FORM OF ORDER SHEET

· Court of

Appeal No. 1589/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
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1-	24/09/2024	The appeal of Mr. Irfan Ullah presented	today b	
		Mr. Sabir Shah Advocate. It is fixed for preliminar		
		before touring Single Bench at Swat on 09.10.202		
		Peshi given to the appellant.		
		By order of the Chairma	an	
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Service Appeal No. /589/2024

Irfan Ull ah		The DFO Dir(L) and others
Appellant	Versus	Respondents

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Appellant Through Counsels

SABIR SHAH

SABIR SHAH Advocate Supreme Court Cell: 0300-5746744

AFTÁB HUSSAIN Advocate High Court Cell # 0313 933 1973

Office: Room No S-8,9, 2nd Floor Continental Plaza, Makan Bagh, Mingora Swat

/589 Service Appeal No.____/2024

Irfan Ullah, Ex Forest Guard, Bandagai Forest Check Post District Dir Lower......**Appellant**

Versus

District Forest Officer, Dir Lower Forest
 Division. √im €39039

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.139 DATED 27.05.2024 OF RESPONDENT NO.1 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND ORDER NO.08 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.139 dated 27.05.2024 of respondent No.1, whereby the appellant has been removed from service and Office Order No. 08 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.

Respectfully Sheweth,

- That the Appellant is a bona fide resident of village Dherai Talash, Tehsil Timergara, District Dir (Lower) and was duly appointed as a Forest Guard in the Respondents' Department on 17.06.2022. (Copy of appointment order 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 is currently serving at Bandagai Forest Check Post, where he has been diligently performing his assigned tasks with utmost

zeal and commitment and has never given any chance of complaint to his high-ups and the public in general.

3.

4.

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 surveillance operation. (Copy of situation report is annexed as Annexure-B)

That it transpired, subsequent to the inception of the aforementioned trucks, that the alleged timber smuggler and drivers of the trucks were allegedly the 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. 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 his part, in relation to the unauthorized passage of the trucks laden with illicit timber. (Fact Finding

5.

6.

Inquiry is annexed as Annexure-C)

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

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 unequivocally stated that he was indeed on duty at the barrier from 03:00

a.m. to 08:00 a.m. and had diligently discharged his responsibilities. He had asserted that despite his vigilant attention, no trucks bearing Registration No. GLTD-1537 and Registration No. RIS-5055 were observed to have passed through the Bandagai Forest Check Post during the course of his duty. Furthermore, the absence of any corresponding CCTV footage corroborates his assertion, as there is no visual evidence to suggest the passage of the aforementioned trucks through the check post at the relevant time and could not have been therefore, he responsible for any lapse or dereliction of duty. The appellant's reply substantiated his and demonstrated that the position allegations against him were baseless, unfounded and motivated by malice, notwithstanding the detailed reply and absence of any visual evidence, the reconsider his respondents failed to position or withdraw the show cause notice. (Copy of reply to show cause notice is

annexed as Annexure-G)

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.

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. 139 dated 27.05.2024. (Copy of office order No. 139 dated 27.05.2024 is annexed as Annexure-

H)

8.

9.

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 office order No. 08 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-I & J)

11. That the impugned order 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.

<u>GROUNDS:</u>

Ά.

That the said impugned office orders dated 27.05.2024 of respondent No.1 and order dated 27.08.2024 of respondent No.2 of awarding penalty of removal from service to the Appellant and upholding the same are quite illegal, unlawful, without authority/jurisdiction, hence, are 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 there is no CCTV footage available to corroborate the passage of trucks in question through the Bandagai Forest Check Post at the relevant time. The absence of such footage, which could have been a crucial piece of evidence, renders the respondents' case against the appellant speculative and lacking in probative value.
 - 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. Gohar Ali Forester 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

Moreover, three reinstatement. their to 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 departmental any to subjected they proceedings. (Copies of relevant documents are annexed as Annexure- L)

That the respondents' assertion that there is shifting/rotation duty in Forestry no profession and that each individual is 24-hour activities is responsible for 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 aforementioned claim respondents unsustainable and deserving of reversal. (Copies of Attendance Register are annexed

as Annexure-L)

E.

service rules.

F.

- 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 an appropriate opportunity to be heard before imposing penalty.

It is, therefore, humbly prayed that On acceptance of the instant appeal, the Impugned Office Order No.139 dated 27.05.2024 of respondent No.1, whereby the appellant has been removed from service and Office Order No. 08 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

Appellant Through Counsels

> SABIR SHAH Advocate Supreme Court Cell: 0300-5746744

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AFTAB HUSSAIN Advocate High Court _{Cell # 0313 933 1973}

Dated: 21:09-2024

il.

Service Appeal No.____/2024

Irfan Ullah FGAppellant

Versus

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

<u>Certificate</u>

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

Am

AFTÁB HUSSAIN Advocate High Court cell # 0313 933 1973

Service Appeal No.____/2024

Irfan UllahAppellant

Versus

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

<u>AFFIDAVIT</u>

I, Irfan Ullah, Ex Forest Guard, Bandagai Forest Check Post 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 Iffan Ullah

2 4 SEP 2024

Identified by:

AFTAB HUSSAIN Advocate High Court



Service Appeal No.____/2024

Irfan Ullah FGAppellant

Versus

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

Address of Appellant:

Irfan Ullah, Ex Forest Guard, Bandagai Forest Check Post District Dir Lower

Addresses of Respondents:

 District Forest Officer, Dir Lower Forest Division.

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_lCounsels SABIR SHAH Advocate Supreme Court Cell: 0300,5746744

AFTAB HUSSAIN Advocate High Court Cell # 0313 933 1973

OFFICE ORDER NO. 130 DATED TIMERGARA THE 17 106/2022 ISSUED BY SHAH KHALID DIVISIONAL FOREST OFFICER LOWER DIR FOREST DIVISION TIMERGARA.

Annexure - A

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As recommanded by Departmental Selection Committee constituted vide DFO Lower Dir cifice order No.125 dated 06.06.2022, Departmental Selection Committee meeting hold in the office of undersigned on 16.06.2022, the following condidates applied for the post of Forest Guards (BPS-08) are hereby selected against the thirty (30%) user/rights/owners quote in the designated forests as per Government of Khyber Pakhtunkhwa Forestry, Environment and Widtile Department Notification No So (Estt)/FE&V/D/1-465/2021 dated 04.06.2021 and nominated for one year mendatory pre-service training as stipendiary student for the forthcoming 86° Forest Guards regular course session 2023 of Khyber Pakhtunkhwa Forest School Thei Abbeltabad commencing from December, 2022 :-

S.No	Name of newly recruited Forest Guard	Parantago	Address
1	Murad Khan	Asad Khan	Village Ouch Bilal colony P.O Ouch Tehsil Adenzal District Dir Lower.
2	Irfan Ullah	Sheer Rehman	Village Dehrai P.O Ziarat Talash Tehsil Timergara District Dir Lower.
3	Zaid Khan	Bakht Munir	Village and P.O Kityarl Tehsil Adenzal Dir Lower
4	Zia ud Din	Muhammad Jan	Village Zafar Abad P.O Khungi Tehsil Timergara District Dir Lower.
5	Izaz Ali Shah	Inam Ullah	Village Kolo P.O Kolo Tehsil Timergara District Dir Lower.
6	Abdul Jabbar	Muhammad Igbal	Village Paloso Dak P.O Khazana Tehsil Sammarbagh District Dir Lower.
7	Azmat Ullah	Ibad Ullah	Village Zirat Kalay P.O Rebat Tehsil Timergara District Dir Lower.
8	Hubaib Hassan	Amir Hassan	Village Shekaclai P.O Saddo Tehsil Timergara District Dir Lower.
9	Sajjad ud Din	Musieh ud Din	Village Kombat P.O Sammarbagh Tehsil Sammarbagh District Dir Lower.
10	Shahb Khan	Sheer Ali Khan	Village Ouch Eidel Kolony Tehsill Adenzel District Dir Lower
11	Muhammad Farooq	Muhammad Wahid	Village Shogal Maidan Tehsil Lal Qilla District Dir Lower.

The terms and condition are as under:-

6

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- As per above quoted Notification, the salected candidate shall undergo for one year mandatory pre-service training as stipendiary student at Knyber Pakhtunkhwa Forest School Thei Abbottebed and the posting order of the candidates shall be issued only after successful completion of the sakt training.
- In case of default or leaving the job balance expiny of five years, the selected candidates shall refund all the expense incurred on training.
- The post is purely lemporary and can be terminated without assigning any notice or reason.
- 4) The selected candidates will remain on probation for a period of one (01) year after issuance of appointment order as Forest Guard, which is extendable for further one (01) year on need basis.
- 5) The selected candidates will produce Medical certificate from Medical Superintendent District Head Quarter Hospital Timergara Dir Lower,
- 6) The selected candidates will produce clearance Certificate from Police Department.
- 7) The service of selected candidates shall be governed by Knyber Pakhlunkhwa Establishment Department Appointment, Promotion and Transfer Rules, 1989 Bwah emendments), Government Service Conduct Rules, 1987 (with amendments), Leave Rules and other Rules Notified by the Government from time to time.

- In case the candidate after appointment as Forest Guard has to resign or loave the second ment he will have to netter that as Forest Guard has to resign or loave the spartment, he will have to notice the Department of least one month in advance OR will have to motion and the Department of least one month in advance OR will have to refund pay equivalent to one month salary in case of no notice in flow thereof. thereof.
- in case the term and condition are acceptable to solocted candidates, they may report arrival within seven (07) days, otherwise the order shall stand cancelled on B^h day of issuance 9) day of issuance.

10) The selected candidates will provide verified copies of documents from the respective Board/University/Institution of Issue.

> Sd/-(SHAH KHALID) Divisional Forest Officer, Lower Dir Forest Division, Timergara.

3490-9 IG. No Copy forwarded to the:

- 1. Conservators of Forests Malakand West Circle Timergara for favour of information
- 2. Medical Superintendent District Head Quarter Hospilal Timergera Dir Lower for Information and further course of action as per rules please.
- 3. All concerned for information and immediate necessary action. They are directed to report arrival, in case the terms and conditions are suitable and acceptable to them.
- 4. Dr. Asad Ullah Chief Analyst EPA Regional Office Malakand at Swat (Member/Representative of Administrative Department).
- 6. Divisional Forest Officer Dir Kohlsten Forest Division at Sheringal (Member of the
- Committee). 6. Divisional Accountant/Assistant for information and necessary action.
- 7. Personal File of the concerned for record.
- 8. Office Order File for record..

Divisional Eorest Officer. Lower Dir Forest Division Timorgara

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Annexure-B 18 OFFICE OF THE DIVISIONAL FOREST OFFICER, LOWER DIR FOREST DIVISION, 3 TIMERGARA Phone No.0945-9250105 05 /2924 The Timergara Dated /G No Τo The Conservator of Forests. Malakand Forest Circle West Dir Forest Division Timergara. Theoryara SITUATION REPORT. Subject:-

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 -orest 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. Ihsan halling 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 (Coples of Office order and Show Cause Notices are annexed).

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

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:

Brest Officer, Divisio Division

EACLEINDING ENOURY REPORT

ck 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 lifest timber, transported to down country, the Chief Conservator of Forests, Central Southern Forest Region-L Knyber Pakhtunkhiva, Peshawar directed the undersigned for fact finding encury vide Office NO: 06, Dated: 07.05.2024 with the following TORs: ANDERWRE-C

Orloin of the Timber. 1.

Detail of Timber (Species, Types and Volume). 2.

- 3. Action taken by the DFO Malakand.
- 4. Statement of the Offender /Driver.
- 5. Route followed by the trucks and check pasts crossed.
- 6. Findings regarding lapses/irregularities on part of delinquent staff.

2 (8-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 least actors 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 sur 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 Nasapa Talash Tehsil Timargara, District Lower Dir (Annex-III).
 - 4. Statement of the Driver (Mr. Khalid Khan S/O Abdul Hameed R/O Saral Sala 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 Sald 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 Expressively (Annex-X), ŧ٤,

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Attested Page-01 to 04

Divisional Fores: Offices Ower Dir Forest Division Timergara

Route followed:

Consequent upon receiving information from DFO Malakand regarding the apprehension of Dumper/Trucks, the DFO Lower Dir has promptly and instantly investigated the possible routes and loading point of the vehicle on both Dir Chitral main road and Timergara Sammarbagh road, wherein it was found with the help of CCTV installed at Bab-e-Jandool (on Timergara Sammarbagh Road) that the trucks have originated from Jandool Sub Division and have crossed the Bandagal and Chakdara Forest Check Posts, Including Police, Levy Check Post at Bab-e-Jandool, Zulam, Bandagal and Chakdara Gab-e-Dir, duly verified by the undersigned.

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As a result of the initial investigation based on transcripts, the DFO Lower Dir has initiated disciplinary proceedings against the delinquent staff, right from Sammarbagh to Chakdara by placing the staff under suspension and served show cause notices upon them.

TOR-6.

As elaborated while the discussing the TOR-5 that the staff posted at Bandagal and Chakdara Forest Check Post have failed to perform their duty honestly and efficiently, thus allowed the trucks for onward movement. The DFO Lower Dir has already initiated disciplinary proceedings by placing them under suspension and issued Show Cause notices.

CONCLUSIONS AND RECOMMENDATIONS:

- The staff posted at Bandagai and Chakdara Forest Check Posts are involved in the helnous crime of illicit timber movement for ulterior motives and necessary disciplinary action has aiready been initiated by the concerned DFO.
- ii. No further action is warranted as the Forest Check Posts are simply meant to control illegal transit of forest produces against whom necessary disciplinary proceedings have been launched up under the rules.
- iii. The locals are facing serious problems in meeting their domestic needs. Therefore, local Depot may be established where the inhabitants will be granted timber through local auction for fulfillment of their domestic requirements as most of the timber through head loads in plece meal are allowed by law enforcement agencies for domestic need, which is misused.
- IV. Efforts may be made to provide full security to Forest staff so that they could perform their duties in the field and at Check Posts. Furthermore, proper investigation may be ensured in the un-traced Criminal Act against Forest Staff.
- v. The existing 53 vacant positions may be filled up to improve the Forest Protection / Conservancy.
- vi. The DFO Lower Dir should expedite the process of Departmental Enquiry against the delinquents.
- vii. The relevant Sub-Divisional Forest Officers / RFOs of West Forest Circle Timergara ought to have a close watch to monitor their Forest Check Posts on daily basis to avoid such unfavorable incidents in future.

Muhamma(LSA)[d] Divisional Forest Officer, Patrol Squad Forest Division, Central Forest Circle Peshawar (Engulry Officer)

Page-04 to 04

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Dir Forest D Timergara

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21 Annexure-D OFFICE ORDER NO. 126 DATED TIMERGARA THE 07 105/2024 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. Bandagai Forest Check Post 1. Mr. Nisar Wahid Forest Guard. ---do----Attested 2. Mr. Irfan Ullah Forest Guard. Chakdara Forest Check Post Mr. Gohar Ali Forester. ----do--Mr. Abid Hussain Forest Guard. 3. ----do-4. 5. Mr. Faridoon B/M. Sd/-ጉਜਜ (ASIF ALI SHAH) r Dir Forest Division Divisional Forest Officer Lower Dir Forest Division, Timergara Timergara. No_2319 1. Conservators of Forests Malakand West Circle Timergara for favour of information /G. 2. All SDFOs in Lower Dir Forest Division Timergara for information and further necessary action. Office wer Dir Forest Division Timergara 2

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4206/50/21 pund 1 seef Crowd No.K. Los somopus) ing ward such town Bus Compressing of mannin C Dursiana margine une parino has gestal hopport S-1 million indel : M 6 mailsoft popop 971 ON uplo 12 Constrance of alles Jeape porreld. -: MS . 2 por Suce 2 Consult Jones Comerces The Division of Porces affice 69) Lover Dir Forest Div J-2MAXOUUH maraght

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. Irfan Ullah Forest Guard of Timergara Forest Sub Division with this Show Cause Notice as follows:

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Annexuse-F

That while posted on duty as Forest Guard at Bandagai Forest Check Post of Timergara Forest Sub Division 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 Bandagai Forest Check Post of Timergara Forest Sub Division, 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.
- You have deliberately allowed the referred consignments for your ulterior motives and are confirmed from the CCTC footage obtained from CCTV installed at Babe-Jandool, which tantamount to inefficiency, misconduct and corruption.
- iii. Being a Forest Guard 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 Sub Divisional Forest Officer Timergara has also reported your active involvements in the referred smuggling of timber vide his letter No. 217/T/J

dated 07/05/2024. 0 orest Division א זוס Intergara

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

- a. Inefficiency.
- b. Misconduct.
- c. Corruption.
- 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.
- 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.
- A copy of report on the subject matter by Sub Divisional Forest Officer Timergara is attached.

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	:	ţ,		E-Mail	the 08/ 05/2024	
		1.	No. 2352-59 //E, Dated	Timergara		
	ļ				Bandagi Forest Check Post.	
			To 1. Mr. Nisar Wahid	Forest Guard.	do	
			1. Mr. Nisai Wand 2. Mr. Irfan Ullah Fe	prest Guard.		
	· ·		C/O		Chakdara Forest Check Pos	ti i se
	' i		SDFO Timergai	ra. Forester,	Chakdara Forest Checker	•••
		1	3. Mr. Gouhar Ali F 4. Mr. Abid Hussai	n Forest Guard.	do	-
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		l] A	7 Mr Zakir Ullan	Folest Oddies	do	• •
			8. Mr. Yasir Ahm	ad B.M.		
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			SDFO Jandoo	Э. Т.	:	
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			stipulated time in case of no reply expansion		10	
		2			Divisional Forest Officer, Lower Dir Forest Division,	· ·
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The Divisional Forest Officer, Lower Dir Forest Division, At Timergara.

SUBJECT:

SHOW CAUSE NOTICE

Respected Sir,

Reference your letter No.2352-59/E, dated 08/05/2024.

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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:-

- 1(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 illegal movement of timber and other forest produce has been controlled to great extent and no such like unpleasant incident has been reported in the recent past.
- (ii). I am performing my duty at Bandagai Foest Check Post efficiently, devotedly, honestly and has controlled movement of all sort of timber and other forest produce to great extent through checking of each and every vehicle passing through Bandagai Forest Check Post. During last month I have apprehended timber in two vehicles (Public Transport) and issued damage reports against the concerned forest offenders. I am performing my duty efficiently and not committed any act/omissions which tentament to in -efficiency, misconduct and corruption.
- (iii). As per duty Register of Bandagai Forest Check Post, I have performed duty on barrier from 0300 am to 0800 am on 07-05-2024. I was alert and vigilant but have not observed crossing of the said trucks No: GLTD-1537 and No: RIS-5050 through Bandagai Forest Check Post during the course of my duty. The said trucks might have crossed Bandagai Forest Check Post before my duty.

Since, I have neither observed/seen these trucks nor allowed to cross Bandagai Forest Check post during the course of my duty therefore the charges of involvement and connivance with timber smugglers is totally baseless and without any proof evidence and witness, therefore, I could not be held responsible for the said irregularity.

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It is clarified that duty at the Forest Check Post is being performed round the clock (24) hours, therefore, we performed duty for six hours on rotation basis number by number. Being a human it is not possible for any body to perform duty round the clock without taking rest such like a machine. Therefore when one official is performing duty on the barrier, the other is taking rest in the residential room in order to relax and prepare himself for next term of duty. This is an old practice in all the Check Post of the Division and a "Duty Register" is maintained in each and every Forest Check Posts of the Division for this purpose.

The Show Cause Notice neither provide any detail information regarding crossing of Bandagai Forest Check Post by the said trucks Nor photages of CCTV Cameras installed on various private buildings are not available. The timing of offence is a main factor which is lacking in the instant case, therefore it is not clear that at what time the said truck have crossed Bandagai Forest Check Post.

Since, I have not seen/observed these trucks at Bandagai Forest Check Post during the course of my duty on 07-05-2024 from 3:00 am to 08:00 am; therefore the charges/allegations of my active involvement and connivance with the timber smugglers is not based on facts and without any evidence, proof and witness.

Moreover, I am new entrant to Government Service and has yet rendered two years' service, therefore, I neither know any timber smuggler nor have any contacts with the smugglers in the instant case. It is requested that the C.D.R of my phone/Cell No:0346-9096421 may be obtained from the concerned quarter and my involvement and connivance with the timber smugglers (if any) could be checked/verified. I shall extend full cooperation in this regard so that the factual position is come to the surface.

- (iv). As explained and stated above I have not observed the said trucks carrying illegal timber at Bandagai Forest Check Post during the course of my duty on 07-05-2024 from 03;:00 am to 08:00 am, therefore, have not deliberately allowed the said trucks (illegal consignments) for my ulterior motives.
- (v). Respected Sir, I am well aware of my duty (job description) and my prime responsibility and always performed duty at Bandagai Forest Check Post strictly in accordance with the directives of higher officers. I hereby declared on oath of Almighty Allah that neither I have observed the said trucks during the course of my duty from 03:00 am to 08:00 am at Bandagai Forest Check Post nor I am involved and connived with the timber smugglers. I am totally innocent in the instant case.

er Dir Forest Division Timergara No doubt, that the said incident has created difficult and embarrassing situation for the Lower Dir Forest Division/ Department but the same has not been done due to my inefficiency and mis-conduct.

As stated above I have not observed the said trucks in transit at Bandagai Forest Check Post during the course of my duty on barrier, therefore, the charges of in-efficiency and mis-conduct against me are totally baseless and unjustified.

The directives of higher officers, issued form time to time have been noted and complied with in letter and spirit. I always perform duty at the barrier vigilantly, watch fully and has ensured proper blockage/closing of barrier at the Forest Check Post Bandagai for the purpose of checking particularly during late hours. As stated earlier, I have not observed the said trucks with illegal consignment at Bandagai Forest Check Post during the course of my duty on 07-05-2024, therefore do not pare easy way for timber smugglers.

As stated earlier, being a human, it is not possible for anybody to work round the clock without taking any rest, therefore, duty is performed at the tentative rotation basis. This old practice is in vogue in all the Check Posts of Forest Department as well as on the Check Posts of Police and other law enforcing agencies. The directive of your goodself in this regard in not in line with the ground realities.

(viii).

(vii).

(vi).

The report of SDFO Timergara regarding the active involvement of the Forest Staff of Bandagai Forest Check Post in the instant case do not base on facts. I hereby declared on oath of almighty Allah that neither I have seen these trucks with illegal consignment nor allowed the cross Bandagai Forest Check Post. The allegation has been generated against me without any proof, evidence and witness, therefore, unjustified and untenable.

Keeping in view the above explanation 1 have not committed any acts/omissions of Inefficiency, Mis-conduct and corruption specified in Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules.

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

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as explained above the charges of in-efficiency, mis-conduct and corruption have not been proved against me with certainty, therefore, the aforesaid penalty may not be imposed please,

The requisite defense reply is being furnished herewith in stipulated period which my kindly considered sympathetically and exparte action may not be taken against me.

the report of SDFO Timergara do not base on facts and any evidence/proof for my involvement and connivance with timber smugglers have not been provided with the report; It is also clarified that I have always performed my duty efficiently, devotedly, honestly and upto the best satisfaction of my higher officers and has never indulged my self in any corrupt practices. Therefore, it is requested that I may kindly exonerated from all the charges/allegations for which I shall be highly obliged and thankful.

l also to be heard in person please.

Thanks

Your's Obidently

Irfan Ullah Forest Guard Attached Divisional Forest Office At Timergara.

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Called for P/ Hoard Our 23/5/24. 10:00 Am. 'estel' Isional Forest Officer ower Dir Forest Division

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DATED TIMERGARA THE 21. 10 12024, ISSUED BY MR. ASIF ALI OFFICE ORDER NO. 139 SHAR 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

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Annexure

AND WHEREAS, Mr. Irfan Ullah Forest Guard BPS-08, deputed at Bandagi Forest the forest offenders. 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.3 4 7.5-78 1G&L,

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Conservator of Forests, Malakand Forest Circle west Timergara for favour of

- information of information pleases.
- SDFO Timergara, for information and necessary action.
- Divisional Accountant for information and necessary action. 2.
- 3. Officials concerned for information. 4.

Attested

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Divisional Forest Officer Lower Dir Forest Division Timergara

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CS CamScanner Marger in proting England officer/ committee of Some way the monther has been investigated feiguene Neither Maples Clange sheet has bean $\langle i \rangle$ · 40 08 30. 60 4 4808 30.00 wort hhele (no can has been completed in trenty day (20) Land down in vides/ regulations on the subject. The In hubby with our fulpitant of farming these The discipliniany his account has been completed the following reasons :- (\mathbf{i}) the store withoughte our un-justifier and 7 ton' profer productions and nonsus of high ce, ועד אסייר טוקר וא וקרטטר ' ואיבטרקרה' כאטיי צר אר איד אסייר טוקרה וא וקרטטר ' ואיבטרקרה ' כאטיי צר אר דייר אסיי טוא פרטודי הגקרה איי: ושט קטידיר שו יוצי איסדיר י you been unposed upon the appellower while and haven and myer peredet of hemoved from service hespect we die Lower Din Witt out, any valid/solid as helenvier showe, has been twined down by the However the helped furnities to the show course with ce to done the baspecture sto power and wan from and the change there cossistion was not proved against the appellant Suice, the changes of In- afficeercy, nis- Consud (6/8)

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Nog mired under the Ungber Pakhtus Uhwa Gou Servants (Efficiency and Discipline) Rules, 2011. There is a procedural flaw in the Case therefore, the order of respective OFO Lower Dir as Reference above is illegal, insegular and Ungustifier/un-tenable.

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(11) The report of SDFO Timergara Las been confidenced as evidence against the appellant whereas he is himself responsesible in the instant Case of Smuggling of thegal timber. He has been given clean chit on his false statement of nivelve-new of the appellant in the wistant Case. He call of the appellant in the wistant Case the cull Divisional forest afficer due to writing of baseless and false letter against the appellant.
(iv) The faid office order of respective

DE Lower Div is discrimination, The Staff of Jandool Foreger Sub-Division hes been awarded Minor penalty (where from the illegel timber originates) Where as the appellant has been awarded Servere Penalty of "Removal From Sensie" Without Contriliting any in galanty. Since the appellant has not

41 ٢/_{//} Seen the Said Wuchs at the check for clibring the Course of his duty, therefore award of Venalty is totally inquistifier and gain & the rules/regulations on the /subject The SISFO. Times and Schould have been accused in the instant disciplinary Case instead (v) of witness. His incossect and false statement and fake report bull not be treated as evidence against the appellant. In Case the appellant is molved in timber Sonnggling as referred Abone, the SDFO. Timergura is also responssible Equally Rouch as Fonester and Forest Guard. However no action has been taken again st the SDFo Timergara For unknown nearons. The charges of In- efficiency, mis-conduct (YÌ) and Corruption have not been proved with certainty -levough importie Enquing officer/Committee as required untir the rules, therefore, the Sain office order is illegal, inegaler against the rule fregulater on the Subject. (VII) The appellant has never indulged himself in any - Compa practices duing the counter this Surr Service Which is also evident from his service he Inra . CS CamScanner

CS CamScanner 500-90-E1 - 270B Forest CHED, Post 120400 - BANDAGAN () Utty NULAL EX-FOREST) 2170 Amiedo simer · servout . search in broad manad The appelliant aller deserve to be port for prosperity of your goint set will be highly obliged throwking and well bych benefit from the dote of removed tron source For the dote of removed to appelle appellant be rewardated in Semice with all The swall and he bet a bill and the dates 83.05.201 at the hander the respective apped afthe appellants office or downes it is therefore proyer that by accepting the leadong when the above extraction (-1/2) 34

OFFICE ORDER NO. OB DATED 27/08/2024 ISSUED BY MR. SHAUKAT FIAZ CONSERVATOR OF FORESTS MALAKAND WEST FOREST CIRCLE TIMERGARA. 43 Announce T $(2-56)^{U}$

Whereas, Mr. Irfan Ullah Forest Guard posted at Chakdara 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 vide his letter No.217/T/J 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.139 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 snow cause furnished by the accused official, comments of DFO Lower Dir, report of Sub-Divisional Forest Officer Timergara vide his letter No.217/T/J 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.139 dated 27-05-2024.

> Mr. SHAUKAT FIAZ Conservator of Forests Malakand Forest Circle West, At Timergara

Copy forwarded to the:-

- 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. Irfan Ullah Forest Guard C/O of DFO Lower Dir for information.

Conservator of Malakand Forest Circle At Timergara

Dir Forest Divisior Timergara

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محجارة ORDER NO. 143 DATED TIMERGARA THE 27 100 10024, ISSUED BY MR. ASIF ALI

WHEREAS, On 07-05-2024 at about 4:30 AM two numbers (02) Dumpers vehicles bearing Registration No.GLT-1637 and RIS-5050 have been apprehended by the forest staff of Malakand Forest Division. Both the vehicles were laced with illegal deoder limber, a total 305 scants measuring 1157 3 cft volume is solzed and the damage report have been chalked against the forest offenders.

AND WHEREAS, Mr. Zakir Ullah Forast 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 egainst 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 egainst 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 latter No.3410/G, dated 20.05.2024.

NOW THEREFORE, after having considered the charges, avidence on record, report of SDFO Jandool vide latter No.217/1/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 libid rules, in the interest of Public Service.

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

Annexure

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No. 3 499 -3 503 /G&L.

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Copy forwarded to the:- ...

- 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.

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Dir Foresi Thnornara

HE ORDER NO. 143 DATED TIMERGARA THE 2710 2024, ISSUED BY MR. ASIF ALL

WHEREAS, On 07-05-2024 at about 4:30 AM two numbers (02) Dumpers values 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 litegal deodar timber, a lotal 305 scants measuring 1157.3 cft volume is seized and the damage report have been chalked against the forest ollenders.

AND WHEREAS, Mr. Jamshid Khan Forost 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. 2352-58/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, 1 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 All Shah) Divisional Forest Officer Lower Dir Forest Division Timergara

No. 3491-94 IGAL

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* 10 Copy forwarded to the:-

- 1. Conservator of Forests, Malakand Forest Circle west Timergam 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.

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1 Ner Dir Forest Division Timergara

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OF TE ORDER NO. 149 dated timergara the 17/61 12024, issued by MR. Asif all shall divisional forest officer lower dir forest division timergara.

WHEREAS, On 07-05-2024 at about 4:30 AM two numbers (02) Dumpers vahicles bearing Registration No.GLT-1637 and RIS-5050 have been apprehended by the forest statif of Ma.skand Forest Division. Both the vehicles were laced with lifegal deodar timber, a total 305 scants measuring (157.3 cft volume is selzed 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 Pakhlunkhwa Government Servants (Efficiency & Olscipline) 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 seld 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 lobd rules, in the Interest of Public Service.

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

No. 3457 . Yo 1981,

Copy forwarded to the:-

- 1. Conservator of Forests, Malakand Forest Circle west Timergers 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.

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diast Officer Divisional Lower Dir Forest Division

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THE ORDER NO. 138 DATED TIMERGARA THE 27/25/2024, ISSUED BY MR. ASIF ALL SHE POVISIONAL 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. Nisar Wahld 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 All Shah) Divisional Forest Officer Lower Dir Forest Division Timergara

No. 3471-74 (G&L.

Copy forwarded to the:-

- 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.

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Divisional Porest Officer Lower Dir Forèst Division Timergara

OFFICE ORDER NO. 01 DATED det OWZOZA ISSUED BY MIL SHAWAAI FING

Whereas, Mr.Farldoon Barrier Man posted al Chaldera Forest Check post was served In show cause notice under Section-7 of Efficiency and Discipline Rules 2011 by DFO Lower Dir vide his letter Nu.2352-59/E dated 06-05-2024 for smugging of imber through two (02) Dumper bearing Registration No.1537/GLTD and No.5050/RIS loaded with 305 scants having 1157.3 cft via Chaldera Forest Check Post with active constraines of accused official and subsequently apprulended by the stall of Nalakan/ Forest Onesion on 07-05-2024 and Issued Damage Report No.81/67 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 Le reply to show cause notice, CCTV tootage, Range Forest Officer Chakdara letter No. 100/CND dated 07-05-2024 as well as personal hearing and loci finding anguiny conducted by DFO Patrol Squad Central Southern Forest Circle Peshawar, the DFO Lower Dir Ordered removal iron services of referred official vide his Office Order No. 142 dated 27-05-2024.

Whereas the accused Official leafing aggreved, preterred Departmental appeal in the instant case to appeal authority (Conservator of Forests Matakand West Forest Circle).

Whereas comments were asked iron DFO Lower Dir vide Conservator of Forest Matakand West Forest Circle latter No.5155/G&L dated 14-06-2024. Accordingly, the DFO Lower Dir submitted his detail comments vide latter No.653/Accil dated 21-08-2024.

Whereas the accused Official was summoned for personal hearing vide Conservator of Forest Matakand West Forest Circle Jeller No.919-23/E dated 22-08-2024 and as such personal hearing was conducted on 25-08-2024 under Section 7 (d) of bid Folies.

Whereas on perusal of record Le contents of Damage Reports referred above, statement of smugglers / Daiwers, show cause notice, reply to the show cause furnished by the accused official, comments of OFO Lower Dir, report of Range Forest Officer Chaladare vide bis letter No.108/CND dated 07-05-2024, findings of fact linding committee conducted by OFO Patrol Squad Forest Dirision Cantral Forest Circle Peshawar vide bis latter No.182/PS dated 21-05-2024 received with Chief conservator of Forest Cantral Southern Forest Region-I. Nyber Pakhtushwa Penhawar vide his letter No.3186/GB dated 10-06-2024, CCTV lootage of Bab-e-Landool and Chakdara Forest Check Post besides contession of accused Official during personal hearing would reveal that the referred Dumper loaded with IECII scents have cossed Chakdara Forest Check Post with active constrance of accused official.

Consequent upon the above 1 Mr. Shaukat Faz Conservator of Forests Matakand West Forest Circle Timergara in the capacity of appellate subority sel-exide DFO Lower Dir Officer Order No.142 dated 27-05-2024 and awarded Major penalty of computancy refrontent specified under Section 4-b (b) of Efficiency and Discipling Rules 2011 due to protong service and poor lamity background of accused official under the power vested in the under section 17-2 (c) of Rid Rules. 8DI-

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Hr. SHAUKAT FAZ Conservator of Foresta Matakand Forest Circle West, Al Timergara

- Chief Conservator of Forests Matakand Forest Region-ID Saldu Sharil Swat for favour of Information, clease.
- 2. Divisional Forest Officer, Lower Dir Forest Division Timergara for Information and further necessary action.
 3. Nr. Faridoon Barrish Jon C/O of DFO Lower Dir for information.

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FORESTS MALAKAND WEST FOREST CIRCLE TIMERGARA.

Whereas, Mr. Nisar Wahld Forest Guard posted at Bandagal Forest Check post was scient upon show cause notice under Section-7 of Efficiency and Discipline Rules 2011 by DFO Lower Or vide his letter No.2352-59/E dated 06-05-2024 for smuggling of timber through two (02) Dumper bearing Registration No.1537/GLTD and No.5050/RIS loaded with 305 scants having 1157.3 cfl via Chakdere Forest Check Post with active connivance of accused official and subsequently apprehended by the stall of Melakand Forest Division on 07-05-2024 and issued Damage Report No.61/67 and 62/67 of even dated.

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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 Le reply to show cause notice, CCTV footage, Sub-Divisional Forest Officer Timergara letter No.217/17/J dated 07-05-2024 as well as personal hearing and fact finding enquiry conducted by DFO Petrol 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 faciling appreved, preferred Departmential appeal in the instant case to appealate authority (Conservator of Forests Malakund West Forest Circle).

Whereas comments were asked from DFO Lower Dir vide Conservator of Forest Matakand 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 penual of record Le 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.217/1/J 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-1 Khyber Pakhtunkhwa Peshawar vide his letter No.3186/GB dated 10-06-2024, CCTV footage of Babe-Jandooi and Chakdara Forest Check Post besides confession of accused Official during personal hearing would reveal that the referred Dumper loaded with Ilicit scants have crussed Chakdara Forest Check Post with active connivance of accused official.

Consequent upon the above I Mr. Shaukat Flaz 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 Ibld Rules.

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

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Copy forwarded to the:-1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharid Swat for layour of information, olease.

Divisional Forest Officer, Lower Dir Forest Division Timergara for Information and further necessary action. 3. Mr. Nisar Wahld Popper Guard C/O of DFO Lower Oir for Information.

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At Tomargara. Lower Dir Forest Division. The Divisional Forest Ollical,

ILLEGAL BAUGGLING OF TIMBER EXPLANATION THEREOF.

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

the num who we so your kindly information that a set pertormed any with the

the smugging of tender and also kept close relation with their stat through a lactronic media (Cell have posted 5 Nos serior most officials field staff in Bandagal Forest Chack Post for controlling I note the store of the source of the state discontinue the shifting duty precise in lower Dir of field staff for controlling of Blegal armogling of lime requested in your honor to depute some personals from other sub division. Beside 1 have Ynem oe bra fiste bielt to agehorte aluae east pals one (stegramIT bra loobnet) noisivkil du'S owi one of the second of the current of the current of the performance of the devolution of the performance of the current of the

smuggied from Kembal/Sambagh to Gossin with active convivance of Incharge Block Officer Mr. From various sources/information, it is clarified that the said timber have been there rear and the same suite similarity of timber and to remain a since pried emit of emit mort noisivel due frence Faregremit & toobnet to flats IA (qqAelerity, enorg

loaded from Gosam! Munda have crossed Senzo Fores! Check Post which is clearly shows the si nadmit readed their the apprehended dumpers laced with lillicit deader timber is Base of the relation blood inkages with timber smugging a the area. Jamshid Khan of Smarbagh block, as well deputed staff at Senzo Forest check Post Mr. Yash

In various position on main GT road near Bandagi Forest Check Positicites the According to source Information and evidence! proofs of CCTV carmens captured . M.B bernfA useY ... M. & Cuard Forest Burlamshink Forest Guard & Mr. Yask Ahmad M. ...

deputed at Bandagal Forest Check post with dear direction to check all vehicles to control timber W. Raees Khan Forester Mr. Qasir Shah ! orest Guard & W. Chulam Hussain Forest Guard Involvement of Seld staff at Bandagal Forest Creck Post namely Mr. Inamelian Mr. Warlah Wr.

where of situation it is clear that staff is involved in buch activity and has joint hands with smuggler. In where of situation the transmission is in the marker of situation the staff is involved in buch being and the marker of situation the staff is clear the marker of situation the staff is clear the marker of situation is a staff is the marker of situation the staff is clear the marker of situation the staff is the marker of situation the staff is involved at the marker of situation the staff is clear the marker of situation the staff is involved at the marker of situation the staff is the marker of situation the staff is the staff is the marker of situation the staff is the staff

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DATED TIMERGARA THE 27 15 12024, ISSUED BY MR. ASIF ALL OFFICE ORDER NO. SHALLAWSIONAL FOREST OFFICER LOWER OIR FOREST DIVISION TIMERGARA.

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

AND WHEREAS, Mr. Yesir Ahmad Barrier Man BPS-03, deputed at Senzo Forest the forest offenders. Check Post of Jandool Forest Sub Division, was proceeded under the Knyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011 against the charges as mentioned in the Show Cause issued vide this office latter No. 2352-59/E, dated 08.05.2024, served upon the sald 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, 1 Mr. Asit 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 All Shah) Divisional Forest Officer Lower Dir Forest Division Timergara

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No. 3195-95 /G&L.

Copy forwarded to the:-

- Conservator of Forests, Malakand Forest Circle west Timergara for favour of ٩. Information of information pleases.
- SDFO Jandool, for information and necessary action. 2.
- 3. Divisional Accountant for Information and necessary action.
- 4. Officials concerned for Information.

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SERVICE APPEAL No.____- /2024

Irfan Ullah FG VERSUS The DFO Dir(L) and others

I, <u>Irfan Ullah. Ex Forest Guard. Bandagai Forest Check Post District Dir Lower</u> do hereby appoint <u>Sabir Shah Advocate Supreme Court, Aftab Hussain Butt</u> <u>Advocate, High Court (s)</u>, 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/decree 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) _____ Irfan Ullah NIC No: 15302-1676774-3 Cell No. 03469096421

ATTESTED & ACCEPTED BY:

SABIR SHAH Advocate Supreme Court AFTAB HUSSAIN BUTT Advocate High Court