

To

The Secretary
Government of Khyber Pakhtunkhwa
Environment, Forestry & Wildlife Department
Peshawar.

ATTESTED
SHEIKH AHMED
Advocate High Court Abbottabad

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Subject: PRESENTATION REGARDING PROMOTION OF DCF'S BS-18 TO THE RANK OF CONSERVATOR OF FORESTS BS-19

Reference Chief Conservator of Forest Central Southern Forests Region, Peshawar letter no 3147-49 dated 20-03-2014.

It is most humbly prayed that your humble petitioner is serving in BS 18 as Conservator of Forests in the Forest Department under your kind aegis.

It is further requested that there are four vacant posts of BS.19 in the Forest Department which are to be filled by promotion from amongst the members of Forest service of DCF's BS.18, who already performing their services on the post of BS-19

Sir,

While preparing the working paper for the penal of officers for consideration for promotion of DCF's BS 18 to 19 your humble petitioner has been rated as "not eligible for promotion" on the following two grounds.

- i) **He is under suspension**
- ii) **His service in BS 17 on regular basis is less than 12 years.**

Sir,

Your humble petition has been rated with malafide intension while ignoring the rules on the subject as is evident from the following irrevocable facts on record:

- i) The August Lahore High court in writ petition no 11138 of 2007 has given the verdict on 14-12-2007 that:

C) Promotion:

It is well settled law that mere pendency of disciplinary proceedings against a civil servant would not be a valid ground for not considering such civil servant for promotion (Photocopy attached as annexure-A)

Sir,


- i) There was no disciplinary proceeding against the petitioner. The suspension is not punishment.
- ii) As regards the length of service, the Chief Conservator of Forests Central Southern Region-I himself stated that the petitioner was recruited in BS 16 on 19.11.1979, whereas the exact date of recruited is 6.10.1977. The Govt. has already made it clear in the Esta Code on page 336 which clearly provides that: "one half of the service in BS 16 will be counted towards service in BS 17 (Photocopy attached as annexure-B).

Your humbly petitioner has been regularized in BS-17 on 1.7.2006. From 11/1977 to 1.7.2006 the length of service come to more than 29 years while in BS-17 and BS-18 he has on his credit more than 8 years which very clearly shows that the petitioner has more than 23 years of service in BS-17^a and above on the day of preparation of the working paper i.e. 24.6.2015.

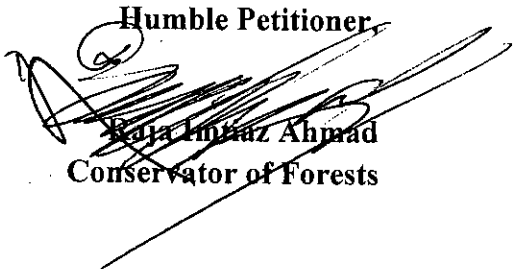
From the foregoing exposition it is manifestly clear that your humble petitioner squarely fulfills the conditions laid down for promotion to BS-19.

It is therefore, humbly prayed that the working paper may kindly be amended accordingly and the case of the petitioner for promotion from BS-18 to BS-19 may graciously be considered and petitioner may kindly be given his due and rightful promotion, please.

Dated 11/12 / August 2015



Your's
Humble Petitioner



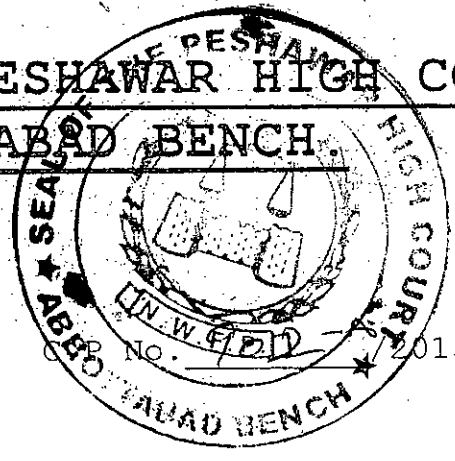
Raja Imtiaz Ahmad
Conservator of Forests

NOT ATTESTED
J. IMTIAZ AHMED
Associate High Court Abbottabad

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BEFORE THE PESHAWAR HIGH COURT
ABBOTABAD BENCH.



Raja Imtiaz Ahmed Conservative of Forest, KPK
Forest Department r/o Kaghan Colony,
Abbottabad.

Petitioner

Versus

1. Government of Khyber Pakhtunkhwa through its Chief Secretary, KPK Peshawar.
2. Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. Provincial Selection Board through its Chairman/Chief Secretary Khyber Pakhtunkhwa Peshawar.
4. Secretary to Government Forest Department, Khyber Pakhtunkhwa Peshawar.

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No 3893
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5. Mohammad Saddique Khattak Chief
Conservative, Central, Southern Region-I
Shami Road Peshawar.

Respondents

CONSTITUTIONAL PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN 1973.

It is respectfully submitted as under:-

1. That, petitioner being BPS-18 while working as Conservator of Forest Lower Hazara Circle Abbottabad alongwith others was suspended from service through a Notification dated 27.01.2015. All that happened due to malafide of respondent No.4. The respondent No.4 without any justification has also moved to the man at the top of hill of KPK Government for the initiation of Anti Corruption case against the petitioner and others. Copies of Notification dated 27.01.2015 and letter dated 27.01.2015 are annexed as Annexure A & B.

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2. That petitioner and one Sardar Mohammad Sultan who at the relevant time was the Chief Conservator of Forest Region-II, Abbottabad being aggrieved from their un-justified and malafidely suspension from service and the move of initiation of Anti-Corruption case on the instance of respondent No.4 invoke the constitutional jurisdiction of this Honourable Court through C.P.No.124-A of 2015.

3. That this Honourable Court upon the said petition through ad-interim order was pleased to suspend letter dated 27.01.2015, whereby the office of respondent No.2 was addressed to the Director Anti-Corruption Establishment Khyber Pakhtunkhwa for registration of case against the petitioner and others and further pleased to call the comments from respondents of that petition. The said petition is still pending adjudication before this Honourable Court. Copy of order of this

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Honourable Court is annexed as Annexure C.

4. That it is worthy to mention here that petitioner despite his suspension for six months, which is the maximum time of suspension under the KPK Civil Servant (E&D) Rules, 2011 was not served with any charge sheet. Meaning thereby the suspension of petitioner's service, which was commenced on 27.01.2015 and terminated on 27.07.2015 has proven as malafide being nothing against the petitioner.

5. That petitioner's promotion from BPS-18 to BPS-19 was due in the month of January 2005. But, his working paper for promotion from BPS-18 to BPS-19 were prepared in such way by the respondent No. 5 due to which his name could not be considered for promotion from BPS-18 to BPS-19. As the respondent No. 5 has stated that petitioner is not eligible for promotion fit on

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account of alleged suspension dated 27.01.2015, which was not followed by any charge sheet as yet. The Provincial Selection Board did not consider the case of petitioner from BPS-18 to BPS-19 only on the point that his service is suspended. Whereas, there is clear-cut instructions and decisions of Government that the mere pendency of disciplinary against the civil servant cannot deprive him from the right of promotion. Copies of Government instructions are annexed as Annexure D.

6. That petitioner at the relevant time could not become aware that his case for promotion from BPS-18 to BPS-19 was dropped due to the submission of wrong advise of respondent No. 5 to Provincial Selection Board. As such, due to that reason and suspension of his service he could not move this Honourable Court against the illegal and malafide act of respondent No. 5, as a result whereof he was deprived

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from his right of promotion from BPS-18 to BPS-19.

7. That petitioner after 27.07.2015 when his suspension legally stood terminated has come to know that respondent No. 5 in view of the seniority of the officer of Forest Department of BPS-18 had sent a working paper for their promotion in BPS-19 to Provincial Selection Board against the four posts, which was including the name of petitioner as well. He obtained the copy of that working papers very difficulty in the month of August 2015 since he despite of legally restored in service, was not given any posting in the department of his status as yet by the respondent No.4. He after obtaining the copy of said working paper had made representation against the same since in it he was yet shown as suspended from service and illegally termed that his length of service is short for the purpose of consideration for his promotion

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from BPS-18 to BPS-19. And so he was not eligible for his promotion. Copies of working papers and representation of petitioner are annexed as Annexure E & F.

8. That, petitioner some days ago has come to know that Provincial Selection Board Meeting was held on 28th August 2015 and in which two officers namely Dr.Faiz ul Bari and Shabbir Hussain were promoted to BPS-19. It is pertinent to mention here that Faiz ul Bari who was promoted in BPS-19 stood retired on 09.09.2015. He on account of short of one year ACR was not eligible to be promoted in BPS-19 since he joined the service some where in the mid of year 2014 after availing five years deputation.

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9. That it is also not out of context to mention here that petitioner is going to be retired in next month. But, he due to malafide acts of respondents No.4 & 5 neither gave

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any posting of his status as yet. Nor because of their malafide the Provincial Selection Board considered him for promotion in BPS-19 despite of his eligibility.

10. That, petitioner under the circumstances is left with no other option, but to seek the indulgence of this Honourable Court, in the matter of un-just and un-fair preparation of working papers on the part of respondent No.5 against the petitioner and up holding the same by Provincial Selection Board as a result whereof petitioner has been deprived from his right to be consideration for promotion by the Provincial Selection Board on merit, through this petition. Hence, this petition, inter-alia, on the following grounds and that other better grounds which shall be urged at the time of hearings.

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Abbottabad Bench

GROUND S

a. That, after 27.07.2015 there was no suspension of petitioner under the law. Under the KPK Government Servant (E&D) Rules, 2011 the competent authority can suspend the service of civil servant for six months only. Initially for three months and thereafter, if need be for further three months. After 27.07.2015 till the meeting of Provincial Selection Board dated 24th August 2015 neither petitioner was suspended from service nor any disciplinary proceeding was pending against him, thus, petitioner was malafidely and un-justly not considered on merit for his promotion in BPS-19 by the Provincial Selection Board in its meeting dated 24th August 2015.

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 Peshawar High Court
 Abdul Basit Bhatti

b. That, petitioner's length of service was illegally and malafidely termed as short of 12

years in BPS-17. Whereas, under the relevant rules he had qualifying length of service on the basis of which he could be considered for promotion in BPS-19. As such, the Provincial Selection Board mere on the wrong, malafide and illegal advise of respondents No.4 & 5 was not justified to not consider the petitioner for his promotion on merit since at the relevant time he was not suspended from service, no disciplinary proceeding was pending against him and he was having qualifying length of service under the relevant rule.

c. That, respondents No.4 & 5 despite being aware of the fact that petitioner's un-just and malafide suspension was came to an end on 27.07.2015 and under the rule petitioner was having the qualifying length of service for his promotion in BPS-19 has

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malafidely neither reinstated him in service nor he had informed the Provincial Selection Board about the true fact respecting the petitioner. As such petitioner due to malafide act of respondents have not been considered for his promotion in BPS-19 and as such the said act of respondent No.4 is amenable in the constitutional jurisdiction of this Honourable Court.

d. That, this Honourable Court in view of the facts of the case of petitioner gets every right for its interference, so his right for consideration of promotion by the Provincial Selection Board be saved from being defeated and prejudiced since petitioner is going to be retired from his service on 07.10.2015.

e. That petitioner despite being legally reinstated in his

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service and having no disciplinary proceeding against him deserve to be posted against the position for which he deserves on merit.

f. That under the Government instructions and decisions no civil servant can be deprived from his right of promotion mere on the pendency of disciplinary proceeding against him.

g. That under the instructions of Government where first appointment of a person other than a person covered under proviso-II was made to Government service in BPS-16 or below, one half of the service in BPS-16 and 1/4th in grade 15 and below may be counted as service in grade-17 for the purpose of promotion only. As the petitioner has originally joined the service of Forest Department in the capacity of Range Officer in BPS-16. That length of

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petitioner's service which spread over 25 years in terms of said rules was qualifying him to be considered for the promotion in BPS-19. In view of this position, petitioner was unjustly not considered against the post of BPS-19, which is still available with the department for the purpose of promotion from BPS-18 to BPS-19.

h. That no other alternate, efficacious and speedy remedy available to the petitioner except this petition.

i. Stamp paper of Rs.500/- is attached herewith as court fee.

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PRAYER

It is, therefore, very humbly prayed that this Honourable Court may graciously be pleased to direct the respondents that needful be done for convening the meeting of Provincial Selection Board for the

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consideration of the promotion of petitioner from BPS-18 to BPS-19 on merit and record available till 24th August which was date of Provincial Selection Board meeting held for the promotion of officers from BPS-18 to BPS-19 before his retirement which is due on 07.10.2015. As he on 24th August 2015 was not considered on merit for his promotion in BPS-19 due to malafide, unjust and illegal act of respondents No.4 & 5. He is also entitled for posting immediately against the post which he was holding before 27/01/2015, as he is no more suspended from service after 27th July 2015.

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 Petitioner

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Through:-

- M/S (1) *[Handwritten signature]* (Fazal-i-Haq Abbassi)
- (2) *[Handwritten signature]* (Abdul Shakoor Khan)
 Advocates Supreme Court of Pakistan.

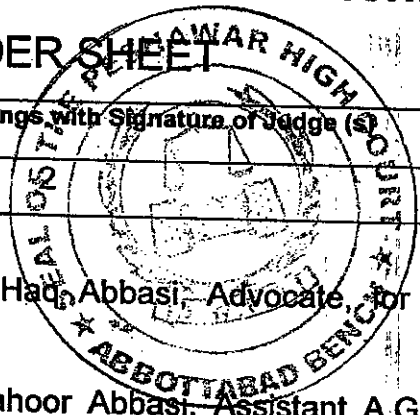
Dated:- 15/09/2015.

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PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	
05.12.2017	<p><u>W.P.No. 902-A/2015.</u></p> <p>Present: Mr. Fazal-e-Haq, Abbasi, Advocate, for the petitioner.</p> <p>Mr. Yasir Zahoor Abbasi, Assistant A.G for the respondents.</p> <p style="text-align: center;">***</p> <p><u>LAL JAN KHATTAK, J.-</u> Petitioner, through this petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, has prayed this court for issuance of a writ directing the respondents to convene a meeting of the Provincial Selection Board and consider his case for promotion from BPS-18 to BPS-19.</p> <p>2. Facts of the case need no reiteration as at the very outset learned counsel for the petitioner stated at the bar that the petitioner will be satisfied and would not press this petition anymore, if directions are given to respondent No.1 to decide his case pending before him on merit, to which the learned Assistant Advocate General readily agreed.</p> <p>3. In view of the above concurrence of learned counsel for the petitioner and the learned Assistant Advocate General, this petition stands disposed of in terms that the worthy Chief Secretary to the Government</p>

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of Khyber Pakhtunkhwa Peshawar, shall decide
petitioner's case, pending before him, in accordance
law. It will be appreciated, if the needful is done
earliest.

Self Judge,
Self Judge,

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EXAMINER
[Signature]
Peshawar High Court Bench
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PSB-II

PANEL OF OFFICERS FOR CONSIDERATION

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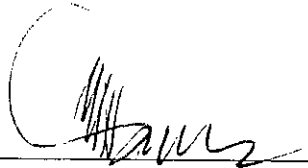
S.No	Name of officers with Academic Qualification	Remarks*
1.	Dr. Faizul Bari, B.Sc.Forestry M. Sc Forestry. M.Sc.(Range Management).Ph. D (USA)	Eligible for promotion against available regular post. After arrival from long leave on 17.03.2014, the officer earned ACR for the period from 17.03.2014 to 31.12.2014 and 1.1.2015 to 31.3.2015 (special report) as per para 5 of the instruction available in the letter of Government of Pakistan Cabinet Secretariat Establishment Divsision Islamabad letter No.1/1/2001-CP-II dated 14.5.2009(copy attached).Performance Evualuation Report for both the periods are in category of very good. His quantification score is 62 and completed twelve years length of service prescribed for promotion to BPS-19 as well as passed the Departmental Examination.
2.	Shabir Hussain, B.Sc Forestry M.Sc Forestry	Eligible for promotion. His case was placed and discussed in the PSB meeting held on 30-01-2015. He was cleared by the PSB in its meeting held on 30.01.2015, and recommended for promotion on acting charge basis. He has completed twelve years length of service prescribed for promotion to BPS-19 and also passed the Departmental Examination. His quantification score is 61.
3.	Raja Imtiaz Ahmad, B.Sc.Forestry	Due to suspension the officer is not eligible for promotion, however, the officer was appointed to the post of Forest Ranger BPS-16 on 19.11.1979 through Public Service Commission and promoted to the post of Assistant Conservator of Forests /SDFO BPS-17 on acting charge basis with effect from 21.7.2003 and regularized with effect from 1.7.2006.The officer was promoted to the post of Deputy Conservator of Forests BPS-18 w-e-f 5.9.2009. The officer has completed over 11 years service from the date of his appointment to the post of ACF/SDFO on acting charge basis while eight years length of service in BPS-17 on regular basis instead of twelve years prescribed for promotion to BPS-19.The officer passed the Departmental Examination and his quantification score 57.
4.	Mr. Shakeel Ahmad B.Sc. Forestry MBA	Not eligible for promotion. The officer was appointed to the post of Forest Ranger BPS-16 on 19.11.1979 through Public Service Commission and promoted to the post of SDFO BPS-17 on 1.7.2006.The officer was promoted to the post of Deputy Conservator of Forests

ATTESTED

 ADVOCATE HIGH COURT PESHAWAR

BPS-18 w-e-f 9.2.2011. The officer has completed eight years length of service in BPS-17 and above instead of twelve years prescribed for promotion to BPS-19. The officer passed the Departmental Examination and his quantification score is 49.

CERTIFICATE

- (1) *Certified that the officers are eligible in all respects and possess the requisite length of service required for promotion except the officers listed at S.No. 3 and 4.*
- (2) *Also certified that no disciplinary action/proceedings or criminal charges in any court of law are pending against the officers except the officer listed at S.No. 3.*
- (3) *Also certified that the officers had passed the Departmental Examination.*

Signature: 

Designation: Chief Conservator of Forests
Khyber Pakhtunkhwa Peshawar

Date: 26-6-2015

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ATTESTED
ULFIQAR AHMED
Advocate High Court Abbottabad

GOVERNMENT OF KHYBER PAKHTUNKHWA
 FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
 NO. SO(Estt)/FE&WD/1-2/2014
 Dated Peshawar the, 16th August, 2018

To Mr. Raja Imtiaz Ahmad,
 Ex-Divisional Forest Officer (BS-18),
 Forest Department,
 Khyber Pakhtunkhwa.

C/o Chief Conservator of Forests,
 Central Southern Forest Region-I,
 Khyber Pakhtunkhwa,
 Peshawar.

Subject: - **WRIT PETITION NO: 902-A/2015 RAJA IMTIAZ AHMAD VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH ITS CHIEF SECRETARY & OTHERS**

I am directed to refer to your appeal dated 12th December, 2017 on the subject captioned above and to say that in compliance with order of Peshawar High Court, Abbottabad Bench dated 05th December, 2017, the Chief Secretary, Khyber Pakhtunkhwa, has considered your representation and rejected being not based on facts ground realities, please.

(HAFIZ ABDUL JALIL)
 SECTION OFFICER (ESTT)

Endst: No: & date even

Copies forwarded for information to:-

1. Registrar Peshawar High Court, Abbottabad Bench.
2. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar w/r to his letter No: 3704/E, dated 21st March, 2018.
3. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.

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~~SECTION OFFICER (ESTT)~~

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Dated Peshawar the 31 /08/2018.

Copy forwarded to Raja Imtiaz Ahmad Ex-DFO c/o Conservator of Forests Lower Hazara Forest Circle Abbottabad for information. A copy of the letter meant for him is also enclosed.

Chief Conservator of Forests
 Central Southern Forest Region-I
 Khyber Pakhtunkhwa Peshawar

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

NO.SO(Estt)/FE&WD/1-2/2014
Dated Peshawar the, 16th August, 2018

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To

Mr. Raja Imtiaz Ahmad,
Ex-Divisional Forest Officer (BS-18),
Forest Department,
Khyber Pakhtunkhwa.

ATTESTED
ZULFIKAR AHMED
Judge High Court Abbottabad

C/o

Chief Conservator of Forests,
Central Southern Forest Region-I,
Khyber Pakhtunkhwa,
Peshawar.

w.p. file
10/8/18

**Subject: - WRIT PETITION NO: 902-A/2015 RAJA IMTIAZ AHMAD VERSUS
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH ITS CHIEF
SECRETARY & OTHERS**

I am directed to refer to your appeal dated 12th December, 2017 on the subject captioned above and to say that in compliance with order of Peshawar High Court, Abbottabad Bench dated 05th December, 2017, the Chief Secretary, Khyber Pakhtunkhwa, has considered your representation and rejected being not based on facts/ground realities, please.

(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)

Endst: No: & date even

Copy is forwarded for information to:-

1. Registrar Peshawar High Court, Abbottabad Bench.
2. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar w/r to his letter No: 3704/E, dated 21st March, 2018.
3. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.

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30-8-2018

SECTION OFFICER (ESTT)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Pesh: 13th August, 2015

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NOTIFICATION

No. SO(Est)FE&WD/1-2/2K15: In terms of Section-VII of the Promotion Policy, the Competent Authority is pleased to appoint the following Deputy Conservator of Forests/Director of Forests/Deputy Director of Forests/Deputy Director of Wildlife PSB i.e. _____ retired from _____ each:-

Raja Imtiyaz Ahmad
Ex-DFO No: 716

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Received
07-09-2018

ATTESTED
SALIM ULLAH AHMEDI
Advocate High Court Abbottabad
KHYBER PAKHTUNKHWA
WILDLIFE
13th August 2015

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**BEFORE THE SERVICE TRIBUNAL KP
PESHAWAR**

Appeal No 1229 of 2018

Raja Imtiaz Ahmad Conservator of Forests(Retired), KPK
forest department R/O Kaghan colony, Abbottabad

Appellant

Versus

- 1- Govt of KPK, Peshawar through Chief Secretary, Peshawar.
- 2- Provincial Selection Board through its Chairman / Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 3- Secretary to Government Khyber Pakhtunkhwa Forestry Environment & Wildlife Department Peshawar.
- 4- Chief Conservator of Forests Central Southern Region-I KPK, Peshawar.

Respondents.

Respectfully Shewith

PRELIMINARY OBJECTIONS

- i- The appellant has got no cause of action nor locus standi to file the instant appeal.
- ii- The appellant is legally stopped by his own conduct to bring the present appeal.
- iii- The appellant is not aggrieved by any order, hence no discrimination and therefore the instant appeal is not maintainable.
- iv- The appellant has not come to this honourable court with clean hands.
- v- That the instant appeal is barred by law.
- vi- That the appellant has suppressed/ concealed the original facts from this honorable service tribunal hence not entitled for any relief and the appeal is liable to be dismissed.
- vii- That the honorable Service Tribunal has no jurisdiction to entertain the instant appeal.
- viii- That the appellant has filed the instant service appeal just to pressurize the respondents.

ON FACTS

- 1- In reply to para No.1 it is stated that respondent No. 4 has never taken the said action against the appellant. However the plea is correct to the extent that the appellant in his own pay and scale of BPS-18 was posted and serving as Conservator of Forests Lower Hazara Forest Circle Abbottabad, BPS-19 (now retired). During the period when he was serving as Conservator of Forests Lower Hazara Forest Circle, the appellant was suspended due to colossal Forest damage occurred in Massar Reserved Forests compartment No.2(i), 2(ii), 3(iii), 4, 5(ii), 5(iii), 6, 8(i), 9(iii), 14(ii),18(i), 18(iii), Tanglai 9, Ukhrial and Kotli Guzara of Siran Forest Division, vide Government of Khyber Pakhtunkhwa Establishment Department Notification No. SO(E-I)E&AD/9-112/2015, dated 27.01.2015 (**copy attached as annexure-I**). The remaining para is incorrect hence denied.
- 2- Pertain to record hence no comments.
- 3- Pertain to record hence no comments.
- 4- In reply to para No.4 it is submitted that alleged Malafide of respondents against the appellant is incorrect as is evident from the fact that the charge sheet against the appellant was sent to competent authority vide letter No 799/GE dated 11-9-2015 and disciplinary proceeding conducted/finalized against the appellant by competent authority as per rules.
- 5- Incorrect. The para No.5 is incorrect hence denied. The real facts of the case is that the petitioner in term of rules-9(4) of appointment, promotion and transfer Rules 1989 was appointed to the post of ACF/SDFO (BPS-17) on acting charge basis w.e.f 21.7.2003 which was regularized w.e.f. 1.7.2006. Later on the officer was promoted to the post of DFO/DCF (BPS-18) on regular basis w.e.f 5.9.2009, thus the petitioner completed 11 years service from the date of his appointment against the post of ACF/SDFO on acting charge basis while eight year length of service on regular basis instead of twelve (12) years service prescribed for promotion to BPS-19.

Simultaneously, the appellant was involved in departmental case, charge sheet issued against him by competent authority and proceedings were in progress, therefore he was not considered for promotion and was deferred during the Provincial Selection Board meeting held on 28.8.2015 after reserving seat in the cadre of BPS-19 as provided vide Para V-a (i) of promotion policy 2009 (**copy attached as annexure-II**).

In the meanwhile, the appellant retired from service on attaining the age of superannuation on 07/10/2015. It is further added that no Junior officer to the appellant was considered for promotion.

- 6- As explain in the para 5 above.
- 7- After arrival from long leave on 17.3.2014, Dr. Faiz ul Bari earned PER for the period from 17.3.2014 to 31.12.2014 and 01.01.2015 to 31.3.2015 (special report) as provided vide para-5 of the instructions of the Government on the subject.
- 8- That the para No.8 is incorrect hence denied. The detail reply has been given in given in Para No 5 above.
- 9- In reply to para No.9 it is submitted that the department has compliance with orders of the August Peshawar High Court, Abbottabad Bench, dated 05-12-2017, the Chief Secretary, Khyber Pakhtunkhwa, as competent authority, has considered the representation of the appellant and rejected being not based on facts/ground realities, communicated to him vide Section Officer (Estt) No.SO(Est)FE&WD/1-2/2014/8407-11, dated 16/8/2018 & Chief Conservator of Forests Central Southern Forest Region-I Peshawar letter endorsement No.716/E, dated 31/8/2018 (**copy attached as annexure-III**).
- 10- In reply to the para No.10 it is submitted that the appeal being not based on facts/realities may be rejected in the best interest of state please.

Grounds

- a- As explain in para 1 & 5 above.
- b- As explain in para 4 & 5 above
- c- As explain in para 5 above, qualifying service of 12 years was not completed by the petitioner in BPS-18 which is pre-requisite under the Service Rules.
- d- It is incorrect as explain in para - c above.
- e- It is incorrect. During pendency of the disciplinary proceedings, no officer / official can be promoted.
- f- As explain in para 5 above.
- g- As explain in para 5 above. Furthermore both the officers mentioned by the appellant were senior to him and promoted to BPS-19 as per rules.
- h- Needs no comments.

It is therefore humbly prayed that on acceptance of this reply the appeal of the appellant may graciously be dismissed with costs.

Respondent No.1


Chief Secretary Khyber Pakhtunkhwa
Peshawar

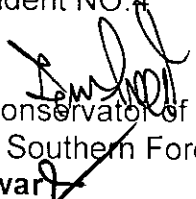
Respondent No.2


Provincial Selection Board through its Chairman/ Chief
Secretary Khyber Pakhtunkhwa Peshawar

Respondent No.3


Secretary to Government of Khyber Pakhtunkhwa
Forestry, Environment & Wildlife Department Peshawar.

Respondent NO.4


Chief Conservator of Forests,
Central Southern Forests Region-I
Peshawar



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar, the January 27, 2015

NOTIFICATION

NO. SOJE-IE&AD/9-112/2015. In terms of Rule-6 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules, 2011, the competent authority is pleased to place under suspension the following officers/officials of Forestry, Environment and Wildlife Department, with immediate effect:-

Sr. #	NAMES OF OFFICERS/OFFICIALS	PRESENT POST
1.	Sardar Muhammad Sultan	Chief Conservator of Forests Region-II, Abbottabad.
2.	Raja Imtaiz.	Conservator of Forests, Lower Hazara Circle, Abbottabad.
3.	Mr. Amjad Samand	DFO, Siran Forest Division.
4.	Mr. Mian Tahir.	SDFO, Forester Hilkot.
5.	Mr. Muhammad Farooq	SDFO, Deputy Ranger.
6.	Mr. Muhammad Sulaman	SDFO, Upper Siran.
7.	Mr. Dilawar Khan	Forester, Block Office, Jabot.
8.	Mr. Muhammad Rustom Khan	Forest Guard, Block Officer, Baital.
9.	Mr. Muhammad Yousuf	Forest Guard, Beat Block, Battial Block.
10.	Mr. Niaz Ali	Forest Guard/Block Officer, Shinkhar Block.
11.	Mr. Muhammad Javed	Forest Guard/Beat Guard, Shinkhar Block.
12.	Mr. Tahir Ayub	Forest Guard/Block Officer, Dadar Block.
13.	Mr. Rustom Khan	Forest Guard/Block Officer, Ahi Block.
14.	Mr. Muhammad Ilfat	Forest Guard, Beat Guard Ahi Block.
15.	Mr. Muhammad Asif	Forest Guard, Beat Guard.

CHIEF SECRETARY

GOVERNMENT OF KHYBER PAKHTUNKHWA

Encl. of even No. & date

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department.
4. Divisional Commissioners, Malakand, Hazara and Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Chief Conservator of Forests Malakand, Forest Region-III, Swat
7. Chief Conservator of Forests Region-I Central and Southern Forest Region-I, Peshawar.
8. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
9. Conservator of Forest/WD Watershed Management, Abbottabad.
10. Conservator of Forests, Upper Hazara Circle Mansehra.
11. Conservator of Forests, Lower Hazara
12. District Accounts Officers concerned.
13. PS to Chief Secretary, Khyber Pakhtunkhwa.
14. PS to Secretary Establishment.
15. All Officers/officials concerned.
16. Manager Govt. Printing Press Peshawar.

Attested

(MUHAMMAD JAVED SIDDIQI)
SECTION OFFICER (ESTT. I)

ZIA UL HAQ

Divisional Forest Officer
Patrol Squad Forest Division
Abbottabad



**GOVERNMENT OF N.-W.F.P.
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(ESTABLISHMENT WING)**

SUBJECT:- NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS PROMOTION POLICY, 2009.

Dear Sir,

I am directed to refer to the subject noted above and to say that in order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

I. Length of service.

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

Basic Scale 18 :	5 years' service in BS-17
Basic Scale 19 :	12 years' service in BS-17 & above
Basic Scale 20 :	17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BP-18 shall be counted as follows:

- (i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.
- (ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:

Basic Scale 19 :	7 years' service in BS-18
Basic Scale 20 :	10 years' service in BS-18 and above or 3 years' service in BS-19.

- Mid-Career Management Course at National Institute of Management (NIM) for promotion to BS-19
- Senior Management Course at National Management College, Lahore for promotion to BS-20
- National Management Course at National Management College, Lahore for promotion to BS-21

(b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely technical posts for promotion within their own line of specialization as envisaged in the existing Promotion Policy.

(c) The qualifying thresholds of quantification of PERs for nomination to these trainings are as under:

MCMC	60
SMC	70
NMC	75

(d) There will be no exemptions from mandatory trainings. An officer may, however, request for temporary exemption in a particular moment in time but grant of such exemption would be at the discretion of the competent authority. No such request with regard to an officer would be made by the Government Departments concerned.

(e) Three officers shall be nominated for each slot of promotion on the basis of their seniority. Those unwilling to attend will be dropped at their own expense without prejudice to the rights of others and without thwarting or minimizing the chance of improving the quality of service.

(f) Officers failing to undergo mandatory training in spite of two time nominations for a training shall stand superseded if such failure was not for the reasons beyond the control of the officers concerned.

III. Development of Comprehensive Efficiency Index (CEI) for promotion:

(a) The Comprehensive Efficiency Index to be maintained for the purpose of promotion is clarified as under:

- (i) The minimum of aggregate marks for promotion to various grades shall be as follows:

- (ii) A panel of two senior most officers shall be placed before the Provincial Selection Board for each vacancy in respect of promotion to BS-18 & 19. Similarly, a panel of three senior most officers shall be submitted to the Provincial Selection Board for each position in respect of promotion to BS-20 and 21 and the officer with the requisite score on the Efficiency Index shall be recommended for promotion.
- (iii) The senior most officer(s) on the panel securing the requisite threshold of the Efficiency Index shall be recommended by the Provincial Selection Board for promotion unless otherwise deferred. In case of failure to attain the requisite threshold, he (she)/they shall be superseded and the next officer on the panel shall be considered for promotion.

(b) Marks for quantification of PERs, Training Evaluation Reports and Provincial Selection Board evaluation shall be assigned as under:-

S. No.	Factor	Marks for promotion to BS-18 & 19	Marks for promotion to BS-20 & 21
1.	Quantification of PERs relating to present grade and previous grade(s) @ 60% : 40%	100%	70%
2.	Training Evaluation Reports as explained hereafter.	--	15%
3.	Evaluation by PSB	--	15%
	Total	100%	100%

(c) A total of fifteen (15) marks shall be allocated to the Training Evaluation Reports (Nine marks @ 60% for the training in the existing BPS and Six marks @ 40% in the preceding BS). Evaluation of the reports from the Training Institutions shall be worked out as under:-

- (i) It shall be on the basis of Grade Percentage already awarded by the National School of Public Policy (National Management College and Senior Management Wing) and its allied Training Institutions as provided in their reports.

(ii) Previous reports of old Belkistan Administrative Staff College

points shall be worked out on the basis of weighted average of the percentage range of grades followed by these Institutions as reflected in table-A below:

TABLE-A
Old PASC & NIPAs

Category	Range	Weighted Average	Points of PASC @ 60%=9	Points of NIPAs @ 40%=6
A. Outstanding	91-100%	95.5%	8.60	5.73
B. Very Good	80-90%	85%	7.65	5.10
C. Good	66-79%	72.5%	6.52	4.35
D. Average	50-65%	57.5%	5.17	3.45
E. Below Average	35-49%	42%	3.78	2.52

(iii) Grades from National Defence University will be computed according to the weighted average based on the Grading Key for the range provided by the NDU as reflected in Table-B below:

TABLE-B
NATIONAL DEFENCE UNIVERSITY

Category	Range	Weighted Average	Points @ 60%=9
A. Outstanding	76-100%	88%	7.92
B-Plus. Very Good	66-75.99%	71%	6.39
B- High. Good	61-65.99%	63.5%	5.71
B-Average. Average	56-60.99%	58.5%	5.26
B-Low. Below Average	51-55.99%	53.5%	4.81
B-Minus. Below Average	46-50.99%	48.5%	4.36
C. Below Average	40-45.99%	43%	3.87
F. Below Average	35-39.99%	37.5%	3.37

(d) The officers who have been granted exemption from mandatory training having attained the age of 56 years or completed mandatory period of serving in a Training Institution upto 27-12-2005, may be awarded marks on notional basis for the training factor (for which he/she was exempted) in proportion to the marks obtained by them in the PERs.

(f) For promotion against selection posts, the officer on the panel securing maximum marks will be recommended for promotion. Thirty marks placed at the disposal of the Provincial Selection Board in such cases shall be awarded for technical qualification, experience and accomplishments (research publications relevant to the field of specialism).

(g) Since three of the aspects of performance i.e. moral integrity, intellectual integrity, quality and output of work do not figure in the existing PER forms, the grades secured and marks scored by the officer in overall assessment shall be notionally repeated for the other complementary evaluative aspects and form the basis of quantification.

(h) The performance of officers shall be evaluated in terms of the following grades and scores:

		<u>Upto 11th June, 2008</u>	<u>From 12th June, 2008</u>
1.	Outstanding	--	10 Marks
2.	Very Good	10 marks	8 marks
3.	Good	7 marks	7 marks
4.	Average	5 marks	5 marks
5.	Below Average	1 mark	1 mark

(i) The outstanding grading shall be awarded to officers showing exceptional performance but in no case should exceed 10% of the officers reported on. The grading is not to be printed in the PER form but the reporting officer while rating an officer as "outstanding" may draw another box in his own hand in the form, initial it and write outstanding on the descriptive side. Convincing justification for the award shall be recorded by the reporting /countersigning officer. The discretion of awarding "outstanding" is to be exercised extremely sparingly and the award must be merited.

(j) The quantification formula and instructions for working out quantified score are annexed.

IV. Promotion of officers who are on deputation, long leave, foreign

- b) The civil servants who are on deputation abroad or working with international agencies within Pakistan or abroad, will be asked to return before their cases come up for consideration. If they fail to return, they will not be considered for promotion. They will be considered for promotion after earning one calendar PER and their seniority shall remain intact.
- c) In case of projects partially or fully funded by the Federal or Provincial Government, where PERs are written by officers of Provincial Government, the condition of earning one calendar PER shall not be applicable to officer on deputation and the officer on return to his/her cadre shall be considered for promotion.
- d) The civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. If he/she declines his/her actual promotion will take place only when he/she returns to his/her parent cadre. His/her seniority in the higher post shall, however, stand protected.
- e) The cases of promotion of civil servants who have not successfully completed the prescribed mandatory training (MCMC, SMC & NMC) or have not passed the departmental examination for reasons beyond control, shall be deferred.
- f) Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.
- g) A civil servant initially appointed to a post in a Government Department but retaining lien in a department shall not be considered for promotion in his parent department. However, in case he returns to parent department, he would be considered for promotion only after he earns PER for one calendar year.
- h) A civil servant who has resigned shall not be considered for promotion no matter the resignation has yet to be accepted.

- (ii) Disciplinary or departmental proceedings are pending against him.
- (iii) The PER dossier is incomplete or any other document/ information required by the PSB/DPC for determining his suitability for promotion is not available for reasons beyond his control.

(b) The civil servant whose promotion has been deferred will be considered for promotion as soon as the reasons for deferment cease to exist. The cases falling under any of the above three categories do not warrant proforma promotion but the civil servant will be considered for promotion after determining his correct seniority over the erstwhile juniors.

(c) If an officer is otherwise eligible for promotion but has been inadvertently omitted from consideration in the original reference due to clerical error or plain negligence and is superseded, he should be considered for promotion as soon as the mistake is noticed.

(d) If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion alongwith the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the North-West Frontier Province Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.

(e) If a civil servant is superseded he shall not be considered for

VI. **Date of Promotion:**

Promotion will always be notified with immediate effect.

VII. **Notional Promotion:**

In respect of civil servants who retire (or expire) after recommendation of their promotion by the PSB/DPC, but before its approval by the competent authority, their promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC, as the case may be, and their pension shall be calculated as per pay which they would have received had they not retired/expired.

VIII. **Promotion of Civil Servants who are awarded minor penalties.**

(a) The question of promotion to BS-18 and above in case of civil servants who have been awarded minor penalties has been settled by the adoption of quantification of PERs and CEI which allows consideration of such cases for promotion subject to deduction of 5 marks for each major penalty, 3 marks for each minor penalty and 1 mark for each adverse PER from the quantified score and recommendation for promotion on attaining the relevant qualifying threshold.

(b) However, the CEI policy is not applicable to civil servants in BS-16 and below. In this case, the concerned assessing authorities will take into consideration the entire service record with weightage to be given for recent reports and any minor penalty will not be a bar to promotion of such a civil servant.

IX. **Promotion in case of pending investigations by NAB:**

If there are any NAB investigations being conducted against an officer, the fact of such investigations needs to be placed before the relevant promotion fora which may take a considered decision on merits of the case.

2. All the existing instructions on the subject shall stand superseded to the above extent, with immediate effect.

Endst: No. SOE-III(E&AD)1-3/2008

Dated Peshawar the 28th January, 2009

Copy forwarded to:

1. The Accountant General, NWFP, Peshawar.
2. The Registrar, Peshawar High Court, Peshawar.
3. The Director, Staff Training Institute, E&A Department, Peshawar.
4. All Additional Secretaries in E&A Department, GoNWFP.
5. Reforms Coordinator, Reforms Cell, E&A Department.
6. All Deputy Secretaries in E&A Department, GoNWFP.
7. The Secretary, NWFP Public Service Commission, Peshawar.
8. The Director, Anti-Corruption Establishment, N.-W.F.P., Peshawar.
9. The Registrar, NWFP Service Tribunal, Peshawar.
10. All Section Officers in E&A Department, GoNWFP.
11. Private Secretary to Chief Secretary, N.-W.F.P.
12. Private Secretary to Secretary, Establishment Department, GoNWFP.
13. Librarian, E&A Department.

(*Syeda Tanzeela Sabahat*)
Section Officer (E-III)

Endst: No. SOE-III(E&AD)1-3/2008

Dated Peshawar the 28th January, 2009

Copy forwarded to:

1. The Chief Secretary, Government of the Punjab, Lahore.
2. The Chief Secretary, Government of Sindh, Karachi.
3. The Chief Secretary, Government of Baluchistan, Quetta.

(*Syeda Tanzeela Sabahat*)
Section Officer (E-III)

ANNEX: I**First Step**

Arithmetic mean will be calculated for each calendar year containing 2 or more PERs to derive the PER score for that year as follow:

$$M = \frac{\sum M_y}{N_y}$$

Where

M_y = marks for each PER recorded in calendar year 'y',

N_y = Number of PERs recorded in year 'y',

and Σ stands for summation.

Second Step

Average marks for each level will be calculated according to the following formula:

$$\text{Average marks} = \frac{\sum M}{T}$$

Where

M = Marks for PERs; and

T = Total number of PERs in posts at that level.

Third Step

Weightage for posts held at each level will be given as follows in computing the aggregate score against a uniform scale of 100 marks for promotion:

- | | | |
|-------|-------------------------------------|-------------------|
| (i) | to post carrying basic pay scale 18 | 10xA |
| (ii) | to post carrying basic pay scale 19 | (6xB)+(4xA) |
| (iii) | to post carrying basic pay scale 20 | (5xC)+(3xB)+(2xA) |
| (iv) | to post carrying basic pay scale 21 | (5xD)+(3xC)+(A+B) |

Fourth Step

The following additions/deductions shall be made in the total marks worked out in the third step for purposes of mandatory trainings.

A. Additions:

- (i) for serving in a Government training institution, including those meant for specialized training in any particular cadre, for a period of 2 years or more **2 marks**

B. Deductions:

- (i) for each major penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 1973/Disciplinary Rules prevailing at the time. **5 marks**
- (ii) for each minor penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 1973/Disciplinary Rules prevailing at the time. **3 marks**
- (iii) for adverse remarks (deductions be made for such remarks only as were duly conveyed to the concerned officer and were not expunged on his representation, or the officer did not represent) **1 mark per PER containing adverse remarks**

Note: For purpose of CEI, the negative marks for adverse entries and / or imposition of penalty shall be deducted from the quantified score of the relevant grade. However, additions for serving in a Government training institution for a period of two years or more shall be made in the total quantified scores of the PERs.

INSTRUCTIONS FOR GUIDANCE

While filling in the quantification Form and working out quantification marks the following factors may be kept in view to avoid in error:-

- (i) DEDUCTION is to be made as indicated below:-
 - (a) One mark for each adverse report;
 - (b) 3 marks for each minor penalty imposed on a civil servant in a disciplinary case under E&D Rules, 1973/Disciplinary Rules prevailing at the time;
 - (c) 5 marks for each major penalty imposed on a civil servant in a disciplinary case under E&D Rules, 1973/Disciplinary Rules prevailing at the time.
- (ii) Addition of 2 marks is to be made for service in a (specified training) institutions for a period of two years or more.
- (iii) If more than one PERs have been initiated on an officer during the calendar year, their average marks would be the marks for the whole calendar year.
- (iv) Writing of a PER covering part periods of two calendar years is not permissible.
- (v) If a period of report is less than 3 months, it shall be ignored for purposes of quantification.
- (vi) Quantification marks should be in round figure.
- (vii) If the overall grading in a PER is ambiguous e.g. placed between 'Good' and 'Average' the quantification will be based on the lower rating.
- (viii) Where Only two reports or less are available on an officer against posts in a particular basic pay scale, these PERs will be added to the PERs earned in the lower post for calculating the average marks.
- (ix) Where an officer appointed to a higher post on acting charge basis is considered for regular promotion that post, the PER earned during acting charge appointment will be added to PERs earned in the lower post for calculating average marks.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)/FE&WD/1-2/2014
Dated Peshawar the, 16th August, 2018

Annexure - II (18)

To Mr. Raja Imtiaz Ahmad,
Ex-Divisional Forest Officer (BS-18),
Forest Department,
Khyber Pakhtunkhwa.

C/o Chief Conservator of Forests,
Central Southern Forest Region-I,
Khyber Pakhtunkhwa,
Peshawar.

Subject: WRIT PETITION NO: 902-A/2015 RAJA IMTIAZ AHMAD VERSUS
GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH ITS CHIEF
SECRETARY & OTHERS

I am directed to refer to your appeal dated 12th December, 2017 on the subject captioned above and to say that in compliance with order of Peshawar High Court, Abbottabad Bench dated 05th December, 2017, the Chief Secretary, Khyber Pakhtunkhwa, has considered your representation and rejected being not based on facts and circumstances, please.

(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)

Endst. No: & date even

is forwarded for information to:-

1. Registrar Peshawar High Court, Abbottabad Bench.
2. Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar w/r to his letter No: 3704/E, dated 21st March, 2018.
3. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.

394
2-2018

SECTION OFFICER (ESTT)

716

Dated Peshawar the 31 /08/2018.

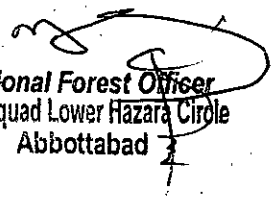
Copy forwarded to Raja Imtiaz Ahmad Ex-DFO c/o Conservator of Forests Lower Hazara Forest Circle Abbottabad for information. A copy of the letter meant for him is also enclosed.

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

Attest
Divisional Forest Officer
Patrol Squad Forest Division
Abbottabad

AUTHORITY LETTER

Mr. Jawad Ahmed Masroor SDFO, Patrol Squad Lower Hazara Circle Abbottabad is hereby authorized to attend the Honorable Service Tribunal Abbottabad on behalf of the undersigned on 08-07-2019 in the case of Service Appeal No.1229 of 2018, filed by Raja Imtiaz Ahmed (Ex-Conservator of Forests) versus Government of Khyber Pakhtunkhwa.


Divisional Forest Officer
Patrol Squad Lower Hazara Circle
Abbottabad

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

Raja Imtiaz Ahmed

...APPELLANT

VERSUS

Govt. of KPK & Others

...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

It is respectfully submitted as under:-

REJOINDER ON PRELIMINARY LEGAL

OBJECTIONS:-

- I. Objection No. 1 is Omni bus objection and having no leg to stand upon. It is respectfully stated that appellant has got the cause of action and locus standi for filing the appeal under reference, as he being fit in all respect for his promotion from BPS-18 to 19 was held not eligible for promotion by the head of his department by the Provincial Selection Board on account of alleged suspension from the service.
- II. Incorrect. The appellant is not legally stopped to bring the present appeal.
- III. Objection No.3 is having no footing at position in the panel of four officers whose case was sent by the Chief Conservator of Forest Southern Region-1, for the consideration of promotion by the Provincial Selection Board was having better footing then the officer namely Dr. Faizul Bari at Serial No.1. Who on account of availing extra ordinary leave form the department with effect from

08.01.2007 to 17.03.2014 spreading over period of seven year two month and nine days had lost his right of promotion in terms of fundamental rule 18. Since under that rule he was ceased to be an employee. Besides, he was not entitled for special AER for three months for the purpose of completion of his full one year AER of 2014, as he has not served for the aforementioned period as deputation. The rule under which his full one year AER for 2014 was completed by special AER of three months of 2015 was applicable in the case of deputationist. Thus, he on account of lacking one year full AER for the year 2014 was not eligible to be considered. *The appellant* has furnished very good justification ~~for~~ for filing the petition under reference.

- IV. Objection No. IV is having no substance at all and liable to be ignored in the face of aforesaid rejoinder or objections No. 1 & 2.
- V. Objection is incorrect. The appeal is not barred by law.
- VI. Incorrect. The appellant has come to Tribunal with clean hands and nothing has been suppressed and conceal from this Honourable Tribunal Hence he is entitled relief sought.
- VII. Incorrect. The Services Tribunal has jurisdiction to entertain the instant appeal.
- VIII. Incorrect.
- IX. Incorrect. The appeal has not been filed to pressurized the respondents but is the result of deprivation of the appellant from his lawful rights which were squeezed due to the mala fide actions of the respondents.

ON FACTS :-

1. Para # 1 is incorrect. The appellant was suspended from service due to mala fide of Respondent No. 4 and on his initiation the Anticorruption Establishment was also moved which was

127

challenge before the Peshawar High Court through a writ
Petition where from the action on letter for registration of case
was suspended by the Honourable High Court on 27.01.13

Copy already attached with the main service appeal.

2. As no comments have been offered to this Para which itself
speaks mala fide of the respondents and they are intentionally

avoiding to show mala fide of Respondent No. 4.

3. As no comments have been offered to this Para which itself
speaks mala fide of the respondents and they are intentionally

avoiding to show mala fide of Respondent No. 4 as the other
officials allegedly involved in alleged corruption case were

exonerated from the charges, therefore their exoneration is mala
fide suppressed by offering no comments to the Para 2 of main

appeal of the appellant.

4. This Para is incorrect. The charge sheet statedly sent for
disciplinary proceedings conducted & finalized have not been

communicated to the appellant and these have been shown
completed just to fill in the blanks which is not permitted under

the law and rules.

5. This Para is incorrect. That under the rules the appellant having
qualified length of service for promotion to BP2-10 and the

calculation of the respondents towards his promotion was not
only incorrect but was against the facts and law. It is further

incorrect that the appellant remained involved in any case
mentioned in this Para. The rest of the ~~content of this Para is~~

incorrect and misleading.

6. This Para is incorrect. The explanation given in comments is
incorrect and illegal having no force under the law

7. This Para is incorrect. As it violates the rights of appellant as pick and chose policy was adopted in promotion of the officers.
8. This Para is incorrect and denied. The promotion of the appellant was ignored due to mala fide acts of the respondents which is not justified under the law.
9. This Para is incorrect. As the representation of the appellant was rejected on flimsy grounds although it was based on facts and ground realities. The order of respondents rejecting the departmental representation has concluded in violation of relevant rules in the matter, hence not tenable under the law.
10. This Para is incorrect. The appeal / representation was quite according to law and facts and it was rejected on mala fide based grounds needs to the reversed.

GROUND :-

The Paras (a) to (h) of the grounds are denied as the appellant rights has been infringed due to mala fide actions of the respondents whereby he was deprived of promotion from BPS-18 To BPS-19 without any fault at his end and has suffered a lot as the badge mates were also promoted which rule do apply on the case of the appellant.

It is therefore most humbly prayed that by accepting the appeal of the appellant where no sufficient explanation is found mention in the comments filed by respondents, the appeal may graciously be accepted as per prayer of the appellant in the main appeal.


.. APPELLANT

Through


(ZULFIQAR AHMED)
ADVOCATE HIGH COURT
ABBOTTABAD

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA

SERVICE APPEAL NO.1229 OF 2018.

Raja Imtiaz Ahmed Conservator of Forests
(Retired)..... Petitioner

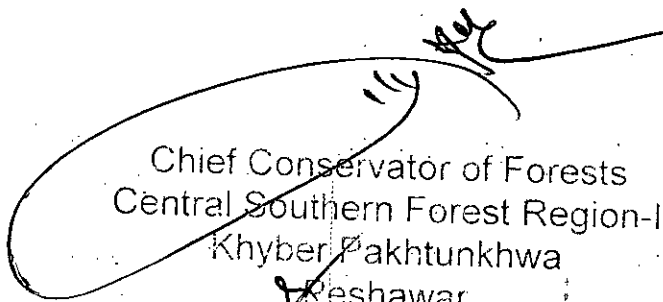
VERSUS

Government of Khyber Pakhtunkhwa through
Secretary & Others Respondents

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath
that the contents of written reply in the appeal
alongwith annexures is correct to the best of my
knowledge and record and nothing has been
concealed from the Honor able Court.

Dated _____/July, 2019.


Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa
Peshawar

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA

SERVICE APPEAL NO.1229 OF 2018.

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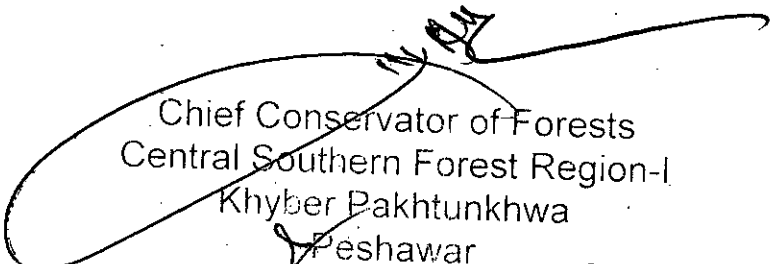
VERSUS

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Secretary & Others Respondents

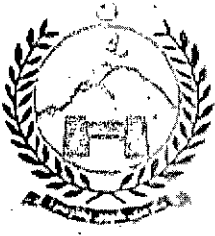
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I, do hereby solemnly affirm and declare on oath that the contents of written reply in the appeal alongwith annexures is correct to the best of my knowledge and record and nothing has been concealed from the Honor able Court.

Dated _____/July, 2019.


Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa
Peshawar

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar.



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. _____ / ST

Dated: _____ /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Chief Conservator of Forest Central Southern Region-1,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 1229/2018, MR. RAJA IMTIAZ AHMAD

I am directed to forward herewith a certified copy of Judgement dated 23.09.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. _____ / ST

Dated: _____ /2021

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Ph:- 091-9212281
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To

The Chief Conservator of Forest Central Southern Region-1,
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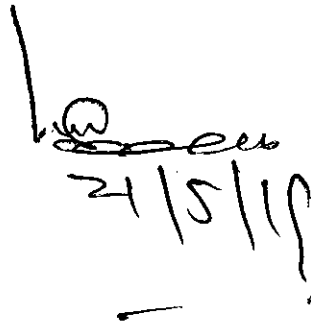
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

AUTHORITY LETTER

Mr. Masood-ur-Rehman SDFO, Patrol Squad Lower Hazara Circle Abbottabad is hereby authorized to attend the Honorable High Court Abbottabad on behalf of the undersigned on 21-05-2019 in the case of Service Appeal No.1229 of 2018, filed by Raja Imtiaz Ahmed versus Government of Khyber Pakhtunkhwa.



Divisional Forest Officer
Patrol Squad Lower Hazara Circle
Abbottabad



21/5/19

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

Raja Imtiaz Ahmed

...APPELLANT

VERSUS

Govt. of KPK & Others

...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

It is respectfully submitted as under:-

REJOINDER ON PRELIMINARY LEGAL

OBJECTIONS:-

- I. Objection No. 1 is Omni bus objection and having no leg to stand upon. It is respectfully stated that appellant has got the cause of action and locus standi for filing the appeal under reference, as he being fit in all respect for his promotion from BPS-18 to 19 was held not eligible for promotion by the head of his department by the Provincial Selection Board on account of alleged suspension from the service.
- II. Incorrect. The appellant is not legally stopped to bring the present appeal.
- III. Objection No.3 is having no footing at position in the panel of four officers whose case was sent by the Chief Conservator of Forest Southern Region-1, for the consideration of promotion by the Provincial Selection Board was having better footing then the officer namely Dr. Faizul Bari at Serial No.1. Who on account of availing extra ordinary leave form the department with effect from

08.01.2007 to 17.03.2014 spreading over period of seven year two month and nine days had lost his right of promotion in terms of fundamental rule 18. Since under that rule he was ceased to be an employee. Besides, he was not entitled for special AER for three months for the purpose of completion of his full one year AER of 2014, as he has not served for the aforementioned period as deputation. The rule under which his full one year AER for 2014 was completed by special AER of three months of 2015 was applicable in the case of deputationist. Thus, he on account of lacking one year full AER for the year 2014 was not eligible to be considered. *The appellant* has furnished very good justification for filing the petition under reference.

- IV. Objection No. IV is having no substance at all and liable to be ignored in the face of aforesaid rejoinder on objections No. 1 & 2.
- V. Objection is incorrect. The appeal is not barred by law.
- VI. Incorrect. The appellant has come to Tribunal with clean hands and nothing has been suppressed and conceal from this Honourable Tribunal Hence he is entitled relief sought.
- VII. Incorrect. The Services Tribunal has jurisdiction to entertain the instant appeal.
- VIII. Incorrect.
- IX. Incorrect. The appeal has not been filed to pressurized the respondents but is the result of deprivation of the appellant from his lawful rights which were squeezed due to the mala fide actions of the respondents.

ON FACTS :-

1. Para # 1 is incorrect. The appellant was suspended from service due to mala fide of Respondent No. 4 and on his initiation the Anticorruption Establishment was also moved which was

challenge before the Peshawar High Court through a Writ Petition where from the action on letter for registration of case was suspended by the Honourable High Court on 27/01/2015.

Copy already attached with the main service appeal.

2. As no comments have been offered to this Para which itself speaks mala fide of the respondents and they are intentionally avoiding to show mala fide of Respondent No. 4.
3. As no comments have been offered to this Para which itself speaks mala fide of the respondents and they are intentionally avoiding to show mala fide of Respondent No. 4 as the other officials allegedly involved in alleged corruption case were exonerated from the charges, therefore their exoneration is mala fide suppressed by offering no comments to the Para 3 of main appeal of the appellant.
4. This Para is incorrect. The charge sheet statedly sent or disciplinary proceedings conducted / finalized have not been communicated to the appellant and these have been shown completed just to fill in the blanks which is not permitted under the law and rules.
5. This Para is incorrect. That under the rules the appellant having qualified length of service for promotion to BPS-19 and the calculation of the respondents towards his promotion was not only incorrect but was against the facts and law. It is further incorrect that the appellant remained involved in any case mentioned in this Para. The rest of the contents of the Para is incorrect and misleading.
6. This Para is incorrect. The explanation given in comments is incorrect and illegal having no force under the law.

7. This Para is incorrect. As it violates the rights of appellant as pick and chose policy was adopted in promotion of the officers.
8. This Para is incorrect and denied. The promotion of the appellant was ignored due to mala fide acts of the respondents which is not justified under the law.
9. This Para is incorrect. As the representation of the appellant was rejected on flimsy grounds although it was based on facts and ground realities. The order of respondents rejecting the departmental representation has concluded in violation of relevant rules in the matter, hence not tenable under the law.
10. This Para is incorrect. The appeal / representation was quite according to law and facts and it was rejected on mala fide based grounds needs to the reversed.

GROUND S :-

The Paras (a) to (h) of the grounds are denied as the appellant rights has been infringed due to mala fide actions of the respondents whereby he was deprived of promotion from BPS-18 To BPS-19 without any fault at his end and has suffered a lot as the badge mates were also promoted which rule do apply on the case of the appellant.

It is therefore most humbly prayed that by accepting the appeal of the appellant where no sufficient explanation is found mention in the comments filed by respondents, the appeal may graciously be accepted as per prayer of the appellant in the main appeal.


...APPELLANT

Through


(ZULFIQAR AHMED)
ADVOCATE HIGH COURT
ABBOTTABAD



Muhammad Siddique Khan Khattak
CHIEF CONSERVATOR OF FORESTS
CENTRAL SOUTHERN FOREST REGION-I
SHAMI ROAD PESHAWAR



Ph: +92 91 9212177, Fax: +92 91 9211478
E-mail: ccfforests.pesh@gmail.com

No. 558 / E

Dated 30 / 08 / 2017


To


Raja Imtiaz Ahmad
Ex-Deputy Conservator of Forests
C/O Conservator of Forests
Lower Hazara Forest Circle
Abbottabad

Subject: CORRECTION IN THE DATE OF ENTRY INTO GOVT. SERVICE.

Memo:- Reference your application dated 23/8/2017.

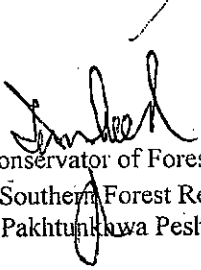
The requisite Certificate is enclosed herewith for information and further necessary action.


Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

Chief Conservator of Forests Central Southern Forest Region-1 Khyber Pakhtunkhwa Peshawar		Shami Road Peshawar Phone # 091-9212177 Fax # 9211478 E-mail: ccfforests.pesh@gmail.com
No. 559 /E	Dated Peshawar the	30 /08/2017

TO WHOM IT MAY CONCERN

Certified that due to an oversight, date of 1st entry into Govt. Service in respect of Raja Imtiaz Ahmad retired Deputy Conservator of Forests (BPS-18) has been shown as 19/11/1979 instead of 06/10/1977 in the seniority list as it stood on 01/5/2011 and onwards.


Chief Conservator of Forests
Central Southern Forest Region-1
Khyber Pakhtunkhwa Peshawar

**TENTATIVE SENIORITY LIST OF DEPUTY CONSERVATOR OF FORESTS/DIVISIONAL FOREST OFFICERS (BPS-18) KHYBER
PAKHTUNKHWA, FOREST DEPARTMENT AS IT STOOD ON 1/3/2014**

#	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt Service	Regular appointment/ promotion to the present post			Present appointment with date	Remarks/ Present Posting
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	9
1	Dr. Faizul Bari B.Sc. Forestry M.Sc Forestry M.Sc. Range Mgt. Ph.D (USA)	10/09/1955 Swat	12/10/1983	14/6/1997	18	By promotion	BPS-18 14/6/1997	On E.O.I.
2	Mr. Shabit Hussain B.Sc and M.Sc Forestry M. Sc. (Rural Development)	16/01/1958 Kurrain Agency	11/10/1986	31/08/2006	18	do	BPS-18 31/8/2006	
3	Mr. Sher Muhammad B.Sc. Forestry	09/06/1954 Hazara	1/10/1974	31/08/2006	18	do	BPS-18 31/8/2006	
4	Mr. Nasim Hijazi B.Sc Forestry	4/2/1955 Hazara	6/10/1977	5/9/2009	18	By promotion	BPS-18 5/9/2009	
5	Pir Qaim Smail B.Sc Forestry	27/2/1955 Banne	6/10/1977	5/9/2009	18	do	BPS-18 5/9/2009	
6	Raja Imtiaz Ahmad B.Sc Forestry M.Sc. Forestry Extension	8/10/1955 Hazara	19/11/1979 6/10/77 ✓	5/9/2009	18	do	BPS-18 5/9/2009	
7	Mr. Abdul Rashid B.Sc Forestry	2/5/1955 Mardan	19/11/1979	5/9/2009	18	do	BPS-18 5/9/2009	
8	Mr. Shakeel Ahmad B.Sc Forestry MBA	30/3/1957 Nowshera	19/11/1979	9/2/2011	18	do	BPS-18 9/2/2011	
9	Mr. Abdu Malik B.Sc Forestry	21/1/1956 Banne	19/11/1979	9/2/2011	18	do	BPS-18 9/2/2011	
10	Mr. Mohammad Idress B.Sc Forestry	3/3/1956 Kohat	19/11/1979	9/2/2011	18	do	BPS-18 9/2/2011	
11	Mr. Mir Wali Khan B.Sc Forestry	15/8/1956 Banne	19/11/1979	9/2/2011	18	do	BPS-18 9/2/2011	
12	Mr. Mohi Uddin Zafar B.Sc Forestry	8/7/1954 Mehmand	19/11/1979	9/2/2011	18	do	BPS-18 9/2/2011	
13	Mr. Sher Ali B.Sc Forestry	1/1/1956 Mehmand	19/11/1979	9/2/2011	18	do	BPS-18 9/2/2011	

29	Mr. Hasham Khan B.Sc. Forestry.	1.1.1958 Dir	17.10.1984 F/Ranger	15/11/2012	18	-d-	BPS-18 15/11/2012
30	Mr. Muhammad Riaz B.Sc. Forestry.	26.8.1960 Hazara	17.10.1984 F/Ranger	15/11/2012	18	-d-	BPS-18 15/11/2012
31	Mr. Muhammad Farooq B.Sc. Forestry, MSc Forestry Ext.:	10.5.1958 Peshawar	17.10.1984 F/Ranger	15/11/2012	18	-d-	BPS-18 15/11/2012
32	Mr. Ejaz Qadir B.Sc. Forestry.	29.3.1963 Hazara	17.10.1984 F/Ranger	15/11/2012	18	-d-	BPS-18 15/11/2012
33	Mr. Zakir Hussain Shah B.Sc Forestry.	11/11/1960 Bannu	17.10.1984 F/Ranger	15/11/2012	18	-d-	BPS-18 15/11/2012
34	Mr. Farhatullah Khan B.Sc. Forestry M.Sc. Forestry (Extension)	25/3/1962 Bannu	17/10/1984 F/Ranger	17/1/2013	18	-d-	BPS-18 17/1/2013
35	Mr. Usman Ghani B.Sc. Forestry	5/3/1958 Malakand Agency	17/10/1984 F/Ranger	17/1/2013	18	-d-	BPS-18 17/1/2013
36	Mr. Muhammad Tehmasip B.Sc Forestry M.Sc. Forestry	9/1/1963 Mansehra	8/10/1985 F/Ranger	7/2/2014	18	-d-	BPS-18 7/2/2014
37	Syad Muqtada Shah B.Sc. M.Sc. Forestry	24/3/1964 Peshawar	8/10/1985 F/Ranger	7/2/2014	18	-d-	BPS-18 7/2/2014
38	Mr. Kifayatullah B.Sc Forestry M.Sc Rural Land Ecology Survey	24/3/1965 D.I Khan	8/10/1985 F/Ranger	7/2/2014	18	-d-	BPS-18 7/2/2014
39	Mr. Zahid Ali B.Sc Forestry	1/9/1962 Nowshera	8/10/1985 F/Ranger	7/2/2014	18	-d-	BPS-18 7/2/2014
40	Mr. Shafqat Munir B.Sc Forestry	25/03/1961 Kohat	8/10/1985 F/Ranger	7/2/2014	18	-d-	BPS-18 7/2/2014
41	Mr. Gohar Ali B.Sc Forestry	2/2/1963 Peshawar	8/10/1985 F/Ranger	7/2/2014	18	-d-	BPS-18 7/2/2014
42	Mr. Ali Haider B.Sc Forestry M.Sc Sustainable Forestry Development	1/3/196 Peshawar	8/10/1985 F/Ranger	7/2/2014	18	-d-	BPS-18 7/2/2014
43	Mr. Ali Elahi B.Sc Forestry	4/10/196 Bannu	8/10/1985 F/Ranger	7/2/2014	18	-d-	BPS-18 7/2/2014

44	Mr. Khurshed Ali B.Sc Forestry M.Sc Forestry M.Sc Rural Development	11/4/1965 Bannu	11/10/1986 F/Ranger	7/2/2014	18	-do-	BPS-18 7/2/2014
45	Mr. Gulzar Rehman B.Sc Forestry M.Sc Forestry	1/4/1963 Malakand Agency	11/10/1986 F/Ranger	7/2/2014	18	-do-	BPS-18 7/2/2014
46	Mr. Hazrat Mir B.Sc Forestry M.Sc Forestry	25/12/1965 Charsadda	11/10/1986 F/Ranger	7/2/2014	18	-do-	BPS-18 7/2/2014

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

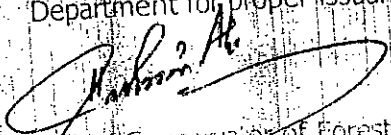
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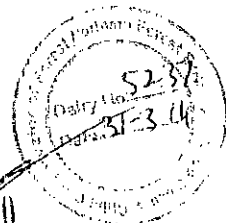
date 26/3/2014

Copy forwarded for information to the:-

1. ✓ Chief Conservator of Forests Northern Forest Region-II Abbottabad
2. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat
3. CF Southern Circle Peshawar.
4. CF FP&M Circle Peshawar.
5. Director R&D Peshawar
6. Director I&HRD Peshawar
7. Director CD E.GAD Peshawar
8. DFO P&D Head Office Peshawar.

They are requested to intimate omission if any on the seniority list within 20 days so that the same could be sent to Administrative Department for proper issuance.


Chief Conservator of Forests
Central Southern Forest Region I
Khyber Pakhtunkhwa Peshawar


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	Mr. Anjum Ali	B.Sc. Forestry	1.1.1950	2.10.1980	20.11.2011	18	-do-	BPS-18	20.11.2011
	Mr. Shabir Ahmad	M.Sc. Forestry (by extension)	2.4.1950	2.10.1980	20.12.2011	18	-do-	BPS-18	20.12.2011
	Mr. Muhammad Tariq	B.Sc. Forestry	2.4.1950	2.10.1980	20.12.2011	18	-do-	BPS-18	15/11/2012
	Mr. Mushtaq Ahmed	B.Sc. Forestry	1.4.1958	2.10.1980	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Khurshid Anwar	B.Sc. Forestry	9.5.1956	2.10.1980	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Iqbal Arshad	B.Sc. Forestry	2.4.1959	19.11.1981	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Iqbal Arshad	M.Sc. Forestry Ext.	19.3.1959	19.11.1981	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Abdul Basir	B.Sc. Forestry	Bannu	19.11.1981	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Zafar Ali	M.Sc. Forestry Ext.	5.8.1957	19.11.1981	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Niaz Ali	B.Sc. Forestry	Bannu	13.10.1983	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Niaz Ali	M.Sc. Forestry Ext.	5.11.1961	13.10.1983	15/11/2012	18	-do-	BPS-18	15/11/2012
	Qazi Muhammad Younis	B.Sc. Forestry	13.10.1957	13.10.1983	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Nisar Muhammad	B.Sc. Forestry	1.5.1962	13.10.1983	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Azhar Ali	B.Sc. Forestry	1.1.1962	13.10.1983	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Azhar Ali	M.Sc. Participatory Forest Mgt. Ext (UK)	Mansehra	F/Ranger	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Tauheedul Haq	B.Sc. Forestry	4.3.1960	13.10.1983	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Abdullah Khan	B.Sc. Forestry	Charsada	17.10.1984	15/11/2012	18	-do-	BPS-18	15/11/2012
	Mr. Abdullah Khan	M.Sc. Forestry Ext.	D.I. Khan	F/Ranger	15/11/2012	18	-do-	BPS-18	15/11/2012
	Malik Sagheer Ahmed	M.Sc. B.Sc. Forestry	14.4.1961	17.10.1984	15/11/2012	18	By promotion	BPS-18	15/11/2012
	Malik Sagheer Ahmed	M.Sc. Forestry	Mansehra	F/Ranger	15/11/2012	18			

کورٹ فیس

وکالت نامہ

بعدالت جناب سپریم کورٹ KPK سکاؤر

عنوان: راجہ امیناز احمد بنام Govt of KPK و سب سے

منجانب: Appellant

نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام امین آباد ذوالفقار احمد انڈسٹریل ڈیولپمنٹ کورپوریشن کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالاش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

امیناز احمد
Appellant

المرقوم: 2/10/2018

بمقام: امین آباد

العباد

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA

Appeal No.1229 of 2018.

**Raja Imtiaz Ahmed Conservator of Forests
(Retired)..... Petitioner**


**Government of Khyber Pakhtunkhwa through
Secretary & Others Respondents**

CONSTITUTION PETITION

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Through



Divisional Forest Officer
Patrol Squad Lower Hazara Circle
Abbottabad

Dated 08 /July, 2019