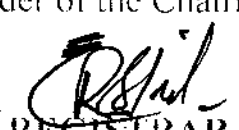


# FORM OF ORDER SHEET

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

**Appeal No.** \_\_\_\_\_

**1589/2024**

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. Irfan Ullah 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. 1589 /2024

Irfan Ullah

..... Appellant

Versus

The DFO Dir(L) and others

..... Respondents


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6.	Copy of situation report dated 07.05.2024	B	18
7.	Fact Finding Inquiry	C	19-20
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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. 1589 /2024

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

Versus

1. District Forest Officer, Dir Lower Forest  
Division. *Timegara*
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,

1. 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. 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)**
4. 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.

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 his part, in relation to the unauthorized passage of the trucks laden with illicit timber. **(Fact Finding Inquiry is annexed as Annexure-C)**
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. **(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 therefore, he could not have been responsible for any lapse or dereliction of duty. The appellant's reply substantiated his position and demonstrated that the allegations against him were baseless, unfounded and motivated by malice, notwithstanding the detailed reply and absence of any visual 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-G)**

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

**GROUND:**

A. 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

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-L)**

- 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.


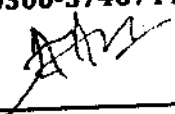
- K. That the respondents have failed to apply the principle of parity in meting out punishments, resulting in unequal treatment of similarly placed employees.
- L. That the respondents failed to take into account mitigating circumstances, such as his prior good record, length of service and other relevant factors.
- M. That the respondents violated the principles of natural justice by not providing the appellant with 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**  
**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**

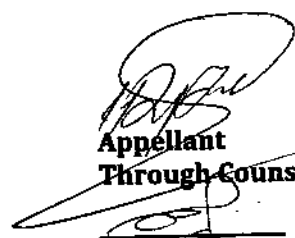
**Irfan Ullah FG .....Appellant**

**Versus**

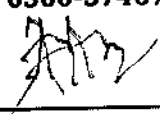
**The DFO Dir (L) & others.....Respondents**

**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**

12-14

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No. \_\_\_\_\_/2024

Irfan Ullah .....Appellant

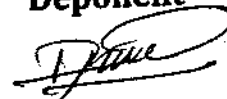
Versus

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

**AFFIDAVIT**

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.

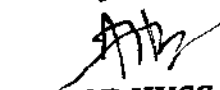
**Deponent**



**Irfan Ullah**

24 SEP 2024

**Identified by:**

  
**AFTAB HUSSAIN**  
**Advocate High Court**





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No. \_\_\_\_\_/2024

Irfan Ullah FG .....Appellant

Versus

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

Address of Appellant:

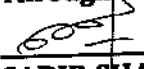
Irfan Ullah, Ex Forest Guard, Bandagai Forest  
Check Post District Dir Lower

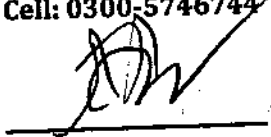
Addresses of Respondents:

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.

..... Respondents

Appellant  
Through Counsels

  
SABIR SHAH  
Advocate Supreme Court  
Cell: 0300-5746744

  
AFTAB HUSSAIN  
Advocate High Court  
Cell # 0313 933 1973

As recommended by Departmental Selection Committee constituted vide DFO Lower Dir office order No.125 dated 06.06.2022, Departmental Selection Committee meeting held in the office of undersigned on 16.06.2022, the following candidates applied for the post of Forest Guards (BPS-08) are hereby selected against the thirty (30%) user/rights/owners quota in the designated forests as per Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department Notification No So (Estt)FE&VD/1-465/2021 dated 04.06.2021 and nominated for one year mandatory pre-service training as stipendiary student for the forthcoming 86<sup>th</sup> Forest Guards regular course session 2022 at Khyber Pakhtunkhwa Forest School Thal Abbotabad commencing from December, 2022 :-

S.No	Name of newly recruited Forest Guard	Paranlaga	Address
1	Murad Khan	Asad Khan	Village Ouch Bilal colony P.O Ouch Tehsil Adenzai 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 Kityari Tehsil Adenzai Dir Lower
4	Zia ud Din	Muhammad Jan	Village Zafar Abad P.O Khungl Tehsil Timergara District Dir Lower.
5	Izaz Ali Shah	Inam Ullah	Village Koto P.O Koto Tehsil Timergara District Dir Lower.
6	Abdul Jabbar	Muhammad Iqbal	Village Paloso Dak P.O Khazana Tehsil Sammarbagh District Dir Lower.
7	Azmat Ullah	Ibad Ullah	Village Zirak Kalay P.O Rabat Tehsil Timergara District Dir Lower.
8	Hubaib Hassan	Amir Hassan	Village Shekacai P.O Saddo Tehsil Timergara District Dir Lower.
9	Sajjad ud Din	Musteh ud Din	Village Kombat P.O Sammarbagh Tehsil Sammarbagh District Dir Lower.
10	Shahb Khan	Shaer Ali Khan	Village Ouch Bilal Colony Tehsil Adenzai District Dir Lower
11	Muhammad Farooq	Muhammed Wahid	Village Shogal Maidan Tehsil Lal Qilla District Dir Lower.

**The terms and condition are as under:-**

- 1) As per above quoted Notification, the selected candidate shall undergo for one year mandatory pre-service training as stipendiary student at Khyber Pakhtunkhwa Forest School Thal Abbotabad and the posting order of the candidates shall be issued only after successful completion of the said training.
- 2) In case of default or leaving the job before expiry of five years, the selected candidates shall refund all the expense incurred on training.
- 3) The post is purely temporary 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 Khyber Pakhtunkhwa Establishment Department Appointment, Promotion and Transfer Rules, 1989 (with amendments), Government Service Conduct Rules, 1987 (with amendments), Leave Rules and other Rules Notified by the Government from time to time.

  
ATTESTED

- 17
- 8) In case the candidate after appointment as Forest Guard has to resign or leave the Department, he will have to notice the Department at least one month in advance OR will have to refund pay equivalent to one month salary in case of no notice in lieu thereof.
- 9) In case the term and condition are acceptable to selected candidates, they may report arrival within seven (07) days, otherwise the order shall stand cancelled on 8<sup>th</sup> 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.

No 3490-97 IG.

Copy forwarded to the:

1. Conservators of Forests Malakand West Circle Timergara for favour of information please.
2. Medical Superintendent District Head Quarter Hospital Timergara 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).
5. Divisional Forest Officer Dir Kohistan 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 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 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. Ihsan 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 (Coples 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

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-L Khyber Pakhtunkhwa, Peshawar directed the undersigned for fact finding enquiry vide Office NO: 06, Dated: 07.05.2024 with the following TORs:

Annexure - C

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 Nasapa Talast Tehsil Timargara, District Lower Dir (Annex-III).
4. Statement of the Driver (Mr. Khalid Khan S/O Abdul Hameed R/O Sarai Sa'ib 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

**TOR-5**

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 Bab-e-Dir, duly verified by the undersigned.

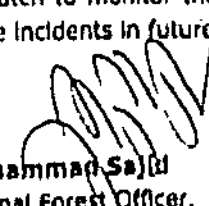
As a result of the initial investigation based on transcripts, the DFO Lower Dir has initiated disciplinary proceedings against the delinquent staff, right from Sammarbagh to Chakdara by placing the staff under suspension and served show cause notices upon them.

**TOR-6.**

As elaborated while 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:**

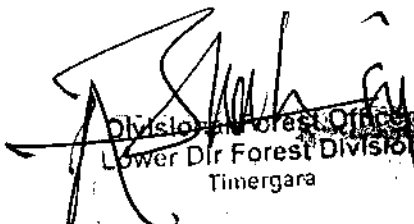
- i. The staff posted at Bandagal and Chakdara Forest Check Posts are involved in the heinous crime of illicit timber movement for ulterior motives and necessary disciplinary action has already been initiated by the concerned DFO.
- ii. No further action is warranted as the Forest Check Posts are simply meant to control illegal transit of forest produce 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 piece 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.

  
Muhammad Sajid  
Divisional Forest Officer,  
Patrol Squad Forest Division,  
Central Forest Circle Peshawar  
(Enquiry Officer)

Page-04 to 04

*Attested*

CS CamScanner

  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

CS CamScanner

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. Faridooon 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.



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

13/05/2024

*[Signature]*  
Inform. Ulu  
Forest Guard

13/05/24  
*[Signature]*

*[Signature]*  
Attendance

Forest Office Lower Br.  
Forest Sub. Division to Division  
report my arrival from Timor-Leste  
Mr. Irfan ulah F-S hoodoy

order No 126 dated 7/05/2024  
in compliance of letter

Sub: Arrival report.

Lower Div Forest Division  
Timor-Leste

The Divisional Forest Office

(69)

*[Signature]*  
Divisional Forest Officer  
Lower Div Forest Division  
Timor-Leste

22 Measom

Amekure-E

To

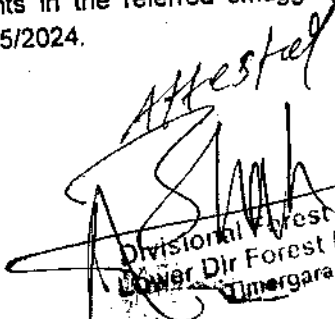


**SHOW CAUSE NOTICE**

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:

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.
- 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 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.

Attested  
  
 Divisional Forest Officer  
 Lower Dir Forest Division  
 Timergara

  
 (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:-

(3)

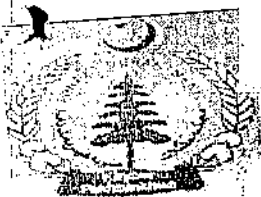
- a. Inefficiency.
  - b. Misconduct.
  - c. Corruption.
2. As a result thereof, I as competent authority have tentatively decided to impose upon you the major penalty specified under Rules-4(b) of the said rules.
  3. You, are, therefore, required to show cause as to why the aforesaid penalty should 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 Sub Divisional Forest Officer Timergara is attached.

*Attested*

*[Signature]*  
 Divisional Forest Officer  
 Lower Dlr Forest Division  
 Timergara

*[Signature]*  
 Divisional Forest Officer  
 Competent Authority

(2)



25

(23)

OFFICE OF THE  
DIVISIONAL FOREST OFFICER,  
LOWER DIR FOREST DIVISION,  
TIMERGARA  
Phone No. 0945-9250105  
Fax No. 0945-9250119  
E-Mail dfollowerdir@gmail.com

No 2352-59 /E, Dated Timergara the 08/ 05/2024

To

1. Mr. Nisar Wahid Forest Guard.
2. Mr. Irfan Ullah Forest Guard.

C/O

**SDFO Timergara.**

3. Mr. Gouhar Ali Forester.
4. Mr. Abid Hussain Forest Guard.
5. Mr. Faridoon B.M.

C/O

**RFO Chakdara.**

6. Mr. Jamshid Khan Forest Guard
7. Mr. Zakir Ullah Forest Guard.
8. Mr. Yasir Ahmad B.M.

C/O

**SDFO Jandool.**

Bandagi Forest Check Post.  
-----do-----

Chakdara Forest Check Post.  
-----do-----  
-----do-----


Samrbaugh Block.  
Sinzo Forest Check Post.  
-----do-----

**SUBJECT: -**

**SHOW CAUSE NOTICE.**

Memo:

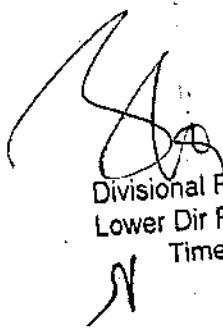
Enclosed find herewith show cause notice issued by the undersigned for information and further necessary action. You are directed to submit your written reply to the show cause notices within stipulated time in case of no reply exparte action will be taken.

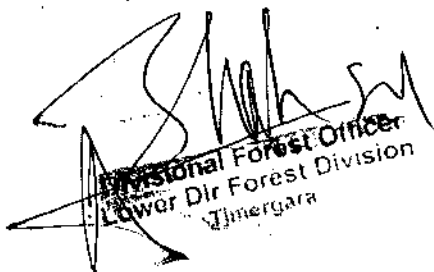
  
Divisional Forest Officer,  
Lower Dir Forest Division,  
Timergara.

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

To,

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.

\*\*\*\*\*

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.

*Attested*

*Shahin*  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

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.

*Handwritten signature*  
 Provisional Forest Officer  
 Lower Dir Forest Division  
 Timergara

101

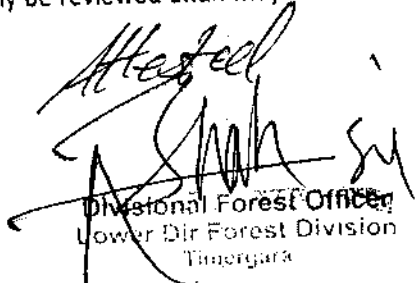
No doubt, that the said incident has created difficult and embarrassing situation for the Lower Dir Forest Division/ Department but the same has not been done due to my in-efficiency and mis-conduct.

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.

- (vi). 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.
- (vii). 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). 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 I have not committed any acts/omissions of In-efficiency, 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.

*Attested*  
  
 Divisional Forest Officer  
 Lower Dir Forest Division  
 Timergara

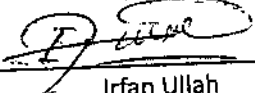
103

- 3. 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.
- 4. 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.
- 5. 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.

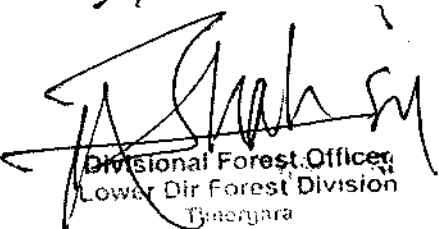
I also to be heard in person please.

Thanks

Your's Obidently

  
 Irfan Ullah  
 Forest Guard  
 Attached Divisional Forest Office  
 At Timergara.

*Called for P/Hearing  
 on 23/5/24.  
 10:00 Am.*

*Attested*  
  
 Divisional Forest Officer,  
 Lower Dir Forest Division  
 Timergara

OFFICE ORDER NO. 139 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. Irfan Ullah 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/IJ 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.

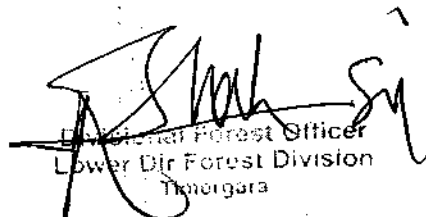
Sd/-  
(Asif Ali Shah)  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

No. 3475-78 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.

Attested

  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara



ATTESTED

*[Signature]*

CS CamScanner

(1) you were consistently directed and warned verbally as well as in writing via DFO Lower Div. However, it was alleged that:

2) The respective DFO Lower Div Forest Div served upon the appellant a "Show Cause Notice" vide his office letter No: 2352-596, dated 08.05.2024

major penalty of "Removal from service" under Rule-4 (b) sub-section (iii) of the said rules vide his office order no. quoted in the subject and copy enclosed herewith as "Annex-A" for favour of appellant under the Mysore Palkumbhara Forest Division (Efficiency and Discipline) Rules, 2011 and awarded the respective DFO Lower Div proceed against the appellant under the Mysore Palkumbhara Forest Division, check post of Timergara Forest sub-division, since 17.6.2022 while posted on Bantargal Forest Guard (BFS-8) in Lower Div Forest Division, Taluk Lower Div District and was serving as Appellant is the hereditary of Dheval

It is respectfully stated that :-

Respectfully,  
DFO Lower Div Forest Division

DEPARTMENTAL APPEAL AGAINST OFFICIAL ORDER NO: 139 DATED 27.05.2024 ISSUE BY DFO LOWER DIV FOREST DIVISION.  
SUBJECT: MALIAND WEST FOREST CIRCLE AT TIMERGARA, BEFORE THE WORTHY CONSERVATOR OF FOREST.

*[Handwritten signature]*

(v) 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 duties as per your job description which shows you in efficiency, mis-conduct towards performing your official duty

(iv) you have deliberately allowed the removal of engagement for your ulterior motives and are confirmed from the CCTV footage obtained from CCTV installed at Anis-e-Jandoo, which tantamount to in-efficiency, mis-conduct and corruption.

(iii) Checked against the forest offenders, which clearly speaks your active involvement and convenience with the timber smugglers. Timber were apprehended by the staff of Jhalakand Forest Division at Surt Express way and damage report No: 60/26 and 61/26 of even dated 07.05.2024 have been

(ii) While performing official duty at Bamdalgor Forest Check Post of Timergara forest sub-Division you have failed to check and control illegal movement and forest produce due to in-efficiency, mis-conduct and corruption, Kamlowaty, two (02) Dumpers (Timber) bearing No: 5LTD-1537 and No: 115-5050 loaded with illegal goods Timber were apprehended by the staff of Jhalakand Forest Division at Surt Express way and damage report No: 60/26 and 61/26 of even dated 07.05.2024 have been

Letter No: 2753/E dated 14.03.2024, No: 2662-64 dated 33.03.2024, No: 2979-81/4 dated 08.04.2024 and No: 3170-72/4 dated 02.05.2024 but you badly failed to comply with the directives of higher ups in letter and spirit.

*[Handwritten signature]*

3) The applicant furnished comprehensive and convincing reply of the Show Cause Notice to the respect of the reply is enclosed herewith as Annex- "B" if the law is not denied the charges/allegations, posted in favour of the applicant. It was clarified in reply to the Show Cause Notice that:

(viii) The Sub-Divisional Forest Officer Tirunelveli has also reported your active involvement in the referred smuggling of timber vide his letter NO: 2017/TJ dated 07.05.2024.

(vii) During the checking of Check Post it also revealed that you were performing duty on sitting basis which is never been a practice in forestry profession and strict diversion has been communicated already but you failed to do so.

(vi) you have been directed during the visit of higher officers to stay vigilant, alert and ensure proper blockade/closing of barrier at check Post for the purpose of checking particularly during late hours but you have failed to do so which has posed easy way for timber smugglers.

(v) The vehicle loader lorry which has crossed the check Post, which has created difficulties and embarrasing situation both in Forest Department as well as in District Lower Div.



ATTESTED  
*[Signature]*

Bandagar Forest Check Post during the course of his duty. The said trucks might have crossed Bandagar Forest Check Post before his duty. It was for the state that the appellant has neither observed / seen these trucks nor allowed to cross Bandagar Forest Check Post during the course of his duty therefore the charges of involvement and connivance with timber smugglers is totally baseless and without any proof, evidence and witness. Therefore, the appellant could not be held responsible for the said irregularity.

It was clarified that duty at the Forest Check Post is being performed round the clock (24) hours therefore they performed duty for 24 hours on rotat basis number by number. Being a human it is possible for any body to perform duty round the clock without taking rest like a machine. Therefore when an official is performing duty on the basis, the other is taking rest in the resident room in order to relax and prepare himself for next turn of duty. This is an old practice in the Forests of the Division and a Duty Register is maintained in each and every Forest Check Post of the Division for this purpose.

The Show Cause Notice neither provide

ARRESTED

*[Handwritten signature]*

moreover, the appellant is now entrant to  
 Court: since ant has yet rendered two (2) years  
 / service, therefore, he neither know any timber smuggler  
 nor have any contacts with the smugglers in the instant  
 case. It was requested that the CR of his phone/  
 cell no. 0346-9996421 may be obtained from the  
 concerned quarter and his involvement and connivance  
 with the timber smugglers (if any) could be checked  
 verified. The appellant will extend full cooperation  
 in this regard so that the factual position  
 come to the fore.

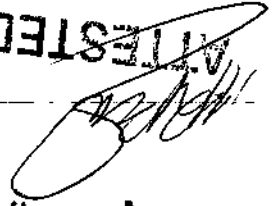
any detail information regarding crossing of  
 Pambaga Forest Check Post by the said trucks  
 nor packages of CCTV cameras installed on various  
 private buildings are available. The timing of offence  
 is a main factor which is lacking in the instant  
 case, therefore it is not clear that at what time  
 the said trucks have crossed Pambaga Forest Check Post  
 since, the appellant has not been observed  
 there trucks at Pambaga Forest Check Post during  
 the course of his duty on 07.05.2024 from 03.00am  
 to 08.00 am, therefore, the charges/allegations of his active  
 involvement and connivance with the timber smugglers  
 is not based on facts and without any evidence  
 proof and witnesses.

*[Handwritten signature]*

No doubt that the said incident has created difficult and embarrassing situation for the Department and Kaveri Div District but the same has not been done due to in-efficiency and mis-conduct of the appellants. As stated above the appellant has not observed the said trucks in transit at Bandagai forest check post during the course of his duty on Kaveri, therefore, the charges of in-efficiency and mis-conduct against him are totally unwarranted.

(v) Under this item it was clarified that the appellant is well aware of his duty (job description) and his prime responsibility and always perform duty at Bandagai forest check post strictly in accordance with the directives of his higher officers. He declares on oath of Almighty Allah that neither he has observed the said trucks during the course of his duty from 03.01 am to 08.00 am at Bandagai Forest check post nor he is involved and connived with the timber smugglers. The appellant is totally innocent in the instant case.

(iv) His explanation and stated above the appellant has not observed the said trucks carrying illegal timber at Bandagai forest check post during the course of his duty on 07.05.2021 from 03.00 am to 08.00 am, therefore, has not deliberately allowed the said trucks (illegal conveyance) for his ulterior motives.

ATTESTED  


Allegation that vehicle has been there for weeks with legal entanglement now allowed to cross Bangalore forest check post. The allegation has been generated against him without any supporting evidence and letters, therefore, impugned/untenable.

(viii) The report of Sd/- T. J. Jangara regarding the active involvement of the appellant in the migrant cart does not base on facts. The appellant has furnished an affidavit that vehicle has been there for weeks with legal entanglement now allowed to cross Bangalore forest check post. The allegation has been generated against him without any supporting evidence and letters, therefore, impugned/untenable.

(vii) It was clarified in the reply to the Show Cause Notice that being a human it is not possible for anybody to work hard the clock without taking any rest, though duty is being performed at the sleeping / restion 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.

(vii) It was clarified in the reply to the Show Cause Notice that being a human it is not possible for anybody to work hard the clock without taking any rest, though duty is being performed at the sleeping / restion 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.

(vii) It was clarified in the reply to the Show Cause Notice that being a human it is not possible for anybody to work hard the clock without taking any rest, though duty is being performed at the sleeping / restion 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.





Apprieved under the Khyber Pakhtunkhwa Govt Servants (Efficiency and Discipline) Rules, 2001.

There is a procedural flaw in the case therefore, the order of respective D.Fo. Lower Div as referred above is illegal, irregular and unjustified/un-tenable.

(iii) The report of S.D.Fo. Timergara 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 false statement of involvement of the appellant in the instant case. He could not be absolved of his responsibility as Sub-Divisional Forest officer due to writing of baseless and false letter against the appellant.

(iv) The said office order of respective D.Fo. Lower Div is discriminatory; The Staff of Jandool Forest Sub-Division has been awarded minor penalty (where from the illegal timber originates) whereas the appellant has been awarded severe penalty of "Removal from Service" without committing any irregularity. Since the appellant has not

*[Signature]*  
 DATED

seen the said trucks at the check-post during the course of his duty, therefore award of Penalty is totally unjustified and against the rules/regulations on the subject.

(v) The S.D.F.O. Timergara should have been accused in the instant disciplinary case instead of witness. His incorrect and false statement and fake report could not be treated as evidence against the appellant. In case the appellant is involved in timber smuggling as referred above, the S.D.F.O. Timergara is also responsible equally much as Forester and Forest Guard. However no action has been taken against the S.D.F.O. Timergara for unknown reasons.

(vi) The charges of In-efficiency, Mis-conduct and Corruption have not been proved with certainty through impartial Enquiry officer/Committee as required under the rules, therefore, the said office order is illegal, irregular against the rules/regulations on the subject.

(vii) The appellant has never indulged himself in any corrupt practices during the course of his past service which is also evident from his service record.

  
ATTESTED

Date: 13-06-2024

(JAFAN VILAL EX-FOREST GUARD - BMDA 9A1 FOREST CHECK POST)

*[Signature]*

Yours obediently

ATTESTED

*[Signature]*

Thanks.

b) The appellant also deserve to be heard in person please.

May for the prosperity of your good self. will be highly obliged/thankful and will Service. For this act of kindness the Appellee back benefits from the date of removal from appellant be reinstated in service with all D/O. Lower in may be set aside and the appeal of the appellants office order No. 139 dated 27.05.2024 issued by the respective

s)

(P/12)

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 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/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.

*225*  
*29/8/24*

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

No. 959-61 /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. Irfan Ullah Forest Guard C/O of DFO Lower Dir for information.

*Estb  
Committee  
and record*

*Sha  
28/24*

*Attended*

*[Signature]*  
Conservator of Forests  
Malakand Forest Circle West,  
At Timergara

*[Signature]*  
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 IIS-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 Sanzo 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 please.
2. SDFO Jandool, for information and necessary action.
3. Divisional Accountant for information and necessary action.
4. Officials concerned for information.

Received.

Zakir Ullah BPS-08

Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

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 scans 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. 2352-58/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/I 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. 3441-94 IG&L

Copy forwarded to the:-

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

Received  
Jawad

Divisional Forest Officer

Attested

Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

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-1637 and RIS-5050 have been apprehended by the forest staff of Malakand Forest Division. Both the vehicles were laced with illegal daodar timber, a total 305 scants measuring 1157.3 cu 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. 2352-58/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. 3457-90 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.

  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

  
Divisional Forest Officer  
Lower Dir Forest Division

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 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.

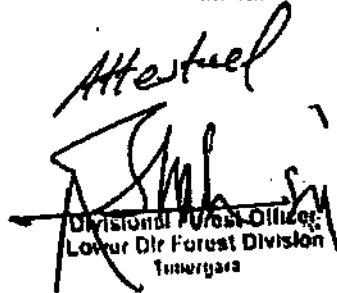
NOW THEREFORE, after having considered the charges, evidence on record, report of SDFO Timergara vide letter No. 217/T/I dated 07.05.2024 and the reply of Show Cause notice by the accused official, as well as personal hearing conducted in this office on 23.05.2024, I Mr. Asif Ali Shah Divisional Forest 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. 3471-74 IG&L.

Copy forwarded to the:-

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

  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

254/48

Whereas, Mr. Faridoon Barrier Man posted at Chakdara Forest Check post was served show cause notice under Section-7 of Efficiency and Discipline Rules 2011 by DFO Lower Dir vide his letter No.2352/SBE dated 08-05-2024 for smuggling of timber through two (02) Dumper bearing Registration No.1537/KLTD and No.5050/RIS loaded with 305 scants having 1157.3 cu 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 Ibd 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.5155/G&L dated 14-08-2024. Accordingly, the DFO Lower Dir submitted his detail comments vide letter No.653/Actd dated 21-08-2024.

Whereas the accused Official was summoned for personal hearing vide Conservator of Forest Malakand West Forest Circle letter No.819-23/E dated 22-08-2024 and as such personal hearing was conducted on 28-08-2024 under Section 7 (d) of Ibd 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/G8 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 Ibd scants have crossed Chakdara Forest Check Post with active connivance of accused official.

Consequent upon the above I Mr. Shaukat Faz Conservator of Forests Malakand West Forest Circle Timergara in the capacity of appellate authority vide DFO Lower Dir Office Order No.142 dated 27-05-2024 and awarded Major penalty of compulsory retirement specified under Section 4-b (b) 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 Ibd Rules.

SD/-  
Mr. SHAUKAT FAZ  
Conservator of Forests  
Malakand Forest Circle West,  
Al Timergara

No. 962-64 E

29/8/24

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.

Advt  
communicated  
and record

Sha  
08/24  
Attested  
Conservator of Forests  
Malakand Forest Circle West  
Al Timergara

Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

Whereas, Mr. Nisar Wahid Forest Guard posted at Bandagal 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 Le reply to show cause notice, CCTV footage, Sub-Divisional Forest Officer Timergara letter No.2177/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/Acct dated 21-06-2024.

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 28-08-2024 under Section 7 (d) of Ibid Rules.

Whereas on perusal 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.2177/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.

929  
29/8/24

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

No. 956-08/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.

Escd  
communicated  
and record

Sha  
0024

Attended  
Conservator of Forests  
Malakand Forest Circle West,  
At Timergara

Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

OFFICE OF THE SUB DIVISIONAL FOREST OFFICER JANDOL AND TIMERGARA FOREST

SUB DIVISION  
No. 27/1711

To,

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

Subject:  
Memo:

**ILLEGAL SMUGGLING OF TIMBER EXPLANATION THEREOF.**

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

It is submitted for your kindy information that I have performed my duty with full zeal, honesty and devotedly. Furthermore, at the current situation I have performed my duty on time requested in your honor to depule some personale 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 Bandagal Forest Check Post for controlling of 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 Kambar/Sambaragh to Gosam with active connivance of Incharge Block Officer Mr. Jamshid Khan of Sambaragh block, as well as deputed staff at Senzo Forest Check Post Mr. Yasir B.M who has close relationship/linkages with timber smugglers of the area.

It is further added that the apprehended dumpers laced with illicit daadar 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 evidental proofs of CCTV cameras captured in various position on main GT road near Bandagi Forest Check Post clearly indicate the involvement of field staff at Bandagal Forest Check Post namely Mr. Ibrahim Hussain Forest Guard Mr. Raees Khan Forestor Mr. Qasir Shah Forest Guard & Mr. Ghulam Hussain Forest Guard deputed at Bandagal 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.

Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

Sub Divisional Forest Officer  
Jandool and Timergara Forest Sub Division

Estb  
order the suspension  
and put up draft  
for cause notice for  
investigation. Shy  
07/05/24

*[Handwritten signature]*

52

OFFICE ORDER NO. 144 DATED TIMERGARA THE 27<sup>th</sup> 05/2024, ISSUED BY MR. ASIF ALL 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 All 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. 3495-9S 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  
13-07-2024  
[Signature]

[Signature]  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara

[Signature]  
Divisional Forest Officer  
Lower Dir Forest Division  
Timergara







ATTESTED

*[Handwritten signature]*

*[Handwritten signature]*

\* The Register from page to (01) is now by check part as a duty Register.

54

*[Handwritten mark]*

~~TESTED~~  
*[Signature]*

Date	Name	Time	Signature
19 <sup>5</sup> / 02/19	Rasheed Khan Fg	2:00am to 8:00am	<i>[Signature]</i>
"	Rafiq Ahmad B.M	2:00am to 8:00am	<i>[Signature]</i>
"	Sherazmin B.M	8:00am to 2:00pm	<i>[Signature]</i>
"	Shahab Khan Fg	8:00pm to 2:00am	<i>[Signature]</i>
"	Sherazmin B.M	8:00pm to 2:00am	<i>[Signature]</i>
20 <sup>05</sup> / 02/19	Asif Khan Fg	2:00am to 8:00am	<i>[Signature]</i>
"	Rafiq Ahmad B.M	2:00am to 8:00am	<i>[Signature]</i>
"	Sherazmin B.M	8:00am to 2:00pm	<i>[Signature]</i>
"	Shahab Khan Fg	8:00am to 10:00am	<i>[Signature]</i>
"	Abdullah Fg	10:00am to 2:00pm	<i>[Signature]</i>
-/-	Rafiq Ahmad B.M	2:00pm to 8:00pm	<i>[Signature]</i>
-/-	Sherazmin B.M	8:00pm to 2:00am	<i>[Signature]</i>
21 <sup>24</sup> / 02/19	Rafiq Ahmad B.M	2:00am to 8:00am	<i>[Signature]</i>
-/-	Sherazmin B.M	8:00am to 2:00pm	<i>[Signature]</i>
-/-	Abdullah Fg	9:12:00pm to 1:00am	<i>[Signature]</i>
-/-	Rafiq Ahmad B.M	2:00am to 8:00am	<i>[Signature]</i>
-/-	Sherazmin B.M	8:00am to 2:00pm	<i>[Signature]</i>
-/-	Abdullah Fg	9:12:00am to 2:00pm	<i>[Signature]</i>



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

**WAKALAT NAMA**

SERVICE APPEAL No. \_\_\_\_\_ - /2024

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



I, **Irfan Ullah, Ex Forest Guard, Bandagal 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/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:**

	
<b>SABIR SHAH</b> Advocate Supreme Court	<b>AFTAB HUSSAIN BUTT</b> Advocate High Court

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