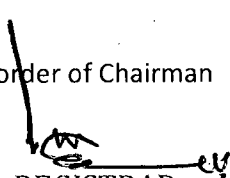


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1376/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/09/2022	<p>The appeal of Mr. Safi Ullah presented today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> <p>RECORDED AT PESHAWAR</p>

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 1376 /2022

Safi Ullah.....Appellant

SCANNED
KFST
Peshawar

V E R S U S

Conservator and others.....Respondents

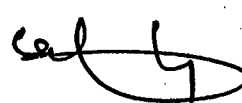
I N D E X

S. No	Description of Documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-3
2.	Copy of Judgment dated 17-09-2021	A	4-8
3.	Copy of Seniority List dated 31-12-2021	B	9-11
4.	Copy of Office Order dated 31-05-2022	C	12
5.	Copy of Departmental Appeal & Order dated 05-09-2022	D-E	13-15
6.	Vakalat Nama		16

Dated:-19-09-2022


Appellant

Through


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell#
0301 8804841

Email:- fazalshahmohmand@gmail.com

(D)

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 1516 /2022

Safi Ullah, Forest Guard, Drosh South Sub Division, Chitral Forest Division
Chitral.Appellant

V E R S U S

1. Conservator of Forests, Malakand Forest Circle West, Timergara Lower Dir.
2. Divisional Forest Officer, Chitral Forest Division, Chitral.
3. The Chief Conservator of Forests, Malakand Forest Region-III Saidu Sharif Swat.
4. Secretary, Government of Khyber Pakhtunkhwa, Forest, Environment and Wild Life, Department, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 05-09-2022 OF RESPONDENT NO 1 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER DATED 31-05-2022 OF RESPONDENT NO 2 HAS BEEN REJECTED.

PRAYER:-

On acceptance of this appeal, the impugned Orders dated 05-09-2022 of respondent No 1 and order dated 31-05-2022 of respondent No 2 to the extent of not promoting the appellant as Forester (BPS-10), may kindly be modified/varied and the appellant may kindly be ordered to be promoted as Forester (BPS-10) w. e. f. 31-05-2022 with all back benefits.

Respectfully Submitted:-

1. That the appellant joined respondent department as Forest Guard on 02-02-29912 and since appointment the appellant performed her duties with honesty and full devotion and to the entire satisfaction of her high ups.
2. That in the year 2017 departmental proceedings were initiated against the appellant on the allegations of absence from duty and was initially awarded penalty of compulsory retirement from service, on appeal he was reinstated and matter was remanded to the authority who after inquiry awarded penalty of reduction to lower pay stage with recovery, against which the appellant filed service appeal No 10005/2020 before this honorable Tribunal which was accepted as prayed for vide Judgment dated 17-09-2021. **(Copy of Judgment dated 17-09-2021 is enclosed as Annexure A).**
3. That the mentioned Judgment aggravated the respondents. The appellant stands at Serial No 7 of the Seniority List as stood on 31-12-2021. **(Copy of Seniority List dated 31-12-2021 is enclosed as Annexure B).**

(2)

4. That eight posts of Forester (BPS-10) were lying vacant in Chitral Forest Division and the appellant being perfectly fit, eligible and coming up to the criteria was hopeful of his promotion as Forest Guard. Even the name of appellant was placed at Serial No 7 of the eligible candidates for promotion as Forester but strangely vide order dated 31-05-2022 juniors to the appellant were promoted denying such right to the appellant for no reason. **(Copy of Office Order dated 31-05-2022 is enclosed as Annexure C).**
5. That the appellant preferred departmental appeal before respondent No 1 on 30-06-2022 which was rejected vide Office Order dated 05-09-2022. **(Copy of Departmental Appeal & Order dated 05-09-2022 is enclosed as Annexure D & E).**
6. That the impugned Orders dated 05-09-2022 & Order dated 31-05-2022 to the extent of not promoting the appellant as Forester (PS-10), is illegal, unlawful and against the principles of natural justice on grounds inter-alia as follows:

G R O U N D S :-

- A. That the impugned Orders dated 05-09-2022 and order dated 31-05-2022 to the extent of not promoting the appellant as Forester are illegal, unlawful, without lawful authority and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C. That the appellant is perfectly fit, senior eligible and coming up to the criteria has got every right to be promoted as Forester w.e.f 31-05-2022.
- D. That promoting juniors to the appellant while denying such right to the appellant for no fault is not in consonance with law and fair play.
- E. That the malafide of respondents is proved from the fact that according to the appellate order the ACR,s of the appellant for the year 2013, 2017 were found adverse, while the ACR,s for the year 2018, 2019, 2020, & 2021 have not been countersigned besides having adverse entries. It is worth to mention that the mentioned ACR,s have not been communicated to the appellant till date which speaks of anything but not fair and bonfide.
- F. That according to the rules on the subject the appellant is having the requisite qualification and length of service besides being senior for promotion to the post of Forester and as such could not be denied right of promotion.

(3)

- G. That there is no omission or commission on part of the appellant and the appellant could not be deprived of his due rights for the fault of others even if any.
- H. That the appellant has about 20 years of service with unblemished service record.
- I. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated:-19-09-2022

Through

Appellant

**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan**

LIST OF BOOKS

1. Constitution 1973.
2. other books as per need

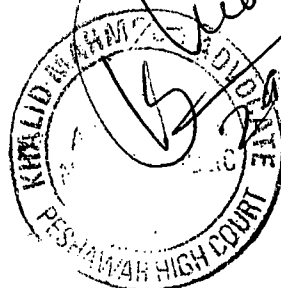
CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

ADVOCATE

AFFIDAVIT

I, Safi Ullah, Forest Guard, Drosh South Sub Division, Chitral Forest Division Chitral, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT

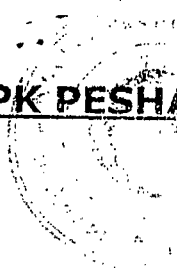
15201-515505-9

(4)

Annex A

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 10005 /2020


 Diary No 8766
 Dated 17-8-2020

Safi Ullah, Forest Guard, Chitral Forest Division, Drosh South Sub-Division Chitral Lower.....**Appellant**

V E R S U S

1. Conservator of Forests, Malakand Forest Circle West Timergara.
 2. Divisional Forest Officer, Chitral Forest Division, Chitral.
 3. The Chief Conservator of Forests, Malakand Forest Region-III Saidu Sharif Swat.
 4. Secretary, Govt. of Khyber Pakhtunkhwa, Forest, Environment and Wild Life Department, Peshawar.
-**Respondents**

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE OFFICE ORDER NO 3 DATED 20-07-2020 OF RESPONDENT NO 1 WHEREBY DEPARTMENTAL APPEAL OF THE APPELLANT FILED AGAINST THE ORDER NO 33 DATED 29-11-2019 OF RESPONDENT NO 2 HAS BEEN PARTIALLY ACCEPTED.

PRAYER:-

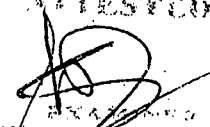
On acceptance of this appeal the impugned Order No 3 dated 20-07-2020 of respondent No 1 may kindly be modified to the extent thereby declaring the penalty of reduction to lower pay stage in time scale for one year and declaring recovery of Rs. 319,200/- as illegal thereby setting aside the same and directing respondents to treat the period w.e.f. 15-02-2017 to 14-12-2017 as duty.

led to-day
Registrar
21/8/2020

Respectfully Submitted:-

1. That the appellant joined the respondent Department as Forest Guard on 02-02-1992 and since then he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant while lastly posted as Forest Guard at Kawti Beat Drosh South Sub-Division Chitral Lower, an inquiry was initiated against the appellant on the allegations of absence from duty and consequently the appellant was awarded the

Re-submitted to -day and filed.
21/10/2020

ATTESTED


(S)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.10005/2020

Date of Institution ... 17.08.2020
Date of Decision ... 17.09.2021



Safi Ullah, Forest Guard, Chitral Forest Division, Drosh South Sub-Division, Chitral Lower.

(Appellant)

VERSUS

Conservator of Forests, Malakand Forest Circle West Timergara and three others.

(Respondents)

Fazal Shah Mohmand
Advocate

... For Appellant.

Muhammad Adeel Butt,
Additional Advocate General

... For Respondents.


AHMAD SULTAN TAREEN
ROZINA REHMAN

... CHAIRMAN
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The relevant facts leading to filing of instant appeal are that appellant joined the respondent Department as Forest Guard. An inquiry was initiated against him on the allegation of absence from duty and consequently he was awarded the penalty of compulsory retirement from service. He preferred departmental appeal which was accepted and appellant was reinstated in service and case was remanded back for appropriate action. De-novo proceedings were initiated and the appellant was awarded penalty of reduction to lower pay stage in time scale for five years treating the period of alleged absence as

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

leave without pay besides ordering of recovery of Rs: 3,19,200/- from the appellant. He preferred departmental appeal which was partially allowed and penalty of reduction to lower pay stage in time scale was reduced to one year while the rest of the penalties were maintained, hence, the present service appeal.

2. We have heard Fazal Shah Advocate appearing on behalf of appellant and Muhammad Adeel Butt learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. It has been contended by the learned counsel for appellant that the impugned order is illegal, unlawful as mandatory provisions of law and rules were badly violated by the respondents and the appellant was not treated according to law and rules. He contended that the appellant never remained absent from duty and he was punished for no fault. That no proper inquiry was conducted and no witness was examined in presence of appellant nor he was given the opportunity of defense and lastly, he submitted that no show cause notice was ever communicated to the appellant.

4. Conversely learned A.A.G submitted that appellant remained absent from official duty for almost 10 months w.e.f 15th February, 2017 to 14th December, 2017 without any intimation/approval of the competent authority. Consequently, he was charge sheeted and inquiry was initiated against the appellant under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He submitted that in the light of inquiry report, he was afforded

the opportunity of personal hearing, however, he could not produce the documentary evidence to counter the allegation leveled against him in the charge sheet and lastly, he submitted that mandatory provisions of law and rules had properly been followed and appellant was treated according to law and rules.

5. From the record, it is evident that Safi Ullah Forest Guard was proceeded under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges of absence from duty w.e.f 15.02.2017 to 14.12.2017 and vide order dated 23.02.2018, major penalty of compulsory retirement from service was imposed upon him while absence period was treated as leave without pay. In pursuance of the Conservator of Forest Malakand Forest Circle West Timergara office order dated 30.03.2018, he was reinstated into service and his services were placed at the disposal of S.D.F.O Chitral. His case was remanded for further appropriate action. As per directions of the Conservator of Forest, de-novo inquiry was initiated and Inquiry Officer submitted report and vide order dated 29.11.2019 of the D.F.O Chitral Forest Division, Chitral, he was awarded punishment of reduction to a lower pay stage in time scale for five years. Period of absence was treated as leave without pay and amount of Rs. 3,19,200/- was also directed to be recovered within 60 installments. He then filed departmental appeal and vide order dated 20.07.2020 of the Conservator of Forest, he was awarded punishment of reduction to a lower pay stage in a time scale for one year. Period of absentia was treated as leave without pay. Amount of Rs. 3,19,200/- was ordered to be recovered from the

(8)

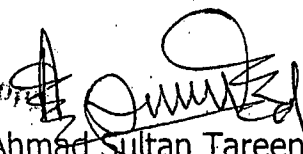
appellant within 60 installments. Feeling aggrieved, he has now filed the instant service appeal. Record is silent in respect of issuance of any show cause notice to the appellant. Charge sheet and statement of allegations are also not available on record. There is nothing on file which could show the alleged absence of the appellant from duty period w.e.f 15.02.2017 to 14.12.2017. Charges of habitual absence, misconduct and inefficiency leveled against the appellant, require cogent evidence but in the instant case, nothing was brought on record. The respondents failed to annex the inquiry proceedings with the comments. There is nothing on file which could show as to who reported the alleged absence of appellant. He denied absence and in such like situation, it was the duty of the respondent Department to conduct proper inquiry proceedings in order to bring on record evidence of his habitual absence but nothing was brought on record. No evidence was recorded and appellant was not given any chance of defense. The appellant was not treated in accordance with law and he has made a case for indulgence of this Tribunal. He has served the Department for almost 27 years and record in respect of habitual absence, if any, was never brought on record.

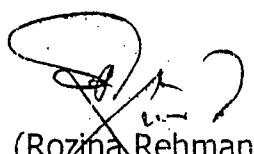
6. In the light of above, this appeal is allowed as prayed for.

Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

17.09.2021

3 ho m...

 (Ahmad Sultan Tareen)
 Chairman


 (Rozina Rehman)
 Member (J)

(9)

Annex
"B"

FINAL SENIORITY LIST OF FOREST GUARDS OF CHITRAL FOREST DIVISION AS IT STOOD ON 31.12.2021:

Sanctioned strength: (Existing=67 + New SNE= 15)		82	Effective strength =		55	Deficit =		27 (Recruitment process of 11 posts has been completed by DSC but appointments awaited due to civil suit before SCJ Chitral)
S. #.	Name of Forest Guard	Academic qualification	Trained or un-trained	Date of birth	Date of 1st Entry into Govt. Service	Present appointment with grade and date	Method of recruitment	
						Grade	Date	
1	Mr. Kareem Ullah-I	Metric	F.G.Trained	06-11-1963	22-07-1990	8	1/7/2015	Initial recruitment.
2	Mr. Mohammad Saeed	Metric	-do-	20-02-1972	17-07-1990	8	1/7/2015	-do-
3	Mr. Mohammad Rahim	Metric	-do-	25-01-1967	17-12-1992	8	1/7/2015	-do-
4	Mr. Iqbal Hussain	Metric	-do-	03-04-1968	18-07-1993	8	1/7/2015	-do-
5	Mr. Mohammad Tahir	B.A.	-do-	01-01-1970	18-07-1993	8	1/7/2015	-do-
6	Mr. Nazir Ahmad	Metric	-do-	12-11-1971	18-07-1993	8	1/7/2015	-do-
7	Mr. Safi Ullah.	F. Sc	-do-	12-05-1969	2/2/1992 17-11-1996	5	1/7/2015	Adjusted from UNHCR Scheme
(-)	Mr. Abdul Jabbar.	Metric	-do-	01-01-1962	1/7/1990 1/1/1998	8	1/7/2015	Retired on attaining the age of 60 years on 31.12.2021
8	Mr. Mohammad Tajdar	Metric	-do-	26-02-1964	1/6/1994 3/9/2002	8	1/7/2015	Adjusted from FSP
9	Mr. Mohammad Nabi Khan.	M.A.	-do-	06-02-1965	1/6/1994 3/9/2002	8	1/7/2015	Adjusted from FSP
10	Mr. Hajat Qabool.	Metric	-do-	01-04-1965	1/7/1990 3/9/2002	8	1/7/2015	Adjusted from ADP
11	Qazi Fazli Hadi.	B.A B. Ed	F.G.& Fr Trained	03.03.1968	12/3/1997 3/9/2002	8	1/7/2015	Adjusted from ADP/FSP
12	Mr. Mumtaz Ali Shah	Metric	F.G.Trained	01-03-1973	18-07-1993 3/9/2002	5	1/7/2015	-do-
13	Mr. Usman Khan.	F.A	-do-	25-05-1965	1/6/1994 1/1/2005	8	1/7/2015	-do-
14	Mr. Wiqar Ahmad.	B.A	-do-	16-03-1966	1/6/1994 1/1/2006	8	1/7/2015	-do-

(10)

15	Qazi Mujib-ur-Rahman.	Metric	-do-	05-02-1973	1/6/1994	8	1/7/2015	-do-
16	Mr. Aurang Zaib.	Metric	-do-	05-12-1973	9/5/2007			
17	Mr. Abdur Rauf.	F.A	-do-	14-02-1971	1/6/1994	8	1/7/2015	-do-
18	Mr. Mohammad Ameen.	F.A	-do-	16-07-1970	30-07-2007			
19	Mr. Muzaffar Wahid.	Metric	-do-	13-02-1981	1/5/1995	8	1/7/2015	-do-
20	Mr. Dur-e-Mansoor.	F.A	-do-	01-11-1981	31-07-2007			
21	Mr. Matloob Ahmad.	F.Sc	-do-	02-09-1985	1/5/1995	8	1/7/2015	Initial recruitment.
22	Mr. Salman Farooq.	Metric	-do-	12-09-1985	29-10-2007			
23	Mr. Jahan Zaib.	B.A.	-do-	10-02-1986	29-10-2007	8	1/7/2015	-do-
24	Mr. Fazle Maula.	Metric	-do-	12-06-1986	29-10-2007			
25	Mr. Ishfaq-ur-Rahman.	F.A	-do-	01-03-1987	29-10-2007	8	1/7/2015	-do-
26	Mr. Aman Ullah Khan.	F.A	-do-	06-02-1988	29-10-2007			
27	Mr. Wali-ur-Rahman.	F.A	-do-	1/4/1983	17-02-2015	8	1/7/2015	-do-
28	Mr. Shahid Hussain.	F.A	-do-	25.05.1994	17.08.2016			
29	Mr. Amir Ejad	M.A English	Un-trained	07.09.1985	17.08.2016	8	1/7/2015	-do-
30	Mr. Amjad Naeem	B.A.	Trained	10.05.1990	17.08.2016			
31	Mr. Muhammad Jahangir	BS Forestry	-do-	01.03.1989	17.08.2016	8	1/7/2015	-do-
32	Mr. Faiz Ullah	B.A.	-do-	10.09.1989	17.08.2016			
33	Mr. Kareem Ullah-II	B.A.	-do-	10.05.1993	17.08.2016	8	1/7/2015	Initial recruitment.
34	Mr. Wajahat Ali	B.A.	-do-	15.04.1992	17.08.2016			
35	Mr. Sultan Amir	B.Com.	Untrained	10.04.1993	17.08.2016	8	1/7/2015	-do-
36	Mr. Hashim Khan	M.A.	-do-	21.12.1986	17.08.2016			
37	Mr. Sajjad Ali	B.Com.	-do-	22.03.1992	17.08.2016	8	1/7/2015	-do-
38	Mr. Shuaib Sultan	F.Sc.	-do-	25.04.1992	17.08.2016			
39	Mr. Aqeel Ahmad	M.A.	Trained	06.02.1985	17.08.2016	8	1/7/2015	-do-
40	Mr. Ishfaq Alam.	M.A.	Untrained	10.04.1988	17.08.2016			
41	Mr. Sher Hasan	B.A.	-do-	15.03.1994	17.08.2016	8	1/7/2015	-do-
42	Mr. Amir Ullah	B.A.	-do-	04.03.1994	17.08.2016			
43	Mr. Mueen-ud-Din	B.A.	-do-	14.10.1987	17.08.2016	8	1/7/2015	-do-
44	Mr. Khosh Wali Khan	F.A.	-do-	04.03.1994	17.08.2016			
			-do-			8	1/7/2015	-do-

F-GUARDS

(11)

45	Mr. Aftab Ahmad	B.A.	Trained	15.12.1991	31.08.2016	8	1/7/2015	-do-
46	Mr. Muhammad Aslam Baig	B.A.	Untrained	01.03.1994	05.09.2016	8	1/7/2015	-do-
47	Mr. Nasir Ullah	Matric	-do-	05.06.1967	01.5.1995	8	1/7/2015	Adjusted from FSP
					01.7.2017			
48	Mr. Shafiq Ahmad	Matric	-do-	13.03.1970	01.6.1994	8	1/7/2015	-do-
					01.7.2017			
49	Mr. Naveed-ul-Abrar	MA.	-do-	23.01.1983	15.4.2019	8	15.4.2019	Appointed under "Invalidation Quota"
50	Mr. Zuhaib Ahmad	B.A.	-do-	03.08.1996	16.09.2021	8	16.09.2021	Initial recruitment.
51	Mr. Zahab Afzal	B.A.	-do-	01.10.1998	17.09.2021	8	17.09.2021	-do-
52	Mr. Tauseef Ahmad	B.A.	-do-	30.06.1994	17.09.2021	8	17.09.2021	-do-
53	Mr. Amir Nawaz	DAE	-do-	03.05.1995	17.09.2021	8	17.09.2021	-do-
54	Mr. Sohail Ahmad	B.Com.	-do-	15.02.1988	17.09.2021	8	17.09.2021	-do-
55	Mr. Saadat Amin	DAE	-do-	08.08.1994	17.09.2021	8	17.09.2021	-do-

No. 5192 IG, Dated Chitral the 06/04 /2022.

Copy forwarded to:-

1. The Conservator of Forests, Malakand Forest Circle West at Timergara for favour of information, please.
2. All SDFOs/Range Officer Booni in Chitral Forest Division for information & circulation amongst the F.Guards of their jurisdiction.

Divisional Forest Officer,
Chitral Forest Division,
Chitral.

OFFICE ORDER NO. 112 DATED CHITRAL THE 31/05/2022,
ISSUED BY MR. ASIF ALI SHAH, DIVISIONAL FOREST OFFICER,
CHITRAL FOREST DIVISION, CHITRAL.

(12)


Annex
"C"

Consequent upon the recommendation of Departmental Promotion Committee dated 19/05/2022 and in pursuance of Section Officer Establishment letter No. SO(Estt)/FE&WD/1-3/2022/DPC, dated 16/05/2022, the following Forest Guards in BPS-8 of Chitral Forest Division are hereby promoted to the Rank of Forester in BPS-10 with immediate effect:-

S. #.	Name of official	Remarks
1	Mr. Muhammad Saeed	On regular basis
2	Mr. Muhammad Rahim	--do--
3	Mr. Iqbal Hussain	--do--
4	Mr. Muhammad Tahir	--do--
5	Mr. Muhammad Tajdar	--do--
6	Mr. Muhammad Nabl Khan	--do--
7	Mr. Hajat Qabool	On acting charge basis
8	Mr. Fazal Hadl	--do--

The officials on promotion shall remain on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and extendable for another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule 15(2) of rules ibid.


Consequent upon their promotion, the posting orders will be issued later on.


(Asif Ali Shah)
Divisional Forest Officer,
Chitral Forest Division,
Chitral

No. 6059-751G, Dated Chitral, the 31/05/2022.

Copy forwarded to the:-

1. The Chief Conservator of Forests, Central Southern Region (Region-1) Peshawar.
 2. The Chief Conservator of Forests, Malakand Forest Region-III, Saidu Sharif Swat.
 3. The Conservator of Forests, Malakand Forest Circle West at Timergara Lower Dir.
 4. ✓ The Section Officer Establishment, Govt. of Khyber Pakhtunkhwa FEWD, Peshawar, with reference to his office letter No. SO (Estt)/FE&WD/1-3/2022/DPC, dated 16.05.2022.
 5. The Divisional Wildlife Officer, Chitral Wildlife Division, Chitral.
 6. The SDFO Drosh South Forest Sub Division, Drosh.
- For favour of information and necessary action, please.
7. The Head Clerk / Accountant (Divisional Forest Office Chitral) For information and
 8. All above named Foresters.) necessary action.
 9. Office Order / Personal Files for record.

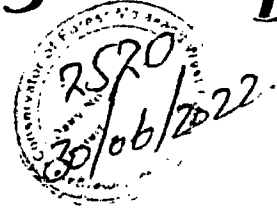

Divisional Forest Officer,
Chitral Forest Division,
Chitral

BEFORE THE CONSERVATOR OF FORESTS, MALAKAND FOREST CIRCLE
WEST AT TIMERGARA LOWER DIR.

Subject:- Appeal against the office order dated 31-05-2022

(13)

D
Annex
'D'



Respectfully Submitted:-

1. That the appellant has passed his F. Sc. and was initially appointed as Forest Guard in UNHCR project on 02-02-1992 and was regularized in service as Forest Guard on 17-11-1996 and since appointment he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That according to the Seniority List of Forest Guards of Chitral Forest Division dated 31-12-2021, the appellant is placed at Serial No 7. (Copy of Seniority List is closed as Annexure A).
3. That it is pertinent to mention that eight posts of Forester (BPS-10) were lying vacant in Chitral Forest Division and the appellant being perfectly fit and eligible and coming up to the criteria as per law and rules for promotion as Forester (BPS-10) was hopeful that he will be promoted as Forester and even his name was placed at Serial No 7 of the list of eligible candidates for promotion as Forester but strangely vide impugned order dated 31-05-2022, juniors to the appellant were promoted denying such right to the appellant for no reason. (Copy of Order dated 31-05-2022 is enclosed as Annexure B).

6

35/ Gulam Hassan
Placing in
ASK K...
of OP...
[Signature]

That the impugned Order dated 31-05-2022, to the extent of promotion of officials who were juniors to the appellant and have been promoted, is illegal, unlawful, without lawful authority, on grounds inter-alia as follows:

GROUNDS:-

- A. That the impugned Order dated 31-05-2022 to the extent of not promoting the appellant and of promotion of juniors to


(14)

the appellant is illegal, unlawful, without lawful authority and void.

- B. That the appellant is not treated in accordance with law and rules which being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.
- C. That the appellant is perfectly fit, senior, and eligible and coming up to the criteria has got every right to have been promoted as Forester (BPS-10).
- D. That even juniors to the appellant including Muhammad Tajdar, Muhammad Nabi Khan, Hajat Qabool and Fazal Hadi have been promoted while the appellant is denied such right for no fault.
- E. That there is no omission and commission on part of the appellant and the appellant could not be punished for the fault of others if any.
- F. That the appellant is having about thirty years of service with unblemished service record.

It is therefore prayed that on acceptance of this appeal, the impugned Order dated 31-05-2022 may kindly be varied/modified thereby promoting the appellant as Forester (BPS-10) w.e.f. 31-05-2022 with all back benefits.

Dated:-28-06-2022


Safi Ullah, Forest Guard,
At Drosh South Sub Division, Chitral
Forest Division, Chitral.
Cell # 0345 9777306

OFFICE ORDER NO. 08 DATED 05 /09 /2022 ISSUED BY MR. SHAUKAT FIAZ

CONSERVATOR OF FORESTS MALAKAND WEST FOREST CIRCLE TIMERGARA (15)

1. Whereas, Mr. Safiullah Forest Guard (appellant) was deferred from promotion to the Rank of Forester under the Rules (Appointment, Promotion and Transfer Rules 1989) as well as under Para-V (d) of Promotion Police, 2009 by Departmental Promotion Committee constituted vide Divisional Forest Officer Chitral Office Order No.11 dated, 06/05/2022 in the light of Section Officer letter No.SO(Estt)/FE&WD/1-3/2022/DPC, dated 16.05.2022.
2. Whereas the appellant being aggrieved from the DFO Chitral Office Order No.112 dated, 31/05/2022 and filed the departmental appeal to the undersigned (appellate Authority).
3. Whereas, Para wise comments were asked form DFO Chitral vide this office letter No.6704/E dated 30/06/2022.
4. Whereas the Divisional Forest Officer Chitral Submitted his reply/comments vide his office letter No.534/G, dated 02/08/2022.
5. Whereas, on receipt of the comments the appellant was provided chance of personal hearing, conducted the same at Conservator of Forests Malakand West Office on 26/08/2022.
6. Whereas on perusal of record, comments of the D.F.O Chitral and personal hearing of the appellant it was ascertained that the appellant could not advance/ produce any documentary proof in his support / defense and relied on the contents of his appeal. Whereas the record shows that the ACRs of the appellant for the year 2013, 2017 found adverse while the ACR for , 2018, 2019, 2020 and 2021 have not been countersigned besides having adverse entries.

ORDER:-

I Mr.Shaukat Fiaz Conservator of Forests Malakand West Forest Circle Timergara in capacity of appellate authority is hereby rejected the appeal of Safiullah Forest Guard with the direction to DFO Chitral being appointing authority to asked the said appellant to complete the ACRs in question and may be considered for promotion during next Departmental Promotion Committee as per rules on the subject.

Sd/-
(SHAUKAT FIAZ)
CONSERVATOR OF FORESTS
MALAKAND FOREST CIRCLE WEST
TIMERGARA

No 1191-94 /E.

Copy Forwarded to the:-

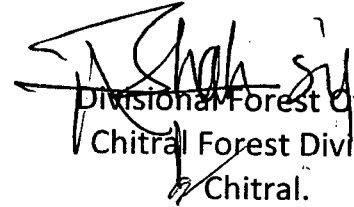
1. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat for favour of information please.
2. DFO Chitral for information and necessary action.
3. Official Concerned.
- ✓ 4. Office Order File.

CONSERVATOR OF FORESTS
MALAKAND FOREST CIRCLE WEST
TIMERGARA

Recd File. 05/09/2022

No. 1108 /G, Dated Chitral the 07/9 /2022.

Copy forwarded to Mr. Safi Ullah Forest Guard for information and necessary action, as desired in the order cited above.


Divisional Forest Officer,
Chitral Forest Division,
Chitral.

IN THE SERVICE TRIBUNAL KP, PESHAWAR.

No. _____/2020

Safiullah

.....Petitioner.

VERSUS

Conservator and others

..... Respondents.

I, the undersigned, do hereby appoint and constitute,
FAZAL SHAH MOHMAND Advocate Supreme Court. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.

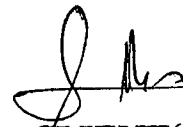
1. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
2. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.

AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I/We also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I/We further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 21-10-2020

ACCEPTED BY:



FAZAL SHAH MOHMAND
ADVOCATE,
SUPREME COURT OF PAKISTAN.



CLIENT(S)

15201-515505-9

Safiullah