


# FORM OF ORDER SHEET

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

**Appeal No.** 1827 /2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	08/10/2024	<p>The appeal of Mr. Muhammad Hamid re-filed today by registered post through Gul Faraz Khan Advoate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 31.10.2024. Counsel for the appellant has been informed telephonically.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Hamid received today i.e on 26.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos. 1&2 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Check list is not attached with the appeal.
- 4- Annexure-G of the appeal is illegible.
- 5- Three copies/sets of the appeal along with annexures i.e. complete for Tribunal and one for each respondent may also be submitted with the appeal.

No. 831 /Inst./2024/KPST,

DT. 26/9 /2024.

  
ADDITIONAL REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Aqul Malik Adv.  
High Court at A.Abad.

Objection No 1 = improper parties has been removed.

Objection No 2 = Address has been updated as per rules.

Objection No 3 = Check list has been attached.

Objection No 4 = New print and better copy of annexure 'G' has been attached.


which can be found on page 30-33c  
which is readable.

Objection No 5 = Requirements fulfilled as per instructions.

all the objections has been removed.



ase process the file for court hearing  
Aqul Malik &  
Gul Fraz Jadoon  
Advocate  
Abbottabad

  
04/10/24

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

Service Appeal No. 1827/2024

Muhammad Hamid

...PETITIONER

**V E R S U S**

Government of Khyber Pakhtunkhwa and others

...RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S#	Description of Document	Annexure	Page No.
1.	Service appeal along with Affidavit	--	1- 8
2.	Appeal Certificate	--	9
3.	Copy of promotion letter is annexed	"A"	10
4.	Copy of letter no 1891 dated 22/06/2022 is annexed	"B"	11
5.	Copy of Order no 5 dated 29/07/2022 is annexed	"C"	12
6.	Inquiry Report and reply of appellant is annexed	"D"	13-21
7.	Copy of charge sheet and disciplinary action sheet are annexed	"E"	22-25
8.	Copy of Inquiry report etc is annexed	"F"	26-29
9.	Copy of Order dated 28/12/2023 is annexed + BETTER COPY	"G"	30-33C
10.	Copy of Appeal and Order dated 27/08/2024	"H"	34-36
11.	Waqalat nama		37

...PETITIONER

Through Counsel:



GUL FRAZ KHAN,  
Advocate  
Abbottabad

Dated:-25/09/2024

(Aaqil Malik, Gul Fraz Khan )  
Advocate High Court, Abbottabad

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

**Service Appeal No. 1827/2024**

Muhammad Hamid S/o Sardar Muhammad Posted as Forestor, Tourghar Forest  
Division, R/o Village Kot, Tehsil Oghi, District Mansehra

**...APPELLANT**

**V E R S U S**

- 1) Conservator of Forest, Upper Hazara Forest Circle, Mansehra.
- 2) Divisional Forest officer Tourghar, Forest Division Judbha

**...RESPONDENTS**

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**SERVICE APPEAL U/S 4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE ORDER OF RESPONDENT NO.1  
DATED 27/08/2024 VIDE WHICH PUNISHMENT  
ORDER NO 20 AGAINST APPELLANT DATED 28-  
12-2023 OF RESPONDENT NO.2 WAS  
MAINTAINED IS ILLEGAL, VOID AB-INITIO,  
AGAINST THE NORMS OF JUSTICE, WITHOUT  
JURISDICTION, HENCE NOT TENABLE IN THE  
EYES OF LAW AND IS LIABLE TO BE SET ASIDE.**

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**PRAYER:-**

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE APPELLANT BE REINSTATED IN SERVICE WITH ALL SERVICE BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL MAY DEEM FIT BE GRANTED IN THE CIRCUMSTANCES OF CASE.

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**Appellant respectfully Sheweth as follows:-**

1. That the appellant is serving the department from 17 years with honesty and devotion. After performing his duties as forest guard for 14 years the petitioner got promoted as Forester with due process of law. ( Copy of promotion letter is annexed as annexure "A")
2. That the DFO Toughar respondent no 2 wrote a letter no 1891 dated 22/06/2022 leveling allegations of suspicious activities their off to respondent no 3. ( Copy of letter no 1891 dated 22/06/2022 is annexed as annexure "B")
3. That the respondent no 1 wrote orders no 5 dated 29/07/2022 and constituted a committee for inquiry against appellant. ( Copy of Order no 5 dated 29/07/2022 is annexed as annexure "C")

4. That the inquiry committee after probing in the matter received reply of the appellant and compiled its alleged report. ( Inquiry Report and reply of appellant is annexed as annexure "D")
5. That in light of the report respondent no 1 issued charge sheet against the appellant as well as disciplinary action sheet and appointed another inquiry committee against the appellant ( Copy of charge sheet and disciplinary action sheet are annexed as annexure "E")
6. The inquiry committee issued its report along with its recommendations. ( Copy of Inquiry report etc is annexed as annexure "F")
7. That respondent no 2 vide order no 20 dated 28/12/2023 imposed punishment against the appellant. ( Copy of Order dated 28/12/2023 is annexed as annexure "G")
8. That the appellant feeling aggrieved filed an appeal before respondent no 1 same got dismissed vide order no 5 dated 27/08/2024.( Copy of appeal and Order dated 27/08/2024 is annexed as annexure "H")
9. That the punishment order dated 28/12/23 and order passed by the appellate authority are illegal, void ab-initio, perverse, fanciful, arbitrary, malafide and

without jurisdiction and not maintainable in the eyes of law, inter-alia, on the following grounds:-

**GROUND:**

- a. That the impugned judgment / orders are illegal, unlawful, void ab-initio and against the facts of the case hence untenable and liable to be set aside.
- b. That the order of punishment was issued in a slipshod, arbitrary, fanciful and capricious manner, hence, not maintainable in the eyes of law.
- c. That the impugned orders of both the forums have not based on cogent reason and the appellate authority rejected the appeal on assumptions rather on merit which is against the norms of justice and principles of natural justice laid down by the superior Courts of the country.
- d. That the ACR is a confidential document which is kept in safe custody of the establishment of the department and appellant have no control over it to temper or alter the same.
- e. That the author of the ACR Tamour Illyas DFO was not called for verification of ACR written by him. Neither his statement was recorded by the inquiry committee for verification of genuine ACR nor was his writing samples taken during both the inquiry for confirmation of the genuine one. Then

how both inquiry committees assured themselves that appellant tempered the ACR.

- f. That both the inquiry reports does not disclose any dates of its compilation which make them suspicious and illegal and same can't be used as a piece of evidence against the appellant.
- g. That during the course of inquiry author of the ACR was not inquired by the both inquiry committees which made process of inquiry defective and incomplete.
- h. That Sample of hand writings were taken during the inquiry proceedings from all the witnesses and accused but no findings were given on them which is against the process provided for inquiry.
- i. That the informer mentioned in letter no 1891 dated 22/06/22 issued by respondent no 2 was never examined nor was called during the course of inquiry for inquiring him on the issue.
- j. That according to first inquiry report on 13/01/2023 for the first time one more Fake ACR brought on record by the junior clerk Mr Anees Jamal of Mr Hamid Khan while how same came in knowledge of respondent no 2 one year before its coming on record.



- k. That the respondent No.1 while dismissing the appellant from service has put aside the Khyber Pakhtunkhwa Servants Efficiency & Discipline of Service Rules / Forest Rules 2011.
- l. That competent authority failed to appreciate the fact according to the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011 wherein detailed procedure is laid down for initiating proceeding against the accused on cogent grounds.
- m. That the procedure adopted by respondents against appellant is total violation of rules 3, 4, 5, 6, 7, 8, 9 & 10 of Efficiency and Discipline Rules, 2011.
- n. That the Honourable forum has the jurisdiction.
- o. That appeal is within time.

It is, therefore, humbly prayed that on acceptance of the instant appeal, order of the respondents may kindly be set aside and petitioner may be promoted in light of the order no 5 dated 19/05/2022 and also granted the all back benefits.

Through:

GUL FRAZ KHAN  
Advocate  
Abbottabad

*(Signature)*

(Aaqil Malik, Gul Fraz Khan)  
Advocate High Court, Abbottabad



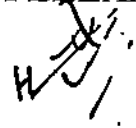
Dated:-24/09/2024

**VERIFICATION:-**

*Verified that the contents of the instant Service Appeal are true and correct to the information furnished by my client and that nothing material has been suppressed from this Honorable forum.*

Dated:-24/09/2024

...APPELLANT

A handwritten signature in black ink, appearing to be 'H. J.', is written over the printed name '...APPELLANT'.

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

Service Appeal No.          /2024

Muhammad Hamid

...APPELLANT

**V E R S U S**

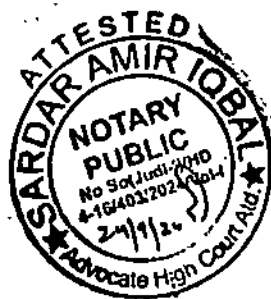
Govt of KPK & others

...RESPONDENTS

**APPEAL  
AFFIDAVIT**

I, *Muhammad Hamid S/o Sardar Muhammad R/O Oghi Village Kot, Tehsil Oghi, District Mansehra*, the *appellant*, do hereby declare that the contents of instant Service *Appeal* are true and correct as per my *knowledge* and that nothing has been concealed from this Honourable Forum.

Dated:-24/09/2024



*Muhammad Hamid  
S/o Sardar Muhammad*

*[Handwritten Signature]*

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

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

Muhammad Hamid

...APPELLANT

**V E R S U S**

Govt of KPK & others

...RESPONDENTS

**APPEAL**  
**CERTIFICATE**

*Certified that no such like Survive Appeal has earlier  
 been filed before this Hon'ble Forum.*

...APPELLANT

Through:



**GULFRAZ KHAN**  
 Advocate  
 Abbottabad

(**RAQIL MAJID**, Gulfraz Khan)  
 Advocate High Court, Abbottabad

Dated:-24/09/2024

OFFICE ORDER NO. 52 DATED JUDBAH <sup>19</sup> 19/05/2022, ISSUED BY MR. SARDAR MUHAMMAD SALEEM DIVISIONAL FOREST OFFICER, TORGHAR FOREST DIVISION JUDBAH

Annexure "A"

As per recommendation of the Departmental Promotion Committee in its meeting held on 12/05/2022 under the Chairmanship of Divisional Forest Officer, Torghar Forest Division Judbah, Muhammad Riaz Forest Guard, Sardar Forest Guard, Muhammad Hamid Forest Guard and Abdur Rashad Forest Guard are hereby promoted to the rank of Forester in BPS-10 (12160-800-36160) with immediate effect on regular basis against the existing vacant post of Forester occurred due to the retirement of Muhammad Maqbool Forester vide office order No 36 dated 07/04/2020, and transfer Muhammad Javed Forester from Torghar Forest Division to Agrior Tanwal Vide CF office order No. 16 dated 31.12.2021 and two newly created Post of Forester vide Budget and account officer-II Notification No B&A/Ad/MI/2021-22/5577-80 dated 05/11/2022

This order is purely temporary and will not confer any right to continuity on abolition of the post and the official will be liable to reversion to original post without any notice at any time

The Forester will be on probation for a period of one year in term of section 6 (2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with 15 (1) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989 duly amended.

Sd/- (Sardar Muhammad Saleem)  
Divisional Forest Officer  
Torghar Forest Division  
Judbah

Memorandum:-

Copy forwarded to:

1. The Chief Conservator of Forests, Northern Forest Region-II, Abbottabad for favor of information, please.
2. The Conservator of Forests, Upper Hazara Forest Circle Mansehra for favor of information, please
3. The Section Officer (Establishment) Govt. of Khyber Pakhtunkhwa, Forestry Environment and Wildlife Department Peshawar for favour of information with reference to his letter No. (SO/Estt) FE & WD/1-3/ DPC Torghar No 6030-31 dated 11/05/2022, please
4. The Divisional Wildlife Officer Kohistan Wildlife Division Kohistan
5. The Divisional Forest Officer Patrol Squad Upper Hazara Forest Circle Mansehra

All concerned for information and necessary action

Divisional Forest Officer  
Torghar Forest Division

MUNSIF LAW CHAMBER  
AAQIL MALIK ADVOCATE  
0345-9551168  
GULFRAZ KHAN ADVOCATE  
0345-5026767



(11)

**SARDAR MUHAMMAD SALEEM**  
DIVISIONAL FOREST OFFICER  
TORGHAR FOREST DIVISION JUDBAH  
email:dfotorghar33@gmail.com

No. 1891 /GE Dated Judbah the 22 /06/2022

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

*Annexure "B"*

Subject: **PROMOTION OF FOREST GUARDS TO THE RANK OF FORESTERS IN TORGHAR FOREST DIVISION – SUSPICIOUS ACTIVITIES THEREOF**

Memo

It is brought into your kind notice that a Departmental Promotion Committee for promotion of Forest Guards to the rank of Foresters was constituted vide this office order No. 48 dated 11/03/2022 (*Annexure-I*). The Committee held its meeting on 18/05/2022 and after scrutinizing the ACRs synopsis etc. recommended fitness of the following Forest Guards to the rank of Foresters as per Minutes of the meeting enclosed (*Annexure-II*).

1. Mr. Muhammad Riaz
2. Mr. Sardar
3. Mr. Muhammad Hamid
4. Mr. Abdur Rashad

Therefore, in the light of recommendations of Departmental Promotion Committee promotion orders of senior most Forest Guards to the rank of Foresters were issued vide this office No. 52 dated 19/05/2022.

It has now been learnt that one Mr. Muhammad Hamid has changed two (2) reports from his ACR file for the period from 01/01/2019 to 31/12/2019 and 01/01/2020 to 09/04/2020 having adverse remarks recorded by Mr. Taimur Ilyas the then DFO Torghar and placed fake ACRs on file/record. Due to which no one could understand the factual position and the Committee recommended his promotion to the rank of Forester.

Such suspicious activities of the Forest Guard warrants strict disciplinary action against him under the provisions of E&D Rules 2011, however, before taking further action into the matter, it is requested to kindly constitute a committee of the Senior Officers to probe into the matter and furnish a fact-finding report on the subject issue so that further action could be taken on the recommendations/report of the committee please.

Divisional Forest Officer  
Torghar Forest Division  
Judbah

**MUNSIF LAW CHAMBER**  
AAQIL MALIK ADVOCATE  
0345-9551188  
CULFA KHAN ADVOCATE  
0314-0010187

12

OFFICE ORDER NO. 05 DATED MANSEHRA THE 29/07/2022 ISSUED BY  
MR. FARRUKH SAIR CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE  
MANSEHRA

Annexure "C"

Whereas the Divisional Forest Officer Torghar Forest Division Jubbah vide his letter No. 1891/GE dated 22.06.2022 has informed this office that a Departmental Promotion Committee for promotion of Forest Guards to the rank of Foresters was constituted vide his office order No. 48 dated 11.03.2022. The Committee held its meeting on 18.05.2022 and after scrutinizing the ACR's synopsis and service record etc. recommended the following Forest Guards to the rank of Forester as per minutes of the meeting.

1. Mr. Muhammad Riaz Forest Guard	3. Mr. Muhammad Hamid Forest Guard
2. Mr. Mr. Sardar Forest Guard	4. Mr. Abdur Rashad Forest Guard

Whereas after recommendation of Departmental Promotion Committee, promotion order of the above senior most Forest Guards to the rank of Foresters was issued vide his office order No.52 dated 19.05.2022.

Whereas DFO Torghar learnt through reliable sources that one Mr. Muhammad Hamid Forest Guard managed to change two (02) ACR's for the period from 01.01.2019 to 31.12.2019 and 01.01.2022 to 09.04.2022 having adverse remarks recorded by Mr. Talmur Ilyas the then DFO Torghar with fake ACR's to get his promotion. Ultimately he got promotion through these fake ACR's fraudulently.

In order to probe the matter a fact finding inquiry committee comprising of the following Officers is hereby constituted to dig out the facts furnish fact finding report on the subject issue within one week so that further action could be taken accordingly.

1. Mr. Farhad Ali  
Divisional Forest Officer  
Haripur Forest Division, Haripur (Chairman)
2. Mr. Shehryar Khan  
Divisional Forest Officer  
Direction Forest Division, Abbottabad (Member)

TOR's of the committee are as follows:-

- i. To pin point and nominate the officials involved in this fraudulent act and propose action against them.
- ii. To propose action against Mr. Muhammad Hamid Forest Guard for using fraudulent means for his personal benefit.
- iii. To give recommendations for future course correction.

Sd/- (Farrukh Sair)  
Conservator of Forests  
Upper Hazara Forests Circle  
Mansehra

Memo:

Copy forwarded to:

1. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for information please.
2. The Conservator of Forests, Lower Hazara Forest Circle Abbottabad for information please.
3. The Divisional Forest Officer Torghar Forest Division Jubbah for information. Please provide the relevant record/documents as and when required by inquiry committee. This is with reference to his letter referred above.
4. Mr. Farhad Ali Divisional Forest Officer Haripur Forest Division Haripur for information and necessary action.
5. Mr. Shehryar Khan Divisional Forest Officer Direction Forest Division Abbottabad for information and necessary action.

Conservator of Forests  
Upper Hazara Forests Circle  
Mansehra

PROVIDENCE LAW CHAMBER  
MR. FARRUKH SAIR  
C/O. FARRUKH SAIR  
5-9557168  
KHAJAN ABOTTABAD  
4-5026777

ENQUIRY REPORT IN DISCIPLINARY CASE AGAINST MR. HAMID KHAN  
FOREST GUARD OF TORGHAR FOREST DIVISION.

Annexure "D"

Read with:

- i. Conservator of Forests Upper Hazara Forest Circle Mansehra office order No. 05 dated 29.07.2022 wherein the undersigned was appointed as enquiry officer alongwith Mr. Shehryar Khan DFO for conducting the enquiry against the official(s).
- ii. DFO Torghar letter No. 1891/GE dated 22.06.2022.
- iii. This office letter No. 107/GE dated 18.08.2022 and letter No. 1617/GE dated 16.09.2022
- iv. DFO Torghar letter No. 360/GE dated 12.09.2022
- v. This office letter No. 3111/GE dated 29.11.2022 wherein the accused Forest Guard was directed to submit written reply.
- vi. Reply submitted by the accused Forest Guard on 15.12.2022.
- vii. Letter No. 3431/GE dated 26.12.2022 for personal hearing on 28.12.2022.
- viii. This office letter No. 3470/GE dated 28.12.2022 for personal hearing.
- ix. This office letter No. 3548-51/GE, dated 11.01.2023 for proceedings on 11.01.2023

Brief History of case

The DFO Torghar vide his letter No. 1891/GE Jated 22.06.2022 that Mr.Hamid (Forest Guard) has got promotion through fake ACRs. In order to the dig out the facts furnished, the committee of Mr. Farhad Ali (DFO Haripur) and Mr.Shahryar Khan (DFO Direction NFR-I Abbottabad) constituted vide Conservator Upper Hazara Office order No. 05 dated 29.07.2022 with following TORS which are as follows:

- i) To pin point and nominate the officials involved in this fraudulent act and propose action against them.
- ii) To propose action against Mr. Muhaminad Hamid Forest Guard for using fraudulent means for his personal benefit.
- iii) To give recommendations for future course correction.

PROCEEDING

The Enquiry Committee chairman DFO Haripur vide his office letter No. 107/GE dated 18.08.2022 requested to provide record/documents pertaining to the Seniority of already promoted Forest Guards along with fake ACRs. The DFO Torghar vide letter No.360/GE dated 12/09/2022 provided the documents mentioned in the enquiry committee chairman letter No mentioned above.The enquiry Committee

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14

chairman vide letter No. 1617/GE dated 16.09.2022 requested again to DFO Torghar for provision of further documents and record.

The enquiry Committee chairman vide letter No. 3111/GE dated 29.11.2022 directed Mr. Hamid Forest Guard to submit written reply. The accused Forest Guard Mr. Hamid submitted written reply dated 15.12.2022. In response, DFO Torghar vide letter No. 3431/GE dated 26.12.2022 called the accused Forest Guard regarding personal hearing with the instruction to direct Head Clerk and dealing hand to attend the enquiry proceedings on 28.12.2022. Personal hearing of accused Forest Guard Mr. Hamid and Junior Clerk Mr. Anees took place on 28.12.2022. Also written statements were submitted by Mr. Anees and Mr. Hamid Forest Guard. To further ascertain the matter, the accused Forest Guard and Mr. Anees Junior Clerk along with the witnesses Mr. Waqas Ahmed and Mr. Shaheen Motor Boat operator (working as dispatcher at Divisional Office) were called for personal hearing on 05.01.2023 vide DFO Haripur chairman Inquiry committee letter No. 3470/GE dated 28.12.2022. The accused Forest Guard Mr. Hamid Khan and other witness attended the proceedings of enquiry in the office of DFO Direction NFR-II, Abbottabad (Committee Member). The prosecutor Head Clerk submitted Enquiry progress report for the month of January 2022, February 2022, March 2022 along with Exoneration orders of Forest Guard Office order No. 47 dated 10.03.2022 and office Order No. 46 dated 10.03.2022. Personal hearing of Mr. Shaheen (Motor Boat Operator) and Mr. Waqas Hussain (Divisional Accountant) took place, writing test for comparison of Mr. Anees Junior Clerk and Waqas accountant were obtained from them. The written statement of Mr. Shaheen also obtained. During personal hearing Mr. Hamid Forest Guard and Mr. Anees Jamal submitted written application for the postponement of the proceedings and fixing of next date. Also, Mr. Anees Jamal submitted that he want to add further proofs to the enquiry committee for which time is required. The committee chairman (DFO Haripur) called the accused Forest Guard and others for personal hearing on 13.01.2023 as per the request of Junior Clerk Mr. Anees and Mr. Hamid Khan Forest Guard. The accused Forest Guard Mr. Hamid Khan submitted a written statement. The Junior Clerk Mr. Anees Jamal submitted another fake ACR of Mr. Hamid Khan for the period of 01.01.2019 to 31.12.2019 and 01.01.2020 to 09.04.2020. Also the personal hearing of Mr. Anees Jamal was

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15

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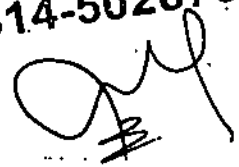
conducted and obtained written statement from him as well as Mr. Waqas in the office of DFO(D) NFR-II Abbottabad (Enquiry Member).

**DISCUSSION:**

The accused Mr. Hamid Khan Forest Guard in his written reply rebutted the allegations leveled against and reiterated that ACRs are confidential record of Divisional office. Hence, alteration of ACRs or changing remarks is not possible. He further elaborated in his written reply that according to rules the adverse remarks be communicated to him within time frame of one month but nothing has been communicated so that he could have tendered appeal against adverse remarks to the higher authority. Also paragraph 3-7 of the instructions warning and counseling of the official is necessary / pre-requisite but no counseling has been done. Thus, the procedure of concealing, warning and communication of adverse remarks has not been adopted.

1. During personal hearing on 28.12.2022, the accused Forest Guard was asked that from where he has obtained signed ACRs. He replied that the same has been obtained from Divisional Office Torghar.
  2. He was asked that ACRs forms received from DFO Torghar were properly sealed or not. He replied that ACR forms were sealed in proper envelope.
  3. Who made the changes in ACR forms, he replied that alteration and replacement of ACR form took place in Divisional office.
  4. The accused Forest Guard was asked that whether you have seen the ACRs forms are not. He replied that Mr. Waqas has telephonically communicated that your ACRs are adverse and you are not fit for promotion.
- Also on the same day, the personal hearing of Mr. Anees Junior Clerk took place in the office of DFO Haripur (Chairman).
5. The dealing hand Junior Clerk Mr. Anees was asked during the course of DPC, you were incharge of which branch/section. He replied that I was incharge of lease as well as establishment section.
  6. He was further asked that from where he has obtained the original ACRs. He replied that ACRs were obtained from DFO Torghar after the promotion.

**MUNSIF LAW CHAMBER**  
**AAQIL MALIK ADVOCATE**  
**0345-9551168**  
**GULFRAZ KHAN ADVOCATE**  
**0314-5026767**



16

7. The sealed envelope received from Mr. Hamid Forest Guard contained ACR forms or not. He replied that the sealed envelope contained ACR forms with adverse remarks.

On 28.12.2023, the dealing hand Mr. Anees Junior Clerk in his written statement said that the ACRs of Mr. Hamid Forest Guard were missing. Thus, the concerned SDFO/RFO has been informed through letter and Hamid Forest Guard telephonically that your ACRs are due. Thus the ACR has been provided by Mr. Hamid Forest Guard based on which synopsis for DPC were prepared.

Also Mr. Hamid Forest Guard in his written statement narrated that the ACR received from the then DFO Torghar were given to Anees Junior Clerk. After, then the story of fake ACRs came to light. Thus the original ACRs were given by Anees Junior Clerk which was produced to DFO Torghar. I remained ignorant from original as well as fake ACRs.

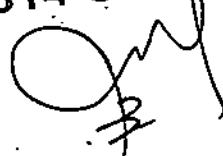
Again on 05.01.2023, the accused Forest Guard and dealing hand were called for appearing before the enquiry Committee along with relevant record. The head clerk Mr. Riaz being prosecutor in the enquiry submitted the exoneration order the accused Forest Guard along with the monthly progress report of disciplinary cases for the month of January, February and March 2022. Also on the same day writing sample was taken from Anees Junior Clerk and Waqas Accountant.

The statement of Mr. Shaheen Boat operator also reflects that sealed envelope has reached the office which was handed over to him by Mr. Hamid Forest Guard. The same sealed envelope was later on handed over to the Mr. Anees Junior clerk.

On the same day personal hearing of Mr. Shaheen Boat operator took place.

1. During personal hearing Mr. Shaheen Boat operator was asked that whether he received the sealed envelope. He replied that envelope was received by him but he did not recognized what is present in envelope.
2. He was asked again that whether anything was written on the envelope. He replied that he was not aware of it.
3. Furthermore, he was asked that when he received the envelope whether he informed anyone of the office about the envelope he replied that he was restrained by Mr. Hamid Forest Guard.

**MUNSIF LAW CHAMBER**  
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17

He was again questioned that when did he handed over the envelope to anyone. He answered that envelope was handed over to Mr. Anees Junior Clerk after two to three months after the promotion process.

Also, Mr. Waqas Accountant of Torghar Forest Division was inquired on same day.

1. He was asked which branch he deals. He replied that he is Junior Clerk and working as Accountant since 2014.
2. He was asked again that why did he informed Mr. Hamid Forest Guard that he will not be promoted on current ACRs. He replied that he did not called anyone.

On 05.01.2023, Mr. Anees Jamal Junior Clerk and Mr. Hamid Forest Guard requested for postponement and fixing of another date for enquiry proceedings.

The accused Forest Guard Mr. Hamid and Anees Junior Clerk and other were directed vide DFO Haripur letter No. 3548-51/GE, dated 11.01.2023 to appear before the enquiry committee in the office of DFO Direction NFR-II Abbottabad.

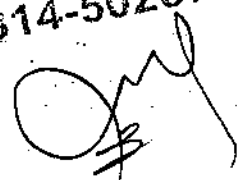
On 11.01.2023, Mr. Hamid Khan Forest Guard furnished a written statement before the enquiry Committee wherein he admitted that ACRs were replaced by him. Furthermore, he stated that Mr. Ayaz Accountant informed him that his ACRs are adverse. On the basis of which he cannot be promoted. He also added more that there is no fault of Mr. Anees Junior Clerk and Mr. Waqas Accountant.

Also, on the same day the writing sample of Mr. Hamid Forest Guard was taken.

On 13.01.2023, Mr. Anees Junior Clerk produced another fake ACRs of Mr. Hamid Forest Guard for the same period on the basis of which he was promoted.

1. To further inquire the matter Mr. Anees Junior Clerk was asked that who changed the ACRs in the office record. He replied that he is ignorant and nor informed by anyone about the matter.
2. The second fake ACRs he produced before the enquiry Committee is obtained from where. He replied that the photo of ACRs was saved in my mobile phone.

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Waqas Accountant Torghar Forest Division in his statement showed shown complete ignorance in the matter that he is working as Accountant thus he has nothing to do with the ACRs of any official.

Mr. Anees Junior Clerk explicitly stated that the ACRs forms of Mr. Hamid Forest Guard during the period of the DFO Torghar Mr. Taimor Ilyas were given by him. His promotion case was processed on the basis of those ACRs. Thus, he do not know anything about any ACRs for the same period.

**FINDINGS / CONCLUSION**

During the enquiry proceedings, the following findings came to light which are:

1. ACR form which is confidential documents has not been treated in the light of ACR instruction of 2000.
2. After signing the ACR by countersigning authority, it is the prime responsibility of the countersigning authority/ competent authority to keep it in safe custody and ensure its disposal as per para 6.8 of PER instruction 2000.
3. It also transpires from the enquiry preceding that the ACRs of the accused Forest Guard were held in abeyance which is against the ACR instruction.
4. Mr. Hamid Forest Guard being the carrier of the ACRs form has been involved in forgery, thus replaced the ACRs with fake ACRs.
5. Mr. Anees Junior Clerk also has equal share in altering the confidential documents. He displayed loose control/check over to keep the record in his custody which makes his trustworthiness honesty and integrity dubious.

**RECOMMENDATION**

- i. Mr. Anees Jama (the then incharge Establishment Section) has also been involved in record tempering and unable to keep the confidential record in safe custody. Hence, disciplinary proceeding under E&D Rules 2011 may be initiated.

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19

ii. The charge of corruption under clause 2.g (iv) and Mis-conduct 21 (v) has been fully established against the accused Mr. Hamid (Forest Guard). Hence one of the major penalty is recommended under clause 4(b) of E&D Rules 2011.

iii. Instruction on writing of Performance Evaluation Report 2000 may be strictly followed in letter and spirit. Also adverse remarks in ACR or PER shall be communicated in guidelines mentioned in paragraph 5.2 of the above-mentioned instructions.

Farhad Ali  
Divisional Forest Officer  
Haripur Forest Division, Haripur  
(Chairman)

Sherwan Khan  
Divisional Forest Officer  
Then Direction Forest Division, Abbottabad  
(now DFO Galis Forest Division, Attd)  
(Member)

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بخدمت جناب DFO ابرار احمد صاحب اگرورتناول فارسنٹ ڈوشیرن مانسہرہ

عنوان جواب انکوئیری

بحوالہ چٹھی نمبر 98-1795 مورخہ 23-06-2023

اور نمبر 1802/GE-1799 مورخہ 23-06-2023

نہایت ادب کے ساتھ فدوی معروض ہے کہ بمطابق قانون ACR فائل آفیسر مجاز یعنی ڈی ایف او صاحب کا ذاتی ریکارڈ ہوتا ہے لہذا الزام مذکورہ کہ فدوی نے ملی بگھت کر کے مخالف رائے والی ACRs تبدیل کر دئی ہیں یہاں سے ہی الزام رد کیا جاسکتا ہے کہ میں آفیسر مجاز کے ریکارڈ کو کیسے تبدیل کروا سکتا ہوں باوجود اس کے کہ میرے علم میں ہی ایسی بات نہ ہو کہ میری کسی سالانہ رپورٹ میں کسی آفیسر نے کوئی مخالف ریمارکس لکھے ہیں کیونکہ کوئی مخالف ریمارکس اگر کسی آفیسر نے میری سالانہ رپورٹ میں لکھے ہیں تو بروئے قانون برائے ہدایات لکھائی سالانہ رپورٹ کے پیرا گراف نمبر 4.1 کی ذیلی شق (i), (a), (iv) اور (vii) کے تحت وہ مخالف ریمارکس کی ایک ماہ کے اندر مجھے اطلاع دینی ضروری تھی مگر آج تک مجھے کسی بھی ACR میں اگر کوئی مخالف لفظ کسی آفیسر نے لکھا ہے تو کوئی اطلاع یابی نہیں ہوئی۔

اگر کوئی ایسی بات ہوتی تو فدوی بذریعہ اپیل ان مخالف ریمارکس کو متعلقہ اتھارٹی سے حم کر دالیتا یا پھر بذریعہ عدالت۔

اگر میری ACR میں کسی آفیسر نے مخالف ریمارکس لکھے ہیں تو ماہ قبل بروئے پیرا گراف 3-7 مجھے وارننگ یا کونسلنگ دینی ضروری تھی مگر آج تک کوئی تحریری وارننگ یا کونسلنگ مجھے موصول نہیں ہوئی ہے اسکے علاوہ بھی ACR میں مخالف ریمارکس لکھنے کا مکمل طریقہ کار در پیرا گراف (b) 3-7 میں وضع شدہ ہے اگر کوئی ایسی بات جیسا کہ الزام لگایا گیا ہے ہوتی تو جملہ قانونی تقاضے پورے کئے جاتے اور مجھے باقاعدہ تحریری اطلاع دی جاتی اگر ایسا کیا ہوتا جیسا کہ الزام لگایا گیا ہے تو فدوی اپنے آفیسر مجاز کی منت سماجت کر کے اپنا ریکارڈ درست کر دالیتا۔

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یہ کہ فدوی ایک تربیت یافتہ اہلکار ہے مختلف اداروں سے فدوی کو شوقیٹ جاری ہوئے ہیں جن کی نقول لکھی گئی ہیں۔ یہ صورت میں فدوی کو جیلی کام کرنے کی کوئی ضرورت نہیں تھی یہ شوقیٹ فدوی کی پروموشن کی بنیاد بن سکتے تھے۔ یہ کہ فدوی کو نہ تو ACR میں Adverse ریمارکس ملے نہ اس کا کوئی ثبوت ہے نہ فدوی خفیہ دستاویز سے متعلق ذمہ دار یا باجبر ہے پہلے ACR اور بعد میں ACR سے متعلق فدوی لاعلم ہے دو کلریکل سٹاف وقاص اور انہیں نے فدوی کو بغرض گلہ کیا کہ ہم آپ کے کام میں متاثر ہو رہے ہیں میں نے آفسران کے رد و برور صرف اتنا کہا کہ یہ دونوں بے گناہ ہیں مجھے یا انہیں اس ضمن میں کوئی علم نہیں ہے یہاں پر جناب کو توجہ ایک اہم مسئلہ کی صرف مبذول کروانا ضروری سمجھتا ہوں وہ یہ کہ میرے ڈوشیرن میں میرے مخالف لوگ موجود ہے جنہوں نے ماقبل بھی اپنے اثر رسوخ استعمال کر کے اور مختلف الزامات لگا کر فدوی کو بدنام کرنے کی کافی کوشش کی مگر خداوند کریم نے ہر قدم میری مدد فرمائی اور وہ لوگ ناکام ہوئے۔ یہ الزام بھی اسی کی ایک کڑی نظر آرہی ہے اور خداوند کریم کی ذات پر مجھے قوی یقین ہے کہ

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18-07-2023  
الرقم

محمد عامر قاضی  
محکمہ قانونی امور

العارض

جناب کی عین نوازش ہوگی  
مذکورہ بالا تعلقہ کی روٹی میں جناب سے گزراش کی غائی کے ذریعہ کوئی فرقہ کے لئے اس امر سے بری فرمایا گیا ہے  
اس امر سے بھی ضرور سمجھ جائے گا۔

(21)



22

CHARGE SHEET

Ameer "E"

1. I Saeed Anwar Divisional Forest Officer Torghar Forest Division Judbah, as competent Authority, hereby charge you Mr. Hamid Forester (the than Forest Guard) of Torghar Forest Division as follows:-

That you while posted as Forest Guard in Judbah Forest Sub Division have committed the following role/irregularities during your promotion from Forest Guard to Foresters:

- a. It was brought in to the notice of the then DFO Torghar Forest Division that you Mr. Hamid Forest Guard has changed (2) two Annual Confidential Reports from your ACR file for the period from 01.01.2019 to 31.12.2019 and 01.01.2020 to 09.04.2020 having adverse remarks recorded by Mr. Taimur Ilyas the than DFO Torghar and placed fake ACRs on file/record. Due to which no one could understand the factual position and the Committee recommended your promotion to the rank of Forester.
- b. That committed heinous suspicious activities which tantamount to (i) Miss-conduct and (ii) corruption and warrants strict disciplinary action against you under the provision of E&D Rules, 2011.
- c. That in view of above the than DFO Torghar Forest Division requested to the Conservator of Forest Upper Hazara Forests Circle Mansehra vide letter No. 1891/GE dated 22.06.2022 (Annexure - I) to Constitute a Committee of the Senior Officer to probe in to the matter and furnish a fact finding report on the subject issue so that further action could be taken in the light of said report of the Committee.
- d. That after detailed enquiry conducted by the fact finding Enquiry Committee comprising of Mr. Farhad Ali DFO Haripur (Chairman) and Mr. Shehryar Khan DFO Direction Abbottabad (Member) constituted vide Conservator of Forest Upper Hazara Forests Circle Mansehra Office Order No. 05 dated 29.07.2022 (Annexure-II) submitted its fact finding report to the Conservator of Forest Upper Hazara Forests Circle Mansehra (Annexure-III) where in the committee inter alia recommended that you Mr. Hamid Forest Guard furnished written statement before the fact finding Enquiry Committee on 11.01.2023 wherein you admitted that ACRs were replaced by you. Furthermore you also stated that Mr. Ayaz the than Accountant Galies Forest Division Abbottabad informed you that your ACRs are adversed. On the basis which you cannot be promoted. You also added more that there is no fault of Mr. Anees Jamal Junior Clerk and Mr. Waqas Hussain Accountant of Torghar Forest Division.

2. By reasons of above you appear to be guilty of Mis-Conduct and corruption in terms and provision of under Rule-3 and 5 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 and therefore you have rendered yourself liable to all or any of the penalties Specified in Rule-4 of the rules ibid.

23

3. You are therefore, directed to submit your written defense within 07 days of the receipt of this charge sheet direct to the Enquiry Officer/Committee, failing which it shall be presumed that you have nothing to defend you and exparte action will be taken against you.
4. Intimate whether you desire to be heard in person.
5. A statement of allegations is enclosed.

Sd- (Saeed Anwar)  
Divisional Forest Officer  
Torghar Forest Division  
Judbah

No. 1795-98 /GE dated Judbah the 23 /04/2023.  
Copy of the above is forwarded to;-

- 1- The Conservator of Forests, Upper Hazara Forest Circle, Mansehra for favour of information with reference to his Office letter No. 6921/E dated 06/04/2023, please.
- 2- Mr. Ibrar Ahmed DFO Agror Tanawal Forest Division Mansehra Enquiry Officer/Committee for initiating proceedings against the accused strictly under the provisions of Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules 2011 and complete the Enquiry within stipulated period. Enquiry file from page 01 to \_\_\_\_\_ is enclosed herewith.
- 3- Sub-Divisional Forest Officer, Judbah Forest Sub-Division for information and necessary action. He is directed to join the disciplinary proceedings on the date, time and venue fixed by the Enquiry Officer/Committee and vigorously defend Government interest as Prosecutor.
- 4- Mr. Hamid Forester for information and compliance. He is directed to submit reply to the charge sheet served upon him directly to the Enquiry Officer/Committee within 07 days of the receipt of this memo and also appear before the Enquiry Officer/Committee on the date time and venue fixed by Enquiry Officer/Committee for the purpose of the Enquiry proceedings.

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Divisional Forest Officer  
Torghar Forest Division  
Judbah

24

DISCIPLINARY ACTION

1. I Saeed Anwar Divisional Forest Officer, Torghar Forest Division as competent authority, am of the opinion that Mr. Hamid Forester (the then Forest Guard) of Judbah Forest Sub-Division has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.

2. STATEMENT OF ALLEGATIONS.

a. That consequent upon pointing out of several discrepancies by the Chief Conservator of Forests, Northern Forest Region II Abbottabad vide letter No. 10017/E-30 dated 07.06.2022 reflected in the minutes of the meeting held on 18.05.2022 regarding promotion of Forest Guard to the rank of Forester and on serious nature allegations came in to the notice of the then DFO Torghar verbally through reliable sources against Hamid Forest Guard that he has changed (2) two reports from his ACRs file for the period from 01.01.2019 to 31.12.2019 and 10.01.2020 to 09.04.2020 having adverse remarks recorded by Mr. Taimur Ilyas the then DFO Torghar and placed fake ACRs on file. Due to which no one could understand the factual/clear position and the Committee recommended his promotion to the rank of Forester.

b. That on his this illegal and unprofessional act, the DFO Torghar requested the Conservator of Forests, Upper Hazara Forest Circle, Mansehra vide letter No. 1891/GE dated 22.06.2022 to constitute an impartial fact finding Enquiry Committee to probe in to the matter and furnish a detail fact finding report on the subject issue. The fact finding Enquiry Committee constituted by the Conservator of Forests, Upper Hazara Forest Circle, Mansehra office order No. 5 dated 29.07.2022 has submitted report to the Conservator of Forests, Upper Hazara Forest Circle, Mansehra with recommendation for initiation of proper action against the accused under the provisions of E&D rules 2011.

c. That he has admitted through written statement/reply before the fact finding Enquiry Committee that the ACRs were replaced by him. Furthermore he also stated that Mr. Ijaz DFO Galies Forest Division Abbottabad informed him that his ACRs are adverse and in presence of these adverse ACRs he cannot be promoted to the rank of Forester. He also added himself that there is no fault of Mr. Anees Jamal Junior Clerk and Mr. Waqas Hussain Accountant of Torghar Forest Division.

d. That these suspicious activities committed by him and confession statement given by him before the fact finding Enquiry Committee warrants strict disciplinary action against him under the provision of E&D Rules 2011 as he is found guilty of (i) Miss-conduct and (ii) Corruption.

3. Therefore, for the purpose of the Enquiry against said accused official with reference to the above allegations, an Enquiry Officer/Enquiry Committee consisting of Mr. Ibrar Ahmed DFO Agror Tanawal is hereby constituted under rule 10(1)(a) of the ibid rules.

25

4. The Enquiry Committee shall in accordance with the provisions of the rules ibid, will provide reasonable opportunity of hearing to the accused, record it findings and make within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
5. The accused official and a representative of the department well versed with the case shall join the proceedings on the date, time and venue fixed by the Enquiry Officer/Committee.

Sd- (Saeed Anwar)  
Divisional Forest Officer  
Torghar Forest Division  
Judbah

No. 1799-1862/GE dated Judbah the 23/06/2023.

Copy of the above is forwarded to:-

- 1- The Conservator of Forests, Upper Hazara Forest Circle, Mansehra for favour of information with reference to his Office letter No. 6921/E dated 06/04/2023, please.
- 2- Mr. Ibrar Ahmed DFO Agror Tanawal is hereby appointed/constituted as Enquiry Officer/Committee under Rules - 10(1) (a) of rules ibid for initiating proceedings against the accused strictly under the provisions of Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules 2011 and complete the Enquiry proceeding within stipulated period.
- 3- Sub-Divisional Forest Officer, Judbah Forest Sub-Division for information and necessary action. He is directed to join the disciplinary proceedings on the date, time and venue fixed by the Enquiry Officer/Committee and vigorously defend Government interest as Prosecutor.
- 4- ✓ Mr. Hamid Forester for information and compliance. He is directed to submit reply to the allegation leveled against him directly to the Enquiry Officer/Committee within 07 days of the receipt of this memo and also appear before the Enquiry Officer/Committee on the date time and venue fixed by Enquiry Officer/Committee for the purpose of the Enquiry proceedings.

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0314-5026767

Divisional Forest Officer  
Torghar Forest Division  
Judbah

(26)

**ENQUIRY REPORT IN DISCIPLINARY CASE AGAINST HAMID FORESTER OF TORGHAR FOREST DIVISION**

Annexure "F"

**READ WITH:-**

1. Charge sheet served by DFO Torghar vide No. 1795-98 and No.1799-1802/GE dated 23-06-2023.
2. DFO AT (Enquiry Officer) letter No. 44/GB dated 06-07-2023.
3. Reply furnished by accused dated 18-07-2023.
4. DFO AT (Enquiry Officer) letter No. 219/GB dated 24-07-2023.
5. Copy of DFO Torghar letter No. 1891/GB dated 22-06-2022.
6. Copy of the Conservator of Forest Upper Hazara Forest Circle office order No. 05 dated 29/7/2022.
7. Copy of the Conservator of Forest Upper Hazara Forest Circle letter No. 6921/E dated 06-04-2023, alongwith fact finding enquiry.
8. Personal hearing/cross examination on 18-08-2023.

**BRIEF HISTORY OF CASE:-**

The DFO Torghar vide his letter No. 1891/E dated 22-06-2022, requested the Conservator of Forests Upper Hazara Forest Circle that Mr. Hamid Forest Guard has got promoted through fake ACRs and also requested to constitute impartial fact finding enquiry committee. In order to dig-out the facts the Conservator of Forests Upper Hazara Forest Circle constituted enquiry committee comprising upon M/S Farhad Ali (DFO Haripur) and Sheryar Khan (DFO Direction NFR-II Abbottabad) vide office order No. 05 dated 29-07-2022.

The Enquiry Committee after conducting detailed enquiry into the matter furnished its report to the Conservator of Forests Upper Hazara Forest Circle with the following recommendations.

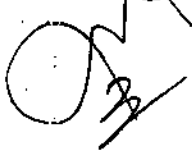
1. Disciplinary proceeding under E&D Rules 2011 may be initiated against Anees Jamal (the then I/C Establishment Branch) as he also involved in record tempering and unable to keep the confidential record in safe custody.
2. The charges of corruption under 2(II) and misconduct 2(IV) have been fully established against the accused Hamid (Forest Guard). Hence one of the major penalty is recommended under clause-4(b) of E&D Rules 2011.

Instructions on writing ACR 2000 may be strictly followed in letter & spirit/ Also adverse remarks in ACR or PER shall be communicated in guidelines mentioned in paragraph 5.2 of the above instructions. On the receipt of fact finding by DFO Torghar served a charge sheet to Mr. Hamid Forester and appointed undersigned as Enquiry Officer vide No. 1795-98/GB dated 23-06-2023.

**PROCEEDINGS:-**

Upon receipt of charge sheet, the accused forester was directed to furnish his reply vide DFO Agror Tanawal Forest Division Mansehra/(Enquiry Officer) letter No. 44/GE dated 06/072023. In response the accused furnished his reply on 18-07-2023 and he was directed to appear for personal hearing on 3/8/2023 vide letter No.219/GE dated 24/7/2023 and the DFO Torghar was requested to direct the prosecutor to join the enquiry proceedings alongwith original record but due to non appearance of prosecuter the date adjourned for 18/8/2023. Accordingly the accused was heard in person on 18/8/2023.

**MUNSIF LAW CHAMBER**  
**AAGIL MALIK ADVOCATE**  
**0345-9551100**  
**GULFRAZ KHAN ADVOCATE**  
**031-5022100**



**DISCUSSION:-**

In written reply the accused Forester Hamid Khan rebutted the allegations/charges leveled against him and stated that the ACRs are confidential record of Divisional office, hence changing in ACR is not possible for him. He further elaborated that according to Section 4 sub-section (i), (iv)(a) & (vii) of the Instructions on writing of PERs, the adverse remarks shall be communicated to the officer/official under report within one month but nothing has been communicated to him so that he could have tendered appeal against adverse remarks to appellate authority. No counseling has been done according to paragraph 3-7 of the Ibid Instructions. He further stated in his reply that the concerned clerks requested him that due to his case of fake ACRs, they have badly suffered. Therefore, he requested before the inquiry committee that there is no fault of M/S ANEES JUNIOR CLERK & WAQAS ACCOUNTANT in the tempering/replacement of ACR.

During the personal hearing on 18/8/2023 and cross question he replied that after initiating the ACR by Maqbool Range Forest Officer, he himself visited the office of DFO Galis for countersignature on the direction of Waqas & Anees Junior Clerk. During personal hearing following answer/question session was held:

S.#	Question	Answer
1	When you received back the countersigned ACR form DFO/countersigning Officer (Mr. Taimur Ilyas), whether the ACR was in sealed in proper envelope or not?	No, envelope was open.
2	Who informed you regarding adverse ACR?	Mr. Ayaz Accountant of Galies Forest Division informed.
3	After obtaining the ACR from DFO Galies office, to whom you delivered?	After receiving the ACR from Mr. Ayaz Accountant of Galies Forest Division, I handed-over the ACR to Mr. Shaheen Boat Operator of DFO Torghar office.
4	Do you know about adverse ACR?	I was informed by Mr. Ayaz Clerk of Galies Forest Division, later on Mr. Waqas also informed me telephonically.
5	Who replaced the adverse ACR during the promotion process?	M/S Anees & Waqas informed me that due to adverse ACR, you cannot be promoted and I don't know about the replacement of ACR.
6	Mr. Shaheen Boat Operator replied during the personal hearing that Mr. Hamid Forest Guard has handed over ACR to me and told to keep with you as it is my personal document and hand over to Mr. Anees after 2&3 months.	He (Mr. Shaheen) seen and I told him that it's an ACR.
7	Whether Mr. Anees was not present on his seat when you handed over the same to Boat Operator?	Both were sitting there in same place.
8	In your written reply, you mentioned that Mr. Waqas also told you about adverse ACR, then who did the fake signs?	I don't know who did?

MUNSIF LAW CHAIRMAN  
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9	How someone else can write/prepare a fake ACR for you, as the same was your Performance Evaluation Report, describe it.	No Answer.
10	Rather than all that, you may record more in your defense.	I am satisfied with all the answers/statement.

S.#	Answers/Reply by the accused, Before fact finding Enquiry Committee	Answers/Reply by the accused before DFO AT (Enquiry Officer) During the Disciplinary Proceedings
1	He replied that he obtained the ACR from Divisional Office Torghar after promotion.	After receiving the ACR from Mr. Ayaz Accountant of Galies Forest Division, I handed-over to Mr. Shaheen Boat Operator of DFO Torghar office.
2	He replied that ACR forms were sealed in proper envelope.	No, envelope was open.
3	He replied that alteration and replacement of ACR from took place in Divisional office.	He did not know about the replacement of ACR.
4	Waqas has telephonically communicated that ACRs are adverse & you are not fit for promotion.	I was informed by Mr. Ayaz Clerk of Galies Forest Division, later on Mr. Waqas also informed me telephonically.

From the foregoing comparison, it clearly reflects that the reply during the cross questioning before Fact Finding Enquiry Committee & during personal hearing before the undersigned is quite contradictory. He admitted during the personal hearing before the Fact Finding Enquiry Committee that there is no involvement of Mr. Anees Junior Clerk as he himself has tempered/replaced the original ACR with fake ACR & also given the written statement before the fact finding committee. During the personal hearing before the undersigned, the accused stated that "I don't know about the replacement of ACR".

**MUNICIPAL LAW CHAMBER**  
**AAQIL MALIK ADVOCATE**  
**0345-8551188**  
**GULFRAZ KHAN ADVOCATE**  
**0314-5026767**

But the committees given full opportunity to accused to defend his case but he could not absolve himself from the charges of initiating fake ACR and placing in his personal ACR file for benefit of his promotion to the rank of Forester.

**FINDINGS/CONCLUSION:**

Although a detailed fact finding enquiry has already been conducted under the chairmanship of a senior most Forest Officer who proved the allegations of exercising fake ACRs by accused himself and keeping on file to get benefit of promotion to the rank of forester and the fact finding enquiry committee has directly recommended major penalty upon the accused official, thus there remains no question of conducting a fresh Enquiry to investigate the matter, as the accused has himself admitted the malpractice in writing before the Committee, however, to fulfill the norms of justice, the enquiry has been conducted in detail giving full opportunity of personal hearing and answer/question to the accused in presence of the Departmental Representative.



29

During the enquiry process, it has been observed that the accused has taken quite different stances during the enquiry proceedings both before the fact finding enquiry on each hearing and similarly during fresh enquiry when he has been called for personal hearing on 18.8.2023. The accused has time and again tried to shift his responsibility of altering the ACRs upon the shoulders of others to save his own skin from the unlawful crime. Perusal of his written statements, fact finding enquiry report and personal hearing during fresh enquiry proceedings, it is concluded that:

1. ACR was received by him in open envelop or in sealed covered (must be in sealed covered) but the official handing over the ACR from Galis Forest Division has wrongly delivered which should have been sent under sealed cover to a responsible Officer/official or dispatched through official dak.
2. The accused has not properly delivered the envelope containing ACRs in his office to any responsible officer/official rather he kept the ACR with Boat Operator working as dispatch clerk in Torghar Divisional office as deposit treating as revocable till he manage fake ACRs to replace the original one having adverse remarks which he committed malpractice.
3. The practice of initiating and dispatch of PERs is also not in order according to Instructions on Performance Evaluation Reports.
4. There are legal ways to resolve the problems but instead the accused has adopted illegal technique just to get benefit of promotion of forester altering the original ACRs having adverse remarks.
5. Since the incharge establishment section/dealing hand has also been served with charge sheet and his conduct is being investigated therefore, involvement of one in this malpractice will be dealt separately.

In view of the above, the accused cannot be absolved from any of the charge leveled against him in the charge sheet.

#### RECOMMENDATIONS

The nature of criminal practice/offence committed by the accused deserves major penalty i.e. dismissal of accused from service but whole accusation of offence cannot be attributed alone upon the accused as there remained some deficiency in the process of initiating ACR and its dispatch to concerned office as elaborated in item-3 of conclusion and keeping in view his lengthy service in the Department, it is recommended that:

1. The accused may be reverted from Forester to the original post of Forest Guard post with effect from the date of promotion and the emoluments of higher rank if any paid may be recovered from his pay.
2. He should be kept under observation for a period of two-years and if any fake activity is noticed, he should be terminated from service without further investigation.
3. He may be warned strictly to be careful in future service.
4. Strict warning may also be administered to dealing hand for handling the PERs/Confidential documents.

Ibrahim Ahmad (Inquiry Officer)  
Divisional Forest Officer  
Agror Tanawal Forest Division  
Mansehra

MUNSIF LAW CHAMBER  
AAQIL MALIK ADVOCATE  
0345-9551168  
GULFRAZ KHAN ADVOCATE  
0314-5026767



30

Annexure "C"

OFFICE ORDER NO. 20 DATED THE 18/12/2023, ISSUED BY MR. SHAKIB AHMED DIVISIONAL FOREST OFFICER, TORGHAR FOREST DIVISION JUDHAI

Read With.

1. Charge sheet served by DFO Torghar vide No.1793-98/OB and No.1799-1802/OB dated 23.06.2023.
2. DFO Agror Tanawal (Enquiry Officer) office letter No.44/OB dated 06.07.2023.
3. Reply furnished by accused Forest Guard dated 18.07.2023.
4. DFO Agror Tanawal (Enquiry officer) office letter No.219/OB dated 24.07.2023.
5. DFO Torghar office letter No.1891/OB dated 22.6.2022.
6. Conservator of Forests Upper Hazara Forest Circle Mansehra, office order No.05 dated 29.7.22.
7. Conservator of FORESTS, Upper Hazara Forest Circle Mansehra office letter No.692/1/1 dated 6.4.2023.
8. Personal hearing/cross examination dated 18.08.2023.

Brief History of the case.

The then Divisional Forest Officer, Torghar Forest Division Judbah vide his letter No.1891/E dated 22.6.22, requested to Conservator of Forests, Upper Hazara Forest Circle Mansehra that Mr. Hamid Forest Guard has got promoted to the rank of forester through fake ACRs and also requested to constitute impartial fact finding enquiry committee. In order to dig-out the facts the Conservator of Forests, Upper Hazara Forest Circle Mansehra constituted enquiry committee comprising upon M/S Farhad Ali (DFO Haripur) and Sheryar Khan (DFO Direction NFR-II Abbottabad) vide office order No.05 dated 29.07.2022.

The enquiry committee after conducting detailed enquiry in to the matter submitted Report to the Conservator of Forests, Upper Hazara Forest Circle Mansehra with the following recommendations:-

1. Disciplinary proceedings under E & D Rules, 2011 may be initiated against Ances Jamal (The then In-charge Establishment Branch) as he is also involved in record tempering and unable to keep the confidential record in his safe custody.
2. The Charges of corruption under 2(11) and mis-conduct under section 2(iv) have also been established against the accused Hamid Forest Guard. Hence one of the major penalty is recommended under Clause-4(b) of E & D, Rules, 2011.
3. Instructions on writing ACR 2000 may strictly be followed in letter & spirit/also adverse remarks in his ACR or PER shall be recorded and also communicated in guideline mentioned in Paragraph 5.2 of the above instructions. On the receipt of the fact finding report, the undersigned served a charge sheet to Mr. Hamid Forest Guard by appointing DFO Agror Tanawal Forest Division Mansehra as enquiry officer vide No.1793-98/OB dated 23.6.2023.

Proceedings.

A charge sheet was served upon Mr. Hamid (accused Forester) with the directives to furnish his reply to DFO Agror Tanawal Forest Division Mansehra (Enquiry Officer). In response the accused Forester furnished his written reply on 18.7.2023 and he was also directed to appear for personal hearing on 3.8.2023 vide No.219/E dated 24.7.2023, departmental prosecutor has also participated the enquiry proceedings on 18.8.2023.

MUNSIF LAW  
AAQIL MALIK  
0345-955108  
GULFRAN AN ADVOCATE  
0345-95516767

Discussion

In written reply the accused Forster has rebutted the allegations/charges leveled against him and stated that the ACRs are confidential record of Divisional office, hence changing of ACR is not possible for him. He further elaborated that according to Section 4 Sub Section (i) (iv)(a) & (vii) of the instructions on writing of ACRs, adverse remarks shall be communicated to him so that he could have tendered appeal against the said adverse remarks before the appellate authority within prescribed time framed, no counselling has been done according to the paragraph 3-7 of the Iblid instructions. He further stated in his reply that the concerned clerk requested to him that due to his case of fake ACRs he will badly suffered, therefore, he requested before the enquiry committee that there is no fault or M/S. Anees Junior Clerk & Waqas Ahmed Accountant in tempering/replacement of ACRs.

During personal hearing on 18.8.2023 and on cross question the accused replied that after initialing of the ARs by Mr. Maqbool Ahmed, the then Range Forest Officer, he himself visited the office of DFO Galls for countersigning the ACRs on the direction of Waqas Ahmed & Anees Ahmed Junior clerk. During personal hearing following answers/questions were held:-

S.#	Question	Answer
1	When you received back the countersigned ACRs from DFO/Countersigning officer (Mr. Tahir Ilyas), weather the ACRs were sealed in proper envelop or not	No, envelop was open
2	Who informed you about adverse remarks	Mr. Ayaz Accountant of Galls Forest Division Abbottabad
3	After obtaining the ACR, from DFO Galls to whom you delivered the same.	After receiving the ACR from Mr. Ayaz Accountant of Galls Forest Division, I handed over the ACR to Mr. Shaheen Boat operator of DFO Torghar office.
4	How did you know about the adverse remarks	I was informed by Mr. Ayaz Clerk of Galls Forest Division, later on Mr. Waqas also informed me telephonically.
5	Who replaced the adverse ACR during the promotion process?	M/S Anees & Waqas informed me that due to adverse ACR, you cannot be promoted and I did not know about the replacement of ACR.
6	Mr. Shaheen Boat Operator replied during the personal hearing that Mr. Hamid Forest Guard has handed over the ACR to me and told to keep with you as it is my personal document and hand over to Mr. Anees after 2 & 3 months.	He (Mr. Shaheen) seen and I told him that it is ACR.
7	Whether Mr. Anees was not present on his seat when you handed over the same to Boat operator.	Both were sitting there in same place.
8	In your written reply, you mentioned that Mr. Waqas also told you about the adverse ACR, then who did the fake sign?	I don't know who did?
9	How someone else can write/prepare a fake ACR for you, as the same was your performance Evaluation Report, describe it	No answer.
10	Rather than all that you my record more in your defense.	I am satisfied with all the answers/questions.

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S.No.	Answers/Reply by the accused before fact finding enquiry committee	Answers/reply by the accused before DFO A.T (enquiry Officer) during the disciplinary proceedings.
1	He replied that he obtained the ACR from Divisional office Torghar after promotion.	After receiving the ACR from Mr. Ayaz Accountant of Galis Forest Division, I handed over the same to Mr. Shaheen Boat Operator of DFO Torghar Office.
2	He replied that ACR forms were sealed in proper envelop.	No, envelop was open
3	He replied that alteration and replacement of ACR from took place in Divisional office.	He did not know about the replacement of ACR.
4	Waqas has telephonically communicated that ACRs are adverse & you are not fit for promotion.	I was informed by Mr. Ayaz Clerk of Galis Forest Division Abbottabad, later on Mr. Waqas also informed me telephonically.

From the forgoing comparison, it is clearly reflected that the reply during the cross question before fact finding enquiry committee & during personal hearing before the enquiry officer is quite contradictory. The accused has admitted during the personal hearing before the fact finding enquiry committee that there is no involvement of Mr. Anees Junior Clerk as he himself has tempered/replaced the original ACR with fake ACR & also given the written statement before the fact finding committee. During the personal hearing before the enquiry officer, the accused stated that I don't know about the replacement of ACR.

Both the committee has given full opportunity to accuse to defend his stance but he could not absolve hi from the charges of initiating of fake ACR. In reply to the show cause notice being No.576/OB dated 12.10.23 the accused has also stated that according to the instructions reflected above the adverse remarks if recorded in the ACR must be communicated to the official concerned within stipulated period but the same was not done. He has further added that a lot of his colleagues in Torghar Forest Division are struggling to harm me and they have already blamed me in past. During the course of personal hearing conducted at Divisional Office dated 21.11.23 the accused official has admitted that he has personally obtained the ACR from RFO concerned and delivered the same in Divisional office, further more he rebutted the others questions arrived during personal hearing.

#### Findings/Conclusion.

Although a detailed fact finding enquiry has already been conducted under the Chairmanship of Mr. Farhad Ali DFO Haripur a senior most Forest Officer, who proved the allegations of exercising of fake ACRs by the accused official himself and kept in ACR record to get benefit in promotion to the rank of Forester and the fact finding enquiry committee has directly recommended major penalty upon the accused official, thus there remains no question of conducting a fresh enquiry to investigate the matter, as the accused has himself admitted the malpractice in writing before the committee, however to fulfill the norms of justice, a fresh enquiry has been conducted in detail, by giving full opportunity of personal hearing as well as cross question to the accused official in the presence of departmental representative. During the enquiry process, it has been observed that the accused has taken quite different stances during the enquiry proceedings both before the fact finding enquiry on each hearing and similarly during fresh enquiry when he has been called for personal hearing on 18.8.23, the accused official has time and again tried his level best to shift his responsibility for altering the ACRs upon the shoulders of others to save his skin from his unlawful crime. Perusal of his written

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**GULFRAZ KHAN ADVOCATE**  
**0314-5026767**

statement, fact finding enquiry report and personal hearing during fresh enquiry proceedings, it is concluded that:-

1. ACRs were received by himself in open envelop or in sealed covered must be in a sealed covered) but the official taken over the ACR from Galls Forest Division has wrongly delivered which should have been under seal covered to a responsible officer/official or dispatched through official Dak.

2. The accused has not properly delivered the envelope containing ACRs in his office to any responsible officer/official rather he delivered the same to Boat Operator working as dispatch clerk in Torghar Forest Division as deposit treating as revocable till he manage take ACRs to replace the original one having adverse remarks which he committed malpractice.

3. The practice of initiating and dispatching of PBRs is also not in order as per existing instructions.

4. There are legal ways to resolve the problems but instead the accused has adopted illegal technique just to get benefit of promotion to the rank of Forester by altering the original ACRs having adverse remarks.

5. Since the in-charge establishment section/dealing hand has also served with a charge sheet and his conduct is being investigated therefore, involvement of other one in this malpractice will be dealt separately.

In view of the above, the accused official cannot be absolved from any of the charge levelled against him in the charge sheet.

Now therefore, the undersigned in the capacity of authority agreeing with the findings/recommendation of enquiry officer/committee do hereby impose the following punishment under B & D Rules, 2011 Section 4(b):-

1. Reverted from the post of Forester to Forest Guard post with effect from his date of promotion. Emoluments to higher rank if aid may be recovered.
2. Kept under observation for a period of two years, if any fake activity is noticed, he shall be terminated from Government service.
3. Strictly warned to be extra careful in future.

(Shakeel Ahmed)  
Divisional Forest Officer  
Torghar Forest Division  
Jubbah

Memorandum:-  
Copy forwarded to:-

1. The Conservator of Forests, Upper Hazara Forest Circle Manschna for favour of information please.
2. SDFO, Jubbah Forest Sub Division for information.
3. RFO, Kandar, Forest Range for information.
4. Mr. Hamid Forest Guard for information.
5. Divisional Accountant for information.

Divisional Forest Officer  
Torghar Forest Division  
Jubbah

Received by Mr. Shakeel Ahmed  
03/01/2014

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33 A

**OFFICE ORDER NO.20 DATED THE 28/12/2023, ISSUED BY MR. SHAKEEL AHMED  
DIVISIONAL FOREST OFFICER, TORGHAR FOREST DIVEDSION JUDBAH.**

**Read with.**

1. Charge sheet served by DFO torghar vide No 1795-98/GF and No.1799-1802/GF dated 23.06.2023.
2. DFO Agror Tanawal (Enquiry Officer) office letter No.44/GB dated 06.07.2023.
3. Reply furnished by accused Forest Guard dated 18.07.2023.
4. DFO Agror Tanawal (Enquiry officer) office letter No.219/GB dated 24.04.2023.
5. DFO Torghar office letter No. 189/GB dated 22.06.2022.
6. Conservator of Forests Upper Hazara Forest circle Mansehra office order No.05.dated 29.07.22.
7. Conservator of FORESTS, Upper Hazara Forest circle Mansehra office letter No.6921/E dated 6.04.2023.
8. Personal Hearing/ cross examination dated 18.08.2023.

**Brief History of the case**

The than Divisional Forest Officer, Torghar Forest Division Judbha vide his letter No.189/E dated 22.06.22, requested to conservator of Forests, Upper Hazara Forest Circle Mansehra that Mr. Hamid Forest Guard has got promoted to the rank of forester through fake ACRs and also requested to constitute impartial fact finding enquiry committee. In order to dig-out the facts the conservator of Forests, Upper Hazara Forest Circle Mansehra constituted enquiry committee comprising upon M/S Farhad Ali (DFO Haripur) and Sheryar Khan (DFO Direction NFR-II Abbottabad) vide office order No.05 dated 29.07.2022.

The enquiry committee after conducting detailed enquiry in to the matter submitted Report to the Conservator of Forests, Upper Hazara Forest Circle Mansehra with the following recommendations:

1. Disciplinary proceeding under E&D Rules, 2011 may be initiated against Anes jamal ( the then In-charge Establishment Branch) as he is also involved in record tampering and unable to keep the confidential record in his safe custody.
2. The Charges of corruption under 2(11) and mis-conduct under section 2(iv) have also been established against the accused Hamid Forest Guard. Hence

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GULFRAZ KHAN ADVOCATE  
0314-5026767**

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one of the major penalty is recommended under Clause-4(b) of E & D, Rules,2011.

3. Instruction on writing ACR 2000 may strictly be followed in letter & spirit/also adverse remarks in his ACR or PER shall be recorded and also communicated in guideline mentioned in Paragraph 5.2 of the above instruction. On the receipt of the fact finding report, the undersigned served a charge sheet to Mr. Hamid Forest Guard by appointing DFO Agror Tanawal Forest Division Mansehra as enquiry officer vide No.1795-98/GB dated 23.06.2023.

### Proceedings.

A charge sheet was served upon Mr.Hamid (accused Forester) with the directives to furnish his reply to DFO Agror Tanawal Forest Division Mansehra (Enquiry Officer). On response the accused Forester furnished his written reply on 18.07.2023 and he was also directed to appear for personal hearing on 3.8.2023 vide No.219/E dated 24.07.2023, departmental prosecutor has also participated the enquiry proceedings on 18.08.2023.

### Discussion

in written reply the accused Forster has rebutted the allegations/charges leveled against him and stated that the ACRs are confidential record of Divisional office, hence changing of ACR is not possible for him. He further elaborated that according to Section 4 Sub Section (i) (iv) (a) 7 (vii) of the instruction on writing of ACRs, adverse remarks shall be communicated to him so that he could have tendered appeal against the said adverse remarks before the appellate authority within prescribed time framed, no counseling has been done according to the paragraph 3-7 of the ibid instructions. He further stated in his reply that the concerned clerk requested to him that due to his case of fake ACRs he will badly suffered, therefore, he requested before the enquiry committee that there is no fault or M/S, Anees Junior Clerk & Waqas Ahmed accountant in tempering/replacement of ACRs.

During personal hearing on 18.8.2023 and on cross question the accused replied that after initiating of the ARs by Mr. Maqbool Ahmed, the then Range Forest Officer, he himself visited the office of DFO Galls for countersigning the ACRs on the direction of Waqas Ahmed & Anees Ahmed Junior clerk. During personal hearing following/questions were held:

S.#	Question	Answer
1.	When you received back the countersigned ACRs	No, envelop was open.

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**0345-9551168**  
**GULFRAZ KHAN ADVOCATE**  
**0314-5026767**

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33 B

	from DFO/Countersigning officer (Mr. Taimr Ilyas), weather the ACRs were sealed in proper envelop or not	
2.	Who informed you about adverse remarks	Mr. Ayaz accountant of Galis Forest Division Abbottabad.
3.	After obtaining the ACRs, from DFO Galis to whom you delivered the same.	After receiving the ACR from Mr. Ayaz accountant of Galis Forest Division, I handed over the ACR to Mr. Shaheen Boat operator of DFO Torghar Office.
4.	How did you know about the adverse remarks	I was informed by Mr. Alyas Clerk of galis Forest difision, later on Mr. Waqas also informed me telephonically.
5.	Who replaced the adverse ACR during the promotion process?	M/S Anees & Waqas informed me that due to adverse ACR, you cannot be promoted and I did not know about the replacement of ACR.
6.	Mr. Shaheen Boat Operator replied during the personal hearing that Mr. Hamid Forest Guard has handed over the ACR to me and told to keep with you as it is may personal document and hand over to Mr. Anees after 2&3 months.	He (Mr. Shaheen) seen and I told him that it is ACR.
7.	Whether Mr. Anees was not present on his seat when you handed over the same to Boat operator.	Both were sitting there is same place.
8.	I your written reply, you mentioned that Mr. Waqas also told you about the adverse ACR, then who did the fake sign?	I don't know who did?
9.	How someone eise can write/prepare a fake ACr for yor, as the same was your performance Evaluation Report, describe, it.	No answer.

**MUNSIF LAW CHAMBER**  
**AAQIL MALIK ADVOCATE**  
**0345-9551168**  
**GULFRAZ KHAN ADVOCATE**  
**0314-5026767**

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10.	Rather that all that you my record more in you defense .	I am satisfied with all the answer / questions.
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S.No.	Answers/Reply by the accused before fact finding enquiry committee	Answers/reply by the accused before DFO A.T (enquiry Officer) during the disciplinary proceedings.
1.	He replied that he obtained the ACR from Divisional office Torghar after promotion .	After receiving the ACR from Mr. Ayaz Accountant
2.	He replied that ACR forms were sealed in proper envelop.	No, envelop was open
3.	He replied that alteration and replacement of ACR from took place in divisional	He id not Know about replacement of ACR.
4.	Waqas has telephonically communicated that ACRs are averse & you are not fit for promotion.	I was informed by Mr. Ayaz Clerk of Gails Forest Division Abbottabad, later on Mr. Waqas also informed the telephonically.

From the forgoing comparison, it is clearly reflected that the reply during the cross question before fact finings enquiry committee & during personal hearing before the enquiry officer is quite contradictory. The accused has admitted during the personal hearing before the fact finding enquiry committed that there is no involvement of Mr. Anees junior clerk as he himself has tempered/replaced the original ACR & also given the written statement before stated that I don't know about the replacement of ACR.

Both the committee has given full opportunity to accuse to defend his stance but he could not absolve hi from the charges of initiating of fake ACR. In reply to the show cause notice being No.576/GE dated 12.10.23 the accused has also stated that recording to the instructing reflected above the adverse remarks if recorded in the ACR must be communicated to the official concerned within stipulated period but the same was not done. He has further added that a lot of his colleagues in Torghar Forest Division are struggling to harm me and they have already blamed me in past. During the course of personal hearing conducted at Divisional Office dated 21.11.2023 the accused official has admitted that he has personally obtained the ACR from RFO concerned and delivered the same in Divisional office, further more he rebutted the others question arrived during personal hearing.

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**0345-9551168**  
**GULFRAZ KHAN ADVOCATE**  
**0314-5026767**



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**Findings / Conclusion.**

Although a detailed fact finding enquiry has already been conducted under the Chairmanship of Mr. Farhad All DFO Haripur a senior most Forest Officer, who proved the allegations of exercising of fake ACRs by the accused official himself and kept in ACR file/record to get benefit in promotion to the rank of Forester and the fact finding enquiry committee has directly recommended major penalty upon the accused official, thus there remains no question of conducting a fresh enquiry to investigate the matter, as the accused official, thus there remains no question of conducting a fresh enquiry to investigate the matter, as the accused has himself admitted the malpractice in writing before the committee, however to fulfill the norms of justice, a fresh enquiry has been conducted in detail, by giving full opportunity of personal hearing as well as cross question to the accused official in the presence of departmental representative. During the enquiry process, it has been observed that the accused has taken quite different stances during the enquiry proceeding both before the fact finding enquiry on each hearing and similarly during fresh enquiry when he has been called for personal hearing on 18.08.23, the accused official has time and again tried his level best to shift his responsibility for altering the ACRs upon the shoulders of other to save his skin from his unlawful crime. Perusal of his written statement, fact finding enquiry report and personal hearing during fresh enquiry proceedings, It is concluded that:

1. ACRs were received by himself in open envelop or in sealed covered must be in a sealed covered but the official taken over the ACR from Galis Forest division has wrongly delivered which should have been under seal covered to a responsible officer/ official or dispatched through official Dak.
2. The accused has not properly delivered the envelope containing ACRs in his office to any responsible officer/official rather he delivered the same to Boat Operator working as dispatch clerk in Torghar Forest division as deposit treating as revocable till be committed fake ACRs to replace the original one having adverse remarks which he committed malpractice.
3. The practice of initiating and dispatching of PERs is also not in order as per existing instructions.

**MUNSIF LAW CHAMBER**  
**AAQIL MALIK ADVOCATE**  
**0345-9551168**  
**GULFRAZ KHAN ADVOCATE**  
**0314-5026767**

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4. There are legal ways to resolve the problems but instead the accused has adopted illegal technique just to get benefit of promotion to the rank of Forester by altering the original ACRs having adverse remarks.
5. Since the in-charge establishment section/dealing hand has also served with a charge sheet and his conduct is being investigated therefore, involvement of other one in this malpractice will be dealt separately.

In view of the above, the accused official cannot be absolved from any of the charge leveled against him in the charge sheet.

Now therefore, the undersigned in the capacity of authority agreeing with the findings/recommendation of enquiry officer/committee do here by impose the following punishment under E & D Rules, 2011 Section 4 (b):

1. Reversed from the post of Forester to Forest Guard post with effect from his date of promotion. Emoluments to higher rank if aid may be recovered.
2. Kept under observation for a period of two years, if any fake activity is noticed, he shall be terminated from Government service.
3. Strictly warned to be extra careful in future.

**(Shakeel Ahmed)**  
**Divisional Forest Officer**  
**Torghar Forest Division**  
**Judbah**

Memorandum:  
Copy forwarded to:

1. The Conservator of Forests, Upper Hazara Forest Circle Mansehra for favour of information please.
2. SDFO, Judbah Forest Sub Division for information.
3. RFO, Kandar, Forest Range for information.
4. Mr. Hamid Forest Guard for information.
5. Divisional Accountant for information.

**Divisional Forest Officer**  
**Torghar Forest Division**  
**Judbah**

**MUNSIF LAW CHAMBER**  
**AAQIL MALIK ADVOCATE**  
**0345-9551168**  
**GULFRAZ KHAN ADVOCATE**  
**0314-5026767**

To

34

Annexure "A"

The Worthy Conservator of Forests,  
Upper Hazara Forest Circle,  
Mansehra.

Through: PROPER CHANNEL/DIVISIONAL FOREST OFFICER TORGHAR FOREST  
DIVISION JUDBAH

Subject: SERVICE APPEAL AGAINST IMPUGNED OFFICE ORDER NO.20 DATED  
28/12/2023 ISSUED BY DIVISIONAL FOREST OFFICER TORGHAR FOREST  
DIVISION JUDBAH

Respected Sir,

Most Respectfully Sheweth, that:-

Your humble appellant has been serving in Khyber Pakhtunkhwa Forest Department since 2007 as a Forest Guard and has served in different stations/postings having sound service record and has completed about 17 years of service and in near past promoted to the rank of Forester on merit in Torghar Forest Division (copy annexed-A) and un-fortunately imposed with the following penalties vide Divisional Forest Officer Torghar Forest Division impugned office Order No.20 dated 28/2/2023 (copy annexed-B):-

- i- Reverted from the post of Forester to Forest Guard post with effect from his date of promotion. Emoluments to higher rank if aid may be recovered.
- ii- Kept under observation for a period of two years, if any fake activity is noticed, he shall be terminated from Government Service.
- iii- Strictly warned to be extra careful in future.

The impugned office order inflicting the above stated punishments has been issued without lawful authority and the competent authority has not given proper recourse to the legal facts and reviewing official decorum and laid down procedure in vogue for writing of Performance Evaluation Report (PER)/Annual Confidential Report of a Government Servant (officer/official), its record maintenance and submission/transmission to quarter concerned i.e. to Circle Office, Departmental Promotion Committee or any Court when demanded, hence it is very humbly prayed that the imputed office order being un-lawful, ab initio and mala fide in the eyes of law, may very kindly be set aside so as to fulfill the norms of justice in view of the following facts:-

- 1- Whereas the impugned Office Order No.20 dated 28/12/2023 has been issued as an outcome of so called Departmental Enquiry totally against the report of fact finding committee constituted under the shelter of your good office order No.5 dated 28/12/2022. Recommendations of the fact finding committee have not been given proper course and kept aside due to un-known reasons. (Copy annexed-C).  
As per DPC was to be held and my ACR for the year 2019 was missing from my ACR register and I requested the Reporting Officer to write my ACR by providing ACR form which he returned me after few days duly written in an envelop which I handed over to the concerned diary clerk Mr. Shaheen performing duties in the Torghar Divisional Office. I did neither see inside the envelope nor I know what happened afterwards with my ACR form and who tampered it. Admittedly, It is obligatory and mandatory upon the Reporting Officer to write duplicate forms of a Forester and one is to be submitted to Circle Office, duly sealed confidentially, for Circle record and other to be maintained in Divisional Office, but nothing practiced in the instant case which is against the law on the subject. Who violated the law and did not perform his mandated job and who was

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made escaped goat would decide the Proper Appellate forum rested in your Honor and prestige.

- 3- What were the recommendations of Fact Finding Committee and in which direction the departmental enquiry was twisted is a matter of facts and question of law.
- 4- As to why the dealing clerk/ the then In Charge Establishment Branch has been spared out from the departmental proceedings.
- 5- Here in the case rules/laws on the subject (Writing of ACRs) have been badly violated and it's a general practice some of the so called Reporting Officer do not timely write the ACR of their subordinates and linger on to get their ulterior motives, Your Honor Sir, as to why my ACR for the year of 2019 was lingered on till 2022, it would had been written in time by the Reporting Officer and submitted to quarter concerned being his mandatory and obligatory duty which resulted in all this episode.
- 6- Unlawful delays yields unlawful effects and I do hereby solemnly declare that I have not admitted during fact finding enquiry about tempering of the ACR nor I admitted in subsequent departmental enquiry. The enquiry report is hypothetic, fictitious and self-concocted just to damage the career of your humble appellent.
- 7- Impugned office order referred above, is totally against the Ruling given by August Supreme Court of Pakistan that once a Govt.Servant given amoluments after due process of law, can not be revoked. Service Books and ACR of the subordinates are maintained in the personal custody of Office Incharge who is the custodian of Govt.Asset and properties, timely maintenance of personal documents is the prime responsibility of the Office Incharge, Reporting Officer which in the case has not been accomplished and such untowards incidents happened and resulted in shape of irreparable loss to your humble appellent.
- 8- Impugned office order contains legal flaws/lacuna against the spirit of (E&D) Rules, which have been misinterpreted unlawfully.

In the light of forementioned submissions, It is very humbly prayed that impugned Office Order No.20 dated 28/2/2023, being voidable in the eyes of law may very kindly be set aside and your humble appellent may kindly be exonerated from all the charges leveled against him please.

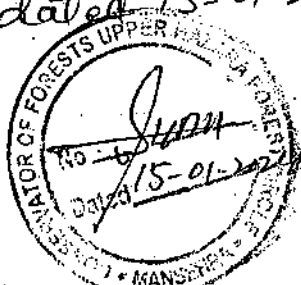
I shall pray for your long life and prosperity, all the life.

Yours obediently

Muhammad Hamid Forester  
Torghar Forest Division  
Dated 15/01/2024

Copy in advance forwarded to the Worthy Conservator of Forests, Upper Hazara Forest Circle, Mansehra for favour of information and further necessary action, please.

Received copy dated 15-01-2024



MUNSIF LAW CHAMBER  
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(36)

**OFFICE ORDER NO. 05 DATED MANSEHRA THE 27 /08/2024 ISSUED BY  
MR. FARRUKH SAIR CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE  
MANSEHRA**

Whereas, Muhammad Hamid Forester, hereinafter called the appellant, preferred an appeal against the decision of DFO Torghar Forest Division Judbah (Competent Authority) vide office order No. 20 dated 28.12.2023 whereby the following punishment was awarded to him:

1. Reverted from the post of Forester to Forest Guard post with effect from his date of promotion. Emoluments to higher rank if paid may be recovered.
2. Kept under observation for a period of two years, if any fake activity is noticed, he shall be terminated from Government Service.
3. Strictly warned to be extra careful in future.

Whereas, comments were sought from DFO Torghar Forest Division Judbah (Competent Authority) on the appeal;

Whereas, the DFO Torghar Forest Division (Competent Authority) while offering comments vide his office letter No. 1957/GE dated 06.06.2024 further justified the penalty imposed;

Whereas, the appellant while pleading his appeal during personal hearing held on 26.07.2024, denied the allegations leveled against him, stating that he is innocent;

And;

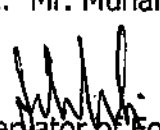
whereas record available in the enquiry file and written statement dated 13.01.2023 given by appellant before the fact finding inquiry committee constituted vide Conservator of Forests, Upper Hazara Forest Circle Mansehra office order No. 05 dated 29.07.2022, wherein he admitted that owing to the reason that the original ACR having adverse remarks by Countersigning officer, could stop/reject his promotion, was replaced with fake one and submitted in Divisional office by appellant personally. In addition to above during personal hearing dated 26.07.2024 before the appellate authority, the appellant again confessed that he has submitted bogus ACR in Divisional Office.

In view of above facts, the appeal in hand being devoid of merit is hereby rejected, and the undersigned in the capacity of appellate authority in pursuance with the provisions contained in Rule 17(2)(a) of Khyber Pakhtunkhwa Government Servants E&D Rules 2011 do hereby order to sustained the punishment imposed by DFO Torghar (Competent Authority) vide office order No. 20 dated 28.12.2023.

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

Copy forwarded to:

1. The DFO, Torghar Forest Division Judbah for information and necessary action. Enquiry file from page 01 to 115 is enclosed herewith for further course of action and record.
- ✓ 2. Mr. Muhammad Hamid Forester c/o DFO Torghar for information.

  
Conservator of Forests  
Upper Hazara Forests Circle  
Mansehra

**MUNSIF LAW CHAMBER**  
**AAQIL MALIK ADVOCATE**  
**0345-9551168**  
**GULFRAZ KHAN ADVOCATE**  
**0314-5026767**

  
12/09/2024

S.No. 235332 Mob: (37)  
 Name of Advocate: [Signature]  
 DBA NO. 505 TBA NO. [Blank]  
 BC No. [Blank] R.s.200/=

وکالت نامہ

SAIRA JAVED  
 Finance Secretary  
 District Bar Association  
 Abbottabad

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 sultana@rediffmail.com

بعدالت: ضیاء شہزادہ سرمدس ٹریڈنگ بسنس  
 عنوان: محمد خالد  
 منجانب: ایسٹریٹس  
 نوعیت مقدمہ: سرمدس ایسٹریٹس  
 باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے بیرونی و جوائنٹ برائے پیشی یا تصفیہ مقدمہ بمقام ایسٹریٹس کے لیے  
 عاقل حد تک متعلقہ نیشنل اینڈ وکسٹس ایسٹریٹس کے  
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ دیگر خاص رو برو عدالت حاضر ہوں گا اور بروقت پکارے  
 جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظم حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ  
 سے کسی طور پر میرے خلاف ہو گا تو صاحب موصوف اس کے کسی خلاف اقدام کو روکنا ہوں گے نیز وکیل صاحب موصوف مقدمہ کا پتہ میری کے  
 علاوہ کسی جگہ یا پتہ پر کسی وقت پہلے یا بعد یا بروقت نہیں لکھنے کے لئے ذمہ دار ہوں گے اور مقدمہ کا پتہ میری کے علاوہ کسی اور جگہ  
 ساعت ہونے پر یا بروقت نہیں لکھنے یا پتہ پر کسی وقت پہلے یا بعد یا بروقت نہیں لکھنے کے لئے ذمہ دار ہوں گے اور مقدمہ کا پتہ میری کے علاوہ کسی اور جگہ  
 کسی معاوضہ کے ادا کرنے یا نفع کے لئے کسی صاحب موصوف ذمہ دار نہ ہوں گے۔ مقدمہ کے ساتھ پرداختہ صاحب موصوف  
 مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراء کی کوئی نظر ثانی اپیل نگرانی و ہر قسم  
 درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کرنے اور ہر قسم کا روپے سوال کرنے اور سیدہ دینے اور داخل کرنے  
 اور ہر قسم کے بیان دینے اور اس پر کسی اور ایسٹریٹس کے ساتھ ہر قسم کے معاوضہ یا نفع دینے کا کوئی اختیار ہوگا اور بصورت جانے ہر ذمہ داری  
 از پتہ میری صدر اپیل و ہر آمد کی مقدمہ یا منسوخ ڈگری یا حکم فروری درخواست نکلنے یا نکلنے سے قبل از گرفتاری قبل از گرفتاری یا نکلنے یا نکلنے سے قبل از گرفتاری  
 موصوف کو بشرط ادا کسی طے و نفع نہ ہوگا اور ہر قسم کے معاوضہ یا نفع دینے کا کوئی اختیار ہوگا اور مقدمہ نہ کرنا یا اس کے  
 کسی جزوی کارروائی کے یا بصورت اپیل کی دوسرے کسی ایسٹریٹس کے ساتھ ہر قسم کے معاوضہ یا نفع دینے کا کوئی اختیار ہوگا اور ہر قسم میں  
 وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جاننا لیا جائے گا وہ صاحب موصوف  
 کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ  
 کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔  
 مورخہ: 2024/09/24  
 دن ماہ سال  
 لہذا وکالت نامہ لکھ دیا ہے کہ مندر ہے۔  
 مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

نوٹ: وکالت نامہ کی فونو کاپی قابل قبول نہ ہوگی  
 Acceptance [Signature]

[Signature]

ایسٹریٹس