halt. Time 1000 - 1700 hrs.	75 KM by Govt. Vehicle No. KH-5335

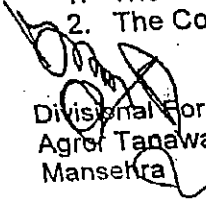
ABSTRACT

1	No. of days spent on tour	16
2.	No. of days attended office/meeting	13
3.	No. of Night outside headquarter	09
4.	No. of Holidays	01

(Muhammad Amjad)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra

No. 1692-93 /E Dated Mansehra the 12/09/2022  
Copy for favour of information and record forwarded to:

1. The Chief Conservator of Forests NFR-II Abbottabad
2. The Conservator of Forests Upper Hazara Forest Circle Mansehra

  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra



JAVED IQBAL - 0322114  
Divisional Forest Officer  
Mansehra



Handwritten signature and stamp in the top right corner.

19

19

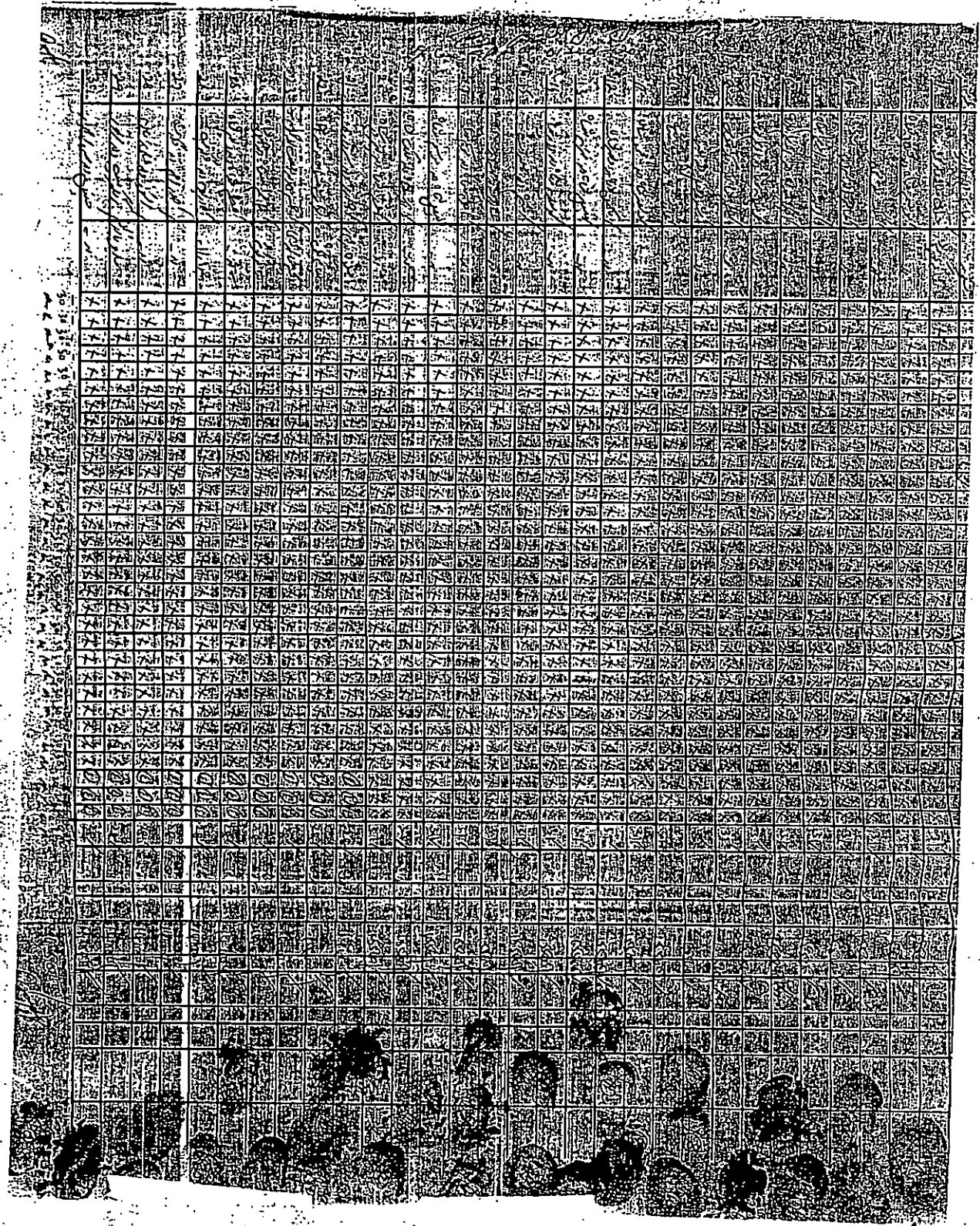
28.09.2021	<p><b><u>Mansehra to Jalogali, Karori &amp; back</u></b></p> <p>Visited Jalogali Deodar Plantations carried out in Jalogali Compartment-11 &amp; sowing of kail in compartment-12. These two compartments were ruthlessly been clear felled during last one and half decade and now looking every where irregular cut stamps. Efforts are being continued to rehabilitate the area through 10-BTTP. Field staff was directed to rehabilitate all areas. Plantation was in good condition &amp; sowing need more attention.</p> <p>Time: 0930 to 2130 hrs. Distance: 230 KM by Govt: Vehicle AB-2706</p>
29.09.2021	Attended office and did office work.
30.09.2021	<p><b><u>Mansehra to Havelian, Dargai and back</u></b></p> <p>Mansehra to Havelian &amp; Dargai. Visited both timber markets &amp; instructed incharge depot staff for maintenance record &amp; safe disposal of timber in markets.</p> <p>Time: 0800 to 2230 hrs. Distance: 650 KM by Govt: Vehicle AB-2706</p>

ABSTRACT



"F/II"

(21)







Therefore the shared amount comes out to be  $\frac{885770}{2} = \text{Rs. } 342889/-$  each

ES

**FINDINGS/CONCLUSION**

The foregoing discussion leads to the finding that "the sowing area under reference is badly failed and the failures have not been boalen up by the accused despite the fact that accused had been repeatedly booled up to do so.

The above finding leads to the conclusion that;

"Charges of Mis-conduct and In-efficiency stand proved beyond any doubt while charge of corruption does not stand proved as no monitory benefite on part of accused are vild from the record"

**RECOMMENDATION**

The enquiry committee with sky high confidence recommends that the shared amount (Rs. 342889/-) may be recovered from the accused.

Dated : \_\_\_\_\_

Geed Anwar  
DFO patrol Squad  
(Enquiry Officer)

G

**ENQUIRY REPORT OF DISCIPLINARY PROCEEDING AGAINST MR. GHULAM MUHAMMAD FORESTER OF AGROR TANAWAL FOREST DIVISION MANSE**

Read With:

1. Charge Sheet/Statement of Allegation DFO AT: No. 3736-38/GB dated 28.06.2022
2. Reply to the Charge Sheet furnished by the accused Forester dated 22.08.2022
3. Personal hearing dated 19.10.2022.

**I. BRIEF HISTORY OF THE CASE.**

That Mr. Ghulam Muhammad Forester (here in after called as accused) while in-charge Kamri Block of Shergarh Forest Sub Division committed the following irregularities:

- i. Whereas the SDFO Shergarh Forest Sub Division checked the sowing area on 09.07.2021 and found failure up-to 90% and reported vide his letter No. 01/SFSD dated 10.07.2021 (Annexure-I).
- ii. Whereas DFO Agror Tanawal Forest Division was called upon explanation vide No. 87-88/B&A dated 13.07.2021, (Annexure-II), to explain your position for above irregularities. And subsequently issued reminder No. 195-96/B&A dated 29.07.2021, No. 581-82/B&A dated 27.09.2021 and No. 866-67/B&A dated 20.10.2021, later on you submitted reply to the explanation on 28.06.2022 (Annexure-III).
- iii. Whereas the SDFO Shergarh has submitted your reply with his comments vide his letter No. nil dated 28.06.2022. (Annexure-IV) the SDFO commented there upon that the reply of accused is not satisfactory and he recommends initiated proper disciplinary action against the accused official.
- iv. Whereas, an amount of Rs. 11,43,000/- was incurred on above mentioned sowing area.
- v. Whereas that being incharge of the sowing area you were duty bound to clear all short falls/deficiencies and protect/beat-up the sowing as per required standard in the PC-I, but the accused official did not take any pain for checking/supervision of the sowing area, due to which the sowing area has shrunk from 66 hectare to 13 hectare and Govt. exchequer has sustained a huge loss, which indicates your Misconduct, inefficiency and corruption.
- vi. Whereas, due to your un-professional behavior, poor performance, negligence and inefficiency, Govt. exchequer has collectively sustained loss to the tune of Rs. 11,43,000/-.

**II. PROCEEDINGS/DISCUSSION**

The accused submitted his defense reply. He was heard in person and was cross examined in presence of prosecutor. The undersigned visited the site on 13.10.2022 along with checking team where 25-30% survival was observed (Annexure-V). The Checking committee revisited on 21.11.2022 where survival rate was observed 30-40%. Furthermore the prosecutor/SDFO Shergarh was also verbally directed to visit the sowing area who submitted his findings (Annexure-VI).

- > The all available record on file was thrashed out/cruised.
- > The perusal of available record. Facts on ground and findings of the checking report of SDFO Shergarh reveal that.

"The Sowing area under question is badly failed and having almost 40% survival"

As calculated by DFO Agror Tanawal, the investment made so far right from raising 66 hectare to the stage of sowing is Rs. 11,43,000/-.

Now 40% survived area out of 66 hectare comes out to be 26.40 hectare.

The proportionate costs of these 40% survived area 26.40 hectare come out to be Rs. 457222 which is justified expenditure in the instant case.

Now the net unjustified amount comes out to be  $(11,43,000 - 4,57,222) = \text{Rs. } 685778/-$

As Ghulam Muhammad Forester is co-accused in the same case then the un-justified amount judiciously needs to be apportioned between them.

30-5-2023 یہ سہ ماہی سرنگ مشرقی سندھ ایوارڈ جیال ملک روز

سوال 1۔ کیا کوکوں سے رشتہ ہے *Compila* کیا ہے؟  
جواب 2۔ جیال 12 ماہ سے ہوتی ہے

سوال 3۔ یہ سرنگ آبیہ یا سردابی ہے؟  
جواب 2۔ جیال سے سردابی ہے

سوال 4۔ کون سے مہینے اور سال میں سرنگ ہوتی ہے؟  
جواب 2۔ مئی - 2021 اور 2022 میں ہوتی ہے

سوال 5۔ 19 ماہ سے کوئی بلا نشین جی ہوتی ہے؟  
جواب 2۔ نہیں ہے۔ وہاں بلا نشین نہیں ہوتی ہے

سوال 6۔ بلا نشین کرنے کا بعد کتنے مہینے وہاں تعمیرات رہتے ہیں؟  
جواب 2۔ تقریباً 6 ماہ تک رہتے ہیں

سوال 7۔ رقبہ سرنگ ہونے کی بنیاد پر کیا ہے؟  
جواب 2۔ تقریباً 1000 سے زائد ہوتی ہے

سوال 8۔ اس میں سرور اور بارکوائس / لیسٹرنہ وغیرہ کی کتنی کھدات  
ہوتی ہیں؟  
جواب 2۔ اس میں کوئی ایسی کھدات نہیں ہوتی ہیں

سوال 9۔ اس رقبہ پر جو کھدات ہوتی ہیں  
جواب 2۔ زبانی بتایا ہے کہ سرنگ کی کھدات نہیں ہوتی

سوال 10۔ اس رقبہ پر جو کھدات ہوتی ہیں  
جواب 2۔ جو کھدات ہیں

سوال 11۔ تقریباً کتنے مہینے جو کھدات رہتے ہیں؟  
جواب 2۔ اسی جی ہوتے ہیں

سوال 12۔ آپ نے کتنے مہینے بتائے ہیں؟  
جواب 2۔ سرنگ میں ہم نے 12 مہینے بتائے ہیں

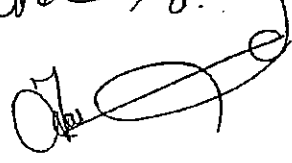
دیکھا جائے



- سوال 10۔ مندرجہ بالا آبیہ زخم آنکارا میں ڈھلا بنا ہے آبیہ زخم کی علامت ہے۔
- 1۔ 1۔ شہوم سے ڈال رہے ہیں اور رمضان میں بھی ڈال رہے۔
- سوال 11۔ آبیہ زخم آنکارا میں ڈھلا بنا ہے آبیہ زخم کی علامت ہے۔
- 1۔ 2۔ زبانی بنا ہے۔ اور صبا۔ ٹوٹا ٹوٹا ہے جو ٹھیک ہونے سے پہلے آبیہ زخم کی علامت ہے۔
- 1۔ 3۔ وجودہ کو حال بتائیں آبیہ زخم کی علامت ہے۔
- 1۔ 4۔ نیسہ کی میں بیمار ہیں
- سوال 12۔ ایچی کوئی مہلک ہوتی ہے۔
- 1۔ 5۔ مہلک علم میں نیسہ ہے۔

30/5/2023

- سوال 13۔ اس کے علاوہ آبیہ زخم میں چھوٹا کرنا چاہیے۔
- 1۔ 1۔ جب عدس میں جھال ہلکے سے لے کر آبیہ زخم کی علامت ہے۔
- 1۔ 2۔ ایچی سے لے کر آبیہ زخم کی علامت ہے۔



OFFICE ORDER NO. 75 DATED MANSEHRA THE 07/08/2023 ISSUED BY IBRAHIM AHMAD, DIVISIONAL FOREST OFFICER, AGROR TANAWAL FOREST DIVISION MANSEHRA

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Whereas, Mr. Ghulam Muhammad Forester Agror Tanawal Forest Division was charge sheeted under section-3 of the E&D 2011 with the allegations/charges mentioned in DFO Agror Tanawal endorsement No.3736-38/GE dated 28.08.2022.

Whereas, an enquiry committee was constituted and Mr. Saeed Anwar Divisional Forest officer Patrol Squad Forest Division Mansehra was appointed as enquiry officer vide this office endorsement No. 3736-38/GE dated 28.08.2022 to conduct the enquiry against the accused strictly under the provision of aforementioned E&D rules-2011.

Whereas, the enquiry officer conducted the enquiry proceedings against the official concerned within the ambience of E&D Rules-2011, finalized and submitted vide his office No. 1155/GE dated 27.01.2023 with the fully recommendations as under;

"The enquiry committee with sky high confidence recommends that the shared amount (Rs. 342, 889/-) may be recovered from the accused.

Whereas, Show cause Notice was served upon the accused vide DFO Agror Tanawal office letter No.2977/GE dated 05.02.2023.

Whereas, the accused Forester submitted reply to the show cause notice on 01.03.2023.

Whereas, accused was summoned for hearing in person vide DFO office No.4144-45/GE dated 22.05.2023.

Whereas, the accused was cross-examined/haard in person on 30.05.2023.

Whereas, the enquiry report was critically examined and found that charges of Misconduct and inefficiency have been judiciously established by the enquiry officer.

And whereas I Ibrar Ahmad Divisional Forest officer Agror Tanawal Forest Division in the capacity of competent authority agreed with the Findings/Recommendations of the enquiry officer and hereby imposed the penalty under Section 4 (1)(a)(ii) i.e the amount of Rs.3, 42,889/- shall be recovered from the accused with in due course of law/time.

Sd/- (Ibrar Ahmad)  
Divisional Forest Officer  
Agror Tanawal Forest Division

Copy forwarded to:

1. The Conservator of Forests, Upper Hazara Circle for favor of information.
2. The SDFO Shergarh Forest Sub Division for information.
3. Ghulam Muhammad Forester C/o SDFO Shergarh for information.
4. The Divisional Accountant for information and necessary action. He is directed to make sure recovery from the concerned official immediately.

Divisional Forest Officer  
Agror Tanawal Forest Division

Ann - J

بخدمت جناب کنزرویٹر صاحب اپر ہزارہ سرکل مانسہرہ

عنوان: اپیل برخلاف آفس آرڈر نمبر 75 مجریہ 06-2023-7-06 منجانب ڈویژنل آفیسر صاحب اگرورتاول فارسٹ ڈویژن برائے منسوخی آفس آرڈر نمبر 25 مجریہ 06-2023-07-06 وادری

بوساطت جناب DFO صاحب اگرورتاول فارسٹ ڈویژن

جناب عالی! اپیل برائے منسوخی وادری برخلاف آفس آرڈر نمبر 06-2025-07-06 درج ذیل قانونی حقائق پیش خدمت ہے۔

1۔ یہ کہ اپیل کنندہ جو کروڑی بلاک کا انچارج تھا جا لوگی کمپارٹمنٹ نمبر 12 میں 10 BTAP کے تحت 66 ہیکٹر رقبہ کسانوں کی

Sawing Area میں 40% کامیاب بنایا گیا ہے جبکہ جس کا تناسب 40 کو تقسیم کیا گیا اور 41.60 رقبہ بیجائی کردہ کی انکوآری ڈال دی گئی ہے یہاں سوال نسبت تناسب نہیں بنایا یہ غیر قانونی زمینی حقائق کے برعکس اور خلاف قانون ہے۔

2۔ یہ کہ آفیسر SDFO صاحب انچارج شیرگرہ سب ڈویژن نے ابتدائی رپورٹ نئے کر رقبہ کو فیل قرار دیا اسی آفیسر کو ازاں بعد انکوآری آفیسر مقرر کر دیا گیا ہے جنھوں نے اپنی ابتدائی رپورٹ کو درست قرار دینے کے لئے انکوآری میں جانبداری کر کے اپیل کنندہ کے خلاف انکوآری کی سفارش کی۔

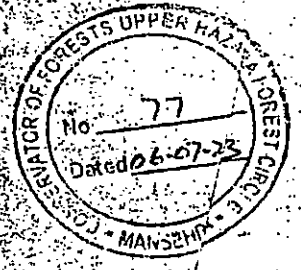
3۔ یہ کہ اپیل کنندہ چارج شیٹ کا جواب پوری وضاحت اور حقائق سے انکوآری آفیسر صاحب کو دیا لیکن انکوآری آفیسر صاحب نے فدوی کے جواب کو یکسر نظر انداز کر کے خلاف انکوآری رپورٹ تیار کر کے من پسند انکوآری کی سفارش کی جو خلاف قانون ہے۔

4۔ یہ کہ جناب ڈی ایف او صاحب نے انکوآری رپورٹ اور سفارش کو من و عن تسلیم کر کے اپیل کنندہ کو کہنے اپیل کنندہ کو بنیادی قانونی حق سے محروم کر کے انکوآری کا غیر قانونی بے قیاس و انصاف آفس آرڈر نمبر 75 مورخہ 06-2023-07 کو جاری کیا ہے۔

جناب عالی! مندرجہ بالا حقائق سے صاف ہے کہ متذکر بالا آفس آرڈر نمبر 75 مجریہ 06-2023-07 خلاف قانون ہے اور انصاف کے تقاضے پورے نہیں کئے گئے۔

استدعا ہے کہ آفس آرڈر نمبر 75 مجریہ 06-2023-07 کو منسوخ فرما کر اپیل کنندہ کی وادری فرمائی جاوے اور ذاتی طور پر شنوائی کا موقع فراہم کیا جائے۔

کاپی ایڈوانس جناب کنزرویٹر صاحب اپر ہزارہ سرکل



Formulation  
20/7/23

العارض

غلام محمد فاروق، اپیل کنندہ شیرگرہ فارسٹ سب ڈویژن

Shaukat  
7  
4/2023

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Conservator of Forests Upper Hazara Forest Circle		Jalalabad Chowk, Opp:NBP Shahrahe-Resham Mansehra Phone # 0997-920143 Fax # 0997-392287
No. 224 / E		Dated: 13/07/2023


The Divisional Forest Officer,  
Agror Tanawal Forest Division,  
Mansehra

Subject: APPEAL AGAINST DFO AGROR TANAWAL OFFICE ORDER NO. 75 DATED 07/06/2023 PREFERRED BY GHULAM MUHAMMAD FORESTER

Photocopy of appeal dated 04/07/2023 preferred by Ghulam Muhammad Forester against DFO Agror Tanawal Office Order No. 75, dated 07/06/2023 is enclosed herewith for information.

Please expedite para-wise comments along with complete enquiry file so that further action could be taken accordingly.

Encl: as above.

  
CONSERVATOR OF FORESTS  
UPPER HAZARA FORESTS CIRCLE  
MANSEHRA

Rec  
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OFFICE ORDER NO. 09 DATED MANSEHRA THE 31/08/2023 ISSUED BY  
MR. FARRUKH SAIR CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE  
MANSEHRA

Whereas, Ghulam Muhammad Forester, hereinafter called appellant, preferred an appeal against the decision of DFO Agror Tanawal Forest Division Mansehra (Competent Authority) vide office order No. 75 dated 07.06.2023 whereby penalty for recovery to the tune of Rs. 342889/- was imposed upon the appellant for 60% failure of sowing area in Jalogali Forest Compartment No. 12 of Agror Tanawal Forest Division.

And whereas, the Competent Authority while offering comments vide letter No. 312/GE dated 26.07.2023 further justified the penalty imposed;

And whereas the appellant while pleading his appeal during personal hearing held on 21.08.2023 raised certain questions of equity and justice, but being Incharge of the Sowing area he was bound to clear all the short falls and carry out beat up of fallure in the area but he did not take any interest for checking/inspection of sowing area and due to his lackadaisical behavior, huge loss of Rs: 1143000/- was sustained to the Government Exchequer.

And whereas, In addition to above DFO Agror Tanawal Forest Division (Competent Authority) further reported that as per monitoring report of PMU, survival of sowing in Jalogall Forest Compartment No. 12 is only 26% which depicts that already less penalty has been imposed upon the appellant, which needs to be increased.

And whereas during proceedings the appellant failed to produce concrete evidence in support of his stance and could not justify the failure in sowing area, which has not been restocked till date after a period of approximately 02 years.

Hence based on the above facts the appeal in hand is hereby rejected, the decision/recommendation of enquiry officer is hereby upheld and order the recovery of Rs: 342,889/- from the monthly sairy of appellant in equal installments to be decided by DFO Agror Tanawal Forest Division (the Competent Authority).

Sd/-(FARRUKH SAIR)  
Conservator of Forests  
Upper Hazara Forests Circle  
Mansehra

Copy forwarded to:

1. The DFO, Agror Tanawal Forest Division Mansehra for Information and necessary action. Enquiry file from page 01 to 61 is enclosed herewith for further course of action and record.
2. Mr. Ghulam Muhammad Forester for Information and necessary action.

Conservator of Forests  
Upper Hazara Forests Circle  
Mansehra

Be  
D.O. the need of enquiry & Accountant  
for recovery  
30/08/2023  
19/08/2023

