


FORM OF ORDER SHEET

Court of _____

Appeal No. 1590/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/09/2024	<p>The appeal of Mr. Gohar Ali presented today by Mr. Sabir Shah Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on 09.10.2024. Parcha Peshi given to the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1590/2024

Gohar Ali

Appellant

Versus

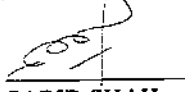
The DFO Dir(L) and others

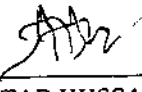
Respondents

INDEX

S.No	Description of Documents	Annexure	Pages
1.	Memo of Service Appeal		1-12
2.	Certificate		13
3.	Affidavit		14
4.	Memo of addresses		15
5.	Copy of appointment order	A	16
6.	Copy of situation report dated 07.05.2024	B	17
7.	Copy of extract of duty register	C	18-19
8.	Fact Finding Inquiry	D	20-21
9.	Copy of suspension & attachment order	E	22
10.	Copy of Arrival report	F	23
11.	Copy of show cause notice	G	24-26
12.	Copy of reply to show cause notice	H	27-33
13.	Copy of office order No. 140 dated 27.05.2024	I	34
14.	Copy of departmental appeal	J	35-44
15.	Copy of office order dated 27.08.2024	K	45
16.	Copies of other relevant documents	L	46-53
17.	Copies of Attendance Register	M	54-58
18.	Wakalat Nama		59

Appellant
Through Counsels


SABIR SHAH
Advocate Supreme Court
Cell: 0300-5746744


AFTAB HUSSAIN
Advocate High Court
Cell # 0313 933 1973

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1590 /2024

Gohar Ali, Forester, Chakdara Forest Check Post
District Dir Lower **Appellant**

Versus

1. District Forest Officer, Dir Lower Forest
Division. *at Timergara*
2. Conservator of Forests, Malakand Forest
Circle West, At Timergara, Dir Lower.
3. Chief Conservator of Forests Malakand
Forests Region-III Saidu Sharif Swat.

..... **Respondents**

SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 AGAINST THE IMPUGNED OFFICE
ORDER NO.140 DATED 27.05.2024 OF
RESPONDENT NO.1 WHEREBY THE APPELLANT
HAS BEEN REMOVED FROM SERVICE AND ORDER
NO.05 DATED 27.08.2024 OF RESPONDENT NO.2
WHEREBY APPEAL OF THE APPELLANT HAS BEEN
REJECTED.

PRAYER:

On acceptance of the instant appeal, the Impugned Office Order No.140 dated 27.05.2024 of respondent No.1 whereby the appellant has been removed from service and Office Order No. 05 dated 27.08.2024 whereby his departmental appeal/representation has been rejected may graciously be set aside and the appellant may kindly be reinstated with all back benefits.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to appellant.

Respectfully Sheweth,

1. That the Appellant is a bona fide resident of village Chakdara, Tehsil Adenzai District Dir Lower and was appointed as a Forester in the Respondent's Department on 16/03/2017. **(Copy of appointment is annexed as Annexure-A)**
2. That the appellant has, since his induction into service, consistently demonstrated unwavering dedication, unimpeachable integrity and exemplary efficiency in the discharge of his official duties, and was serving at Chakdara Forest Check Post,

where he was diligently performing his assigned tasks with utmost zeal and zest and has never given any chance of complaint to his high-ups and the public in general.

3. That on 07.05.2024, two trucks, bearing Registration No. GLTD-1537 and No. RIS-5055, laden with illegal Deodar timber, were intercepted and apprehended by the staff of Malakand Forest Division at Malak Ahmad Khan Interchange, Swat Motorway, Batkhela, during the course of routine surveillance operation.
4. That it transpired, subsequent to the inception of the aforementioned trucks, that the alleged timber smuggler and drivers of the trucks were allegedly residents of District Dir, and that the trucks, laden with the illicit timber, had purportedly traversed through the Forest Check Posts, Sinzo, Samar Bagh, Bandagai and Chakdara, thereby precipitating the chain of events, wherein the staff of Jandool Forest Sub Division, including the appellant, was erroneously

held culpable and accountable for the incident, notwithstanding the fact that the appellant was not on duty at the eventful time and thus was not in a position to prevent the passage of the trucks. **(Copies of situation reports dated 07.05.2024 & extract duty register dated 07.05.2024 are annexed as Annexure-B & C)**

5. That, pursuant to the aforementioned events, a fact-finding inquiry was conducted against the appellant, along with his other fellow employees, to investigate and determine the extent of lapses and delinquencies, if any, on their part, in relation to the unauthorized passage of the trucks laden with illicit timber. **(Fact Finding Inquiry is annexed as Annexure-D)**
6. That, consequent to the flawed fact-finding inquiry, the appellant, along with his other fellow employees, was precipitously placed under suspension, attached to Divisional Office and served with show cause notice, requiring him to explain his alleged

dereliction of duty, despite the appellant's repeated clarifications that he was not on duty at the relevant time and therefore, could not have been responsible any lapse.

(Copies of suspension & attachment order, arrival report & show cause notice are annexed as Annexure-E, F & G)

7. That the appellant, in response to the show cause notice, submitted a comprehensive and detailed reply, wherein he categorically denied all the allegations levelled against him, and reiterated his stance that he was not duty at Chakdara Forest Check Post. On the date and time of the alleged incident, and therefore, could not have been responsible for any lapse or dereliction of duty. The appellant's reply accompanied by supporting documents and evidence, which further substantiated his position and demonstrated that the allegations against him were baseless, unfounded and motivated by malice, notwithstanding the detailed reply and supporting evidence, the respondents

- failed to reconsider his position or withdraw the show cause notice. **(Copy of reply to show cause notice is annexed as Annexure-H)**
8. That the appellant was not afforded a fair and proper personal hearing contrary to the principles of natural justice and the right to fair hearing.
 9. That notwithstanding the forgoing circumstances, which unequivocally establish the appellant's innocence and lack of culpability, and despite the glaring irregularities and improprieties in the proceedings leading to his removal, the appellant was nevertheless removed from service, vide office order No.140 dated 27.05.2024. **(Copy of office order dated 27.05.2024 is annexed as Annexure-I)**
 10. That the appellant being aggrieved by the order of removal from service dated 27.05.2024 of respondent No.1, preferred a departmental appeal against the same, addressed to respondent No. 2, pursuant to

the applicable service rules, however, the said appeal was rejected vide order dated 27.08.2024, whereby the removal order was upheld, without addressing the merits of the appellant's contentions. **(Copies of departmental appeal & order dated 27.08.2024 are annexed as Annexure-J & K)**

11. That the impugned orders dated 27.05.2024 of respondent No.1 and order dated 27.08.2024 of respondent No.2 are hereby impugned and challenged as being utterly illegal, unlawful and contrary to the record and are thus liable to be set aside, inter alia, on the following grounds.

GROUND:

- A. That the said impugned office order dated 27.05.2024 of awarding penalty of removal from service to the Appellant is quite illegal, unlawful, without authority/jurisdiction, hence, is liable to be set aside.

- B. That the Appellant was neither involved nor committed such like misconduct as defined under Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules, 2011 and alleged by the Respondents.
- C. That the impugned order of removal from service is unsustainable in law as the appellant was not on duty at the relevant time, and therefore could not have been responsible for the alleged lapses.
- D. That it is pertinent to mention that the identical charges were levelled against all employees, and a common fact-finding inquiry was initiated against them, yet the appellant, along with two others namely Mr. Irfan Ullah FG and Mr. Abid Hussain FG, was subjected to the extreme penalty of removal from service, whereas three other delinquents namely Mr. Jamshed Khan FG, Mr. Zakir Ullah FG and Mr. Yasir Ahmad BM received minor penalties, and two others namely Mr. Nisar Wahid FG and Mr. Faridoon

BM who were initially compulsorily retired, subsequently had their appeals allowed, leading to their reinstatement. Moreover, three employees Mr. Raees Khan Forester, Mr. Qaisar Shah FG and Ghulam Hussain FG, who were on duty at Bandagai Check Post and were made responsible by the SDFO Jandool and Timergara Forest Sub Division in his explanation letter No. 217/T/J dated 07.05.2024 but they were neither served show cause notices nor were they subjected to any departmental proceedings. **(Copies of relevant documents are annexed as Annexure- L)**

- E. That the respondents' assertion that there is no shifting/rotation duty in Forestry profession and that each individual is responsible for 24-hour activities is manifestly unreasonable and contradicted by the evidence specifically, the attendance register annexed, both prior to and subsequent to the incident in question, unequivocally establish the existence of

shifting system, thereby rendering the respondents aforementioned claim unsustainable and deserving of reversal.

(Copies of Attendance Register are annexed as Annexure-M)

- F. That the impugned order of removal from service is unsustainable in law as it was without conducting a regular departmental inquiry in contravention of the applicable service rules.
- G. That the fact-finding inquiry was not a substitute for a regular departmental inquiry, and it cannot be relied upon to justify the extreme penalty of removal from service.
- H. That the Appellant was wrongly implicated and held responsible for the incident without any evidence or proof of his involvement, thereby violating the principle of natural justice.
- I. That the appellant has been subject to a grave miscarriage justice and his removal

from service is a result of predetermined and biased approach and not on any legitimate grounds.

- J. That the penalty imposed upon appellant is disproportionate and discriminatory as compared to other employees who were charged with similar offense and received lesser penalties.
- K. That the respondents have failed to apply the principle of parity in meting out punishments, resulting in unequal treatment of similarly placed employees.
- L. That the respondents failed to take into account mitigating circumstances, such as his prior good record, length of service and other relevant factors.
- M. That the respondents violated the principles of natural justice by not providing the appellant with proper opportunity to be heard before imposing penalty.

It is, therefore, humbly prayed that On acceptance of the instant appeal, the Impugned Office Order No.140 dated 27.05.2024 of respondent No.1, whereby the appellant has been removed from service and Office Order No. 05 dated 27.08.2024 of respondent No.2, whereby his departmental appeal/representation has been rejected, may graciously be set aside and the appellant may kindly be reinstated with all back benefits.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to appellant.

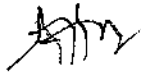


Appellant
Through Counsels



SABIR SHAH

Advocate Supreme Court
Cell: 0300-5746744



AFTAB HUSSAIN
Advocate High Court
Cell # 0313 933 1973

Dated: 21-09-2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____/2024

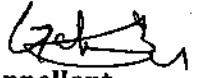
Gohar Ali Forester.....Appellant

Versus


The DFO Dir (L) & others.....Respondents

Certificate

As per instructions received from my client,
it is certified that no such like service appeal
against the impuned orders, has been earlier filed
before this honorable court .


Appellant
Through Counsels


SABIR SHAH
Advocate Supreme Court
Cell: 0300-5746744


AFTAB HUSSAIN
Advocate High Court
Cell # 0313 933 1973

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. _____/2024

Gohar AliAppellant

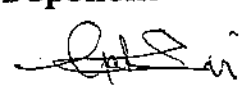
Versus

The Govt. of KPK & others.....Respondents

AFFIDAVIT

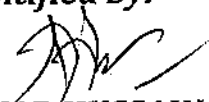
I, Gohar Ali, Forester, District Dir Lower, do hereby solemnly affirm and declare that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Deponent



Gohar Ali

Identified by:



AFTAB HUSSAIN

Advocate High Court

24 SEP 2024

ATTSTED



Service Appeal No. _____/2024

Gohar Ali Forester.....Appellant

Versus

The DFO Dir (L) & others.....Respondents

Address of Appellant:

Gohar Ali, Forester, Chakdara Forest Check Post
District Dir Lower

Addresses of Respondents:

4. District Forest Officer, Dir Lower Forest
Division.
5. Conservator of Forests, Malakand Forest
Circle West, At Timergara, Dir Lower.
6. Chief Conservator of Forests Malakand
Forests Region-III Saidu Sharif Swat.



Appellant
Through Counsels



SABIR SHAH
Advocate Supreme Court
Cell: 0300-5746744



AFTAB HUSSAIN
Advocate High Court
Cell # 0313 933 1973

16 Annexure "A"
OFFICE ORDER NO. 156 DATED TIMERGARA THE 16/03/2017 ISSUED
BY MR. MUHAMMAD FAROOQ KHAN DIVISIONAL FOREST OFFICER LOWER
DIR FOREST DIVISION TIMERGARA.

As recommended by Departmental Selection Committee, constituted vide this office order No: 136 dated: 15/02/2017. Mr. Gohar Ali S/O Jalal Khan Resident of Village Khusmuqam P/O Ramora Tehsil Adenzai District Dir Lower (NIC No. 15307-7120897-9) is hereby appointed as Forester BPS-10 (Rs.10180-670-30280) plus usual allowances admissible as per rules of Government of Khyber Pakhtunkhwa Province against the regular vacant post in office of the Divisional Forest Officer Lower Dir Forest Division with immediate effect in the interest of public service and subject to the following terms and conditions:-

TERMS AND CONDITIONS

1. His service shall be governed by Khyber Pakhtunkhwa Civil Servants Act, 2011, all the laws applicable to the Civil Servants and Rules made thereunder.
2. He shall be on probation initially for a period of one year as per rules on the subject.
3. In case he wishes to resign at any time, an advance notice of one month shall be necessary or in lieu thereof his one month's pay shall be forfeited to the government.
4. The appointment is subject to the production of Clearance Certificate form District Police Office Dir Lower.
5. The appointment is subject to necessary medical fitness certificate from the Medical Superintendent of District Head Quarter Hospital Timergara before joining the position.
6. The appointment is subject to verification of his all-academic certificates, degrees/ testimonials from respective Board/Universities/Institution of issue before joining the service.
7. His service will commence from date of his arrival for duties.
8. If he failed to report arrival for duty within fifteen (15) days of the receipt of this order, the appointment will stand cancelled automatically.
9. He will join duty at his own expenses.
10. He will undergo necessary Forester training course at Khyber Pakhtunkhwa Forest School Thal Abbotabad or other training whenever nominated by the department.

(Muhammad Farooq Khan)
Divisional Forest Officer
Lower Dir Forest Division
Timergara.

No. 3988-95 IG

Copy forwarded to the:-

1. Chief Conservator of Forest Central Southern Forest Region-I Shami Road Peshawar.
2. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat.
3. Conservator of Forest Malakand West Forest Circle Timergara.
4. Members of Departmental Selection Committee.
5. Mr. Gohar Ali S/O Jalal Khan R/O Village Khusmuqam P/O Ramora Tehsil Adenzai District Dir Lower for information and necessary action.
6. Office order files for record.
7. Divisional Accountant for information and necessary action.
8. Personal file of the official concerned for record.

Divisional Forest Officer
Lower Dir Forest Division
Timergara.

ATTESTED



OFFICE OF THE
DIVISIONAL FOREST OFFICER,
LOWER DIR FOREST DIVISION,
TIMERGARA
Phone No.0945-9250105

3

No 2347 /G. Dated 07 Timergara The 07 /05/2024

To
The Conservator of Forests,
Malakand Forest Circle West
Timergara.

[Signature]
Divisional Forest Officer,
Lower Dir Forest Division
Timergara

Subject:- SITUATION REPORT.

It is to inform that on 07-5-2024 at about 4:30 AM two numbers (02) Dumper vehicles bearing Registration No. GLTD-1537 and No. RIS-5055 has been apprehended by the staff of Malakand Forest Division. Bothe the vehicles were laced with illegal deodar timber. A total of 305 scants having 1157.3 cft volume is seized. The vehicles are currently parked at Divisional office Malakand and damage report has been chalked against the forest offenders.

Unfortunately and with sorrow it came to surface that the truck drivers are residents of Talash Lower Dir while the timber actually belongs to one notorious timber smuggler Mr. Ihsani hailing from Sammarbagh. The timber has been obtained from areas of Kambat on small scale and subsequently secretly stocked at Munda/Gosam. Later on loaded from Munda/Gosam area and was planned to be smuggled to down parts of the country.

This office as well as Patrol Squad Forest Division as directed by your good self has checked various CCTV cameras fixed at various points and the said vehicles can clearly be seen using Munda Khazana by pass road at around 2:59 and 3:15 AM.

Consequent upon the above investigation, it is concluded that staff of Jandool Forest Sub Division posted at Forest Blocks, Sinzo Forest Check Post, Bandagai Forest Check Post and Chakdara Forest Check Post have failed to perform their duties and the trucks managed their routes to Chakdara interchange with their active connivance. Therefore, all the following staff posted at above referred places have been placed under suspension (Copies of Office order and Show Cause Notices are annexed).

S.No	Sub Division/Range	Name of Official	Rank	Place of Posting
1	Timergara	Mr. Nisar Wahid	Forest Guard	Bandagai Forest Check Post
2	Timergara	Mr. Irfan Ullah	Forest Guard	—do—
3	Chakdara	Mr. Gohar Ali	Forester	Chakdara Forest Check Post
4	Chakdara	Mr. Abid Hussain	Forest Guard	Chakdara Forest Check Post
5	Chakdara	Mr. Faridoon	Barrier Man	Chakdara Forest Check Post
6	Jandool	Mr. Jamshid Khan	Forest Guard	Sammarbagh Block
7	Jandool	Mr. Zakir Ullah	Forest Guard	Sinzo Forest Check Post
8	Jandool	Mr. Yasir Ahmad	Barrier Man	Sinzo Forest Check Post

Besides above, explanation of SDFO Jandool/Timergara and RFO Chakdara has also been called for lapses on their part. Further investigation is under way and situation report is submitted for favour of information and further necessary action, please.

Encls:as above;

[Signature]
Divisional Forest Officer,
Lower Dir Forest Division

~~SECRET~~

A. Shah
 Assistant Forest Officer
 Lower Dir Forest Division
 Timergara

119

Date	Name	Time	Signature
3 ⁵ / ₂₄	Ajmal Ahmad Eg	2:00 pm to 8:00 pm	<i>[Signature]</i>
-	Shah Zamin BM	8:00 pm to 2:00 pm	<i>[Signature]</i>
-	Ali Haider Fr	9:00 pm to 1:30 Am	<i>[Signature]</i>
04 ⁰⁵ / ₂₄	Ajmal Ahmad Eg	2:00 Am to 8:00 Am	<i>[Signature]</i>
-	Shah Zamin BM	8:00 Am to 2:00 pm	<i>[Signature]</i>
-	Ali Haider Fr	9:00 to 2:00 pm	<i>[Signature]</i>
-	Ajmal Ahmad Eg	2:00 pm to 8:00 pm	<i>[Signature]</i>
-	Shah Zamin BM	8:00 pm to 2:00 Am	<i>[Signature]</i>
-	Ali Haider Fr	9:00 pm to 2:00 Am	<i>[Signature]</i>
05 ⁰⁵ / ₂₄	Ajmal Ahmad Eg	2:00 Am to 8:00 pm	<i>[Signature]</i>
-	Shah Zamin BM	8:00 pm to 2:00 pm	<i>[Signature]</i>
-	Ali Haider Fr	9:30 Am to 2:00 pm	<i>[Signature]</i>
-	Ajmal Ahmad Eg	2:00 pm to 8:00 pm	<i>[Signature]</i>
-	Shah Zamin BM	8:00 pm to 2:00 Am	<i>[Signature]</i>
-	Ali Haider Fr	9:00 pm to 2:00 Am	<i>[Signature]</i>
06 ⁰⁵ / ₂₄	Ajmal Ahmad Eg	2:00 Am to 10:30	<i>[Signature]</i>
-	Ghulam Ali Fr	10:30 Am to 2:00 pm	<i>[Signature]</i>
-	Fatideem B.M	10:30 Am to 2:00 pm	<i>[Signature]</i>
-	Abid Hussain Eg	2:00 pm to 8:00 pm	<i>[Signature]</i>
-	Ghulam Ali Fr	8:00 pm to 2:00 am	<i>[Signature]</i>
-	Fatideem B.M	8:00 pm to 2:00 am	<i>[Signature]</i>

(2)

(181)

Date	Name's	Time	Signature
7 ⁵ 2004	Abid HUSSAIN	8.00 Am to 8.00 Am	
-11-	Ghader Ali En	8.00 am to 8.00 ^{10.00} Am	
-1-	Fazidoo Ben	8.00 am to 8.00 ^{10.00} Am	
		Time: 06/21/11	
		Attested	
		 Divisional Forest Officer Lower Dir Forest Division Timergara	

20
FINDING ENQUIRY REPORT

1- (A- Back Ground):

That consequent upon the apprehension of two dumper trucks at Malik Ahmad Khan Interchange on 07.05.2024 at 04:50 AM, loaded with the illicit timber, transported to down country, the Chief Conservator of Forests, Central Southern Forest Region-1, Khyber Pakhtunkhwa, Peshawar directed the undersigned for fact finding enquiry vide Office NO: 06, Dated: 07.05.2024 with the following TORs:

1. Origin of the Timber.
2. Detail of Timber (Species, Types and Volume).
3. Action taken by the DFO Malakand.
4. Statement of the Offender /Driver.
5. Route followed by the trucks and check posts crossed.
6. Findings regarding lapses/irregularities on part of delinquent staff.

2 (B- Proceedings):

That I along with the staff of Patrol Squad Forest Division Central Forest Circle, Peshawar initially visited the Divisional Office Malakand, Dated: 08-5-2024 at 04:00 PM to get the attested copies of the documents pertaining to necessary legal actions that have been taken on the part of the DFO, Malakand. The DFO Malakand provided the following documents:-

1. Damage Report NO: 61/67, dated: 07.05.2024, PST 04:50 AM before sun rise (Annex-I).
2. Damage Report NO: 62/67, dated: 07.05.2024, PST 04:50 AM before sun rise (Annex-II).
3. Statement of the Driver (Mr. Asghar Khan S/O Tor Khan R/O Nassip/Takot Tehsil Timargara, District Lower Dir (Annex-III).
4. Statement of the Driver (Mr. Khalid Khan S/O Abdul Hameed R/O Sarai Sab Timargara, Tangay Noorakhel Lower Dir (Annex-IV).
5. Superdnama by Mr. Muhammad Iqbal S/O Said Muhammad Divisional Office regarding 155 NO: of Deodar Scants (Annex-V).
6. Superdnama by Mr. Muhammad Iqbal S/O Said Muhammad Divisional Office regarding 150 NO: of Deodar Scants (Annex-VI).
7. Fard-e-Maqbozgi by Mr. Ishfaq Hussain Forest Guard Malakand Forest Division regarding 155 NO: of Deodar Scants (Annex-VII).
8. Fard-e-Maqbozgi by Mr. Qaisar Hayat Forest Guard Malakand Forest Division regarding 150 NO: of Deodar Scants (Annex-VIII).
9. Application moved to Forest Magistrate Malakand by Sub-Divisional Forest Officer Batkhela for getting approval under Section 173 of (CrPC) for further 14 days to Investigate the matter comprehensively (Annex-IX).
10. Site map indicating the apprehension of the Two (02) Dumper Trucks at Forest Checking Point nearby Malik Ahmad Khan Interchange, Swat Expressway (Annex-X).

Accepted Page-01 to 04

Divisional Forest Officer
Lower Dir Forest Division
Timergara

CS CamScanner

(21)
situation added with fragile social life of the locals and militancy have trailed the area to become bastion of the miscreants. Therefore, historically, the Shahi & Bin Shahi have been hubs for timber storage for decades.

234
During militancy the timber has been carried to Bin Shahi through Secondary, Tertiary and lateral routes from surroundings including Afghanistan and stored. The same is being carried through head load or transported with the help of mules in piece meal to various houses at the upper reaches of Sammarbagh. Subsequently, taking advantage of uncertain law and order situation the timber is transported through various linked roads to Kambat or Munda areas and stored in dwelling houses where action is not possible because of stiff resistance as well as law & order situation where writ of Govt: is weak and such action always lead mob like situation, backed by the political figures of area who always support locals to enlarge their vote bank in such situation.

It also came to the knowledge during interaction with the public that the local people with all support of the political elites and unwilling assistance of the local police has always led to mob like situation, blockage of roads during any attempt of seizing timber stored in the dwelling houses by Forest Department. Numerous such like videos depicting the sensitivity, supports of the local to the illicit storage are available (referred as in Annex-XVI). Furthermore, the poor law and order situation can also be judged from the firing incident at Sinzo Forest Check Post where Forest Guard sustained major head injury as being shot to head region and culprits are still untraced and at large.

Besides above, a Forest Guard named as Mr. Kramat (Shaheed), deputed at Akhgrame Check Post while fulfilling his obligations was martyred during the night hours by the same mafia. Another incident in Dir has deprived one of the SDFO Mr. Asad Khan (late) Dir Upper and Mr. Mushtaq Ahmad Forest Guard from their precious lives in line with their duties by dealing with the most aggressive community in Khyber Pakhtunkhwa (FIRs referred as in Annex-XVII).

Keeping in view the above elaboration it is concluded that despite odd conditions, weak writ of Government, shortage of field staff, poor law and order situation the Forest Department is still delivering with patience in the current uncertain and unstable scenario.

TOR- 2, 3 & 4.

Detail of timber as obtained from DFO Malakand i.e. Damage Reports 61/67 & 62/67 (referred as in Annex- I&II).

The DFO Malakand has taken the following actions:-

- i. Chalked out Damage Reports bearing No.61/67 and 62/67.
- ii. Recorded statements of Drivers/offenders.
- iii. Executed Superd Namas.
- iv. Executed Fard-e-Maqbozgi of the apprehended timber.
- v. Have obtained Fourteen (14) days time for further investigation under Section 173 of Cr PC.
- vi. Prepared the crime spot MAP of the apprehension.
- vii. Presented previous Damage Report chalked out against the same offenders proving that they are habitual (Annex-XVIII).

Statement of Drivers are almost the same wherein, they have stated that the trucks have been loaded from one of the streets of Munda Bazar owned to renowned timber smugglers Ihsan ul Haq S/O Rahman-ud-Din R/O Sammarbagh Mayar District Lower Dir seen implicated vide FIR No. 25 dated 27/02/2022 referred above for the martyrdom of Mr. Kramat Khan and Fazal Hadi S/O Abdul Shaheed R/O Kabal District Swat.

Page-03 to 04

CS CamScanner

CS CamScanner

Divisional Forest Officer
Lower Dir Forest Division
Timergara

OFFICE ORDER NO. 126 DATED TIMERGARA THE 07/05/2024 ISSUED BY MR. ASIF ALI SHAH DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

On 07/05/2024 at 4:30 AM, the staff of Malakand Forest Division apprehended 02 No Dumper (Truck) loaded with illicit timber at Batkhela. Both the Dumper (Truck) laced with illicit timber for smuggling purpose has crossed Bandagai and Chakdara Forest Check Post. Therefore, the following staff posted/deployed at Forest Check Post are hereby placed under suspension and attached with Divisional Office in the interest of public service till further order.

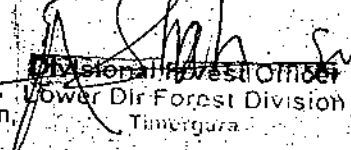


- 1. Mr. Nisar Wahid Forest Guard.
- 2. Mr. Irfan Ullah Forest Guard.
- 3. Mr. Gohar Ali Forester.
- 4. Mr. Abid Hussain Forest Guard.
- 5. Mr. Faridoun B/M.

- Bandagai Forest Check Post
- do--
- Chakdara Forest Check Post
- do--
- do--

Attested

Sd/-
 (ASIF ALI SHAH)
 Divisional Forest Officer,
 Lower Dir Forest Division,
 Timergara.

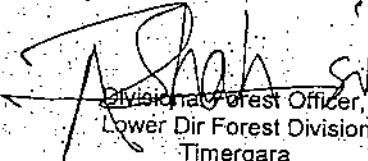


~~Divisional Forest Officer~~
 Lower Dir Forest Division
 Timergara

No. 2319-22 /G.

Copy forwarded to the:

- 1. Conservators of Forests Malakand West Circle Timergara for favour of information please
- 2. All SDFOs in Lower Dir Forest Division Timergara for information and further necessary action.



~~Divisional Forest Officer~~
 Lower Dir Forest Division
 Timergara

Forest Division
Lower District Officer

[Signature]

Attested

Date: 13/5/2024

By: *[Signature]*

[Signature]

[Signature]

Attendance
of
[Signature]

Ensure
diligence
[Signature]

ESB

In compliance of office order
No. 126 dated 7/5/2024, G.O. Mr.
G.O. Mr. Forests hereby report
any arrival from children
Forest Sub Division to Divisional
Forest Office Timergara Lower
District Forest Division

Memorandum

Subject: Arrival report

Timergara

The Divisional Forest Officer
Lower District Forest Division

(61)

[Signature]

DISPATCH

Signature - "G"

SHOW CAUSE NOTICE

I Mr. Asif Ali Shah, Divisional Forest Officer Lower Dir-Forest Division Timergara as competent authority under the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011 under Rules-7, do hereby serve you, Mr. Gohar Ali Forester of Chakdara Forest Range with this Show Cause Notice as follows:

33

That while posted on duty as Forester at Chakdara Forest Check Post of Chakdara Forest Range you have committed the following irregularities:-

- 1- i. That you were consistently directed and warned verbally as well as in writing vide DFO Lower Dir letter No.2753/E, dated 14/03/2024, No. 2862-64 dated 28/03/2024, No.2979-81/G dated 08/04/2024 and No.3170-72/G dated 02/05/2023, but you badly failed to comply with the directives of higher-ups in letter and spirit.
- ii. That while performing official duty at Chakdara Forest Check Post of Chakdara Forest Range, you have failed to check and control illegal movement of timber and forest produce due to inefficiency, misconduct and corruption.
- iii. Resultantly, two (02) Dumpers (Trucks) bearing No. GLTD-1537 and No.RIS-5050 loaded with illegal Deodar timber were apprehended by the staff of Malakand Forest Division at Swat express way and Damage Report No.60/26 and 61/26 of even dated 07/05/2024 have been chalked against the Forest offenders, which clearly speaks your active involvement and connivance with the timber smugglers.
- ii. You have deliberately allowed the referred consignments for your ulterior motives and are confirmed from the CCTC footage obtained from CCTV installed at Bab-e-Jandool, which tantamount to inefficiency, misconduct and corruption.
- iii. Being a Forester it is your prime responsibility to check and stop illegal movement of timber, but you failed to do so, did not perform your duty as per your job description which shows your inefficiency, mis-conduct towards performing your official duty and the vehicles laced with illicit Deodar timber have crossed the Check Post, which has created difficult and embarrassing situation both in Forest Department as well as in District Lower Dir.
- iv. That you have been directed during visit of higher officer to stay vigilant, watchful and to ensure proper blockage/closing of barrier at Check Post for the purpose of checking particularly during late Hours but you have failed to do so which has paved easy way for timber smugglers.
- v. During the checking of Check Post it also revealed that you were performing duty on shifting basis which is never been a practice in forestry profession and strict direction has been communicated already but you failed to do so.
- vi. The Range Forest Officer Chakdara has also reported your active involvements in the referred smuggling of timber vide his letter No.108 dated 07/05/2024.

Attested

[Signature]
Divisional Forest Officer
Lower Dir Forest Division
Timergara

[Signature]
①

Keeping in view the above, I am satisfied that you have committed the following acts/omissions specified in Rule -3 of the said rules:-

(2)

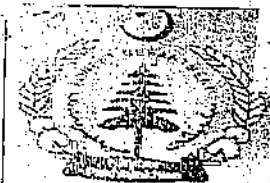
- a. Inefficiency.
 - b. Misconduct.
 - c. Corruption.
2. As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty specified under Rules-4(b) of the said rules.
 3. You, are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and else 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 should be presumed that you have no defense to put in that case an ex-parte action should be taken against you.
 5. A copy of report on the subject matter by Range Forest Officer Chakdara is attached.

Arrested

[Signature]
 Divisional Forest Officer
 Lower Dir Forest Division
 Timergara

[Signature]
 Divisional Forest Officer
 Competent Authority

(2)



OFFICE OF THE
DIVISIONAL FOREST OFFICER,
LOWER DIR FOREST DIVISION,
TIMERGARA

Phone No. 0945-9250105

Fax No. 0945-9250119

E-Mail: dfolowerdir@gmail.com

No. 2352-59

/E,

Dated

Timergara

the 08/ 05/2024

To

1. Mr. Nisar Wahid Forest Guard.

Bandagi Forest Check Post.

2. Mr. Irfan Ullah Forest Guard.

do

C/O

SDFO Timergara.

3. Mr. Gouhar Ali Forester.

Chakdara Forest Check Post.

4. Mr. Abid Hussain Forest Guard.

do

5. Mr. Faridoon B.M.

do

C/O

RFO Chakdara.

6. Mr. Jamshid Khan Forest Guard

Samrbaugh Block.

7. Mr. Zakir Ullah Forest Guard.

Sinzo Forest Check Post.

8. Mr. Yasir Ahmad B.M.

do

C/O

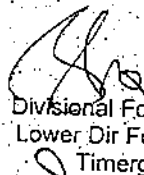
SDFO Jandool

SUBJECT: .

SHOW CAUSE NOTICE.

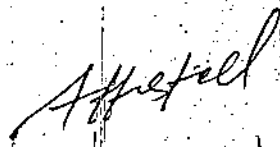
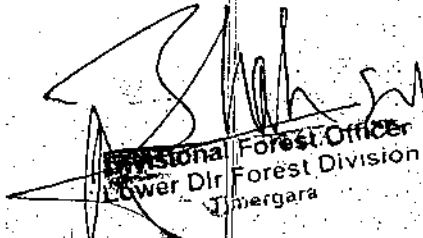
Memo:

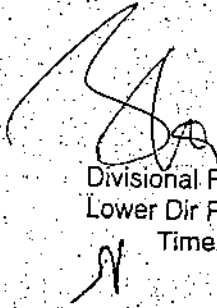
Enclosed find herewith show cause notice issued by the undersigned for information and further necessary action. You are directed to submit your written reply to the show cause notices within stipulated time in case of no reply exparte action will be taken.


Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

No. 2360 /E,

Copy forwarded to the Conservator of Forest Malakand Forest Circle West Timergara for favour of information please.



Divisional Forest Officer,
Lower Dir Forest Division,
Timergara


Divisional Forest Officer,
Lower Dir Forest Division,
Timergara.

~~Amendment~~ "H"

7.05

The Divisional Forest Officer,
Lower Dir Forest Division,
at Timergara.

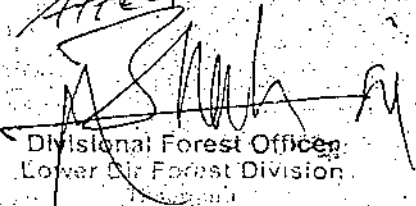
SUBJECT, SHOW CAUSE NOTICE.

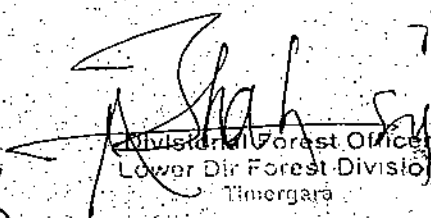
Respected Sir,

Reference your letter No. 2359-57/2
dated 08.05.2024.

It is respectfully stated that
in response to your office letter quoted above,
para-wise reply to the Show Cause Notice is
furnished as under:-

- (i) The directives/instructions issued
verbally as well as in writing by the higher officers
from time to time have been noted and complied
with in letter and spirit due to which no such
like unpleasant incident has been reported in
the recent past.
- (ii) I am performing duties at Chakdawa
Forest Check Post efficiently, devotedly and
honestly and has controlled illegal movement of
timber/forest produce to great extent through
checking of each and every vehicle passing through
Chakdawa Forest Check Post.

Attested

Divisional Forest Officer,
Lower Dir Forest Division


 Assistant Forest Officer
 Lower Dir Forest Division
 Timergara

(iii) The illegal timber apprehended by the staff of Malakand Forest Division in two trucks bearing No. GLTD-1537 and No. R/S-5050 have not crossed Chakdara Forest Check Post during the course of my duty. It is clarified that on the date of the said incident i.e. 07.05.2024, we have performed duty on the Barrier (from 06.05.2024 to 07.05.2024) as under:-

Dated 06.05.2024

1. Afzaal Ahmad Fgd. 02.00 am to 10.30 am
2. Gohar Ali Forester. 10.30 am to 02.00 pm
3. Abid Hussain Fgd. 02.00 pm to 08.00 pm
4. Gohar Ali Forester. 08.00 pm to 02.00 am

Dated 07.05.2024

1. Abid Hussain Fgd. 02.00 am to 08.00 am.
2. Gohar Ali Forester 08.00 am / onward.
3. Fawidooon Barrierram. 08.00 am / onward.

Extract Copy of Duty Register of Chakdara Forest Check Post is enclosed herewith as Annex "A" for favour of perusal please. As per CCTV Footages the said trucks No. GLTD-1537 and R/S-5050 have crossed

Chakdara Forest check post at 04.30 am on
 07.05.2024. Kazi Mir Abid Hussain Forest Guard
 was on duty at the barrier. At that time I
 (Ghan Ali Bakhsh) and another Barrier man
 were taking rest in the Rest/central room in
 order to relax ourselves for the next turn of
 duty.

It is clarified that duty at the check
 post/barrier is performed round the clock
 therefore, we performed duty for six hours
 member by member. Being a human it is
 not possible to perform duty all the officials
 (rest or check post) for twenty four hours (24 hours)
 we performed duty on rotation basis member
 by member. When one official is performed
 duty on the barrier, the other take rest in
 the Rest/central room in order to prepare him-
 self for another turn of duty. For the purpose
 "Duty Register" is maintained in each and every
 check post of the Division.

Since the Road trucks have not crossed
 Chakdara Forest check post during the course
 of my duty, therefore, the charges/allegations of
 my active involvement and connivance with the

Divisional Forest Officer
 Lower Dir Forest Division
 Timergara

(P/3)

(11)

Timber smugglers is not based on facts and without any evidence/proofs.

(iv)

As stated above, I was not on duty at that time, therefore have not delibeately allowed the said illegal transport for any violation or rules. The CTR Officer in Kallak at Chaldara Forest Check Post confirmed that I was not on duty at that time on the banner.

(v)

Respected Sir, I am well aware of my duty (job description) and my personal responsibility and always performed my duties at Chaldara Forest Check Post strictly in accordance with the directives of higher officers. No doubt that the said incident has created difficult and embarrassing situation for the Division/Department but the name has not been done due to my in-efficiency and Mrs-Conduct and Mis-Conduct. As stated earlier I was not on duty at that time on the Banner, therefore, the charges of in-efficiency and Mis-Conduct against me are totally baseless and incorrect.

(vi)

The directives of higher officers issued from time to time have been noted and complied in letter and spirit. Always

Divisional Forest Officer
Lower District Forest Division
Jharkhand

(P/4)

Divisional Forest Officer
Lower Dir Forest Division
Jinnah

(P/S)

(113)

performed duty at the barrier vigilantly, watchfully and has ensured proper blockage/closing of barrier at forest check post for the purpose of checking particularly during late hours. As stated above, I was not on duty on the barrier of the check post at that time, therefore, do not pave easy way for timber smugglers.

(vii) As stated earlier, being a human, it is not possible for anybody to work twenty four (24) hours without taking any rest, therefore, the duty is performed on the tentative/rotation basis. This practice is in vogue in all the Forest Check Posts of Division and also on the Check Posts of Police and other law enforcing agencies. The directive of your goodself in this regard is not in line with the ground realities.

(viii) The report of Range Forest Officer Chakdara regarding the active involvement of the staff of the Check Post in the instant case do not base on facts. The allegation has been levelled against me without any proof/evidence, therefore un-justified and un-tenable.

Divisional Forest Officer
Lower Dir Forest Division
Jhang

(8/6)

(115)

Keeping in view the above explanation, it is quite clear that I have not committed any act/omissions of Inefficiency, Misconduct and Corruption as specified in Rule-3 of the Govt. Servants (Efficiency and Discipline) Rules, 2011.

Therefore the tentative decision of your goodness for imposing major penalty upon me as specified under Rule-4(b) of the said rules may be reviewed and I may be exonerated from all the charges/allegations.

As explained above, the charges of Inefficiency, Misconduct and Corruption have not been proved against me with certainty, therefore, the above said penalty may not be imposed upon me.

The requisite reply to the Show Cause Notice is being furnished herewith in stipulated period which may kindly be considered sympathetically and exparte action may not be taken against me.

The report of Range Forest Officer Chakdara

~~Asif Ali Shah~~ - I.V. (008)

OFF. ORDER NO. 140 DATED TIMERGARA THE 27/05/2024, ISSUED BY MR. ASIF ALI SHAH DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

WHEREAS, On 07-05-2024 at about 4:30 AM two numbers (02) Dumpers vehicles bearing Registration No. GLT-1537 and RIS-5050 have been apprehended by the forest staff of Malakand Forest Division. Both the vehicles were laced with illegal deodar timber, a total 305 scants measuring 1157.3 cft volume is seized and the damage report have been chalked against the forest offenders.

AND WHEREAS, Mr. Gouhar Ali Forester BPS-10, deputed at Chakdara Forest Check Post of Chakdara Forest Range, was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 against the charges as mentioned in the Show Cause issued vide this office letter No. 2352-59/E, dated 08.05.2024, served upon the said Forester.

AND WHEREAS, the undersigned as (Competent Authority) after having examined the charges, evidence on record and reply of the Show Cause of the accused official, wherein the charges against the official are proved accordingly.

AND WHEREAS, the Competent Authority, after considering the other related documents of the case, served a Show Cause Notice upon the said official to which he replied and provided him opportunity of personal hearing vide this office letter No. 3410/G, dated 20.05.2024.

NOW THEREFORE, after having considered the charges, evidence on record, report of RFO Chakdara vide letter No. 108/CKd dated 07.05.2024 and the reply of Show Cause notice by the accused official, as well as personal hearing conducted in this office on 23.05.2024, I Mr. Asif Ali Shah Divisional Forest Officer Lower Dir in the capacity of competent authority impose Major penalty of "REMOVAL FROM SERVICE" under E&D Rules, 2011, Section 4 (b) Sub Section (III) of the Ibid rules, in the interest of Public Service.

Sd/-
(Asif Ali Shah)
Divisional Forest Officer
Lower Dir Forest Division
Timergara

No 3479-82IG&L

Copy forwarded to the:-

1. Conservator of Forests, Malakand Forest Circle west Timergara for favour of information of information please.
2. RFO, Chakdara, for information and necessary action.
3. Divisional Accountant for information and necessary action.
4. Officials concerned for information.

Attest

Asif Ali Shah
Divisional Forest Officer
Lower Dir Forest Division
Timergara

Asif Ali Shah
Divisional Forest Officer
Lower Dir Forest Division

Gabri
ATTESTED

35

Annexure "J"

BEFORE THE WORTHY CONSERVATOR OF FORESTS
MALAKAND WEST FOREST CIRCLE TIMERGARA.

SUBJECT: DEPARTMENTAL APPEAL AGAINST
OFFICE ORDER No: 140 DATED 27.05.2024
ISSUED BY DFO Lower Div F/Division.

Respected Sir,

It is respectfully stated that:

1) The appellant is the resident of Ramora, Tehsil Adenai District Lower Div and was serving as Forester (BPS-10) in Lower Div Forest Division w.e.f 24.3.2017 while posted on Chaldara Forest Check Post of Chaldara Forest Range, the respected DFO Lower ^{Div} /proceeded the appellant under the khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011 and major penalty of "Removal from Service" has been awarded to the appellant vide his office order No: quoted in the subject and copy is enclosed herewith as (Annex "A") for favour of perused please.

2) The respective DFO Lower Div Forest Division served upon the appellant a "Show Cause Notice" vide his office letter no: 2352-59/E dated 08.05.2024 where in it was alleged that:
(1) you were consistently directed and warned

ATTESTED

[Signature]

Both in Forest Department as well as in Oil Field Survey Situation Post, which has created difficult and Ambiguous Situation faced with illegal des for timber have crossed the check towards performing your official duty and two vehicles description which shows, you in efficiency, mis-conduct failed to do so, did not perform your duty as per you job to check and stop illegal movement of timber, but you

(v) Being a Forester it is your prime responsibility to check and stop illegal movement of timber, but you failed to do so, did not perform your duty as per you job towards performing your official duty and two vehicles description which shows, you in efficiency, mis-conduct and Ambiguous Situation faced with illegal des for timber have crossed the check

(iv) for your ulterior motives and are conferred from the certificate obtained from CTRV installed at Bache - Jambol which tantamount to in efficiency, mis-conduct & Corruption. you have deliberately allowed the reference movement and convenience with the timber / smugglers.

(iii) Check and control illegal movement of timber and forest offenders, which clearly speaks your active involvement and convenience with the timber / smugglers. you have deliberately allowed the reference movement and convenience with the timber / smugglers.

(ii) That while performing official duty at Chaldara Forest Check Post of Chaldara Forest Range, you have failed to produce due to in efficiency, mis-conduct and corruption. 1537 and No: 215-5050 loaded with illegal des for timber at great express way and damage Report no: 60/26 and 61/26 of even dated 07.05.2004 have been checked against the forest offenders, which clearly speaks your active involvement and convenience with the timber / smugglers.

verbally as well as in writing via O/o Lower Div letter No: 2753/E, dated 14.03.2004, No: 286A-64 dated 28.3.2004 No: 2979-81/G dated 08.04.2004 and 3170-72/G dated 08.05.2004 but you have failed to comply with the directives of higher-ups in letter and spirit.

ATTESTED

(Signature)

37

(vi) That you have been directed during visit of higher officer to stay vigilant, watchful and ensure proper coverage/closing of banks at check Post for the purpose of checking particularity during late hours but you have failed to do so which has paved easy way for timber smugglers.

(vii) During the checking of check Post it also reveals that you have performing duty or anything basis which it never been a practice in forestry profession and strict direction has been communicated already but you failed to do so. The Range Forest Officer Chakdaha has also reported your active involvement in the smuggling of timber vide his letter no: 108 dated 07.05.2024.

(viii) The appellant furnished comprehensive reply and convincing reply dated 20.05.2024 of the show Cause Notice to the Respective DFO Lower Or Forest Division and dated the charges/allegations, dated 07.05.2024 as (Annex "B") for favour of personal release. At this clarified in the reply dated 20.05.2024 is enclosed herewith. Cause Notice in the reply dated 20.05.2024 to the show Cause Notice that:

(i) The direct was / instructions issued verbally as well as in writing by the respective higher officers from time to time have been noted and complied with.

in letter and spirit due to which the illegal smuggling of
timber and other forest produce has been stopped/
controlled and no forest like un-pleasant incident
has been reported/noticed in the recent past.

(ii) It was further clarified that the appellant
is performing duty at Chalkdara Forest Check Post
efficiently, devotedly and honestly and has controlled
illegal movement of timber/forest produce to great
extent through checking of each and every vehicle
passing through Chalkdara Forest Check Post.

(iii) It was clarified that the illegal timber ~~is~~
apprehended by the Staff of operations Forest Division
in two trucks on Surt Express way on 07.05.2024
at 04.30 am. have not crossed Chalkdara Forest Check
Post during the course of his duty. The appellant has
performed duty on the barrier from 08.00 pm of 06.05.2024
to 02.00 am of 07.05.2024. Extract copy of "Duty Register"
has been annexed with reply to the known cases
notice. It was stated that Mr. Arvind Hussain
Forest Guard has performed duty on 07.05.2024
on the barrier from 02.00 am to 08.00 am and
the appellant as well as Mr. Fariddeen Bannerman
were not on duty and were taking rest in the
residential room in order to relax themselves for
the next term of duty. It was clarified that
duty at the Check Post is being performed round
the clock, therefore, they performed duty for 6 hours

ALISTED
38 (P/4)

38 (P/4)

at a time number by number. Being a human it is not possible to perform duty around the clock, therefore, they performed duty on rotation basis number by number. When one official is being performed duty on the barrier, the other take rest in the residentia room in order to prepare himself for another term of duty. For the purpose "Duty Register" is maintained in each and every Check Post of the Division for handing/taking of duty on the barrier under proper signature.

It was stressed upon that the said trucks carrying illegal timber have not crossed Chakdava Forest Check Post during the course of duty of the appellant therefore the charges/allegations of his ^{active} involvement or connivance with the timber smugglers is not based on facts and without any proof/evidence and witness.

(iv) It was stated that the appellant was not on duty at that time, therefore, have not deliberately allowed the said illegal consignment for any ulterior motives. The CCTV Camera installed at Chakdava Forest Check Post confirmed that the appellant was not on duty at that time on the barrier.

(v) Under this item it was clarified that the appellant is well aware of his prime responsibility and always performed his duty strictly in accordance with the directives of respective higher officers. No doubt that the said incident has created difficult

and embarrassing situation for the Division / District
 down but the same has not been done due to in-efficiency
 and mis-conduct of the appellant, therefore, all the
 charges/allegations against him are totally baseless
 and un-justified.

(vi) It was stated in the reply to the Show Cause
 Notice that the directive of higher officers issued from
 time to time have been noted and complied with
 in letter and spirit. The appellant always
 performed his duty at the barrier vigilantly, watchfully
 and has ensured proper blockage/closing of
 barrier at the forest Check Post particularly
 during late hours. As stated above, the appellant
 was not on duty at the barrier of the Check Post
 at that time, therefore, do not pave easy way for
 timber smugglers.

(vii) It was clarified in the reply to the Show Cause Notice
 that being a human it is not possible for anybody
 to work twenty four (24) hours without taking any rest,
 therefore duty is being performed on the tentative/
 rotation basis. This practice is in vogue in all the
 forest Check Posts and also on the Check Posts of Police
 and other law enforcing agencies.

(viii) The report of Range forest officer Chaudhary
 regarding the active involvement of the staff of the Check Post
 in the instant case don't base on facts. The allegations
 has been levelled against the appellant without any
 proof, evidence and witness therefore, unjustified
 and untenable.

(Signature)
 ATTESTED

(4) Since, the charges of In-efficiency, mis-conduct and Corruption were not proved against the appellant, therefore, the respective D/o Lower Div was requested to drop the charges/allegations and exonerate him from all the charges/allegations. However, the reply furnished to the Show Cause Notice has been turned down by the respective D/o Lower Div without any valid/solid reasons and major penalty of "Removal from Service" has been imposed upon the appellant vide D/o Lower Div office order No: 140 dated 27.05.2024. The said order is illegal, irregular, against the law, rules, regulations and norms of justice, therefore untenable and unjustified due to the following reasons:-

- (i) The disciplinary proceedings has been initiated and completed in hurry without fulfilment of the provisions/formalities contained in the rules and regulations on the subject and against the norms of justice. The whole process has been completed within twenty (20) days from 07.05.2024 to 27.05.2024. The matter has not been investigated/enquired through impartial Enquiry officer/Committee as required under the Hyderabad Palkhwanthwa Court: Servants (Efficiency and Discipline) Rules, 2011. There is a procedural flaw in the disciplinary proceedings

because no Charge Sheet and Statement of allegation has been served upon the appellant and not enquire through impartial Enquiry officer / committee therefore the impugned office order of the respective DFO Lower Div is illegal, irregular and un-justified / untenable.

(ii) The report of Range forest officer Chakdara has been considered as evidence against the appellant whereas he ~~is~~ himself responsible in the instant case of smuggling of illegal timber. He has been given clean chit on his ^{and false} false statement / report of involvement of the appellant in instant case. He could not be absolved of his responsibility as Range forest officer Chakdara due to writing of baseless and false letter against the appellant.

(iii) The impugned order of the respective DFO Lower Div is discriminatory because, the Staff of ~~Sam~~ Samar bagh forest Sub-Division has been awarded minor punishment (where from the illegal timber was originated) whereas the appellant has been awarded severe / major punishment of "Removal from service" without committing any irregularity. Since the appellant was not on duty on barrier at that time, therefore, award of penalty is totally un-justified and against the rules / regulations on the subject.

(vi) The appellant has always performed duty efficiently, devotedly, honestly & strictly in accordance with the directives of higher officers and has never indulged himself in any

(v) The charges of non-efficiency, mis-conduct and corruption have not been proved with certainty through impartial enquiry officials. Committee as required under the rules, therefore, the impugned order of respective or Lower Div is illegal, irregular, against the rules/regulations of the subject.

(iv) The Range Forest Officer Chakdara should have been ^{treated} as accused in the instant disciplinary proceedings, therefore, his misdeed and false statements and false report could not be treated/considered as evidence against the appellant. In case the appellant is involved in the smuggling of timber the Rfo Chakdara is also equally responsible such as forest guard and forest guard. However, no action has been taken/initiated against the Range Forest Officer Chakdara for unknown reasons.

ATTESTED



43

(19/9)

(P/10)

44

Corrupt practices which is also evident from his service record.

(5) Keeping in view the above exposition, it is therefore prayed that by accepting this appeal of the appellant, the impugned office order No. 140 dated 27.05.2024 may be set aside and the appellant be reinstated in service from the date of removal with all back & benefits. For this act of kindness the appellant will be highly obliged/thankful and will pray for the prosperity of your good self.


(6) The appellant also desire to be heard in person please.

Thanks

Yours obediently,

Date: 13/06/2024.


ATTESTED


(GAUHAR ALI)
EX-FORESTER
R/o Ramona, Tehsil
Adenai District Lower
Div.

OFFICE ORDER NO. 05 DATED 27 /08/2024 ISSUED BY MR. SHAUKAT FIAZ CONSERVATOR OF FORESTS MALAKAND WEST FOREST CIRCLE TIMERGARA.

Whereas, Mr. Gohar Ali Forester posted at Chakdara Forest Check post was served with show cause notice under Section-7 of Efficiency and Discipline Rules 2011 by DFO Lower Dir vide his letter No.2352-59/E dated 08-05-2024 for smuggling of timber through two (02) Dumper bearing Registration No.1537/GLTD and No.5050/RIS loaded with 305 scants having 1.157.3 cft via Chakdara Forest Check Post with active connivance of accused official and subsequently apprehended by the staff of Malakand Forest Division on 07-05-2024 and issued Damage Report No.61/67 and 62/67 of even dated.

Whereas the accused official submitted his reply to the ibid show cause notice and also provided opportunity of personal hearing on 23-05-2024 under Section 7 (d) of ibid Rules in the instant case.

Whereas, the DFO Lower Dir on perusal of record i.e reply to show cause notice, CCTV footage, Range Forest Officer Chakdara letter No.108/CKD dated 07-05-2024 as well as personal hearing and fact finding enquiry conducted by DFO Patrol Squad Central Southern Forest Circle Peshawar, the DFO Lower Dir Ordered removal from services of referred official vide his Office Order No.140 dated 27-05-2024.

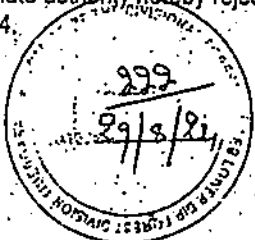
Whereas the accused Official feeling aggrieved, preferred Departmental appeal in the instant case to appellate authority (Conservator of Forests Malakand West Forest Circle).

Whereas comments were asked from DFO Lower Dir vide Conservator of Forest Malakand West Forest Circle letter No.5165/G&L dated 14-06-2024. Accordingly, the DFO Lower Dir submitted his detail comments vide letter No.653/Acctt dated 21-08-2024.

Whereas the accused Official was summoned for personal hearing vide Conservator of Forest Malakand West Forest Circle letter No.919-23/E dated 22-08-2024 and as such personal hearing was conducted on 26-08-2024 under Section 7(d) of ibid Rules.

Whereas on perusal of record i.e contents of Damage Reports referred above, statement of smugglers / Drivers, show cause notice, reply to the show cause furnished by the accused official, comments of DFO Lower Dir, report of Range Forest Officer Chakdara vide his letter No.108/CKD dated 07-05-2024, findings of fact finding committee conducted by DFO Patrol Squad Forest Division Central Forest Circle Peshawar vide his letter No.182/PS dated 21-05-2024 received with Chief conservator of Forest Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar vide his letter No.3186/GB dated 10-06-2024, CCTV footage of Bab-e-Jandool and Chakdara Forest Check Post besides confession of accused Official during personal hearing would reveal that the referred Dumper loaded with illicit scants have crossed Chakdara Forest Check Post with active connivance of accused official.

Consequent upon the above, I Mr. Shaukat Fiaz Conservator of Forests Malakand West Forest Circle Timergara in the capacity of appellate authority hereby reject the appeal of appellant and upheld DFO Lower Dir Office Order No.140 dated 27-05-2024.



SD/-
Mr. SHAUKAT FIAZ
Conservator of Forests
Malakand Forest Circle West,
At Timergara

No. 969-51 /E.

Copy forwarded to the:-

- 1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat for favour of information, please.
- ✓ 2. Divisional Forest Officer, Lower Dir Forest Division Timergara for information and further necessary action.
- 3. Mr. Gohar Ali Forester C/O of DFO Lower Dir for information.

Adf
for record
Sh
08/24

Attended
Conservator of Forests
Malakand Forest Circle West
At Timergara

[Signature]
Divisional Forest Officer
Lower Dir Forest Division
Timergara

46 ~~RESURVE-13~~ (47)

OFFICE ORDER NO. 143 DATED TIMERGARA THE 27/05/2024, ISSUED BY MR. ASIF ALI SHAH DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

WHEREAS, On 07-05-2024 at about 4:30 AM two numbers (02) Dumpers vehicles bearing Registration No. GLT-1537 and RIS-5050 have been apprehended by the forest staff of Malakand Forest Division. Both the vehicles were laced with illegal deodar timber, a total 305 scants measuring 1157.3 cft volume is seized and the damage report have been chalked against the forest offenders.

AND WHEREAS, Mr. Jamshid Khan Forest Guard BPS-08, deputed as Block Officer, Samar Bagh Block of Jandool Forest Sub Division, was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 against the charges as mentioned in the Show Cause issued vide this office letter No. 2352-59/E, dated 08.05.2024, served upon the said Forest Guard.

AND WHEREAS, the undersigned as (Competent Authority) after having examined the charges, evidence on record and reply of the Show Cause of the accused official, wherein the charges against the official are proved accordingly.

AND WHEREAS, the Competent Authority, after considering the other related documents of the case, served a Show Cause Notice upon the said official to which he replied, and provided him opportunity of personal hearing vide this office letter No.3410/G, dated 20.05.2024.

NOW THEREFORE, after having considered the charges, evidence on record, report of SDFO Jandool vide letter No.217/T/J dated 07.05.2024 and the reply of Show Cause notice by the accused official, as well as personal hearing conducted in this office on 23.05.2024, I Mr. Asif Ali Shah Divisional Forest Officer Lower Dir in the capacity of competent authority impose Minor penalty of "**withholding 02 annual increment for a period of two year**" under E&D Rules 2011, Section 4 (a) Sub Section (II) of the Ibid rules, in the interest of Public Service.

Sd/-
(Asif Ali Shah)
Divisional Forest Officer
Lower Dir Forest Division
Timergara

No. 3491-94 IG&L,

Copy forwarded to the:-

1. Conservator of Forests, Malakand Forest Circle west Timergara for favour of information of information pleases.
2. SDFO Jandool, for information and necessary action.
3. Divisional Accountant for information and necessary action.
4. Officials concerned for information.

Received
Jed ng

to Chris to O'Brien

Attested


Divisional Forest Officer
Lower Dir Forest Division
Timergara


Divisional Forest Officer
Lower Dir Forest Division
Timergara

OFFICE ORDER NO. 144 DATED TIMERGARA THE 27 10⁵ 2024, ISSUED BY MR. ASIF ALI SHAH DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

WHEREAS, On 07-05-2024 at about 4:30 AM two numbers (02) Dumpers vehicles bearing Registration No. GLT-1537 and RIS-5050 have been apprehended by the forest staff of Malakand Forest Division. Both the vehicles were laced with illegal deodar timber, a total 305 scants measuring 1157.3 cft volume is seized and the damage report have been chalked against the forest offenders.

AND WHEREAS, Mr. Yasir Ahmad Barrier Man BPS-03, deputed at Senzo Forest Check Post of Jandool Forest Sub Division, was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 against the charges as mentioned in the Show Cause issued vide this office letter No. 2352-59/E, dated 08.05.2024, served upon the said Barrier Man.

AND WHEREAS, the undersigned as (Competent Authority) after having examined the charges, evidence on record and reply of the Show Cause of the accused official, wherein the charges against the official are proved accordingly.

AND WHEREAS, the Competent Authority, after considering the other related documents of the case, served a Show Cause Notice upon the said official to which he replied, and provided him opportunity of personal hearing vide this office letter No.3410/G, dated 20.05.2024.

NOW THEREFORE, after having considered the charges, evidence on record, report of SDFO Jandool vide letter No.217/T/J dated 07.05.2024 and the reply of Show Cause notice by the accused official, as well as personal hearing conducted in this office on 23.05.2024, I Mr. Asif Ali Shah Divisional Forest Officer Lower Dir in the capacity of competent authority impose Minor penalty of "**withholding 02 annual increment for a period of two year**" under E&D Rules 2011, Section 4 (a) Sub Section (II) of the Ibid rules, in the interest of Public Service.

Sd/-

(Asif Ali Shah)
Divisional Forest Officer
Lower Dir Forest Division
Timergara

No. 3495-98 IG&L,

Copy forwarded to the:-

1. Conservator of Forests, Malakand Forest Circle west Timergara for favour of information of information pleases.
2. SDFO Jandool, for information and necessary action.
3. Divisional Accountant for information and necessary action.
4. Officials concerned for information.

Received

B.M. [Signature]

[Signature]

Attested

[Signature]
Divisional Forest Officer
Lower Dir Forest Division
Timergara

[Signature]
Divisional Forest Officer
Lower Dir Forest Division
Timergara

OFFICE ORDER NO. 145 DATED TIMERGARA THE 27/05/2024, ISSUED BY MR. ASIF ALI SHAH DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

WHEREAS, On 07-05-2024 at about 4:30 AM two numbers (02) Dumpers vehicles bearing Registration No. GLT-1537 and RIS-5050 have been apprehended by the forest staff of Malakand Forest Division. Both the vehicles were laced with illegal deodar timber, a total 305 scants measuring 1157.3 cft volume is seized and the damage report have been chalked against the forest offenders.

AND WHEREAS, Mr. Zakir Ullah Forest Guard BPS-08, deputed at Senzo Forest Check Post of Jandool Forest Sub Division, was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 against the charges as mentioned in the Show Cause issued vide this office letter No. 2352-59/E, dated 08.05.2024, served upon the said Forest Guard.

AND WHEREAS, the undersigned as (Competent Authority) after having examined the charges, evidence on record and reply of the Show Cause of the accused official, wherein the charges against the official are proved accordingly.

AND WHEREAS, the Competent Authority, after considering the other related documents of the case, served a Show Cause Notice upon the said official to which he replied, and provided him opportunity of personal hearing vide this office letter No.3410/G, dated 20.05.2024.

NOW THEREFORE, after having considered the charges, evidence on record, report of SDFO Jandool vide letter No.217/T/J dated 07.05.2024 and the reply of Show Cause notice by the accused official, as well as personal hearing conducted in this office on 23.05.2024, I Mr. Asif Ali Shah Divisional Forest Officer Lower Dir in the capacity of competent authority impose Minor penalty of "withholding 02 annual increment for a period of two year" under E&D Rules 2011, Section 4 (a) Sub. Section (II) of the Ibid rules, in the interest of Public Service.

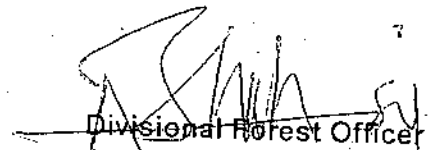
Sd/-
(Asif Ali Shah)
Divisional Forest Officer
Lower Dir Forest Division
Timergara


No. 3499-3503 IG&L

Copy forwarded to the:-

1. Conservator of Forests, Malakand Forest Circle west Timergara for favour of information of information pleases.
2. SDFO Jandool, for information and necessary action.
3. Divisional Accountant for information and necessary action.
4. Officials concerned for information.

Received
Zakir Ullah FG


Divisional Forest Officer
Lower Dir Forest Division
Timergara


Divisional Forest Officer
Lower Dir Forest Division
Timergara

OFFICE ORDER NO. 142 DATED TIMERGARA THE 27 12 /2024, ISSUED BY MR. ASIF ALI SHAH, DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

WHEREAS, On 07-05-2024 at about 4:30 AM two numbers (02) Dumpers vehicles bearing Registration No. GLT-1537 and RIS-5050 have been apprehended by the forest staff of Malakand Forest Division. Both the vehicles were laced with illegal deodar timber, a total 305 scants measuring 157.3 cft volume is seized and the damage report have been chalked against the forest offenders.

AND WHEREAS, Mr. Faridoon Khan Barrier Man BPS-04, deputed at Chakdara Forest Check Post of Chakdara Forest Range, was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 against the charges as mentioned in the Show Cause issued vide this office letter No. 2352-59/E, dated 08.05.2024, served upon the said Barrier Man.

AND WHEREAS, the undersigned as (Competent Authority) after having examined the charges, evidence on record and reply of the Show Cause of the accused official, wherein the charges against the official are proved accordingly.

AND WHEREAS, the Competent Authority, after considering the other related documents of the case, served a Show Cause Notice upon the said official to which he replied, and provided him opportunity of personal hearing vide this office letter No. 3410/G, dated 20.05.2024.

NOW THEREFORE, after having considered the charges, evidence on record, report of RFO Chakdara vide letter No. 108/Ckd dated 07.05.2024 and the reply of Show Cause notice by the accused official, as well as personal hearing conducted in this office on 23.05.2024, I Mr. Asif Ali Shah Divisional Forest Officer Lower Dir in the capacity of competent authority impose Major penalty of "**REMOVAL FROM SERVICE**" under E&D Rules 2011, Section 4 (b) Sub Section (III) of the Ibid rules, in the interest of Public Service.

Sd/-
(Asif Ali Shah)
Divisional Forest Officer
Lower Dir Forest Division
Timergara

No. 3487-90 IG&L,

Copy forwarded to the:-

1. Conservator of Forests, Malakand Forest Circle west Timergara for favour of information of information pleases.
2. RFO, Chakdara, for information and necessary action.
3. Divisional Accountant for information and necessary action.
4. Officials concerned for information.

Attested

Asif Ali Shah
Divisional Forest Officer
Lower Dir Forest Division
Timergara

Asif Ali Shah
Divisional Forest Officer
Lower Dir Forest Division

07/2

Whereas, Mr. Faridoon Barrier Man posted at Chakdara Forest Check post was served on show cause notice under Section-7 of Efficiency and Discipline Rules 2011 by DFO Lower Dir vide his letter No.2352-59/E dated 08-05-2024 for smuggling of timber through two (02) Dumper bearing Registration No.1537/GLTD and No.5050/RIS loaded with 305 scants having 1157.3 cft via Chakdara Forest Check Post with active connivance of accused official and subsequently apprehended by the staff of Malakand Forest Division on 07-05-2024 and issued Damage Report No.61/67 and 62/67 of even dated.

Whereas the accused official submitted reply to show cause notice and also provided opportunity of personal hearing on 23-05-2024 under Section 7 (d) of ibid Rules.

Whereas, the DFO Lower Dir on perusal of record i.e reply to show cause notice, CCTV footage, Range Forest Officer Chakdara letter No.108/CKD dated 07-05-2024 as well as personal hearing and fact finding enquiry conducted by DFO Patrol Squad Central Southern Forest Circle Peshawar, the DFO Lower Dir Ordered removal from services of referred official vide his Office Order No.142 dated 27-05-2024.

Whereas the accused Official feeling aggrieved, preferred Departmental appeal in the instant case to appellate authority (Conservator of Forests Malakand West Forest Circle).

Whereas comments were asked from DFO Lower Dir vide Conservator of Forest Malakand West Forest Circle letter No.5165/G&L dated 14-06-2024. Accordingly, the DFO Lower Dir submitted his detail comments vide letter No.653/Acct dated 21-08-2024.

Whereas the accused Official was summoned for personal hearing vide Conservator of Forest Malakand West Forest Circle letter No.919-23/E dated 22-08-2024 and as such personal hearing was conducted on 26-08-2024 under Section 7 (d) of ibid Rules.

Whereas on perusal of record i.e contents of Damage Reports referred above, statement of smugglers / Drivers, show cause notice, reply to the show cause furnished by the accused official, comments of DFO Lower Dir, report of Range Forest Officer Chakdara vide his letter No.108/CKD dated 07-05-2024, findings of fact finding committee conducted by DFO Patrol Squad Forest Division Central Forest Circle Peshawar vide his letter No.182/PS dated 21-05-2024 received with Chief conservator of Forest Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar vide his letter No.3186/GB dated 10-06-2024, CCTV footage of Bab-e-Jandool and Chakdara Forest Check Post besides confession of accused Official during personal hearing would reveal that the referred Dumper loaded with illicit scants have crossed Chakdara Forest Check Post with active connivance of accused official.

Consequent upon the above I Mr. Shaukat Fiaz Conservator of Forests Malakand West Forest Circle Timergara in the capacity of appellate authority set-aside DFO Lower Dir Officer Order No.142 dated 27-05-2024 and awarded Major penalty of compulsory retirement specified under Section 4-b. (ii) of Efficiency and Discipline Rules 2011 due to prolong service and poor family background of accused official under the power vested in me under section 17-2 (c) of ibid Rules.

SD/-
Mr. SHAUKAT FIAZ
Conservator of Forests
Malakand Forest Circle West,
At Timergara

226
29/8/24

No. 962-64 IE,

Copy forwarded to the:-

1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat for favour of information, please.
- ✓ 2. Divisional Forest Officer, Lower Dir Forest Division Timergara for information and further necessary action.
3. Mr. Faridoon Barrier Man C/O of DFO Lower Dir for information.

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communicated
and record

Sha
08/24

Attested

Conservator of Forests
Malakand Forest Circle West,
At Timergara

Divisional Forest Officer
Lower Dir Forest Division
Timergara

51

(204)

OFFICE ORDER NO. 138 DATED TIMERGARA THE 27/05/2024, ISSUED BY MR. ASIF ALI SHAH DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

WHEREAS, On 07-05-2024 at about 4:30 AM two numbers (02) Dumpers vehicles bearing Registration No. GLT-1537 and RIS-5050 have been apprehended by the forest staff of Malakand Forest Division. Both the vehicles were laced with illegal deodar timber, a total 305 scants measuring 157.3 cft volume is seized and the damage report have been chalked against the forest offenders.

AND WHEREAS, Mr. Nisar Wahid Forest Guard BPS-08, deputed at Bandagi Forest Check Post of Timergara Forest Sub Division, was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 against the charges as mentioned in the Show Cause issued vide this office letter No. 2352-59/E, dated 08.05.2024, served upon the said Forest Guard.

AND WHEREAS, the undersigned as (Competent Authority) after having examined the charges, evidence on record and reply of the Show Cause of the accused official, wherein the charges against the official are proved accordingly.

AND WHEREAS, the Competent Authority, after considering the other related documents of the case, served a Show Cause Notice upon the said official to which he replied, and provided him opportunity of personal hearing vide this office letter No.3410/G, dated 20.05.2024.

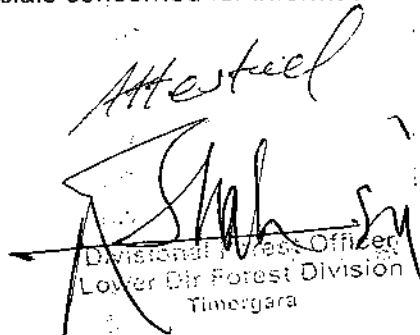
NOW THEREFORE, after having considered the charges, evidence on record, report of SDFO Timergara vide letter No.217/T/J dated 07.05.2024 and the reply of Show Cause notice by the accused official, as well as personal hearing conducted in this office on 23.05.2024, I Mr. Asif Ali Shah Divisional Forest Officer Lower Dir in the capacity of competent authority impose Major penalty of "REMOVAL FROM SERVICE" under E&D Rules 2011, Section 4 (b) Sub Section (III) of the Ibid rules, in the interest of Public Service.

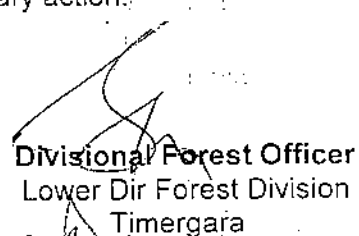
Sd/-
(Asif Ali Shah)
Divisional Forest Officer
Lower Dir Forest Division
Timergara

No. 3671-74 IG&L

Copy forwarded to the:-

1. Conservator of Forests, Malakand Forest Circle west Timergara for favour of information of information pleases.
2. SDFO Timergara, for information and necessary action.
3. Divisional Accountant for information and necessary action.
4. Officials concerned for information.

At Steel

 Divisional Forest Officer
 Lower Dir Forest Division
 Timergara


 Divisional Forest Officer
 Lower Dir Forest Division
 Timergara

58

(258) 0

Whereas, Mr. Nisar Wahid Forest Guard posted at Bandagai Forest Check post was served upon show cause notice under Section-7 of Efficiency and Discipline Rules 2011 by DFO Lower Dir vide his letter No.2352-59/E dated 08-05-2024 for smuggling of timber through two (02) Dumper bearing Registration No.1537/GLTD and No.5050/RIS loaded with 305 scants having 1157.3 cft via Chakdara Forest Check Post with active connivance of accused official and subsequently apprehended by the staff of Malakand Forest Division on 07-05-2024 and issued Damage Report No.61/67 and 62/67 of even dated.

Whereas the accused official submitted reply to show cause notice and also provided opportunity of personal hearing on 23-05-2024 under Section 7 (d) of ibid Rules.

Whereas, the DFO Lower Dir on perusal of record i.e reply to show cause notice, CCTV footage, Sub-Divisional Forest Officer Timergara letter No.217/T/IJ dated 07-05-2024 as well as personal hearing and fact finding enquiry conducted by DFO Patrol Squad Central Southern Forest Circle Peshawar, the DFO Lower Dir Ordered removal from services of referred official vide his Office Order No.138 dated 27-05-2024.

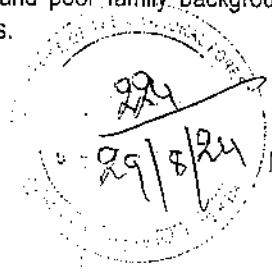
Whereas the accused Official feeling aggrieved, preferred Departmental appeal in the instant case to appellate authority (Conservator of Forests Malakand West Forest Circle).

Whereas comments were asked from DFO Lower Dir vide Conservator of Forest Malakand West Forest Circle letter No.5165/G&L dated 14-06-2024. Accordingly, the DFO Lower Dir submitted his detail comments vide letter No.653/Acctt dated 21-08-2024.

Whereas the accused Official was summoned for personal hearing vide Conservator of Forest Malakand West Forest Circle letter No.919-23/E dated 22-08-2024 and as such personal hearing was conducted on 26-08-2024 under Section 7 (d) of ibid Rules.

Whereas on perusal of record i.e contents of Damage Reports referred above, statement of smugglers / Drivers, show cause notice, reply to the show cause furnished by the accused official, comments of DFO Lower Dir, report of Sub-Divisional Forest Officer Timergara vide his letter No.217/T/IJ dated 07-05-2024, findings of fact finding committee conducted by DFO Patrol Squad Forest Division Central Forest Circle Peshawar vide his letter No.182/PS dated 21-05-2024 received with Chief conservator of Forest Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar vide his letter No.3186/GB dated 10-06-2024, CCTV footage of Bab-e-Jandool and Chakdara Forest Check Post besides confession of accused Official during personal hearing would reveal that the referred Dumper loaded with illicit scants have crossed Chakdara Forest Check Post with active connivance of accused official.

Consequent upon the above I Mr. Shaukat Fiaz Conservator of Forests Malakand West Forest Circle Timergara in the capacity of appellate authority set-aside DFO Lower Dir Officer Order No.138 dated 27-05-2024 and awarded Major penalty of compulsory retirement specified under Section 4-b (ii) of Efficiency and Discipline Rules 2011 due to prolong service and poor family background of accused official under the power vested in me under section 17-2 (c) of ibid Rules.



SD/-
Mr. SHAUKAT FIAZ
Conservator of Forests
Malakand Forest Circle West,
At Timergara

No. 956-58 /E

Copy forwarded to the:-

1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat for favour of information, please.
- ✓ 2. Divisional Forest Officer, Lower Dir Forest Division Timergara for information and further necessary action.
3. Mr. Nisar Wahid Forest Guard C/O of DFO Lower Dir for information.

Copy committed and record

Shaukat Fiaz 20/24

Attested
Conservator of Forests
Malakand Forest Circle West
At Timergara

[Signature]
Divisional Forest Officer,
Lower Dir Forest Division
Timergara

S3

OFFICE OF THE SUB-DIVISIONAL FOREST OFFICER JANDOOOL AND TIMERGARA FOREST

SUB DIVISION

No. 217 /T/J

dated 07/05/2024

21

To,

The Divisional Forest Officer,
Lower Dir Forest Division,
At Timergara.

Subject: ILLEGAL SMUGGLING OF TIMBER EXPLANATION THEREOF.

Memo:

Reference your office letter No. 2327-28/G, dated 07/05/2024.

It is submitted for your kindly information that I have performed my duty with full zeal, honestly and devotedly. Furthermore, at the current situation I have performed my duty on two Sub Division (Jandool and Timergara) and also face acute shortage of field staff and so many time requested in your honor to depute some personals from other sub division. Beside I have discontinued the shifting duty practice in lower Dir of field staff for controlling of illegal smuggling of timber as well as forest protection. Despite acute shortage of field staff and vulnerable situation I have posted 5 Nos senior most officials field staff in Bandagai Forest Check Post for controlling the smuggling of timber and also kept close relation with field staff through electronic media (Cell Phone, WhatsApp). All staff of Jandool & Timergara Forest sub Division from time to time being directed to keep close watch on the smuggling of timber and to remain alert.

From various sources/information, it is clarified that the said timber have been smuggled from Kambat/Samrbagh to Gosam with active connivance of incharge Block Officer Mr. Jamshid Khan of Smarbagh block, as well deputed staff at Senzo Forest check Post Mr. Yasir B.M who has close relation/blood linkages with timber smugglers of the area.

It is further added that the apprehended dumpers laced with illicit deodar timber is loaded from Gosam/ Munda have crossed Senzo Forest Check Post which is clearly shows the involvement of Mr. Zakir Ullah Forest Guard Mr. Jamshid Forest Guard & Mr. Yasir Ahmad B.M.

According to source information and evidential proofs of CCTV cameras captured in various position on main GT road near Bandagai Forest Check Post clearly indicate the involvement of field staff at Bandagai Forest Check Post namely Mr. Irfanullah Mr. Nisar Wahid Mr. Raees Khan Forester Mr. Qasir Shah Forest Guard & Mr. Ghulam Hussain Forest Guard deputed at Bandagai Forest Check post with clear direction to check all vehicles to control timber smuggling and to avoid shifting duties.

No doubt the staff is involved in such activity and has joint hands with smuggler. In wake of situation it is clear that staff nominated should be proceeded strictly under the rule please.

*Estb
order the suspension
and put up draft
show cause notice for
finalization.*

*Shg
07/05/24*

Sub Divisional Forest Officer
Jandool and Timergara Forest Sub Division

Affected

Divisional Forest Officer
Lower Dir Forest Division
Timergara

1801

Date	Message	Time	Signature
19 3/5/24	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
20 04/05/24	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]

181

Date	Message	Time	Signature
20 5/5/24	Ajmal Ahmad Eg	8:00 am to 2:10 am	[Signature]
	Shah Zamin B.M	2:10 am to 8:00 pm	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]
	Ajmal Ahmad Eg	2:30 pm to 8:00 pm	[Signature]
	Shah Zamin B.M	8:00 pm to 2:10 am	[Signature]
	Ali Waheed Ev	9:00 pm to 1:30 am	[Signature]

ATTESTED

(Signature)

(183)

Date	Name & Signature	Time	Name & Signature	Date	Name & Signature	Time
10/05/2024	Ajeel Ahmad Fg	2:00 am to 8:00 pm	Shahab Khan Fg	12/24	Shahab Khan Fg	2:00 pm to 8:00 pm
11/05/24	Rafiq Ahmad B.M	2:00 am to 8:00 pm	Rafiq Ahmad B.M	11	Rafiq Ahmad B.M	5:00 pm to 8:00 pm
11/05/24	Glen Brown AM	8:30 am to 2:00 pm	Asif Khan Fg	11	Asif Khan Fg	8:00 pm to 2:00 am
11/05/24	Shahab Khan Fg	11:00 am to 8:00 pm	Shararmin B.M	11	Shararmin B.M	8:00 pm to 2:00 am
11/05/24	visit to 8-depot on dated 10/5/2024	Time 10:00 am	Shahab Khan Fg	13/24	Shahab Khan Fg	2:00 am to 8:00 am
11/05/24	Staff found present que sheet		Rafiq Ahmad B.M	11	Rafiq Ahmad B.M	2:00 am to 8:00 am
11/05/24	Instruction to keep chair works		Asif Khan Fg	11	Asif Khan Fg	8:00 to 2:00 pm
11/05/24	on vehicle for paper checking		Shah Zamin B.M	11	Shah Zamin B.M	8:00 to 2:00 pm
11/05/24	on vehicle for paper checking		Rafiq Ahmad B.M	11	Rafiq Ahmad B.M	2:00 pm to 8:00 pm
11/05/24	on vehicle for paper checking		Ali Haidar Fg	11	Ali Haidar Fg	6:30 pm to 11:00 pm
11/05/24	on vehicle for paper checking		Shararmin B.M	11	Shararmin B.M	7:00 pm to 2:00 am
11/05/24	on vehicle for paper checking		Asif Khan Fg	14/05/24	Asif Khan Fg	3:00 am to 8:00 am
11/05/24	on vehicle for paper checking		Rafiq Ahmad B.M	11	Rafiq Ahmad B.M	2:00 am to 8:00 am
11/05/24	on vehicle for paper checking		Shararmin B.M	11	Shararmin B.M	8:00 am to 2:00 pm
11/05/24	on vehicle for paper checking		Ali Haidar Fg	11	Ali Haidar Fg	2:00 am to 2:00 pm
11/05/24	on vehicle for paper checking		Rafiq Ahmad B.M	11	Rafiq Ahmad B.M	2:00 am to 8:00 pm
11/05/24	on vehicle for paper checking		Asif Khan Fg	11	Asif Khan Fg	2:00 pm to 8:00 pm
11/05/24	on vehicle for paper checking		Shararmin B.M	11	Shararmin B.M	8:00 pm to 2:00 am
11/05/24	on vehicle for paper checking		Shahab Khan Fg	11	Shahab Khan Fg	2:00 am to 8:00 am
11/05/24	on vehicle for paper checking		Asif Khan Fg	11	Asif Khan Fg	2:00 am to 8:00 am
11/05/24	on vehicle for paper checking		Rafiq Ahmad B.M	11	Rafiq Ahmad B.M	2:00 am to 8:00 am

(182)

(184)

Date	Name	Time	Signature
15/5/24	Shazgaman B.M	8:00 am to 2:00 pm	S
	Ali Haidar F?	9:00 am to 2:00 pm	L
	Rafiq Ahmad B.M	2:00 pm to 8:00 pm	RA
	Shahab F.G	3:15 pm to 8:30 pm	RA
	Shazgaman B.M	8:00 pm to 2:00 am	S
	Ali Haidar F?	9:30 pm to 1:20 am	L
16/5/24	Rafiq Ahmad B.M	2:00 am to 8:00 am	RA
	Shahab F.G	2:00 am to 8:00 am	RA
	Shazgaman B.M	8:00 am to 2:00 pm	S
	Ali Haidar F?	9:10 am to 11:30	
	Shahab Khan F.G	12:00 pm to 8:00 pm	RA
	Sherzamin B.M	8:00 pm to 2:00 am	S
	Shahab Khan F.G	11:00 pm to 1:00 am	RA
17/5/24	Waqas Khan F.G	2:00 am to 8:00 am	
	Shahab Khan F.G	7:00 am to 10:00 am	RA
	Sherzamin B.M	8:00 am to 2:00 pm	S
	Ali Haidar F?	9:30 am to 2:00 pm	L
	Shahab Khan F.G	2:00 pm to 8:00 pm	RA
	Shazgaman B.M	8:00 pm to 2:00 am	S
18/5/24	Ali Haidar F?	9:20 pm to 1:15 am	L
	Asif Khan F.G	2:00 am to 8:00 am	RA

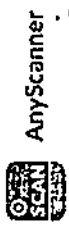
(185)

Date	Name	Time	Signature
18/5/24	Shahab Khan F.G	2:00 am to 8:00 am	RA
11	Sherzamin B.M	8:00 am to 2:00 pm	S
11	Shahab Khan F.G	10:30 am to 2:15 pm	RA

Due to non issuance and the Register has become so old therefore, this register utilized till page (185) is hereby closed and new Register is issue.

RA
18/05/2024

18/5/24	Asif Khan F.G	02:00 pm to 8:00 pm	RA
"	Rafiq Ahmad B.M	02:00 pm to 8:00 pm	RA
"	Shahab Khan F.G	8:00 pm to 2:00 am	
19/5/24	Sherzamin B.M	8:00 pm to 2:00 am	S
"	Asif Khan F.G	2:00 am to 8:00 am	RA
"	Rafiq Ahmad B.M	2:00 am to 8:00 am	RA



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(Signature)

(Signature)

as a duty Register.

Chakradara Jorah Chhetri

* The Register from page - 01 to 392 is hereby issued to

5/5/23

10/000

Date	Name	Time	Signature
19 ⁵ / ₀₂₄	Asif Khan F.g	2:00am to 8:00am	Asif Khan
"	Rafiq Ahmad B.M	2:00am to 8:00am	Rafiq Ahmad
"	Sherzamin B.M	8:00am to 2:00pm	Sherzamin
"	Shahab Khan F.g	8:00am to 2:00pm	Shahab Khan
"	Asif Khan F.g	2:00pm to 8:00pm	Asif Khan
"	Rafiq Ahmad B.M	2:00pm to 8:00pm	Rafiq Ahmad
"	Shahab Khan F.g	8:00pm to 2:00am	Shahab Khan
"	Sherzamin B.M	8:00pm to 2:00am	Sherzamin
20 ⁰⁵ / ₀₂₄	Asif Khan F.G	2:00am to 8:00am	Asif Khan
"	Rafiq Ahmad B.M	2:00am to 8:00am	Rafiq Ahmad
"	Sherzamin B.M	8:00am to 2:00pm	Sherzamin
"	Shahab Khan F.g	8:00am to 10:00am	Shahab Khan
-/-	Ali Haidar F.Y	10:00am to 2:00pm	Ali Haidar
-/-	Rafiq Ahmad B.M	2:00pm to 8:30pm	Rafiq Ahmad
-/-	Sherzamin B.M	8:30pm to 2:00am	Sherzamin
-/-	Ali Haidar F.Y	9:20pm to 1:30am	Ali Haidar
21 ⁵ / ₂₄	Rafiq Ahmad B.M	2:00am to 8:00am	Rafiq Ahmad
-/-	Sherzamin B.M	8:00am to 2:00pm	Sherzamin
-/-	Ali Haidar F.Y	9:00am to 2:00pm	Ali Haidar

(2)

Date	Name	Time	Sigma	Date	Name	Time	Sigma
26/5/24	Rafiq Ahmad B.M	2:00 pm to 8:00 pm	S	05/23/24	Asif Khan F.G	2:00 am to 8:00 am	Wife of 24
-	Shayqaman B.M	8:00 pm to 2:00 am	S	"	Shahab Khan F.G	2:00 am to 8:00 am	Wife of 24
-	Ali Haider F.R	9:20 pm to 1:30 am	S	"	Shayqaman B.M	8:00 am to 2:00 pm	S
27/5/24	Rafiq Ahmad B.M	2:00 am to 8:00 am	S	"	Ali Haider F.R	9:00 am to 1:30 pm	Wife of 24
-	Shayqaman B.M	8:00 am to 2:00 pm	S	"	Shahab Khan F.G	2:00 pm to 8:00 pm	Wife of 24
-	Ali Haider F.R	9:20 am to 1:30 pm	S	"	Asif Khan F.G	2:00 pm to 8:00 pm	Wife of 24
11	Shahab Khan F.G	11:00 am to 8:00 pm	Wife of 24	"	Ali Haider F.R	8:00 pm to 11:00 am	Wife of 24
11	Asif Khan F.G	10:00 am to 2:00 pm	Wife of 24	"	Shayqaman B.M	8:00 pm to 2:00 pm	Wife of 24
-	Shayqaman B.M	8:00 pm to 2:00 am	S	24/5/24	Asif Khan F.G	2:00 am to 8:00 am	Wife of 24
-	Ali Haider F.R	9:20 pm to 1:30 am	Wife of 24	"	Shahab Khan F.G	2:00 am to 8:00 am	Wife of 24
23/5/24	Visit to Chaleda forest						
-	Check post on dated 23/05/2023						
-	Time 3:00 am, fine busman						
-	to stop for paper chery						
-	of big vehicle and also of						
-	my incident near you won be						
-	responsible.						

ATTESTED

[Signature]

50

(3)

Date	Name	Time	Sigma	Date	Name	Time	Sigma
26/5/24	Rafiq Ahmad B.M	2:00 pm to 8:00 pm	S	05/23/24	Asif Khan F.G	2:00 am to 8:00 am	Wife of 24
-	Shayqaman B.M	8:00 pm to 2:00 am	S	"	Shahab Khan F.G	2:00 am to 8:00 am	Wife of 24
-	Ali Haider F.R	9:20 pm to 1:30 am	S	"	Shayqaman B.M	8:00 am to 2:00 pm	S
27/5/24	Rafiq Ahmad B.M	2:00 am to 8:00 am	S	"	Ali Haider F.R	9:00 am to 1:30 pm	Wife of 24
-	Shayqaman B.M	8:00 am to 2:00 pm	S	"	Shahab Khan F.G	2:00 pm to 8:00 pm	Wife of 24
-	Ali Haider F.R	9:20 am to 1:30 pm	S	"	Asif Khan F.G	2:00 pm to 8:00 pm	Wife of 24
11	Shahab Khan F.G	11:00 am to 8:00 pm	Wife of 24	"	Ali Haider F.R	8:00 pm to 11:00 am	Wife of 24
11	Asif Khan F.G	10:00 am to 2:00 pm	Wife of 24	"	Shayqaman B.M	8:00 pm to 2:00 pm	Wife of 24
-	Shayqaman B.M	8:00 pm to 2:00 am	S	24/5/24	Asif Khan F.G	2:00 am to 8:00 am	Wife of 24
-	Ali Haider F.R	9:20 pm to 1:30 am	Wife of 24	"	Shahab Khan F.G	2:00 am to 8:00 am	Wife of 24
23/5/24	Visit to Chaleda forest						
-	Check post on dated 23/05/2023						
-	Time 3:00 am, fine busman						
-	to stop for paper chery						
-	of big vehicle and also of						
-	my incident near you won be						
-	responsible.						

[Signature]
23/5/24

59

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL AT PESHAWAR

WAKALAT NAMA

SERVICE APPEAL No. _____ - /2024

Gohar Ali Forester **VERSUS** The DFO Dir(L) and others

I, Gohar Ali, Forester, Chakdara Forest Check Post District Dir Lower do hereby appoint **Sabir Shah Advocate Supreme Court, Aftab Hussain Butt Advocate, High Court (s)**, in the above mentioned case, to do all or any of the following acts, deeds and things: -

- 1) To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2) To sign and verify and file, petitions, appeals, affidavits and applications as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
- 3) To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.
- 4) To do any act necessary or ancillary to the above acts, deed and things.
- 5) To appoint any other counsel to do any/all of the acts, deeds and things.
- 6) I/we, shall appear in the court/tribunal on every date of hearing for assistance and if due to my/our nonappearance, any adverse judgment/order/decreed is passed, they will not be held responsible.

IN WITNESS whereof I/we have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this **10-09-2024**


Signature of Executant(s) 


Gohar Ali

NIC No: 15307-7120897-9

Cell No. 03459537966

ATTESTED & ACCEPTED BY:


SABIR SHAH
Advocate Supreme Court


AFTAB HUSSAIN BUTT
Advocate High Court