

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No 2272/2023

Muhammad Rafiq, S/O Khyber Khan.....Appellant

VERSUS

1. Chief Conservator of Forests Malakand Forest Region (Region-III) Saidu Sharif Swat
2. Conservator of Forests Malakand Circle West at Timergara.
3. Divisional Forest Officer, Upper Dir Forest Division at Upper Dir.

Respondents

Additional Documents required by Honorable Court during hearing on dated 04/11/2024 Camp Court Mingora Swat

S.no	Description and Documents	Annexure	Pages
	Affidavit		
	Inquiry Report		1-4
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2.	DFO, Upper Dir Letter No.6337-39/G, dated 02/06/2022	Annexure-II	6
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*Divisional Forest Officer,  
Upper Dir Forest Division  
Dir, Upper*

Divisional Forest Officer,

Upper Dir Forest Division,

At Dir

(Respondent No.03)

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

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No 2272/2023

Duty No. 18/S7

Dated 19-11-24

Muhammad Rafique S/o Khyber Khan

.....**Appellant**

**VERSUS**

1. Chief Conservator of Forests Malakand Forest Region (Region-III) Saidu Sharif Swat
2. Conservator of Forests Malakand Circle West at Timergara.
3. Divisional Forest Officer, Upper Dir Forest Division at Upper Dir.

.....**Respondents**

APPLICATION FOR FILING ADDITIONAL  
DOCUMENTS IN THE ABOVE MENTIONED  
SERVICE APPEAL BY APPELLANT/APPLICANT.

**Respectfully Sheweth:**

1. That the titled Service Appeal is pending adjudication before this Honorable Tribunal which is fixed for hearing today i.e 06.01.2025.
2. That the appellant/Applicant to submit additional documents which is required for the Hon'ble Court important for the disposal of the above mentioned service appeal.
3. There is no legal bar in filing additional documents.
4. That the valuable rights of the appellant is attached with the above mentioned service appeal.

***It is, therefore, respectfully prayed that on acceptance of this application, the additional documents may kindly be placed on file.***

*Respondent*

*hoy*  
Sub Divisional Forest  
Officer  
Upper Dir

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

Service Appeal No 2272/2023

Muhammad Rafiq, S/O Khyber Khan.....**Appellant**

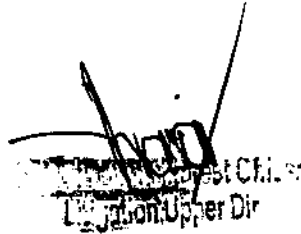
**VERSUS**

1. Chief Conservator of Forests Malakand Forest Region (Region-III) Saidu Sharif Swat
2. Conservator of Forests Malakand Circle West at Timergara.
3. Divisional Forest Officer, Upper Dir Forest Division at Upper Dir.

**Respondents**

**AFFIDAVIT**

I, **MR IHSAN UD DIN, SDFO Litigation (BPS-17)** do hereby solemnly affirm and state on oath that the contents of the additional documents are true and correct to the best of my knowledge and belief, nothing material has been concealed from the Honorable Tribunal

  
Sub Divisional Forest Officer  
Litigation Upper Dir

MR IHSAN UD DIN

Sub Divisional Forest  
Officer

Litigation Upper Dir

CNIC# 15701-2129268-7

Cell # 03028576144

M. Rofiq

①

15

**ENQUIRY REPORT OF STAFF OF UNKAR, SAHIBABAD, WARRI AND AKHGRAM FOREST CHECKPOST, UPPER DIR FOREST DIVISION**

**1. BRIEF HISTORY.**

The Divisional Forest Officer, Lower Dir Forest Division apprehended a vehicle Hino Oil tanker registration No. C-2605 loaded with illicit timber of Deodar = 172 cft. Subsequently chalked damage report No. 527/6, dated 02/06/2022. The matter was investigated and it comes to the surface that the said vehicle loaded in Kalkot Dir Kohistan, crossed the Sheringal Forest Checkpost in Dir Kohistan Forest Division and Unkar, Sahibabad, Warri and Akhgram Forest Checkpost of Upper Dir Forest Division without any hesitation. Which was further authenticated through video clip provided by DFO Dir Kohistan that the vehicle crossed Sheringal Forest Checkpost.

Divisional Forest Officer, Upper Dir Forest Division called explanation of the Sub Divisional Forest Officer/Range Forest Officer vide letter No.6337-39/G, dated 02/06/2022, as per directives of Conservator of Forests, Malakand West Circle letter No. 6149-51/G&L, dated 02/06/2022. On receipts of the reply of SDFO/RFO, Divisional Forest Officer, Upper Dir Forest Division charge sheeted staff including Mr. Siddiq-ur-Rehman, Mr. Mushtaq Ahmad Forest Guard and Muhammad Farooq Barrierman of Unkar Forest Checkpost, Mr. Saif-ul-Islam Forest Guard Sahibabad Forest Check post, Mr. Aziz Ullah, Forest Guard and Mr. Niaz Muhammad Barrierman of Warri Forest Check post and Mr. Muhammad Rafiq Forest Guard of Akhgram Forest Check post on account of inefficiency, misconduct under Rule, 3 of Government of Khyber Pakhtunkhwa Efficiency & Disciplinary Rules, 2011 and ordered a proper enquiry vide office order No. 46, dated 02/02/2022. Entrusted fact finding enquiry to Mr. Murad Ali Shah, DFO Patrol Squad Forest Division, Malakand West Forest Division. But due to the posting of Mr. Murad Ali Shah as Divisional Forest Officer, Upper Dir Forest Division the enquiry was entrusted to the undersigned the then SDFO Litigation Dir Upper vide DFO Upper Dir office order No.92, dated 22/06/2022 to investigate the matter in connection with charges/allegations leveled against the checkpost staff in the charge sheets and statement of allegations under section 5(1) of the Government of Khyber Pakhtunkhwa, Efficiency & Disciplinary Rules, 2011.

**2. CONNECTED DOCUMENTS**

- i. CF, Malakand West Letter No. 6149-51/G&L, dated 02/06/2022
  - ii. DFO, Upper Dir Letter No. 6337-39/G, dated 02/06/2022
  - iii. Replies of the SDFO/RFO Upper Dir Forest Division
  - iv. Office order No. 92 dated 22/06/2022
  - v. Charge sheets of the staff
  - vi. Statement of Allegations
  - vii. Letter to the accused for submission of written reply dated 23/06/2022
- M. Rofiq*

viii. Reply of the accused

ix. Personal Hearing letter No. Nil dated 19/02/2022

x. Recorded statement duly signed by accused and Departmental Representative.

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### 3. BRIEF DESCRIPTION OF THE CASE.

Whereas, Divisional Forest Officer, Upper Dir Forest Division regular issues instructions regarding control of illegal movement of forest produces through proper checking of each and every vehicle crossing forest check post, but staff of forest check post failed to do so. Due to their inefficiency and not following the instructions of the higher ups an Oil tanker bearing registration No. C-2605 loaded with illicit timber crossed the checkpoints in the jurisdictions of Upper Dir Forest Division and later on apprehended by the staff of Lower Dir Forest Division.

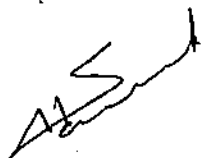
As per report of the SDFO Dir the said vehicle crossed the Unkar Forest Checkpost morning at 6:2 Am leading by a car (Rav-4) without any hesitation and the barrier of check post was open. The SDFO Dir further reported that Mr. Siddiq-ur-Rehman Forest Guard and Farooq Barrierman was on duty at that night and recommended to take strict disciplinary action against them under the rules, as they have failed to perform their duty. Besides that Mr. Mushtaq Ahmad Forest Guard is posted at Unkar Forest Check post.

The staff of Sahibabad Forest checkpoint also failed to stop the vehicle loaded with illicit timber and RFO Darrora submitted that Mr. Saif-ul-Islam Forest Guard was on duty at that night. While SDFO Warri reported that there was a fault in the CCTV camera installed on Warri Forest Checkpost and did not determined the exact time on which vehicle crossed the Warri checkpoint and reported that Mr. Aziz Ullah Forest Guard and Mr. Niaz Muhammad Barrierman were on duty at the night in Warri Forest Checkpost and Mr. Muhammad Rafiq Forest Guard at Akhgram Forest Checkpost. They all failed to stop and properly check the vehicle.

### 4. PROCEEDINGS.

After receiving the charge sheet/statement of allegations the accused official was directed to submit their written replies to the charge sheet/statement of allegations before the enquiry officer, the then Sub divisional Forest Officer, Litigation now SDFO Working Plan Unit-IV Swat for further proceeding in the matter.

The accused officials submit their written replies to the undersigned and after receipt of the reply of the accused, date for personal hearing has been fixed on 20/02/2023 in the office of Divisional Forest Officer, Working Plan Unit-IV and directed the accused official to appear before the undersigned on scheduled date, time and venue. Furthermore Divisional Forest Officer, Upper Dir Forest Division has been requested to nominate Departmental representative to attend the proceeding on due date.



Personal hearing of the accused has been conducted and cross questions have been asked from the accused in front of the departmental representative nominated by DFO Upper Dir. Written statement of the accused has been recorded during the personal hearing.

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## 5. FINDINGS.

As Forest Check Post is established under Section 58 of Forest Ordinance, 2002 to regulate the legal timber transported under transport pass issued by Divisional Forest Officer concerned. And discourage illegal movement of forest produce and take strict legal action under Forest Ordinance, 2002. Being Forest Guard posted at forest check post, it is their prime responsibility to check each and every vehicle crossing check posts and make proper entry into relevant register maintained for the purpose.

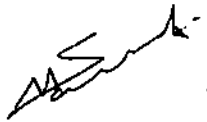
As it is ascertained from the video of CCTV camera installed at Unkar Forest checkpost that the barrier of the checkpost was opened and the said vehicle crossed the checkpost without any barrier and the checkpost staffs were not visible in the video.

Mr. Siddiq-ur-Rehman Forest Guard in his written statement and during personal hearing stated that he was present at that night, performed duty from 11:00 PM to 3:00 AM and after that due to intense fatigue handover the duty to Mr. Farooq Barrierman and the vehicle loaded with illicit timber crossed the checkpost during his duty time.

Mr. Farooq Barrierman stated in his written statement that he performed duty from 2:00 AM to 5:00 AM and the said vehicle crossed the vehicle during duty time of Mr. Siddiq-ur-Rehman. While it has been ascertained from the video that during crossing the checkpost he was present on duty and sitting in the cabin of checkpost, giving non verbal gesture to the pilot Rav-4 vehicle and after few minutes the said vehicle crossed the check post without stopping on the checkpost. The statement of Farooq mentioning that he has not given any chance of complaint during his 33 years of service were denied by the departmental representative and informed that he is already under enquiry in the same nature case and also recently, a show cause notice has been issued to him.

Mr. Mushatq Ahamd Forest Guard were on routine leave and not present on duty, which was further confirmed from the attendance register of the checkpost and stated that he is not involved in any kind of irregularity.

Mr. Saif-ul-Islam Forest Guard was posted at Sahibabad Forest check post and was present on that night on duty. From perusal of his written statement and during personal hearing he confirmed his presence on checkpost at that night but does not observed the passing of the said vehicle. He stated that he was alone performing duty on Sahibabad Forest check post and so many time requested RFO Darrora for posting of another Forest Guard and barrierman to avoid any unpleasant accident. Further stated that may be the vehicle crossed on the alternative road or during have taking breakfast. Beside that he stated that he has also



performed additional duty of nurseries and forest beat, due to which it is impossible for him to perform duty 24 hours 7 days a week on checkpost.

Mr. Aziz Ullah Forest Guard, Incharge Warri forest check post were also charge sheeted on account of failure to perform his duty efficiently. Mr. Aziz Ullah Forest Guard in his written statement and during personal hearing informed that he was not present at Warri Forest Checkpost because in addition to checkpost duty he has also perform duty of Badalai forest beat and was in Badalai beat for transportation of apprehended timber in Damage report No. 1068/22 dated 27/05/2022. The CCTV camera installed on Warri Forest Checkpost were not functional on that night and being incharge it was his responsibility to made all arrangements for working of the CCTV camera. He stated that the CCTV camera were recording video in presence of electricity and when electricity was not available the CCTV camera does not worked as there is no solar facility available in the Warri Forest Checkpost due to which the video has not been recorded at that morning. He also complaint about the burden of additional duty of plantations and beats.

Mr. Niaz Barrierman were also charge sheeted and perusal of his written statement and personal hearing he stated that he was on check post at that night and perform duty from 8:00 PM to 4:00 AM and after that handover the duty to Levy Sepahi Mr. Liaqat Ali and left the checkpost to pray Fajar prayer and after that he was slept and when waked it was 7:00 Am morning and does not observed the said vehicle.

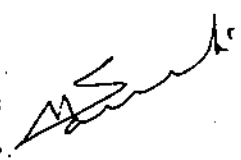
At Akhgram Forest check Mr. Muhammad Rafiq Forest Guard were charge sheeted on account of failure to apprehend the said vehicle and does not perform his duty efficiently. He also denied the charges and stated that he was present on duty at that night, performed his duty honestly and does not observe the vehicle.

**6. CONCLUSION.**

Keeping in view the written statements of the accused officials, personal hearing and available record it comes to the surface that the staff of Forests check post does not perform their duty efficiently and due to their laxity and casual attitude the Hino Oil tanker having registration No.C-2605 loaded with illicit timber of deodar crosses the checkpost without any hesitation or stopping on the forest checkpost. A contradiction was observed in the statement of Mr. Siddiq-ur-Rehman FG and Mr. Farooq Barrierman and instead to take responsibility blaming one another. Mr. Mushtaq Ahmad Forest Guard was on routine leave at that night and does not seems to be responsible, while other staff of checkpost are equally responsible for not performing their duty as per their job description. The competent authority may proceed further against the accused officials in the light of Efficiency & Disciplinary Rules, 2011 as deemed appropriate.



Mr. Saeed Ahmad (Enquiry Officer)  
SDFO Working Plan Unit-IV Swat



OFFICE OF THE CONSERVATOR OF FORESTS  
MALAKAND WEST FOREST CIRCLE TIMERGARA  
DALAMBAT COLONY LOWER DIR  
Ph: 0948-0280130 Fax: 0948-0280110  
Email: ofmkdwest@gmail.com



5  
Annex I

No. 6149-51 IG&L,

Dated

Timergara

tho 2/06/2022

To,

1. The Divisional Forest Officer,  
Lower Dir Forest Division,  
At Timergara.
2. The Divisional Forest Officer,  
Upper Dir Forest Division,  
At Doodbah.
3. The Divisional Forest Officer,  
Dir Kohistan Forest Division,  
At Sheringal.

Subject: SMUGGLING OF TIMBER

Memo:

On receipt of secret information to DFO Lower Dir a Hino oil tanker vehicle bearing hand writing registration No. C-2605 loaded with illicit timber of 43 Deodar No = 172 cft obtained from Kalkot (Dir Kohistan Forest Division) have crossed all the forest check posts right from Kalkot to Shamardin apprehended by the staff of Lower Dir Forest Division. Subsequently issued damage report No. 527/6, dated 02/06/2022 and realized an amount of Rs. 1002200/- through form-14 receipt No. 566/6 dated 02/06/2022 as value of forest produce and compensation etc.

Furthermore a video clip provided by the office of DFO Dir Kohistan shows that the vehicle in question has crossed Sheringal Forest Check Post ascertained from CCTV Camera installed thereon. Therefore you are directed to take disciplinary action against the staff posted on Check Post of your respective jurisdiction under intimation to this office.

CONSERVATOR OF FORESTS  
MALAKAND WEST FOREST CIRCLE  
TIMERGARA

No. \_\_\_\_\_ /IG&L,

Copy forwarded to the Chief Conservator of Forests Malakand Forest Region (Region-III), at Saidu Sharif Swat for favour of information, please.

CONSERVATOR OF FORESTS  
MALAKAND WEST FOREST CIRCLE  
TIMERGARA

7000  
Divisional Forest Officer  
Upper Dir Forest Division  
Dir Upper

LC  
Call explanation  
of concerned staff/DFO  
and to enquire the  
matter in light of  
CCTV record and  
staff on duty.

Wazir D/D  
02/06/2022



<p>OFFICE OF THE DIVISIONAL FOREST OFFICER UPPER DIR FOREST DIVISION</p> <p>Email: <a href="mailto:dfoupperdir@gmail.com">dfoupperdir@gmail.com</a></p>		<p>Phone 0944-881715 Fax 0944-881713</p> <p>Dispatch No. <u>6337-39</u> /G.</p> <p>Dated Dir the <u>02/06/2022</u></p>
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To,

1. SDFO Dir
2. SDFO Warrai
3. RFO Darrora.

Subject:- **SMUGGLING OF TIMBER/EXPLANATION THEREOF**  
Memo:-

That you all were aware and sensitized through various meetings and also your subordinate staff deployed at various Checkposts to be vigilant to curb the menace of timber smuggling during transit. Checkposts of Unkar and Warrai are recently renovated and equipped with CCTV Cameras for deterrence and observance of forest officials during checking and routine duty. You were also directed to supervise the official through surprise visits to check posts and also directed to ask your subordinate staff to be visible in Cameras during duty to identify their negligence in performing their duties.

But you all were not taking any head to supervise your subordinate nor they shown their interest in performing their routine duty. Recently, one Mr. Kiramat Khan Forest Guard ( Shaheed) was martyred during timber smuggling and all staff right from Unkar to Warrai were silent on the matter and merely passing information to solitary Forest Guard (Kiramat Khan) sustained life loss.

Repeated apprehension of vehicles loaded with forest produced by Lower Dir Forest Division put our management in embracing situation and question mark on the performance of your checkposts and deployed staff.

SDFO Dir and Warrai are directed to collect video recording of CCTV Cameras from 5:30 to 7:00 Am dated 31/5/2022 to observe the presence and performance of forest officials during these timings.

Furthermore ensure through supervise visits and odd time monitoring through CCTV Apps in your mobile. Also call explanation of the Checkpost staff present on duty at the time and submit their replies to this office alongwith your comments/recommendations within 7 days most positively.

No. 6340 /G.


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

*[Signature]*  
DIVISIONAL FOREST OFFICER  
UPPER DIR FOREST DIVISION  
DIR

*[Signature]*  
DIVISIONAL FOREST OFFICER  
UPPER DIR FOREST DIVISION  
DIR

**TESTED**

*[Signature]*  
Divisional Forest Officer,  
Upper Dir Forest Division  
Dir. Upper

SUB DIVISIONAL FOREST OFFICER WARRI SUB DIVISION		SDFO OFFICE WARRI
No. 206/W	Dated	the 03 / 06 / 2022

To,

Divisional Forest Officer  
Forest Division  
DY Upper

Subject: SMUGGLING OF TIMBER/ EXPLANATION THEREOF:  
Memo: Reference to your office letter No. 6337-39/G dated 02/06/2022

Respected sir

The undersigned always directed concern staffs for improvement of their daily routine duties. Several letters and verbal directions were issued to them timely again. The wari Sub Division is facing acute shortage of staffs yet staffs performance is remarkable in the sense that even our staff sacrificed his life during stoppage of smuggling. It is worth to mention at this stage that like the exit point at lawari tunnel there exists checkpoints for proper checking of vehicles same should be established on the sheringle road as well. Usually these smugglers are using professionals techniques nowadays and it is very difficult to detect such vehicle without proper information from informer during this apprehension it was moral and official obligation of the other officials to at least share information with one of trust worthy officers for the proper blockade and stopping of the offence to avoid any incident as this is our joint duty to stop such act.

The explanation was called from the concern staffs of Wari Forest Chec kpost and Akhagram Forest Check post on not checking of vehicle and closing of CCTV cameras on which they have submitted their written reply which is attached and self-explanatory. It has been mentioned in the reply of the concern staffs that their exists group of levies personal who perform duty with forest officials on these checkpoints their involvement in such offences should also be checked and properly inquired.

*700/2022*  
*As for checking of every vehicle for checking of each and the forest produce for regulation you have two checkpoints at exit point of Dir forest. One staff were checked to be in the area of the road line and close to the staff department is no doubt in all over the forest. You were assigned special directed of field staff through duties to strengthen forest. No. 206/W*

Sub Divisional Forest Officer Wari Sub Division

Divisional Forest Officer

Div, upper Forest Division

Subject: Smuggling of Timber/Explanation thereof

Memo:- Reference to your office letter No. 6337-39  
date 02/06/2022.

R/Sir!

The undersigned always stressed on one staffs for their improvement in daily routine. Several letters and instructions were issued to them timely again. Though the strenght of staffs is low but somehow they have to perform duties assigned to them.

The vehicle which was apprehended at Lowe Div on 31-5-2022 the CCTV of wari Forest check was checked but the footage is not cleared. The concerned staffs were at duty in wari and Akhagaram checkpoint as checked in duty regis

(i) Wari checkpoint → Niaz Mahomed (I)

(ii) Akhagaram checkpoint → M. Rafiq (Fg)

TESTED

70000  
Divisional Forest Officer,  
Upper Div Forest Division  
D/o Office

man  
SDF  
wa  
2-6-22

OFFICE ORDER

No. 92 dated 22/06/2022

Email: dfoupperdir@gmail.com



ISSUED BY MR. MURAD ALI SHAH

DIVISIONAL FOREST OFFICER  
UPPER DIR FOREST DIVISION

Phone 0944-881715, Fax 0944-881713

As on 30/05/2022 an Oil tanker having registration No. C-2605 loaded with illicit timber crossed Forest Check Posts of Upper Dir Forest Division, subsequently apprehended by staff of Lower Dir Forest Division. In this regard the officials of Forest Check Post, Upper Dir Forest Division have been charge sheeted and enquiry has been entrusted to the undersigned as a Divisional Forest Officer, Patrol Squad Malakand West Forest Circle. Now as look after charge has been assigned to undersigned as Divisional Forest Officer, Upper Dir Forest Division, vide Chief Conservator of Forests, Malakand Forest Region-III office order No.26, dated 13/06/2022, the enquiry against the officials of Upper Dir Forest Division is hereby entrusted to Mr. Saeed Ahmad, Sub-divisional Forest Officer, Litigation, Upper Dir Forest Division in the interest of public service with immediate effect.

Sd/-  
(Murad Ali Shah)  
Divisional Forest Officer  
Upper Dir Forest Division,

No. 6870-73/Estt,

Copy forwarded to the:-

1. Conservators of Forests, Malakand Forest Circle West Timergara for favour of information please.
2. Mr.Saeed Ahmad, Sub-divisional Forest Officer, Litigation, Upper Dir Forest Division for favour of information along with charge sheet and memo of allegations from page No.01 to 39. He is requested to finalize the enquiry within stipulated time period.
3. Sub-Divisional Forest Officer, Dir/Wari/Range Forest Officer, Darrora for information and necessary action.
4. All concerned for information.

Enclosed as stated above.

ATTESTED

*Murad Ali Shah*  
Divisional Forest Officer,  
Upper Dir Forest Division,  
Dir Upper

*Murad Ali Shah*  
Divisional Forest Officer,  
Upper Dir Forest Division,  
At Dir,

9

CHARGE SHEET

Annex V

I, Mr. Ejaz ur Rehman, Divisional Forest Officer Upper Dir Forest Division, as competent authority Under Khyber Pakhtunkhwa, Government Servant (Efficiency & Disciplinary Rules-2011), hereby charge you, Mr. Mohammad Rafiq, Forest Guard as follows:-

You, while posted as Forest Guard, Akhgram Forest Check Post, Warri Forest Sub division, has committed the following irregularities:-

- I. That besides repeated directives/instructions regarding control of illegal movement of forest produces through proper checking of each and every vehicle crossing Forest Checkpost, especially at the time of sunrise and sunset, but you failed to do so. As on 31/5/2022 a Hino Oil Tanker bearing hand writing registration No.C-2605 loaded with illicit timber of 43 No Deodar = 172 cft apprehended by staff of Lower Dir Forest Division at Shamardin.
  - II. As reported by SDFO Dir vide his letter No.71/Dir, dated 02/06/2022, that the said vehicle crossed the Unkar forest check post at 6:02 Am morning, as evident from CCTV camera video. As per report of Range Forest Officer, Darrora Forest Range you were on duty on that night. But you did not apprehend the vehicle loaded with illicit timber and left the barrier open to timber smugglers.
  - III. Being Forest Guard it is your prime responsibility stop each and every vehicle for checking, but you did not perform your duty as per job description which shows your inefficiency in performing your duty.
2. By reason of the above, you appear to be guilty of in-efficiency, mis-conduct and corruption under Rules-3 of Khyber Pakhtunkhwa Government servants (Efficiency and Disciplinary) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
  3. You are therefore, required to submit your written defense within seven (07) days of the receipt of this charge sheet to the enquiry officer/committee, as the case may be.
  4. Your written defense, if any, should reach to the enquiry officer/committee within the specified period, failing which it will be presumed that you have no defense to put in and that exparte action shall be taken against you.
  5. Intimate whether you desired to be heard in person.
  6. Statement of allegation is enclosed.

ATTESTED

700 me  
Divisional Forest Officer,  
Upper Dir Forest Division  
Dir Upper

MR. EJAZ UR REHMAN  
DIVISIONAL FOREST OFFICER,  
UPPER DIR FOREST DIVISION

Mr. Ejaz ur Rehman Forest Officer Upper Dir Forest Division as competent authority, is of the opinion that Mr. Mohammad Rafiq, Forest Guard, Akhgram Forest Check post, Warri Forest Sub-division of Upper Dir Forest Division has rendered himself liable to be proceeded against, as he committed the following acts of omissions and commissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Govt. Servant (Efficiency & Discipline) Rule, 2011:-

**STATEMENT OF ALLEGATIONS.**

- I. That besides repeated directives/instructions regarding control of illegal movement of forest produces through proper checking of each and every vehicle crossing Forest Checkpost, especially at the time of sunrise and sunset, but he failed to do so. As on 31/5/2022 a Hino Oil Tanker bearing hand writing registration No.C-2605 loaded with illicit timber of 43 No Deodar = 172 cft apprehended by staff of Lower Dir Forest Division at Shamardin.
  - II. As reported by SDFO Dir vide his letter No.71/Dir dated 02/06/2022, that the said vehicle crossed the Unkar forest check post at 6:02 Am morning, as evident from CCTV camera video. The barrier was not closed and he was sitting inside the post and not visible in the CCTV Camera during duty, beside repeated directions that the official on duty at Checkpost must be visible in CCTV Camera. As per SDFO report he was on duty at that time, but he did not bother to stop the Oil tanker loaded with illicit timber and left the check post opens to the timber smugglers.
  - III. The CCTV camera video clearly shows that a person sitting in the pilot car (Rav-4) stop at barrier and noticed the position of staff as shows from his gesture and non verbal communication towards check post cabin, the Oil tanker crossed the check post barrier without any hesitation for checking.
  - IV. Being Forest Guard, it is his prime responsibility to stop each and every vehicle for checking, but he did not perform his duty as per job description which shows your inefficiency in performing your duty.
2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following, is constituted under rule 10(i)(a) of rules ibid:
- a) **Mr. Murad Ali Shah, Divisional Forest Officer, Patrol Squad Malakand West Forest Circle at Timergara.**
3. The enquiry committee shall, in accordance with the provisions of the rules ibid, provide reasonable opportunity of hearing to the accused; record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
  4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the enquiry committee.

**ATTESTED**

*[Signature]*  
Divisional Forest Officer,  
Upper Dir Forest Division  
Dir. Upper

*[Signature]*  
**MR. Ejaz ur Rehman**  
**DIVISIONAL FOREST OFFICER,**  
**UPPER DIR FOREST DIVISION**


To,

- 1) Mr. Saadig ur Rehman (FG)
- 2) Mr. Mustafiz Ahmad (FG)
- 3) Mr. Saif ul Islam
- 4) Mr. Anisulhak (FG)
- 5) Mr. M. Rafiq (FG)
- 6) Mr. M. Farooq Bannerman
- 7) Mr. Niaz Muhammad Bannerman

c/o  
 Divisional Forest Officer  
 Upper Dir Forest Division


Subject: Office order No 92, Dated 21/1/2012 Personal hearing

Memo: All of you are directed to appear before the undersigned on 22-02-2013 at 10:00 AM in office of Divisional Forest Officer, Working Plan Unit 6 Kanju Swat for personal hearing in connection with enquiry entrusted to undersigned vide subject order.

  
 Sub-Divisional Forest Officer  
 Working Plan Unit 6  
 at Kanju Swat.

Copy forwarded to DFO upper Dir. He is requested to nominate departmental representative to attend enquiry proceeding on schedule date, time and venue please

ATTESTED

  
 Divisional Forest Officer  
 Upper Dir Forest Division  
 Dir Upper

SDFO Working Plan  
 Unit 6  
 at Kanju Swat.





سوال: اگر کسی حیثیت میں قلم غار میں ایسی فرمائش سرکار کے لئے کی جائے؟  
جواب: اگر ایسی فرمائش میں ایسا دیوٹی حیثیت غار میں گارڈ دے دیا جائے۔

سوال: اگر کسی دیوٹی کے لئے یہ تھی؟  
جواب: اگر ایسی فرمائش میں ایک پوسٹ ایئر تھی۔

سوال: اگر کسی حیثیت غار میں ایسی فرمائش کیا ہے؟  
جواب: اگر ایسی فرمائش میں ایسی فرمائش کی سہولت اور  
کفالت کی روک تھام کریں گے۔

سوال: اگر ایسی فرمائش واقعہ کی رات ایسی فرمائش میں موجود تھی۔  
جواب: اگر ایسی فرمائش میں ایسی فرمائش میں موجود تھی۔

سوال: اگر ایسی فرمائش میں ایسی فرمائش میں تھی؟  
جواب: اگر ایسی فرمائش میں ایسی فرمائش میں تھی۔


ATTESTED  
Divisional Forest Officer,  
Upper Dir Forest Division  
Dir Upper

M. Raftiq = محمد رفیق



**AUTHORITY LETTER**

Mr. Ihsan Uddin Sub-divisional Forest Officer (BPS-17) Litigation Upper Dir Forest Division, Dir Forest Sub-division is hereby authorized to provide additional documents in the Honourable Khyber Pakhtunkhwa Service Tribunal in the Service Appeal No. No. SA 2272/2023, Muhammad Rafiq Forest Guard versus CCF-III,CFMW and DFO Upper Dir Forest Division, on behalf of Forest Department.

  
Divisional Forest Officer  
Upper Dir Forest Division  
Dir 