

13.04.2015

Counsel for the appellant present and submitted an application for restraining the respondents from filling the post of Forest Guard advertised on 2.4.2015. Notice of application be issued to the respondents for the date fixed i.e. 21.5.2015.

  
MEMBER

  
MEMBER

21.05.2015

Counsel for the appellant and Addl: A.G for respondents present. Arguments heard. Judgment reserved.

  
Member

  
Member

03.06.2015

To come up for order on 11.06.2015. Notices be issued to the parties for the date fixed.

Member

12.6.2015

Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Addl. Advocate General (Mr. Muhammad Adeel Butt) for the respondents present. Arguments heard. Record perused. Vide our detailed judgment of to-day in connected appeal No. 526/2013, Inayatullah Versus The Secretary Environment Department, Khyber Pakhtunkhwa, Peshawar etc.", this appeal is also accepted as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
12.06.2015

  
MEMBER

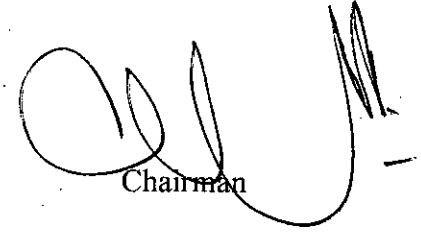
  
MEMBER

S27/13

12.2.2014

Counsel for the appellant and Mr. Manzoor Ahmad, SDFO Lower Kohistan on behalf of respondents with AAG present. Written reply on behalf of respondents received, copy whereof is handed over to the learned counsel for the appellant for rejoinder alongwith connected appeals on 2.5.2014.

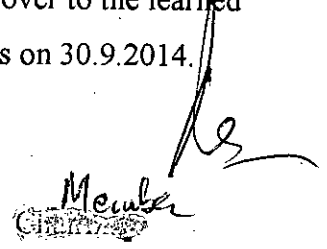
J

  
Chairman

2.5.2014

Counsel for the appellant and Mr. Iltaf Qureshi, SDFO on behalf of respondents with AAG present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments alongwith connected appeals on 30.9.2014.

J

  
Member

30.09.2014

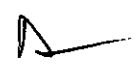
Clerk of counsel for the appellant and Mr. Iltaf Qureshi, SDFO on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. Arguments could not be heard due to strike of the Bar. To come up for arguments alongwith connected appeals on 25.02.2015.



Member

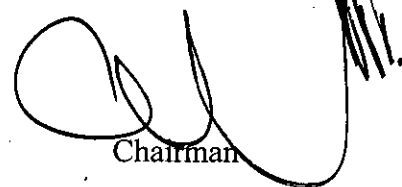
25.2.2015

Counsel for the appellant, and Addl. A.G. with Gohar Ali, DFO for the respondents present. The learned Judicial Member is on official tour to D.I.Khan, therefore, case is adjourned to 21.5.2015 for arguments.



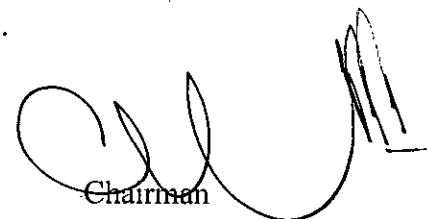
MEMBER

07.06.2013. Mr.Afzal Khan on behalf of the appellant and Mr.Tauheed-ul-Haq, DFO Kohistan on behalf of the respondents with Mr.Usman Ghani, Sr.G.P present: To come up for written reply/comments on 02.08.2013.

  
Chairman

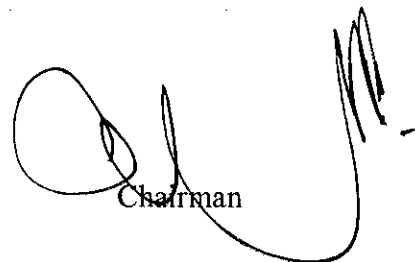
02.8.2013

Clerk of counsel for the appellant and Mr. Iltaf Qureshi, SDFO with Mr. Muhammad Jan, G.P for the respondents present. Written reply has not been received, and request for further time made on behalf of respondents. Another chance is given for written reply/comments, positively, on 6.12.2013.

  
Chairman

06.12.2013

Clerk of counsel for the appellant and Mr. Altaf Qureshi, SDFO, Komila Forest Sub Division on behalf of respondents with Mr. Muhammad Jan, GP present. Written reply has not been received, but the representative of the respondents stated that written reply has been prepared, which requires vetting and signature of the concerned authorities. Therefore, a last chance is given for written reply/comments on 12.2.2014.

  
Chairman

Appeal No. 527/2013  
Mr. Muhammad Zaib

3.

23.4.2013

Counsel for the appellant present and heard. He contended that the appellant was appointed by the competent authority as Forest Guard vide order dated 11.7.2011. He was sent for training which he did successfully and was awarded the certificate by the concerned institution. While serving on the said post, one Mr. Ziaul Haq (a candidate) filed a writ petition against the appointment of the appellant and others; that one sided inquiry was conducted on the basis of which services of the appellant were terminated without adopting proper procedure and law. The appellant file departmental appeal on 24.1.2013, which was rejected on 12.2.2013 for no good grounds. Points raised need consideration; subject to all objections, the appeal is admitted to regular hearing. Process fee and security be deposited within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 7.6.2013.

Member

4.

23.4.2013

This case be put up Before the Final Bench for further proceedings.


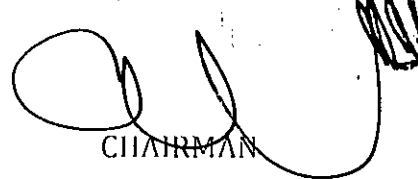
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No. 527/2013

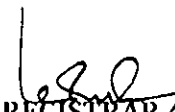
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12/03/2013	<p>The appeal of Mr. Muhammad Zaib resubmitted today by Mr. M.Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	26-3-2013,	<p>This case is entrusted to primary Bench for preliminary hearing to be put up there on <u>23-4-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Zeb Ex- Forest Guard received today i.e. on 05/03/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 day.

- 1- In the memo of appeal places have been left blank which may be filled in.
- 2- Copy of advertisement and appointment order mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.

No. 382 /S.T,

Dt. 5/3 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

MR.M.ASIF YOUSAFZAI, ADV; PESH.

*Resubmitted after compliance.*

*Asif*

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. \_\_\_\_\_ /2013.

Mohammad Zeb

VS

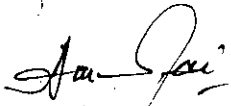
Environment Deptt:

**INDEX.**

<b>S.NO</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
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12-	Affidavit.	K	22
13-	Wakalat nama	L	23.

APPELLANT

THROUGH:

  
M.ASIF YOUSAFZAI  
ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. \_\_\_\_\_/2013.

AWP Peshawar  
530  
25/3/13

Mohammad Zeb, Ex- Forest Guard,  
Lower Kohistan Forest Division,  
Pattan Kohistan.....(Appellant.)

VERSUS

- 1- The Secretary Environment Deptt: , KPk Peshawar.
- 2- The Chief Conservator of Forests- II, KPK Peshawar.
- 3- The Conservator of Forests Upper Hazara Forests Circle Mansehra.
- 4- The Divisional Forest Officer, Lower Kohistan Forest Division Pattan Kohistan.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE ORDER DATED. 21.12.2012 WHERE BY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE AND AGAINST THE FINAL REJECTION ORDER DATED. 12.2.2013 WHERE BY THE DEPARTMENTAL APPEAL OF APPELLANT HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Handwritten signature  
5/3/13

PRAYER:

That on acceptance of this appeal the order dated. 21.12.2012 and 12.2.2013 may be set-aside and the appellant may be reinstated with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.

As-submitted to  
and filed.

Handwritten signature  
12/3/13



**R.SHEWETH.**

- 1- That the respondent No.4 advertised some vacancies of forest guards in daily news paper Mashriq dated. 23.4.2010. The appellant applied for the said post, appeared in test and interview and was finally successful. Copy of the advertisement is attached as Annexure – A.
- 2- That after being successful in test & interview, the appellant was appointed by the competent authority as forest guard vide order dated. 11.7.2011. The appellant was also sent for training which he did successfully and was awarded the certificate by the concerned institution. Copies of the order and certificate are attached as Annexure – B & C.
- 3- That the appellant had performed his duty up to the entire satisfaction of his superior and there were no complaints against the appellant.
- 4- That one Mr. Zia-ul-Haq ( a candidate) had filed a writ petition against the appointment of petitioner and other selected candidates, which was heard on 7.3.2012. The august High Court while disposing of the writ petition directed the Govt; to (i)- *resolve the factual controversy regarding appearance of petitioner before the selection committee, (ii)- to conclude the issue within thirty days, and (iii)- if the matter is not concluded within thirty days the petitioner should be informed about the reasons in writing.* Copy of the order is attached as Annexure – D.
- 5- That then one sided inquiry was conducted which in violation of four corners of the august High Court's order, did not resolve the matter but recommended to roll back the entire process of appointment of the appellant and other successful candidates. Copy of the report is attached as Annexure – E.
- 6- That after the report of the inquiry committee, the appellant was terminated from service vide order dated. 21.12.2012 without adopting proper procedure and law. Copy of the order is attached as Annexure – F.
- 7- That firstly the appellant and his other colleagues filed a joint departmental appeal on 7.1.2013 which was returned to the appellant on 22.1.2013 with the objection to file every affected official his separate departmental appeal. The appellant, thereafter, filed separate appeal on 24.1.2013 which was finally rejected on 12.2.2013 for no good grounds. Copies of the joint appeal, returning order, individual appeal and rejection order are attached as Annexure – G, H, I, & J.

- 8- That now the appellant comes to this august Tribunal on the following grounds amongst the others.

**GROUND:**

- A- That the order dated. 21.12.2012 and 12.2.2013 are against the law rules and norms of justice, therefore not tenable and liable to be set-aside.
- B- That the appellant has not been treated according to law and rules meant for the Civil Servants. Thus the impugned orders are liable to be set-aside.
- C- That the so called inquiry committee had not acted as directed by the august high Court, rather transgressed from the four corners of the mandate given by the august Court.
- D- That the so called inquiry committee had not associated the appellant with the inquiry proceedings.
- E- That no charge sheet, statements of allegation served on the appellant for his alleged illegal appointment, nor the appellant was given any show cause notice or the chance of personal hearing. Thus the appellant has been totally condemned unheard.
- F- That the Mr. Ziaul Haq ( complainant) was also not inquired by the inquiry committee for which the august High Court directed the respondent Deptt: This aspect is clearly proved from the affidavit given by the complainant, the copy of which is attached as Annexure – K.
- G- That the appellant has been punished for the faults of others because if there was any discrepancy in the appointment procedure , the appellant could not be blamed for that.
- H- That the appellant has been punished for no faults on his part. More over he appellant had also completed his training successfully and at the time of termination, the appellant was a trained forest guard.
- I- That even the final rejection order is not well reasoned order which could attribute any fault on the part of appellant.

J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT.

*M. Zeb*

Mohammad Zeb

THROUGH;

*M. Asif*

M.ASIF YOUSAFZAI

ADVOCATE.

A = 5  
~~XXXXXX~~  
~~XXXXXX~~  
 (H)

http://www.dailymashriq.com.pk

اللہ ہی کیلئے ہیں شرق و مغرب (قرآن مجید)

**Daily MASHRIQ Peshawar**

روزنامہ  
 سیدنا میر شاہ  
 ہونہ کے بابی  
 پشاور

مستطاب لکھنؤ کے 43 سال

ABC CERTIFIED

جلد 43

پندرہواں نمبر 0 مئی 1431ھ 23 اپریل 2010ء 9 سیرا کی قیمت 10 روپے پر اس کی قیمت 245 روپے

**دارخواستیں منظور شدہ**

مندرجہ ذیل آسامیوں کیلئے نگرینٹکات سمیت غیر منظور شدہ ایسی حکومت کی پالیسی کے مطابق دیگر کنٹریکٹ کی بنیاد پر طرح کو بہتان کی شہرت کی حامل ان امیدواروں سے درخواستیں منظور نہیں کی جائیں گی۔

نمبر کار	نام آسامی	تاریخ
1	فارست گارڈ - لی ای ایس نمبر 5	18-25 کئی تنظیم شدہ پروڈسے کنڈری سکولر ٹیک

عمومی نیشنل ایف ڈی ایف آؤٹ براؤزنگ

- 1 نیشنل ایف ڈی ایف آؤٹ براؤزنگ کے دوران میں 12 مئی 2010ء کو کیا جائیگا۔
- 2 کامیاب امیدواروں کی لسٹ مرتب کر کے فوری طور پر وزارت کو ارسال کیا جائیگا اور اس پر چھاپا کر دی جائیگی۔
- 3 صرف کامیاب امیدواروں سے انٹرویو صورت 18 مئی 2010ء کو کرتے ہوئے کیا جائیگا۔
- 4 امیدوار اپنی درخواستیں مع صورت ثبوتی مشقہ دستاویزات ڈائریکٹ نازسٹ آفسر آف بہتان کو بھیجیں اور اسلی دستاویزات نیشنل ایف ڈی ایف آؤٹ کے موقع پر پیش کریں۔
- 5 درخواستیں کی وصولی کی آخری تاریخ 4 مئی 2010ء ہے۔
- 6 تربیت یافتہ اور تجربہ کار افراد کو ترجیح ملے گی۔
- 7 نیشنل ایف ڈی ایف آؤٹ کے ذریعہ کوئی ای ایس ایف ایس نہیں دیا جائیگا۔

**المنسٹرم: ڈویژنل فارسٹ آفسر ایف ڈی ایف آؤٹ**  
**کوہستان فارسٹ ڈویژن ڈاسو**

also available on www.nwfp.gov.pk INF(1)1326

1. ثواب علی۔
2. آفرین
3. حمیر زینب
4. سر محمد علی

4 کاپی

ARRESTED

Consequent upon the recommendation of Departmental Selection Committee, constituted vide DFO Upper Kohistan Forest Division, Dassi office order No. 116 dated 12.4.2010 following candidates are hereby appointed as Forest Guard in BPS-7 (Rs. 3530-190-9230) against the existing vacancies in Lower Kohistan Forest Division Pattan with effect from the date of arrival.

1.	Mr. Nawab Ali S/O Noor-ul-Huda of Pattan, Tehsil Pattan District Kohistan
2.	Mr. Afreen Khan S/O Juma Khan of Jijal, Tehsil Pattan District Kohistan
3.	Mr. Abdul Qadir S/O Malik Tajan of Khandia, Tehsil Khandia, District Kohistan
4.	Mr. Muhammad Zaib S/O Haji Yaqub of Pattan, Tehsil Pattan, District Kohistan
5.	Mr. Inayatullah S/O Abdul Hakeem of Jijal, Tehsil Pattan, District Kohistan

These appointments are subject to the following terms and conditions:

1. These appointments are purely on adhoc basis against the existing vacancies.
2. These services will be governed by such rules and orders relating to Leave, Traveling Allowance, Medical Attendance Rules, Pay and Posting/Transfer etc. in respect of other service matters as may be issued by the Government for Civil Servants to which they belong.
3. In case they wish to resign at any time, they will have to serve one month notice for the purpose or one month pay will be forfeited in lieu thereof.
4. Their appointment is further subject to the conditions that they must have bonafide domicile of District Kohistan and production of Health Certificate, Age Certificate, Character Certificate, Computerized National Identity Card, Domicile Certificate, School leaving certificate etc. and undertaking to the effect that they can be removed from service at any time without assigning any reason and they will not claim the right of continuation of their service in any court or any way. All these documents should be completed within one month from the date of appointment/arrival.
5. They will have to undergo the prescribed training of Forest Guards from Senior Forest School (Thal) Abbottabad.

Sd/- (Azhar Ali Khan)  
 Divisional Forest Officer  
 Lower Kohistan Forest Division  
 Pattan

Memo

Copy forwarded to the:

1. Conservator of Forests, Dassi for information please.
2. Divisional Forest Officer, Upper Kohistan Forest Division, Dassi for information.
3. Mr. Nawab Ali S/O Noor-ul-Huda of Pattan, Tehsil Pattan District Kohistan
4. Mr. Afreen Khan S/O Juma Khan of Jijal, Tehsil Pattan District Kohistan
5. Mr. Abdul Qadir S/O Malik Tajan of Khandia, Tehsil Khandia, District Kohistan
6. Mr. Muhammad Zaib S/O Haji Yaqub of Pattan, Tehsil Pattan, District Kohistan
7. Mr. Inayatullah S/O Abdul Hakeem of Jijal, Tehsil Pattan, District Kohistan for information and necessary action.
8. The Divisional Accountant for information and necessary action.

Divisional Forest Officer  
 Lower Kohistan Forest Division  
 Pattan

47 SEP 2011

Serial No. 146

Reg. No. 19/71<sup>st</sup> FG/2012/SFS


# CERTIFICATE



This is to Certify that Mr. Muhammad Zaib  
Son of Mr. Yardad  
CNIC # 513403-2590503-1  
trainee of Sarhad Forest School Thal, Abbottabad, has  
passed the  
71<sup>st</sup> Forest Guard Regular Course, Session 2012  
Obtaining 537 Marks out of 1300 Marks and Placed  
in 1<sup>st</sup> Standard

TESTED


The examination was taken as a whole/in parts

Prepared by: 

Checked by: 

Dated: 17/01/12

PRINCIPAL  
SARHAD FOREST SCHOOL  
THAL, ABBOTTABAD

  
DIRECTOR  
HUMAN RESOURCE DEVELOPMENT  
PESHAWAR

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH.

JUDICIAL DEPARTMENT

W.P No. 533 of 2011

JUDGMENT

Date of hearing 07-03-2012

Appellant(s)/Petitioner (s) (Zia-ul-Haq) by M/s Haji Sabir Hussain Tanoli and Muhammad Arshad Awan, Advocates.

Respondent (s) \_\_\_\_\_

YAHYA AFRIDI:-J:- Zia-ul-Haq seeks the constitutional jurisdiction of this Court praying that;

*“on acceptance of instant petition, impugned appointment order may kindly be declared illegal and respondent No.3 may graciously be directed to issue appointment order of petitioner according to law an policy of the Government of Khyber Pakhtunkhwa or any other relief, which this Honourable Court deems fit and proper in the circumstances of the case, may also be granted.”*

2. In essence, the grievance of the petitioners is that in response to the public advertisement made by

*a*

**TESTED**

the respondents, in particular, his appearance before the DSC. The petitioner, in support of his said claim, annexed copy of the minutes of meeting of the DSC, wherein the petitioner was named with other persons, who had appeared for the interviewed before the DSC for the said appointment.

5. In peculiar circumstances of the present case, when there are two documents purporting to be official minutes of the DSC, having contradictory information, this Court cannot dilate upon the said factual controversy in constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

6. Accordingly, without passing any findings on the said matter, which may prejudice the case of the petitioner before the competent authority, we treat the present petition as representation and refer the same to the worthy Chief Secretary, Government of Khyber Pakhtunkhawa with the directions that;

- i. to resolve the factual anomaly regarding appearance of the petitioner before the 'Departmental Selection Committee' and consider his grievance in accordance with law and proceed in the matter in a

ATTESTED

*[Handwritten signature]*



(11)

'transparent manner' to ensure the cherished goal of 'good governance' and 'rule of law'.

- ii. to conclude the matter, within a period of thirty days, if not earlier, from the date of receipt of this judgment.
- iii. in case the relief sought by the present petitioner can not be positively considered or resolved within the stipulated period, the petitioner be communicated reasons in writing for the same.

7. Accordingly, for the reasons stated hereinabove, this petition is disposed of in the above terms.

Sd. Justice

Announced:  
07.03.2012

/\*M.S.A\*/

Certified to be True Copy  
Examinee 08.3.12  
Peshawar High Court  
Abbottabad Bench  
Authorized Under Socar's Acts Ordns

ATTESTED  
A

42 E.A. (12)  
WRITE PETITION NO. 553/2011 BY ZIA-UL-HAQ REGARDING HIS SELECTION FOR THE POST OF FOREST GUARD, APPOINTMENT OF ENQUIRY COMMITTEE VIDE CHIEF CONSERVATOR OF FORESTS-II KHYBER PAKHTUNKHWA PESHAWAR OFFICE ORDER NO. 34 DATED 13/4/2012, REPORT THERE-OF.

BRIEF HISTROY OF THE CASE

The Director Information, Government of Khyber Pakhtunkhwa was requested for publication of vacant posts of Forest Guards in Upper Kohistan Forest Division vide Divisional Forest Officer Upper Kohistan Forest Division letter No. 2925/GE dated 12.04.2010. Accordingly advertisement appeared in daily Nawa-e-Waqt Rawalpindi on 22.04.2010 and in daily Mashriq Peshawar on 23.04.2010.

As a result of discussion dated 19.04.2010, the Divisional Forest Officer, Lower Kohistan also requested DFO Upper Kohistan vide his letter No. 2963/GE dated 21.04.2010 to include the cases of appointment of his Division in the same process. The process materialized jointly and applications from 157-inhabitants of District Kohistan were received up to 04.05.2010 (Copy of list enclosed as Annex-1).

The Departmental Selection committee conducted written test on 12.05.2010 wherein 102-Nos. candidates appeared (Copy of list enclosed as Annex-2). Meeting of the Departmental Selection Committee was held on 08.06.2011 whereas interview etc from 23-Nos. short listed candidates was conducted on 8/6/2011, (copy of list enclosed as Annex-3).

Out of total 23-Nos. candidates, S.No. 1, 2 & 3 (3-Nos.) were recommended for appointment in Upper Kohistan Forest Division Dasso, while S.No. 4 to 11 (8-Nos.) were recommended for recruitment in Lower Kohistan Forest Division Pattan. The record revealed that (13 No) thirteen candidates have been appointed up-to 14/11/2011 in both Forest Divisions.

DISCUSSIONS

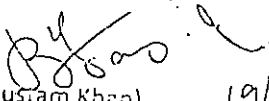
in compliance with Chief Conservator of Forests-II Khyber Pakhtunkhwa office order NO.34 dated 13/4/2012 the committee held its meeting in the office of DFO, Unhar Watershed Division Mansehra on 19.04.2012. All relevant record of both the Forest Divisions has been produced by Mr. Sajjad Ahmad Head Clerk of Upper Kohistan Forest Division.


The said record has been examined by the committee in detail and fully analyzed the gravity of the case. The committee reached to the conclusion that:

1. Working papers have not been prepared by the concerned Forest Divisions.
2. There is no mention of vacant posts in any paper prepared and meant for appointment of Forest Guards in both the Forest Divisions.
3. The office orders for appointment of Forest Guards have not been found issued in time.
4. The minutes of D.S.C meeting indicates that interview has been conducted on 8.6.2011 instead of 18.05.2010 after a lapse of more than one year period.
5. The procedure contained in GOVERNMENT OF KHYBER PAKHTUNKHWA, SERVICES AND GENERAL & ADMINISTRATION DEPARTMENT (REGULATION WING) Notification No. SOR-(S&GAD)4-1/75 dated Peshawar the 17.06.1989 has not been found followed properly.

RECOMMENDATIONS

In the light of foregoing facts and material on record, the committee recommend to Rollback the entire incomplete process adopted for appointment of Forest Guards and to direct the competent authorities for initiating the process a fresh as per rules.

  
(Rustam Khan)  
Divisional Forest Officer  
Unhar Watershed Division, Mansehra  
(Chairman)

  
(Khurshid Ahmad)  
Superintendent  
Lower Hazara Circle, Abbottabad  
(Member)

389

ATTES  
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25/4/12

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= (L3)

**OFFICE ORDER NO. 20 DATED DSSU THE 21<sup>st</sup> DECEMBER, 2012**  
**ISSUED BY MR. MUHAMMAD SHUAIB, DIVISIONAL FOREST OFFICER**  
**LOWER KOHISTAN FOREST DIVISION, PATTAN**

A recruitment process was completed for the posts of Forest Guards in Lower & Upper Kohistan Forest Divisions during 06/2011. One Mr. Zia-ul-Haq S/O Ghulam Qadir Resident of Village Jijjal Tehsil Pattan District Kohistan challenged the recruitment process in August High Court Peshawar Circuit Bench Abbottabad vide WP. 553/2011. The court treated the petition as representation and referred the case to Chief Secretary Khyber Pakhtunkhwa to resolve the matter. The Administrative Department vide No. SO (Lit) ED/2-165/2011 dated 17/03/2012, directed the CCF-II to hold enquiry to ascertain factual position, grant relief if any. The CCF-II constituted an enquiry committee vide office order No. 34 dated 13/04/2012. The enquiry committee based on certain procedural flaws recommended to roll back the entire recruitment process. Before the recommendation of the committee could have been acted upon, the matter was subjudiced in the court as the incumbent employees agitated before the High Court through a writ petition No. 339-A/2012. However the petition held premature and dismissed. Meanwhile the petitioner of WP 553/2011 furnished an affidavit through which he resiled from his previous stance. Construing that the cause of action was disappeared, it was recommended to file the case. The Administrative Department by disagreeing the proposal of closing the case, constituted an Enquiry Committee vide notification No. SO (Lit) ED/2-165/2011 dated 14/06/2012. Based on the findings of the Enquiry Committee the Administrative Department vide No. SO (Lit) ED/2-165/2011/1281-82 dated 11/12/2012 and No. SO (Lit) ED/2-165/2011/1284-85 dated 11/12/2012 communicated by Conservator Upper Hazara office No. 2963-64/GE dated 19/12/2012 directed "implement the decision of the earlier enquiry committee and report compliance" i.e. to roll back the entire recruitment process adopted for appointment of Forest Guards.

Therefore, in compliance of the above order of the administrative Department, the said appointment process is rolled back and the following Forest Guards appointed under the mentioned process and working in Lower Kohistan Forest Division are hereby terminated from their services with immediate effect:-

#.	Name of Forest Guards	Fathers Name
1.	Mr. Nawab Ali	Noor-ul-Huda
2.	Mr. Afreen	Juma Khan
3.	Mr. Mohammad Zaib	Haji Yardad
4.	Mr. Sirangzeb	Aman Mir
5.	Mr. Sarzhab	Mir Alam

Sd/- (MOHAMMAD SHUAIB)  
 DIVISIONAL FOREST OFFICER  
 LOWER KOHISTAN FOREST DIVISION  
 PATTAN

Memo

- Copy forwarded to the:-
1. P.S to Secretary Environment Department Khyber Pakhtunkhwa, Peshawar for information please.
  2. Chief Conservator of Forests, Northern Forest Region-II Abbottabad for favour of information, please.
  3. Conservator of Forests, Upper Hazara Forest Circle, Mansehra, with reference to his endst. No. 2963-64/GE, dated 19/12/2012. please.
  4. Section Officer (Litigation) for information with reference to his Notification SO (LIV/ED/2-165-2011 received vide endst. No. 10386-92 dated 14/06/2012. ✓
  5. All concerned Forest Guards for information.
  6. Both the SDFOs of Lower Kohistan Forest Division for necessary action.

Sd/-  
 DIVISIONAL FOREST OFFICER  
 LOWER KOHISTAN FOREST DIVISION  
 PATTAN

**ATTESTED**  


36/4

بخدمت جناب کنزرویٹر صاحب اپر ہزارہ فارسٹ سیرکل مانسہرہ

3 ماہ 3 p

عنوان: اپیل برخلاف آفس آرڈر نمبر 54 مجریہ مورخہ 21 دسمبر 2012ء از دفتر DFO اپر کوہستان فارسٹ ڈویژن داسو آفس آرڈر نمبر 20 مجریہ مورخہ 21 دسمبر 2012ء از دفتر لوئر کوہستان فارسٹ ڈویژن پٹن۔

جناب عالی!

اپیل کی جاتی ہے کہ آفس آرڈر نمبر 54 مجریہ مورخہ 21 دسمبر 2012ء از دفتر DFO اپر کوہستان داسو اور آفس آرڈر نمبر 20 مجریہ 21 دسمبر 2012ء از دفتر DFO لوئر کوہستان منسوخ فرما کر اپیل کنندگان کو ان کے جملہ سابقہ حقوق و رعایتوں کے ساتھ سروس پر بحال فرمایا جائے۔

مختصر روئیداد اپیل۔

عالیجاہ۔

جناب DFO اپر کوہستان نے بذریعہ اخبارات "روزنامہ نوائے وقت" مورخہ 22 اپریل 2010ء اور روزنامہ "مشرق" مورخہ 23 اپریل 2010ء اپر کوہستان فارسٹ ڈویژن میں فارسٹ گارڈان (بی پی ایس 5) کی بھرتی کے لئے اشتہار دیا۔ (عکسی نقل شامل اپیل ہے)۔

ہم جملہ اپیل کنندگان نے دیگر امیدواران کے ہمراہ تحریری امتحان اور زبانی انٹرویو دیا اور محکمہ سلیکشن کمیٹی کی سفارش پر ہم اپیل کنندگان کو مختلف حکم ناموں کے ذریعے محکمہ میں بحیثیت فارسٹ گارڈ بھرتی کیا گیا۔

ازاں بعد امیدواران سے مسمی ضیاء الحق ولد عبد القادر نے پشاور ہائی کورٹ ایبٹ آباد بنچ

AMENDED

میں رٹ پٹیشن نمبر 533/2011 دائر کردی جس میں اس نے استدعا کی کہ اپیل کنندگان کی تعیناتی شفاف طریقہ سے نہیں کی گئی اور ضیاء الحق نے رٹ پٹیشن میں یہ بھی استدعا کی کہ وہ بھی امتحان میں شریک ہوا اور اس نے بھی امتحان پاس کیا لیکن اسے تعینات نہیں کیا گیا۔ عدالت سے استدعا کی کہ اس کی تعیناتی کے لئے احکامات جاری کئے جائیں۔

ضیاء الحق کی رٹ پٹیشن کو صورت حال کی وضاحت تصور کر کے فاضل عدالت نے چیف سیکرٹری کو بھیج دی کہ درخواست دہندہ کے تحفظات پر تحقیق کر کے ان کو دور کیا جائے اور اگر ممکن نہ ہو تو وجوہات کے ساتھ اسکو مطلع کیا جائے۔ اس پر چیف کنزرویٹور ریجن (II) نے ایک کمیٹی قائم کی جس نے یہ سفارش کی کہ تعیناتی کے لئے اپنایا گیا طریقہ مروجہ طریقہ سے مطابقت نہیں رکھتا۔ اس لئے اس سارے عمل کو لپیٹ دیا جائے اور بھرتی کا عمل نئے سرے سے شروع کیا جائے۔

جناب عالی!

DFO صاحبان اپر کوہستان اور لوہڑ کوہستان نے بالترتیب آفس آرڈر نمبر 54 اور آفس آرڈر نمبر 20 مجریہ 21 دسمبر 2012ء کے ذریعہ ہم اپیل کنندگان کو سروں سے سبکدوش کر دیا۔

### وجوہات اپیل۔

(۱) یہ کہ کمیٹی کی رپورٹ (جس کی عکسی نقل) شامل اپیل کی جاتی ہے، سے عیاں ہے کہ وہ رپورٹ بلا تحقیق اور حقائق کو تلاش کئے بغیر مفروضوں پر مبنی ہے اور جانبدارانہ ہے۔ اس بناء پر ناقابل عمل ہے۔

(۲) یہ کہ رپورٹ کے مندرجات سے پتہ چلا ہے کہ مذکورہ کمیٹی نے نہ تو سلیکشن کمیٹی سے پوچھ گچھ کی اور نہ ہی مدعی ضیاء الحق سے استفسار کیا۔

(۳) یہ کہ بقول کمیٹی کے کہ ورکنگ سپر تیار نہیں کیا گیا اور انٹرویو دیر سے کئے گئے ہیں

ATTESTED  
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اور یہ جاننے کی کوشش نہ کی کہ وہ کیا حالات تھے جن کے تحت انٹرویو لیٹ ہوئے۔ لیکن یہ بات نظر انداز کر دی گئی کہ انٹرویوز تحریری امتحان کے نتیجہ میں مرتبہ فہرست کے مطابق ہوئے اور اس تحریری امتحان اور اس کے نتیجہ میں مرتبہ فہرست کو غلط قرار نہیں دیا گیا۔

(۴) یہ کہ اپیل کنندگان کی تعیناتی کے لئے تمام مروجہ قواعد و ضوابط کو ملحوظ خاطر رکھا گیا اور ان پر کمیٹی نے عمل کیا۔ جس میں آسامیوں کا مشتمل کرنا، تحریری مقابلہ کا امتحان، زبانی انٹرویو اور فزیکل ٹیسٹ شامل ہیں جو ریکارڈ سے ثابت ہے۔

(۵) یہ کہ مدعی ضیاء الحق نے پشاور ہائی کورٹ کے ایٹ آبادیج میں اپنا تحریری بیان اشامپ کاغذ پر داخل کیا کہ وہ اپنا دعویٰ واپس لیا ہے اور مزید یہ کہ اس نے یہ بھی لکھ دیا کہ اپیل کنندگان کی تعیناتی نہایت شفاف طریقہ سے ہوئی ہے اور مدعی کو اس پر کسی قسم کا نہ اعتراض ہے اور نہ ہی وہ اس ضمن میں محکمہ سے کوئی رعایت مانگتا ہے۔ (ضیاء الحق کے بیان کی عکسی نقل شامل اپیل کی جاتی ہے)۔

(۶) یہ کہ اپیل کنندگان سے اکثر نے سرحد فارسٹ سکول تھائی سے تربیت بھی حاصل کر لی ہے۔ (ترقیاتی سٹوڈنٹ کی عکسی نقل شامل اپیل کی جاتی ہے)۔

(۷) یہ کہ اگر بحث کی خاطر یہ بھی مان لیا جائے کہ مروجہ طریقہ کار میں کچھ امور کو صرف نظر انداز کیا گیا تو بھی وہ ایسے امور نہیں کہ ان پر سہو آیا لایا علمی کی وجہ سے عمل پیرانہ ہو کر خدا خواستہ سارا عمل ہی غارت ہو یا کسی کی جان بوجھ کر کوئی حق تلفی کی گئی ہو۔

(۸) یہ کہ اپیل کنندگان نے قریباً 1 تا 2 سال محکمہ میں سروس بھی کر لی ہے اور اب جبکہ ان میں سے کچھ عمر کی اس حد کو بھی پار کر چکے ہیں جو فارسٹ گارڈ کی نئی تعیناتی کے لئے مختص ہے۔ نیز یہ کہ نئے قواعد میں نئی بھرتی کے لئے تعلیمی معیار میں بھی تبدیلی آگئی ہے۔ جس کی بناء پر اپیل کنندگان دوبارہ تعیناتی کے لئے مقابلہ کے امتحان کے اہل ہی نہیں رہے۔

(۹) یہ کہ اگر سلیکشن کمیٹی سے طریقہ کار میں کوئی غلطی ہوئی ہے تو اس کی سزا ہم اپیل

کنندگان کو نہ دی جائے بلکہ سلیکشن کمیٹی سے باز پرس کی جائے۔

(۱۰) یہ کہ آفس آرڈر نمبر 54 اور 20 مجریہ 21 دسمبر 2012ء (مندرجہ عنوان

اپیل) صریحاً قانونی تقاضوں کے منافی ہونے کی بناء پر قابل تفتیش ہیں۔

لہذا اپیل کی جاتی ہے، اگر طریقہ کار میں سہو یا لاعلمی کی بناء پر سلیکشن کمیٹی سے

کوئی کوتاہی ہوئی ہے جس سے کسی بھی امیدوار کی حق تلفی نہیں ہوئی ہو تو اسے

صرف نظر فرما کر اپیل کنندگان کو جملہ سابقہ حقوق و مراعات کے ساتھ سروس پر

بحال کر دیا جائے۔ اپیل کنندگان آپ کے اقبال کے لئے دعا گو رہیں گے۔

المرقوم 07.01.2013

.....  
 (۱) عبدالکافی ولد عبدالہادی۔  
 E. Kafy P.S.

.....  
 (۲) عزیز الرحمن ولد رحمان خان۔  
 عزیز الرحمن صاحب کار

.....  
 (۳) ہدایت اللہ ولد عمر دراز۔  
 H. A. P.S.

.....  
 (۴) عنایت اللہ ولد عبدالکیم۔  
 A. Talib P.S.

.....  
 (۵) عمر دراز ولد گل صدر۔  
 E. Talib P.S.

.....  
 (۶) عبدالقادر ولد ملک تاجان۔  
 E. Talib P.S.

.....  
 (۷) عمر یار ولد عبدالقہار۔  
 Umar Yar

.....  
 (۸) نواب علی ولد نور الہدیٰ۔  
 Nawab Ali

.....  
 (۹) آفرین ولد جمعہ خان۔  
 A. Talib P.S.

.....  
 (۱۰) محمد زیب ولد حاجی یار دار۔  
 M. Zeb

.....  
 (۱۱) سرنگ زیب ولد امن میر۔  
 S. Zeb

.....  
 (۱۲) سرزہاب ولد میر عالم۔  
 S. Zeb P.S.

ATTESTED

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OFFICE OF THE CONSERVATOR OF FORESTS, UPPER HAZARA FOREST  
CIRCLE MANSEHRA.

To,

1. Mr. Abdul Kafi s/o Abdul Hadi of Sazin Kohistan
2. Mr. Aziz-ur-Rehman s/o Rehman Khan of Jalkot
3. Mr. Hidayatullah s/o Umer Draz of Jijal Tehsil Pattan
4. Mr. Inayatullah s/o Abdul Hakeem of Jijal Tehsil Pattan
5. Mr. Umer Daraz s/o Gul Sadbar of Jijal Tehsil Pattan
6. Mr. Mr. Abdul Qadar s/o Malik Tajan of Khandia Kohistan
7. Mr. Umar Yar s/o Abdul Qahar of Jijal Tehsil Pattan
8. Mr. Nawab Ali s/o Noor ul huda of Pattan Kohistan
9. Mr. Afreen s/o Juma Khan of Jijal Tehsil Pattan
10. Mr. Mohammad Zaib s/o Haji Yardad of Pattan
11. Mr. Sarangzeb s/o Aman Mir of Pattan
12. Mr. Sarzahab s/o Mir Alam of Jijal Tehsil Pattan

No: 3746-57/GE dated Mansehra the 22/01/2013.

Subject: APPEAL AGAINST THE DFO LOWER KOHISTAN OFFICE ORDER NO.20, DATED 21/12/2012 AND DFO UPPER KOHISTAN OFFICE ORDER NO.54, DATED 21/12/2012.

Memo:

Reference your appeal dated 07/01/2013.

You have preferred a joint appeal against DFO Upper Kohistan office order No.54, dated 21/12/2012 and DFO Lower Kohistan office order No.20, dated 21/12/2012 before the undersigned. Under rule 3(2) of NWFP Civil Servants (appeal Rules 1986) every affected civil servant shall prefer the appeal separately, hence the appeal in hand can not be entertained.

You are therefore directed to prefer your appeals separately for further course of action/

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

No: /GE

Copy forwarded to:

1. DFO Upper Kohistan Forest Division Dassu
2. DFO Lower Kohistan Forest Division Pattan

For information.

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

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ATTESTED



بغیر مفروضوں پر مبنی ہے اور جاہلدار نہ ہے۔ اس بناء پر ناقابل عمل ہے۔

2- یہ کہ رپورٹ کے مندرجات سے پتہ چلا ہے کہ مذکورہ کمیٹی نے نہ تو سلیکشن کمیٹی سے پوچھ گچھ کی ہے اور نہ ہی مدعی ضیاء اس سے استفسار کیا۔

3- یہ کہ بقول کمیٹی کے کہ ورکنگ پیپر تیار نہیں کیا گیا اور انٹرویو دیر سے کئے گئے ہیں اور یہ جانے کی کوشش نہ کی گئی کہ وہ کیا حالات تھے جن کے تحت انٹرویو لیٹ ہوئے۔ لیکن یہ بات نظر انداز کر دی گئی کہ انٹرویو تحریری امتحان کے نتیجہ میں مرتبہ فہرست کے مطابق ہوئے اور اس تحریری امتحان اور اس کے نتیجے میں مرتبہ فہرست کو غلط قرار نہیں دیا گیا۔

4- یہ کہ اپیل کنندہ کی تعیناتی کے لئے تمام مروجہ قواعد و ضوابط کو ملحوظ خاطر رکھا گیا اور ان پر کمیٹی نے عمل کیا۔ جس میں آسامیوں کا مشتہر کرنا، تحریری مقابلہ کا امتحان، زبانی انٹرویو اور فزیکل ٹیسٹ شامل ہیں جو ریکارڈ سے ثابت ہے۔

5- یہ کہ مدعی ضیاء الحق نے پشاور ہائی کورٹ کے ایبٹ آباد بنچ میں اپنا تحریری بیان شامپ پیپر پر داخل کیا کہ وہ اپنا دعویٰ واپس لیتا ہے اور مزید یہ کہ اس نے یہ بھی لکھ دیا کہ اپیل کنندہ کی تعیناتی نہایت شفاف طریقہ سے ہوئی ہے اور مدعی کو اس پر کسی قسم کا نہ اعتراض ہے اور نہ ہی وہ اس ضمن میں محکمہ سے کوئی رعایت مانگتا ہے۔ (ضیاء الحق کے بیان کے عکسی نقل شامل اپیل کی جاتی ہے)۔

6- یہ کہ اپیل کنندہ نے سرحد فارسٹ سکول تھائی سے تربیت بھی حاصل کر لی ہے۔ (تربیتی ٹیٹفیکیشن کی عکسی نقل شامل اپیل کی جاتی ہے)۔

7- یہ کہ اگر بحث کی خاطر یہ بھی مان لیا جائے کہ مروجہ طریقہ کار میں کچھ امور کو صرف نظر کیا گیا تو بھی وہ ایسے امور نہیں کہ ان پر سہوایا علمی کی وجہ سے عمل پیرانہ ہو کر خدانخواستہ سارا عمل ہی غارت ہو یا کسی کی جان بوجھ کو حق تلفی کی گئی ہے۔

8- یہ کہ اپیل کنندہ نے تقریباً ایک سے دو سال محکمہ میں سروس بھی کر لی ہے۔ نیز یہ کہ نئے قواعد میں نئی بھرتی کے لئے تعلیمی معیار میں بھی تبدیلی آگئی ہے۔ جس کی بناء پر اپیل کنندہ دوبارہ تعیناتی کے لئے مقابلہ کے امتحان کے اہل ہی نہیں رہے۔

9- یہ کہ اگر سلیکشن کمیٹی سے طریقہ کار میں کوئی غلطی ہوئی ہے تو اس کی سزا مجھ اپیل کنندہ کو نہ دیا جائے بلکہ سلیکشن کمیٹی سے باز پرس کی جائے۔

10- یہ کہ آفس آرڈر نمبر 20 مجریہ 21 دسمبر 2012ء (مندرجہ عنوان اپیل) صریحاً قانونی تقاضوں کے منافی ہونے کی بناء پر قابل تنسیخ ہیں۔ لہذا اپیل کی جاتی ہے اگر طریق کار میں سہوایا علمی کی بناء پر سلیکشن کمیٹی سے کوئی کوتاہی ہوئی ہے جس سے کسی بھی امیدوار کی حق تلفی نہیں ہوئی ہو تو اسے صرف نظر فرما کر اپیل کنندہ کو جملہ سابقہ حقوق و مراعات کے ساتھ سروس پر بحال کر دیا جائے۔

المرقوم: 24-1-2013

اپیل کنندہ آپ کے اقبال کے لئے دعا گو رہے گا۔

العارض

محمد زبیر ولد حاجی یار داد

ساکن و تحصیل پٹن ضلع کوہستان

ACCEPTED

OFFICE OF THE CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE  
MANSEHRA.

J  
= (21)

To,

Mr. Mohammad Zaib s/o Haji Yardad  
Residence & PO Pattan  
Tehsil Pattan District Kohistan.

No: 4454 /GE dated Mansehra the 12/02/2013.

Subject: APPEAL OF MR. MOHAMMAD ZAIB S/O HAJI YARDAD AGAINST  
THE DFO LOWER KOHISTAN OFFICE ORDER NO.20, DATED  
21/12/2012.

Memo:

Reference your appeal dated 24/01/2013.

Upon termination from service of one Mr. Mohammad Zaib s/o Haji Yardad preferred an appeal dated 24/01/2013 before the undersigned being appellate authority against the DFO Lower Kohistan office order No.20, dated 21/12/2012. The DFO Lower Kohistan offered comments upon the appeal vide No.796/GE, dated 11/02/2013.

I, in the capacity of appellate authority in the instant case have gone through the relevant documents available on record upon which the order appealed against is based and found that:

A committee was constituted by CCF-II vide office order No.34, dated 13/04/2012 with the mandate to enquire in the Writ Petition No.533/2011 which recommended rolling back of entire recruitment process based on certain procedural flaws. Subsequently another enquiry committee on higher level was constituted by Administrative Department vide Notification No.SO(Lit)ED/2-165/2011, dated 14/06/2012 for the same purpose which detected further irregularities in addition to the flaws pointed out by previous committee. Based on the recommendation of above committee, the Administrative Department directed vide No. SO(Lit)ED/2-165/2011/1281-82, dated 11/12/2012 for implementation of recommendation of earlier committee.

In light of the absolute recommendations by the two successive committees, direction of the Administrative Department, and comments of the DFO/competent authority, the facts on which the termination order is based found established. Hence, the action taken vide office order No.20, dated 21/12/2012 is appropriate as no other action can satisfy the recommendations so made which is, therefore, neither excessive nor inadequate.

Keeping in view the above facts on record the appeal is rejected and order appealed against is confirmed.

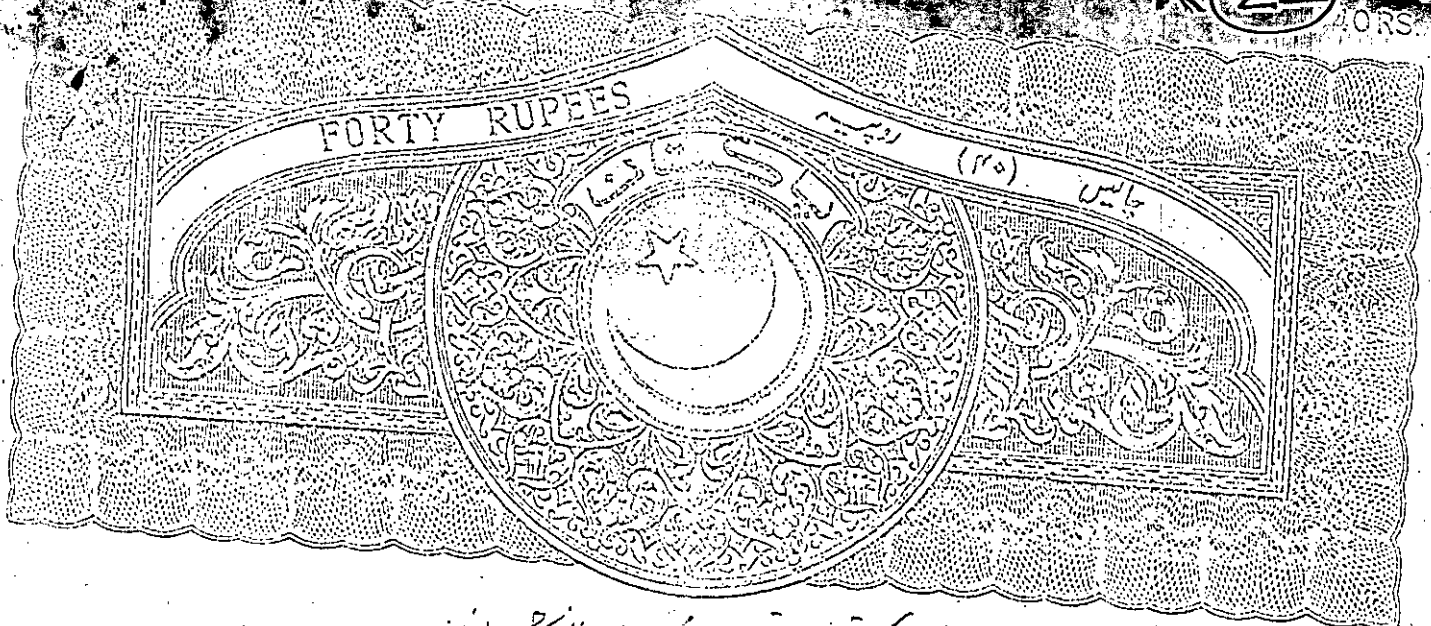
No: /GE

ATTESTED

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

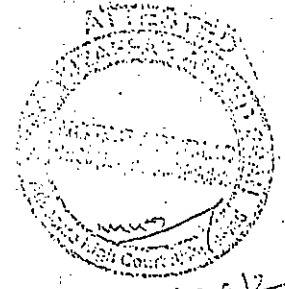
Copy forwarded to DFO Lower Kohistan Forest Division Pattan for information with reference to his letter cited above.

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra



کین قلمہ مائیں۔ ۴۰ روپیہ بیان حسن

منہ فیہ الحق وصدقہم تادرسا کن ہجیرا کورستان حدیث بیانی ہوں کورٹ  
پیشینہ ۱۱/۵۳۳/۵۵۳۳ کیس کی لہذا میں عدالت میں اپنی درجہ کی وارنٹ ایسٹریٹ میں  
کا اڑی کیس کے حکم کے تحت حضور خوات کو بھیجا گیا۔ کین قلمہ مائیں کورٹ  
میں۔ ۵۳۳/۵۵۳۳ کیس میں کورٹ اور ایس کورستان نام کے گواہوں  
میں جن کا نام کورٹ کے ریکارڈ میں ہے ان کا بھیج دیا گیا ہے ان کا بھیج دیا گیا ہے  
کوئی اعتراض نہیں ہے۔ یہ درجہ کا وارنٹ گواہوں میں جو کورٹ پیشینہ ۱۱/۵۳۳  
میں درج ہے ان کا تعداد ۱۵ ہے۔ میں کورٹ میں پیشینہ ۱۱/۵۳۳  
تعمیرات میں یا نہ ہوں۔ یہ کورٹ کے کورٹ میں پیشینہ ۱۱/۵۳۳  
کیس میں کورٹ میں حضور خوات کے پاس آ رہا ہے جس کی تاریخ ۱۳۴۷  
تاریخ کی کورٹ میں ہے کہ میں حضور خوات کو بھیجا گیا ہے۔ میں کورٹ میں  
پیشینہ ۱۱/۵۳۳ کیس میں حضور خوات کے پاس آ رہا ہے جس کی تاریخ ۱۳۴۷  
میں حضور خوات کے پاس آ رہا ہے جس کی تاریخ ۱۳۴۷  
میں حضور خوات کے پاس آ رہا ہے جس کی تاریخ ۱۳۴۷



۱۵/۵۳۳/۵۵۳۳  
کورٹ میں

۱۳۴۷ - ۵۱۶۱۹۹۶ - ۳  
کورٹ میں حضور خوات  
کورٹ میں حضور خوات

۱۳۴۷ - ۵۱۶۱۹۹۶ - ۳  
کورٹ میں حضور خوات  
کورٹ میں حضور خوات

کورٹ میں

کورٹ میں

S.M. RAHIM  
Registration No. 5-2-1954  
Nature of Matter: Other Water Grade 1st  
Place: Abbottabad  
My Agent: ...  
Serial No. 488  
Fee Received Rs: ...

ATTESTED

فیہ الحق تادرسا

۱-۵۳۳-۹۹۱۵۲۰۳-۱۳۴۷

# VAKALAT NAMA

NO. \_\_\_\_\_/20

IN THE COURT OF Service Tribunal Peshawar

Mohammad Zeb (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Environment Dept etc (Respondent)  
(Defendant)

I/We Mohammad Zeb (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated \_\_\_\_\_/20

M. Zeb  
(CLIENT)

ACCEPTED

M. Asif Yousafzai  
**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**

Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

**ATTESTED**

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

**APPEAL NO. 527/2013**

Mohammad Zeb, Ex-Forest Guard  
Lower Kohistan Forest Division

**APPELLANT**

**VERSUS**

1. Secretary to Govt. of Khyber Pakhtunkhwa Environment Department, Peshawar.
2. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad. Khyber Pakhtunkhwa.
3. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.
4. Divisional Forest Officer, Lower Kohistan Forest Division, Pattan.

**RESPONDENTS**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 04**

Respectfully Sheweth:

**PRELIMINARY OBJECTION**

1. The appeal is not maintainable in the present form
2. The appellant has no locus standi to bring the present appeal.
3. The appellant is legally estopped by his own conduct to bring the present appeal.
4. The appeal is time barred

**FACTS**

Parawise comments are as under:

1. It is correct. However the posts were advertised by Respondent No. 4 through Director Information Peshawar (Annex-1&2).
2. It is correct. Needs no comments.
3. Needs no comments.
4. It is correct.
5. Incorrect. That an independent enquiry committee was constituted on the direction of the competent authority by Chief Conservator of Forests-II, Khyber Pakhtunkhwa Peshawar vide office order No.34 dated 13.4.2012 and committee concluded vide its report dated 19.4.2012 as under:

*"In light of foregoing facts and material on record, the committee recommended to roll back the entire incomplete process adopted for appointment of forests guards and direct the competent authorities for initiating the process afresh as per rules"(Annex-3 & 4).*

6. Incorrect. Committee constituted by Chief Conservator of Forests, -II Khyber Pakhtunkhwa, Peshawar vide office order No. 34, dated 13/4/2012 with the mandate to enquire in the Writ Petition No. 533/2011 which recommended rolling back of entire recruitment process on certain procedural flaws. Subsequently another committee on higher level was constituted by Administrative Department vide Notification No. SO (Lit) ED/2-165/2011, dated 14/6/2012 for the same purpose which detected further irregularities in addition to the flaws pointed out by previous committee. Based on the recommendation of above committee, the Administrative Department directed vide No. SO(Lit)ED/2-165/2011/1281-82 dated 11/12/2012 ordered for implementation of recommendation of earlier committee. (Annex-5 & 6).
7. Incorrect. On recommendation of two successive committees directives of Administrative Department and the facts on which the termination order is based found established, the appeal was rejected by the Appellant Authority vide No.4454/GE, dated 12/02/2013 (Annex- 7).
8. Need no comments.

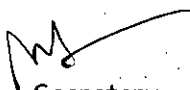
#### GROUNDS

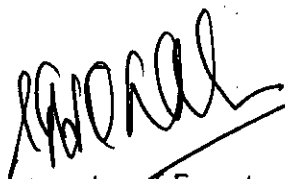

- A. It is incorrect. Both of the said orders are justified.
- B. Incorrect. Since the recruitment process abinitio found faulty, therefore, the appellant did not have status of Government servants.
- C. Incorrect. The committee examined the whole record of test and interview and after fully analyzing the gravity of the case, the committee points out certain flaws in the recruitment process and recommended to roll back the entire process adopted for appointment of forest guards.
- D. As explained above, the committee examined the record of appointment process and found certain shortfalls; hence the appellant had not been associated with the inquiry proceedings.

- E. The committee pointed out procedural flaws in recruitment process which implies that the appellant did not gain status of Govt. servant abinitio. In such a situation there was no need of adopting the process meant for Government Servant.
- F. Since the entire process was found faulty, therefore the (complainant) was not inquired into.
- G. Incorrect, When the Enquiry Committee found inconsistencies in recruitment process, the issue of anomaly got secondary position. Therefore the committee did not consider the issue and recommended rolling back the entire recruitment process.
- H. As replied above.
- I. The final rejection order is justified.
- J. The respondent also seek permission to raise additional submission at the time of arguments.

**PRAYERS**

In view of the above facts available on record it is humbly prayed that the appeal is being unjustified and against the law may please be dismissed with cost in the best interest of the state.

  
 Secretary  
 Govt. of Khyber Pakhtunkhwa  
 Environment Department Peshawar  
 (Respondent No. 1)  
 Secretary  
 Govt of Khyber Pukhtunkhwa  
 Environment Deptt.  
 Conservator of Forests  
 Upper Hazara Forest Circle  
 Mansehra  
 (Respondent No. 3)  
 Conservator of Forest  
 Upper Hazara Forest Circle  
 Mansehra

  
 Chief Conservator of Forests  
 Northern Forest Region-II  
 Abbottabad Khyber Pakhtunkhwa  
 (Respondent No. 2)  
 Chief Conservator of Forest  
 Northern Forest Region-II Abbottabad  
 Khyber Pakhtunkhwa  
  
 Divisional Forest Officer  
 Lower Kohistan Forest Division  
 Pattan  
 (Respondent No. 4)  
 DIVISIONAL FOREST OFFICER  
 Lower Kohistan Forest Division  
 Pattan

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

**APPEAL NO. 527/2013**

Mohammad Zeb, Ex-Forest Guard  
Lower Kohistan Forest Division

**APPELLANT**

**VERSUS**

1. Secretary to Govt. of Khyber Pakhtunkhwa Environment Department, Peshawar.
2. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad, Khyber Pakhtunkhwa.
3. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.
4. Divisional Forest Officer, Lower Kohistan Forest Division, Pattan.

**RESPONDENTS**

**COUNTER AFFIDAVIT**

The undersigned do hereby solemnly affirms and declare on oath that the contents of our written reply in the appeal is correct to the best of my knowledge and record and nothing has been concealed from the Honorable Tribunal.

  
Divisional Forest Officer  
Lower Kohistan Forest Division  
Pattan



# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 527/2013

Muhammad Zeb Ex-Forest Guard  
Lower Kohistan Forest Division

APPELLANT

**VERSUS**

1. Secretary to Govt. of Khyber Pakhtunkhwa Environment Department, Peshawar.
2. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad, Khyber Pakhtunkhwa
3. Conservator of Forests, Lower Hazara Forest Circle, Mansehra.
4. Divisional Forest Officer, Lower Kohistan Forest Division, Pattan

**RESPONDENTS**

## PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 05

Respectfully Sheweth;

### PRELIMINARY OBJECTION

1. The appeal is not maintainable in the present form
2. The appellant has no locus standi to bring the present appeal.
3. The appellant is legally stopped by his own conduct to bring the present appeal
4. The appeal is time barred

### FACTS

Parawise comments are as under:

1. It is correct. However the posts were advertised by Respondent No. 4 through Director Information Peshawar (Annex-1&2).
2. It is correct. Needs no comments.
3. Needs no comments
4. It is correct.

*incorrect.*  
5. That an independent enquiry committee was constituted on the direction of the competent authority by Chief Conservator of Forests-II, Khyber Pakhtunkhwa Peshawar vide office order No.34 dated 13.4.2012 and committee concluded vide its report dated 19.4.2012 as under:

***"In light of foregoing facts and material on record, the committee recommended to roll back the entire incomplete process adopted for appointment of forests guards and direct the competent authorities for initiating the process afresh as per rules"(Annex-3 & 4)***

*incorrect*  
6. Committee constituted by Chief Conservator of Forests, -II Khyber Pakhtunkhwa, Peshawar vide office order No. 34, dated 13/4/2012 with the mandate to enquire in the Writ Petition No. 533/2011 which recommended rolling back of entire recruitment process on certain procedural flaws. Subsequently another committee on higher level was constituted by Administrative Department vide Notification No. SO(Lit)ED/2-165/2011, dated 14/6/2012 for the same purpose which detected further irregularities in addition to the flaws pointed out by previous committee. Based on the recommendation of above committee, the Administrative Department directed vide No. SO(Lit)ED/2-165/2011/1281-82 dated 11/12/2012 ordered for implementation of recommendation of earlier committee. **(Annex-5 & 6)**

*incorrect.*  
7. On recommendation of two successive committees directives of Administrative Department and the facts on which the termination order is based found established, the appeal was rejected by the Appellant Authority vide No. 4454/GE, dated 12/2/2013 **(Annex-7)**

*need no comments*

## **GROUND**

- A. It is in-correct. Both of the said orders are justified.
- incorrect.*  
B. Since the recruitment process abinitio found faulty, therefore, the appellant did not have status of Government servants.
- incorrect.*  
C. The committee examined the whole record of test and interview and after fully analyzing the gravity of the case, the committee points out certain flaws in the recruitment process and recommended to roll back the entire process adopted for appointment of forest guards.

~~D.~~  
D. As explained above, the committee examined the record of appointment process and found certain shortfalls; hence the appellant had not been associated with the inquiry proceedings.

E. The committee pointed out procedural flaws in recruitment process which implies that the appellant did not gain status of Govt. servant abinitio. In such a situation there was no need of adopting the process meant for Government Servant.

F. Since the entire process was found faulty, therefore the (complainant) was not inquired into.

G. When the Enquiry Committee found inconsistencies in recruitment process, the issue of anomaly got secondary position. Therefore the committee did not consider the issue and recommended rolling back the entire recruitment process.

H. Needs no comments. *AS replied above*

I. Needs no comments. *incorrect. The final rejection order is*

*J. The Respondents also seek permission to raise additional  
PRAYERS for submission at the time of arguments.*

In view of the above facts available on record it is humbly prayed that the appeal is being unjustified and against the law may please be dismissed with cost in the best interest of the state.

*Submitted for  
vetting*  
Secretary  
Govt. of Khyber Pakhtunkhwa  
Environment Department Peshawar  
(Respondent No. 1)

Chief Conservator of Forests  
Northern Forest Region-II  
Abbottabad Khyber P. khtunkhwa  
(Respondent No. 2)

*vetted subject to correction  
and attachment of all answers*  
Conservator of Forests  
Lower Hazara Forest Circle  
Mansehra  
(Respondent No. 3)

*Govt: Pleader  
Khyber Pakhtoon Khwa  
Svc: Tribunal Peshawar*  
Divisional Forest Officer  
Lower Kohistan Forest Division  
Pattan  
(Respondent No. 4)

Muhammad Pariz  
Divisional Forest Officer  
No. 2555 /GE



Upper Kohistan Forest Division  
Dassi  
Phone # 0998-407022  
Dated 12/10/2009

Annex - 1  
35  
115

The Director Information,  
Govt. of NWFP Peshawar

Subject PUBLICATION

Enclosed please find herewith and advertisement (five copies) for broad publication in the following leading news papers.

1. Daily Nawa-e-Waqt
2. Daily Jung (Sunday)
3. Daily Mashriq

The bill may be sent to this office. Funds to meet the charges are available under appropriate Budget Sub-Head for the year 2009-10.

Encs: As above

Divisional Forest Officer  
Upper Kohistan Forest Division  
Dassi

No. 2555 /GE

Copy forwarded to the Conservator of Forests, Upper Hazara Circle Mansehra for information.

Divisional Forest Officer  
Upper Kohistan Forest Division  
Dassi

Divisional Forest Officer  
Upper Kohistan Forest Division  
Dassi

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# نوائے وقت

پندرہ روزہ اخبار اسلام آباد اور راولپنڈی کے لیے شائع ہوتا ہے

جلد	56
شمار	229
روزنامہ نمبر	003
سنجات	16
پہلا نمبر	2067
پہلا نمبر	2010
پہلا نمبر	2067
پہلا نمبر	2010
پہلا نمبر	2067
پہلا نمبر	2010

THURSDAY, 22 APRIL, 2010

125

## درخواستیں منظور کی گئیں

پندرہ روزہ اخبار اسلام آباد اور راولپنڈی کے لیے شائع ہونے والے اخبار کی پالیسی کے مطابق ریگولر کنٹریکٹ کی بنیاد پر شائع کو پاکستان کی شہریت کی حامل ان امیدواروں سے درخواستیں منظور ہیں جو اس کی سہ ماہی کے سالانہ ریزنگ قابلیت پر پورا اترتے ہیں۔

نمبر شمارہ نام اسانی  
تاریخ کارڈ بی بی ایس کسی تسلیم شدہ بورڈ سے پیش کردہ 18-25 سال  
نمبر 5 سکول سرٹیفکیٹ

### عمومی شرائط

- 1- نیٹ دفتر ڈی ایف او اہلکار پاکستان کے دفتر میں سوریہ 12 مئی 2010 کو کیا جائے گا۔
- 2- کامیاب امیدواروں کی لسٹ مرتب کر کے کونسل بورڈ کو پیش ہوگا اور پاکستان ٹارگٹ بورڈ میں حاسمہ پر پیش کر دیا جائے گا۔
- 3- صرف کامیاب امیدواروں سے انٹرویو مورخہ 18 مئی 2010 کو دفتر نمبر 5 میں کیا جائے گا۔
- 4- امیدوار اپنی درخواستیں مع معذورہ نقول متعلقہ دستاویزات ڈیڑھ گھنٹہ فارمٹ آفیسر اہلکار پاکستان کو پیش اور اسلی دستاویزات نیٹ انٹرویو کے موقع پر پیش کریں گے۔
- 5- درخواستوں کی وصولی کی آخری تاریخ 4 مئی 2010 ہے۔
- 6- تربیت یافتہ اور تجربہ کار افراد کو ترجیح ملے گی۔
- 7- نیٹ انٹرویو کیلئے آنے والوں کو کوئی فنانس اے ڈی اسٹنڈنس نہیں رہا جائے گا۔

اسلام آباد اور راولپنڈی کے لیے شائع ہونے والے اخبار کی پالیسی کے مطابق ریگولر کنٹریکٹ کی بنیاد پر شائع کو پاکستان کی شہریت کی حامل ان امیدواروں سے درخواستیں منظور ہیں جو اس کی سہ ماہی کے سالانہ ریزنگ قابلیت پر پورا اترتے ہیں۔

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Daily MASHRIQ Peshawar

روزنامہ مشرق

سیدتان میر شاہ

مشرق

ABC CERTIFIED

جلد 43

ہفت روزہ نمبر 8 جمادی الاول 1432ھ 23 اپریل 2010ء

قیمت 10 روپے

پرائیٹ اورنگ

245

**ذریعہ معاش کے لئے طلبہ کو**

مستردہ ذیل آسامیوں کیلئے نگرہنگات سوبہ خیر و خیر خواہی حکومت کی ایسی کے مطابق ریگڈ کونٹریکٹ کی بنیاد پر طلبہ کو ہستان کی شہریت کی حامل ان امیدواروں سے درخواستیں مطلوب ہیں جو آسامی کے ساتھ درج قابلیت پر پورا اترتے ہیں۔

نمبر شمار	نام آسامی	تالیف
1	نارست کارو۔ بی بی ایس نمبر 5	کسی تسلیم شدہ بورڈ سے سیکڑری سکول سرٹیفکیٹ

مخصوصی شرائط :-

1. نیست دہتری ڈی ایف او اہل کو ہستان کے دفتر میں سوری 12 ستمبر 2010ء کو لیا جائیگا۔
2. کامیاب امیدواروں کی لسٹ مرتب کر کے فوری طور پر دفتر اہل کو ہستان نارست ڈویژن واسو پھیاں کر دی جائیگی۔
3. صرف کامیاب امیدواروں سے اترو سوری 18 ستمبر 2010ء کو دفتر نمبر ایس لیا جائیگا۔
4. امیدوار اپنی درخواستیں مع صحتہ قبولہ مختلف دستاویزات ڈویژن نارست آفس اہل کو ہستان کو بھیجیں اور اسلی دستاویزات نیست اترو سوری کے پتے پر بھیجیں کریں۔
5. درخواستیں کی وصولی کی آخری تاریخ 4 ستمبر 2010ء ہے۔
6. شہریت یافتہ اور غیر کارا فرادہ کر تریج لے کی۔
7. نیست اترو سوری کیلئے آنے والوں کو کوئی لی اسے اپنی اسے نہیں لیا جائیگا۔

**انٹرنیٹ ڈویژن نارست آفس اہل کو ہستان**

al.o available on www.nwfp.gov.pk INF(1)1326

OFFICE ORDER NO 34 DATED PESHAWAR THE 13 / 14 / 2012 ISSUED BY  
MR. GUL MOHAMMAD KHAN CHIEF CONSERVATOR OF FORESTS-II KHYBER  
PAKHTUNKHWA PESHAWAR

A committee of the following officers/officials is hereby constituted to conduct impartial enquiry in the writ petition No. 553/2011 by Zai-ul-Haq regarding his selection for the post of Forest Guard:

- 1) Mr. Rustam Khan DFO Unhar Watershed Division Chairman
- 2) Mr. Khurshid Ahmad Superintendent Lower Hazara Circle Member

The committee shall submit its report within a week complete in all respect.

Sd/-  
(Gul Mohammad Khan)  
Chief Conservator of Forests-II  
Khyber Pakhtunkhwa Peshawar

No. 553-56 / E

Copy forwarded for information and necessary action to the:-

1. CF Upper Hazara Circle Manasehra.
2. CF Lower Hazara Circle Abbottabad. He is requested to direct the Superintendent of his office of needful.
3. Mr. Rustam Khan DFO Unhar Watershed Division Mansehra.
4. Mr. Khurshid Ahmad Superintendent office of the CF Lower Hazara Circle Abbottabad.

Chief Conservator of Forests-II  
Khyber Pakhtunkhwa Peshawar

For  
Ecs 5877-28 / CE, dated Mansehra the 18 / 14 / 2012

Copy forwarded to:

1. DFO Lower Kohistan Forest Division Pattar
2. DFO Upper Kohistan Forest Division Dassu

for information and necessary action. They are requested to assist the Committee.

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

2012

Section Officer (Establishment)

## Annexure-2

Annex-2

WRITE PETITION NO. 553/2011 BY ZIA-UL-HAQ REGARDING HIS SELECTION FOR THE POST OF FOREST GUARD, APPOINTMENT OF ENQUIRY COMMITTEE VIDE CHIEF CONSERVATOR OF FORESTS-II KHYBER PAKHTUNKHWA PESHAWAR OFFICE ORDER NO. 34 DATED 13/4/2012, REPORT THERE-OF.

### BRIEF HISTORY OF THE CASE

The Director Information, Government of Khyber Pakhtunkhwa was requested for publication of vacant posts of Forest Guards in Upper Kohistan Forest Division vide Divisional Forest Officer Upper Kohistan Forest Division letter No. 2925/GE dated 12.04.2010. Accordingly advertisement appeared in daily Nawa-e-Waqt Rawalpindi on 22.04.2010 and in daily Mashriq Peshawar on 23.04.2010.

As a result of discussion dated 19.04.2010, the Divisional Forest Officer, Lower Kohistan also requested DFO Upper Kohistan vide his letter No. 2963/GE dated 21.04.2010 to include the cases of appointment of his Division in the same process. The process materialized jointly and applications from 157-inhabitants of District Kohistan were received upto 04.05.2010 (Copy of list enclosed as Annex-1).

The Departmental Selection committee conducted written test on 12.05.2010 wherein 102-Nos. candidates appeared (Copy of list enclosed as Annex-2). Meeting of the Departmental Selection Committee was held on 08.06.2011 whereas interview etc from 23-Nos. short listed candidates was conducted on 8/6/2011, (copy of list enclosed as Annex-3).

Out of total 23-Nos. candidates, S.No. 1, 2 & 3 (3-Nos.) were recommended for appointment in Upper Kohistan Forest Division Dassu, while S.No. 4 to 11 (8-Nos.) were recommended for recruitment in Lower Kohistan Forest Division Pattan. The record revealed that (13 No) thirteen candidates have been appointed up-to 14/11/2011 in both Forest Divisions.

### DISCUSSIONS

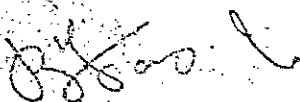
In compliance with Chief Conservator of Forests-II Khyber Pakhtunkhwa office order NO.34 dated 13/4/2012 the committee held its meeting in the office of DFO Unhar Watershed Division Manshera on 19.04.2012. All relevant record of both the Forest Divisions has been produced by Mr. Sajjad Ahmad Head Clerk of Upper Kohistan Forest Division.

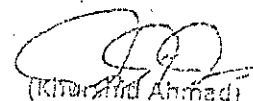
The said record has been examined by the committee in detail and fully analyzed the gravity of the case. The committee reached to the conclusion that:

1. Working papers have not been prepared by the concerned Forest Divisions.
2. There is no mention of vacant posts in any paper prepared and meant for appointment of Forest Guards in both the Forest Divisions.
3. The office orders for appointment of Forest Guards have not been found issued in time.
4. The minutes of D.S.C meeting indicates that interview has been conducted on 8.6.2011 instead of 18.05.2010 after a lapse of more than one year period.
5. The procedure contained in GOVERNMENT OF KHYBER PAKHTUNKHWA, SERVICES AND GENERAL & ADMINISTRATION DEPARTMENT (REGULATION WING) Notification No. 503-I(S&GAD)4-1/75 dated Peshawar the 17.06.1989 has not been found followed properly.

### RECOMMENDATIONS

In the light of foregoing facts and material on record, the committee recommend to Rollback the entire incomplete process adopted for appointment of Forest Guards and to direct the competent authorities for initiating the process a fresh as per rules.

  
(Rustam Khan)  
Divisional Forest Officer  
Unhar Watershed Division, Manshera  
(Chairman)

  
(Khatir Ahmad)  
Superintendent  
Lower Hazara Circle, Abbottabad  
(Member)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT  
(ESTABLISHMENT SECTION)

Dated Peshawar: 14/06/2012.

**NOTIFICATION**

**NO.SO(Lit:)ED/2-165/2011:** The competent Authority is pleased to constitute a committee, comprising Mr. Allamgir Khan Gandapur, CF and Mr. Mir Zali Khan, Section Officer(Litigation), Environment Department, to conduct facts finding inquiry in the case of irregularities/delay in submission of report to Secretary Environment and Chief Secretary, Khyber Pakhtunkhwa in the case titled W.P No. 533 Zia-ul-Haq versus Govt: of Khyber Pakhtunkhwa and fix responsibility for the same, the committee shall specifically probe into following aspects of the case:

- a. Delay in submission of the response in the case, despite repeated reminders.
- b. Failure to submit the case for decision of the Chief Secretary, as directed by the Court.
- c. Factual position of appearance of the petitioner Mr. Zia-ul-Haq before the DSC, as pointed out in the Court order dated: 7.3.2012.
- d. Concealment of the subsequent two orders of the Peshawar High Court in the case in the reports/record submitted to the Environment Department.
- e. Failure to follow up on the inquiry report pin-pointing irregularities in the recruitment process and fixing responsibility for the same.
- f. Failure to terminate the appointment of the Forest Guard through irregular process, as per submission/commitment of the relevant officers in the Peshawar High Court through their comments.
- g. Submission of misleading evasive and deceptive report by CF-Upper Hazara in the case
- h. Any other related point.

The committee shall submit its report within 07 days to Environment Department for further necessary action

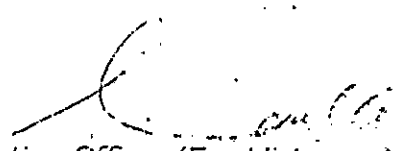
Secretary to Govt: of  
Khyber Pakhtunkhwa  
Environment Department

Endst: of even No. & Date:

10396-92-

Copy forwarded to: -

- 1) Mr. Allamgir Khan Gandapur C/O Chief Conservator of Forests-II, Peshawar.
- 2) Chief Conservator of Forests, Peshawar-II, Peshawar.
- 3) Section Officer(Litigation) Environment Department.
- 4) CF-Upper Hazara Circle, Mansehra.
- 5) Divisional Forest Officer, Upper Kohistan Dassu.
- 6) Divisional Forest Officer, Lower Kohistan Pattan.
- 7) PS to Secretary Environment Department.

  
Section Officer (Establishment)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT  
(LITIGATION SECTION)

SO(Lit)/E.D/2-165/2011

Dated Peshawar: 11/12/2012  
1281-82-  
18-12-2012

To  
The Chief Conservator of Forests,  
Northern Region-II, Abbottabad.

Subject : WRIT PETITION NO. 533/2011 ZIA-UL-HAQ VERSUS GOVT. OF  
KHYBER PAKH TUNKHWA.

- f. Failure to terminate the appointment of the Forest Guard through irregular process as per submission/commitment of the relevant officers in Peshawar High Court through their comments.

I am directed to refer to this department Notification No. SO(Lit), ED/2-165/2011 Dated: 14/06/2012 and to state that the above point was looked into by the Inquiry Committee.

It was observed that in compliance of the orders of the Administration Department an Inquiry Committee was constituted for conducting impartial enquiry. The committee conducted the enquiry and recommended to roll back the entire incomplete process adopted for appointment of Forest Guards and to direct the competent authorities for initiating the process afresh as per rules.

The CF Upper Hazara informed the petitioner accordingly and requested to him to re-appear in the test and interview for the post of Forest Guard on the date and time to be advertised shortly through print media by the competent authority. He has also directed the DFO Lower Kohistan Forest Division, Pattan and DFO Upper Kohistan Forest Division, Dasso to follow the recommendations of the Committee and initiate the process for the appointment/recruitment of Forest Guard against the vacant post on 19/4/2012. The same recommendations have not been implement as yet.

Therefore, both DFOs of lower Kohistan Forest Division and Upper Kohistan Forest Division should implement the decision of the earlier Inquiry Committee and report compliance.

MR ZALI KHAN  
Section Officer (Litigation)

Endst: of even No. & Date

1281-82-

Copy forwarded to the:

1. CF-Upper Hazara Circle, Mansehra.
2. PS to Secretary Environment Department.

Section Officer (Litigation)

OFFICE OF THE CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE  
MANSEHRA.

To.

Mr. Mohammad Zaib s/o Haji Yardad  
Residence & PO Pattan  
Tehsil Pattan District Kohistan.

No: /GE dated Mansehra the 12/02/2013.

Subject: APPEAL OF MR. MOHAMMAD ZAIB S/O HAJI YARDAD AGAINST  
THE DFO LOWER KOHISTAN OFFICE ORDER NO.20, DATED  
21/12/2012.

Memo:

Reference your appeal dated 24/01/2013.

Upon termination from service of one Mr. Mohammad Zaib s/o Haji Yardad preferred an appeal dated 24/01/2013 before the undersigned being appellate authority against the DFO Lower Kohistan office order No.20, dated 21/12/2012. The DFO Lower Kohistan offered comments upon the appeal vide No.796/GE, dated 11/02/2013.

I, in the capacity of appellate authority in the instant case have gone through the relevant documents available on record upon which the order appealed against is based and found that:

A committee was constituted by CCF-II vide office order No.34, dated 13/04/2012 with the mandate to enquire in the Writ Petition No.533/2011 which recommended rolling back of entire recruitment process based on certain procedural flaws. Subsequently another enquiry committee on higher level was constituted by Administrative Department vide Notification No.SO(Lit)ED/2-165/2011, dated 14/06/2012 for the same purpose which detected further irregularities in addition to the flaws pointed out by previous committee. Based on the recommendation of above committee, the Administrative Department directed vide No. SO(Lit)ED/2-165/2011/1281-82, dated 11/12/2012 for implementation of recommendation of earlier committee.

In light of the absolute recommendations by the two successive committees, direction of the Administrative Department, and comments of the DFO/competent authority, the facts on which the termination order is based found established. Hence, the action taken vide office order No.20, dated 21/12/2012 is appropriate as no other action can satisfy the recommendations so made which is, therefore, neither excessive nor inadequate.

Keeping in view the above facts on record the appeal is rejected and order appealed against is confirmed.

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

No: 64/SS /GE

Copy forwarded to DFO Lower Kohistan Forest Division Pattan for information with reference to his letter cited above.

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

Seen & file  
DFO  
HE

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

**APPEAL NO. 527/2013**

Mohammad Zeb, Ex-Forest Guard  
Lower Kohistan Forest Division

**APPELLANT**

**VERSUS**

1. Secretary to Govt. of Khyber Pakhtunkhwa Environment Department, Peshawar.
2. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad, Khyber Pakhtunkhwa.
3. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.
4. Divisional Forest Officer, Lower Kohistan Forest Division, Pattan.

**RESPONDENTS**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 04**

Respectfully Sheweth;

**PRELIMINARY OBJECTION**

1. The appeal is not maintainable in the present form
2. The appellant has no locus standi to bring the present appeal.
3. The appellant is legally estopped by his own conduct to bring the present appeal.
4. The appeal is time barred

**FACTS**

Parawise comments are as under:

1. It is correct. However the posts were advertised by Respondent No. 4 through Director Information Peshawar (Annex-1&2).
2. It is correct. Needs no comments.
3. Needs no comments.
4. It is correct.
5. Incorrect. That an independent enquiry committee was constituted on the direction of the competent authority by Chief Conservator of Forests-II, Khyber Pakhtunkhwa Peshawar vide office order No.34 dated 13.4.2012 and committee concluded vide its report dated 19.4.2012 as under:

*"In light of foregoing facts and material on record, the committee recommended to roll back the entire incomplete process adopted for appointment of forests guards and direct the competent authorities for initiating the process afresh as per rules"(Annex-3 & 4).*

6. Incorrect. Committee constituted by Chief Conservator of Forests, -II Khyber Pakhtunkhwa, Peshawar vide office order No. 34, dated 13/4/2012 with the mandate to enquire in the Writ Petition No. 533/2011 which recommended rolling back of entire recruitment process on certain procedural flaws. Subsequently another committee on higher level was constituted by Administrative Department vide Notification No. SO (Lit) ED/2-165/2011, dated 14/6/2012 for the same purpose which detected further irregularities in addition to the flaws pointed out by previous committee. Based on the recommendation of above committee, the Administrative Department directed vide No. SO(Lit)ED/2-165/2011/1281-82 dated 11/12/2012 ordered for implementation of recommendation of earlier committee. (Annex-5 & 6).
7. Incorrect. On recommendation of two successive committees directives of Administrative Department and the facts on which the termination order is based found established, the appeal was rejected by the Appellant Authority vide No.4454/GE, dated 12/02/2013 (Annex- 7).
8. Need no comments.

#### GROUNDS

- A. It is incorrect. Both of the said orders are justified.
- B. Incorrect. Since the recruitment process abinitio found faulty, therefore, the appellant did not have status of Government servants.
- C. Incorrect. The committee examined the whole record of test and interview and after fully analyzing the gravity of the case, the committee points out certain flaws in the recruitment process and recommended to roll back the entire process adopted for appointment of forest guards.
- D. As explained above, the committee examined the record of appointment process and found certain shortfalls; hence the appellant had not been associated with the inquiry proceedings.
- E. The committee pointed out procedural flaws in recruitment process which implies that the appellant did not gain status of Govt. servant abinitio. In such a situation there was no need of adopting the process meant for Government Servant.

- F. Since the entire process was found faulty, therefore the (complainant) was not inquired into.
- G. Incorrect. When the Enquiry Committee found inconsistencies in recruitment process, the issue of anomaly got secondary position. Therefore the committee did not consider the issue and recommended rolling back the entire recruitment process.
- H. As replied above.
- I. The final rejection order is justified.
- J. The respondents also seek permission to raise additional submission at the time of arguments.

**PRAYERS**

In view of the above facts available on record it is humbly prayed that the appeal is being unjustified and against the law may please be dismissed with cost in the best interest of the state.

Secretary  
Govt. of Khyber Pakhtunkhwa  
Environment Department Peshawar  
(Respondent No. 1)

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra  
(Respondent No. 3)

Conservator of Forest  
Upper Hazara Forest Circle  
Mansehra

Chief Conservator of Forests  
Northern Forest Region-II  
Abbottabad Khyber Pakhtunkhwa  
(Respondent No. 2)

Chief Conservator of Forest  
Northern Forest Region-II Abbottabad  
Khyber Pakhtunkhwa

Divisional Forest Officer  
Lower Kohistan Forest Division  
Pattan  
(Respondent No. 4)

DIVISIONAL FOREST OFFICER  
Lower Kohistan Forest Division  
Pattan

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

**APPEAL NO. 527/2013**

Mohammad Zeb, Ex-Forest Guard  
Lower Kohistan Forest Division

**APPELLANT**

**VERSUS**

5. Secretary to Govt. of Khyber Pakhtunkhwa Environment Department, Peshawar.
6. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad. Khyber Pakhtunkhwa.
7. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.
8. Divisional Forest Officer, Lower Kohistan Forest Division, Pattan.

**RESPONDENTS**

**COUNTER AFFIDAVIT**

The undersigned do hereby solemnly affirms and declare on oath that the contents of our written reply in the appeal is correct to the best of my knowledge and record and nothing has been concealed from the Honorable Tribunal.

  
Divisional Forest Officer  
Lower Kohistan Forest Division  
Pattan

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 527/2013

Muhammad Zeb Ex-Forest Guard  
Lower Kohistan Forest Division

APPELLANT

**VERSUS**

1. Secretary to Govt. of Khyber Pakhtunkhwa Environment Department, Peshawar.
2. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad Khyber Pakhtunkhwa
3. Conservator of Forests, Lower Hazara Forest Circle, Mansehra.
4. Divisional Forest Officer, Lower Kohistan Forest Division, Pattan

**RESPONDENTS**

## PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 05

Respectfully Sheweth;

### PRELIMINARY OBJECTION

1. The appeal is not maintainable in the present form
2. The appellant has no locus standi to bring the present appeal.
3. The appellant is legally stopped by his own conduct to bring the present appeal
4. The appeal is time barred

### FACTS

Parawise comments are as under:

1. It is correct. However the posts were advertised by Respondent No. 4 through Director Information Peshawar (Annex-1&2).
2. It is correct. Needs no comments.
3. Needs no comments
4. It is correct.



- incorrect.*
5. That an independent enquiry committee was constituted on the direction of the competent authority by Chief Conservator of Forests-II, Khyber Pakhtunkhwa Peshawar vide office order No.34 dated 13.4.2012 and committee concluded vide its report dated 19.4.2012 as under:

***"In light of foregoing facts and material on record, the committee recommended to roll back the entire incomplete process adopted for appointment of forests guards and direct the competent authorities for initiating the process afresh as per rules"(Annex-3 & 4)***

- incorrect*
6. Committee constituted by Chief Conservator of Forests, -II Khyber Pakhtunkhwa, Peshawar vide office order No. 34, dated 13/4/2012 with the mandate to enquire in the Writ Petition No. 533/2011 which recommended rolling back of entire recruitment process on certain procedural flaws. Subsequently another committee on higher level was constituted by Administrative Department vide Notification No. SO(Lit)ED/2-165/2011, dated 14/6/2012 for the same purpose which detected further irregularities in addition to the flaws pointed out by previous committee. Based on the recommendation of above committee, the Administrative Department directed vide No. SO(Lit)ED/2-165/2011/1281-82 dated 11/12/2012 ordered for implementation of recommendation of earlier committee. (Annex-5 & 6)

- incorrect.*
7. On recommendation of two successive committees directives of Administrative Department and the facts on which the termination order is based found established, the appeal was rejected by the Appellant Authority vide No. 4454/GE, dated 12/2/2013 (Annex-7)

*ⓑ need no comments*

## **GROUND**

- A. It is in-correct. Both of the said orders are justified.  
*incorrect.*
- B. Since the recruitment process abinitio found faulty, therefore, the appellant did not have status of Government servants.
- incorrect.*
- C. The committee examined the whole record of test and interview and after fully analyzing the gravity of the case, the committee points out certain flaws in the recruitment process and recommended to roll back the entire process adopted for appointment of forest guards.

~~D.~~  
D. As explained above, the committee examined the record of appointment process and found certain shortfalls; hence the appellant had not been associated with the inquiry proceedings.

E. The committee pointed out procedural flaws in recruitment process which implies that the appellant did not gain status of Govt. servant abinitio. In such a situation there was no need of adopting the process meant for Government Servant.

F. Since the entire process was found faulty, therefore the (complainant) was not inquired into.

<sup>member.</sup>  
G. When the Enquiry Committee found inconsistencies in recruitment process, the issue of anomaly got secondary position. Therefore the committee did not consider the issue and recommended rolling back the entire recruitment process.

H. ~~Needs no comments.~~ *As replied above*

I. ~~Needs no comments.~~ *incorrect. The final rejection order is*

*J. The Respondents also seek permission to raise additional*  
*PRAYERS* *for submission at the time of arguments.*

In view of the above facts available on record it is humbly prayed that the appeal is being unjustified and against the law may please be dismissed with cost in the best interest of the state.

*submitted for  
vetting*

*M. J. Khan*

Secretary  
Govt. of Khyber Pakhtunkhwa  
Environment Department Peshawar  
(Respondent No. 1)

Chief Conservator of Forests  
Northern Forest Region-II  
Abbottabad Khyber Pakhtunkhwa  
(Respondent No. 2)

*vetted subject to correction  
and attachment of all answers*

*12/8/2023*

Conservator of Forests  
Lower Hazara Forest Circle  
Mansehra  
(Respondent No. 3)

Divisional Forest Officer  
Lower Kohistan Forest Division  
Pattan  
(Respondent No. 4)

<p>Muhammad Pariz Divisional Forest Officer</p>		<p>Upper Kohistan Forest Division Dassu Phone # 0998-407022</p>
<p>No. 2925 /GE</p>		<p>Dated 12 /04/2010</p>

Annex - 1  
35  
205  
115

The Director Information,  
Govt. of NWFP Peshawar

Subject: PUBLICATION

Enclosed please find herewith and advertisement (five copies) for broad publication in the following leading news papers.

1. Daily Nawa-e-Waqt
2. Daily Jung (Sunday)
3. Daily Mashriq

The bill may be sent to this office. Funds to meet the charges are available under appropriate Budget Sub-Head for the year 2009-10.

Encls: As above

*[Signature]*  
Divisional Forest Officer  
Upper Kohistan Forest Division  
Dassu

No. 2926 /GE.

Copy forwarded to the Conservator of Forests, Upper Hazara Circle Mansehra for information.

Divisional Forest Officer  
Upper Kohistan Forest Division  
Dassu

*[Signature]*  
Divisional Forest Officer  
Upper Kohistan Forest Division  
Dassu

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راولپنڈی اسلام آباد اور ملتان سیک وقت شائع ہوتا ہے

THURSDAY, 22 APRIL, 2010

جلد	56
حصرات	7 جنوری 1943ء - 122 اپریل 2010ء - 9 مہینہ 2067 -
صفحہ	16
رجسٹرڈ نمبر	این بی آر 003
شارہ	228

### درخواستیں مطلوب ہیں

مندرجہ ذیل آسامیوں کیلئے نکلے چٹکات صوبہ خیر پختونخوا میں حکومت کی پالیسی کے مطابق ریگولر کنٹریکٹ کی بنیاد پر ضلع کوہستان کی شہریت کی حامل ان امیدواروں سے درخواستیں مطلوب ہیں جو اسامی کے سامنے درج قابلیت پر تیار ہوتے ہیں۔

نمبر شمار نام اسامی قابلیت فارسٹ گارڈ ٹی اینی ایس کسی تعلیم شدہ پورے سیکٹری 18-25 سال 5 نمبر سکول سرٹیفکیٹ

**عمومی شرائط**

- 1۔ ٹیسٹ دفتر ذی ایف اے اور کوہستان کے دفتر میں مورخہ 12 مئی 2010ء کو لیا جائے گا۔
- 2۔ کامیاب امیدواروں کی لسٹ مرتب کر کے ٹیس بورڈ ڈیپٹی ایجوکیشن کوہستان فارسٹ ڈویژن داسو پر پیش کیا جائے گی۔
- 3۔ صرف کامیاب امیدواروں سے انٹرویو مورخہ 18 مئی 2010ء کو دفتر پرامس لیا جائے گا۔
- 4۔ امیدوار اپنی درخواستیں مع سمدقہ نقول متعلقہ دستاویزات ڈویژنل فارسٹ آفیسر ایجوکیشن کوہستان اور اصلی دستاویزات ٹیسٹ انٹرویو کے موقع پر پیش کریں۔
- 5۔ درخواستوں کی وصولی کی آخری تاریخ 4 مئی 2010ء ہے۔
- 6۔ تربیت یافتہ اور تجربہ کار افراد کو ترجیح ملے گی۔
- 7۔ ٹیسٹ انٹرویو کیلئے آنے والوں کو کوئی ٹی اے ڈی اے نہیں دیا جائے گا۔

المشہور: ڈویژنل فارسٹ آفیسر  
ایجوکیشن کوہستان فارسٹ ڈویژن داسو

DNF (P) 1426

اللہ ہی کیلئے ہیں مشرق و مغرب (قرآن حکیم)

Daily MASHRIQ Peshawar

پشاور

روزنامہ

سیدنا میر شاہ

مشرق

43 سال

ABC CERTIFIED

جلد 43

شمارہ 245

پرست الیازک 8 ہزاری الا اول 143 ہ 23 اپریل 2010ء سے 9 ستمبر 2010ء تک 10 ہرے پاکستانی روزنامہ

127

**درخواستیں مطلوب ہیں**

صدر ذیل آسامیوں کیلئے نگر جنکات سوبہ خیر محنت خواہی حکومت کی پالیسی کے مطابق ریگولر کنٹریکٹ کی بنیاد پر ضلع کوہستان کی شہریت کی حامل ان امیدواروں سے درخواستیں مطلوب ہیں جو آسامی کے سامنے درج قابلیت پر پورا اترتے ہیں۔

نمبر شمار	نام آسامی	تالیف
1	فارس گارڈ لی لی آفیس نمبر 5	کسی تسلیم شدہ بورڈ سے سیکڑری سکول ہر جنکات

عمومی نشروانظ :-

1. نسبت دفتری ڈی ایف او اور کوہستان کے دفتر میں مورخہ 12 مئی 2010ء کو لیا جائیگا۔
2. کامیاب امیدواروں کی لسٹ مرتب کرنے کے فوری مورخہ دفتر اور کوہستان فارسٹ ڈویژن داسو پر چسپاں کر دی جائیگی۔
3. صرف کامیاب امیدواروں سے انٹرویو مورخہ 18 مئی 2010ء کو دفتر پرائیس لیا جائیگا۔
4. امیدوار اپنی درخواستیں مع مصدقہ نقول متعلقہ دستاویزات ڈویژن فارسٹ آفیسر اور کوہستان کو بھیجیں اور اصلی دستاویزات نسبت انٹرویو کے موقع پر پیش کریں۔
5. درخواستیں کی وصولی کی آخری تاریخ 4 مئی 2010ء ہے۔
6. تربیت یافتہ اور تجربہ کار افراد کو ترجیح ملے گی۔
7. نسبت انٹرویو کیلئے آنے والوں کو کوئی ٹی ایے اڈی اے نہیں دیا جائیگا۔

**ادارہ مشرق: ڈویژن فارسٹ آفیسر اور**  
**کوہستان فارسٹ ڈویژن داسو**

385

OFFICE ORDER NO 34 DATED PESHAWAR THE 13 / 4 / 2012 ISSUED BY  
MR. GUL MOHAMMAD KHAN CHIEF CONSERVATOR OF FORESTS-II KHYBER  
PAKHTUNKHWA PESHAWAR

A committee of the following officers/officials is hereby constituted to conduct impartial enquiry in the writ petition No. 533/2011 by Zai-ul-Haq regarding his selection for the post of Forest Guard:

- |    |   |          |
|----|---|----------|
| 1) | Mr. Rustam Khan DFO Unhar Watershed Division          | Chairman |
| 2) | Mr. Khurshid Ahmad Superintendent Lower Hazara Circle | Member   |

The committee shall submit its report within a week complete in all respect.

Sd/-  
(Gul Mohammad Khan)  
Chief Conservator of Forests-II  
Khyber Pakhtunkhwa Peshawar

No. 553-56 /E

Copy forwarded for information and necessary action to the:-

1. CF Upper Hazara Circle Manasehra.
2. CF Lower Hazara Circle Abbottabad. He is requested to direct the Superintendent of his office of needful.
3. Mr. Rustam Khan DFO Unhar Watershed Division Manshra.
4. Mr. Khurshid Ahmad Superintendent office of the CF Lower Hazara Circle Abbottabad.

*For*

Chief Conservator of Forests-II  
Khyber Pakhtunkhwa Peshawar

No: 5827-28 /GE, dated Mansehra the 18 / 4 / 2012

Copy forwarded to:

1. DFO Lower Kohistan Forest Division Pattan
2. DFO Upper Kohistan Forest Division Dassu

for information and necessary action. They are requested to assest the Committee.

Raza M23/8164/9/2012

*GE*

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

*DFO*

Section Officer (Establishment)

Section Officer (Litigation)

# Annexure-2

Annex-1

WRITE PETITION NO. 553/2011 BY ZIA-UL-HAQ REGARDING HIS SELECTION FOR THE POST OF FOREST GUARD, APPOINTMENT OF ENQUIRY COMMITTEE VIDE CHIEF CONSERVATOR OF FORESTS-II KHYBER PAKHTUNKHWA PESHAWAR OFFICE ORDER NO. 34 DATED 13/4/2012, REPORT THERE-OF.

## BRIEF HISTROY OF THE CASE

The Director Information, Government of Khyber Pakhtunkhwa was requested for publication of vacant posts of Forest Guards in Upper Kohistan Forest Division vide Divisional Forest Officer Upper Kohistan Forest Division letter No. 2925/GE dated 12.04.2010. Accordingly advertisement appeared in daily Nawa-e-Waqt Rawalpindi on 22.04.2010 and in daily Mashriq Peshawar on 23.04.2010.

As a result of discussion dated 19.04.2010, the Divisional Forest Officer, Lower Kohistan also requested DFO Upper Kohistan vide his letter No. 2963/GE dated 21.04.2010 to include the cases of appointment of his Division in the same process. The process materialized jointly and applications from 157-inhabitants of District Kohistan were received upto 04.05.2010 (Copy of list enclosed as Annex-1).

The Departmental Selection committee conducted written test on 12.05.2010 wherein 102-Nos. candidates appeared (Copy of list enclosed as Annex-2). Meeting of the Departmental Selection Committee was held on 08.06.2011 whereas interview etc from 23-Nos. short listed candidates was conducted on 8/6/2011, (copy of list enclosed as Annex-3).

Out of total 23-Nos. candidates, S.No. 1, 2 & 3 (3-Nos.) were recommended for appointment in Upper Kohistan Forest Division Dassu, while S.No. 4 to 11 (8-Nos.) were recommended for recruitment in Lower Kohistan Forest Division Pattan. The record revealed that (13 No) thirteen candidates have been appointed up-to 14/11/2011 in both Forest Divisions.

## DISCUSSIONS

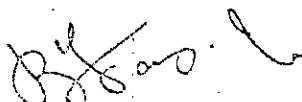
In compliance with Chief Conservator of Forests-II Khyber Pakhtunkhwa office order NO.34 dated 13/4/2012 the committee held its meeting in the office of DFO Unhar Watershed Division Mansehra on 19.04.2012. All relevant record of both the Forest Divisions has been produced by Mr. Sajjad Ahmad Head Clerk of Upper Kohistan Forest Division.


The said record has been examined by the committee in detail and fully analyzed the gravity of the case. The committee reached to the conclusion that:

1. Working papers have not been prepared by the concerned Forest Divisions.
2. There is no mention of vacant posts in any paper prepared and meant for appointment of Forest Guards in both the Forest Divisions.
3. The office orders for appointment of Forest Guards have not been found issued in time.
4. The minutes of D.S.C meeting indicates that interview has been conducted on 8.6.2011 instead of 18.05.2010 after a lapse of more than one year period.
5. The procedure contained in GOVERNMENT OF KHYBER PAKHTUNKHWA, SERVICES AND GENERAL & ADMINISTRATION DEPARTMENT (REGULATION WING) Notification No. SOR-I(S&GAD)4-1/75 dated Peshawar the 17.06.1989 has not been found followed properly.

## RECOMMENDATIONS

In the light of foregoing facts and material on record, the committee recommend to Rollback the entire incomplete process adopted for appointment of Forest Guards and to direct the competent authorities for initiating the process a fresh as per rules.

  
(Rustam Khan)  
Divisional Forest Officer  
Unhar Watershed Division, Mansehra  
(Chairman)

  
(Sajjad Ahmad)  
Superintendent  
Lower Hazara Circle, Abbottabad  
(Member)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT  
(LITIGATION SECTION)

SO(Lit:)/E.D/2-165/2011

Dated Peshawar: 11/12/2012

To

The Chief Conservator of Forests,  
Northern Region-II, Abbottabad.

Subject: WRIT PETITION NO. 533/2011 ZIA-UL-HAQ VERSUS GOVT: OF  
KHYBER PAKH TUNKHWA.

- f. Failure to terminate the appointment of the Forest Guard through Irregular process as per submission/commitment of the relevant officers in Peshawar High Court through their comments.

*P-201*  
I am directed to refer to this department Notification No. SO(Lit)/ED/2-165/2011 Dated: 14/06/2012 and to state that the above point was looked into by the Inquiry Committee.

It was observed that in compliance of the orders of the Admin: Department an Inquiry Committee was constituted for conducting impartial enquiry. The committee conducted the enquiry and recommended to roll back the entire incomplete process adopted for appointment of Forest Guards and to direct the competent authorities for initiating the process afresh as per rules.

The CF Upper Hazara informed the petitioner accordingly and requested to him to re-appear in the test and interview for the post of Forest Guard on the date and time to be advertised shortly through print media by the competent authority. He has also directed the DFO Lower Kohistan Forest Division, Pattan and DFO Upper Kohistan Forest Division, Dassu to follow the recommendations of the Committee and initiate the process for the appointment/recruitment of Forest Guard against the vacant post on 19/4/2012. The same recommendations have not been implement as yet.

Therefore, both DFOs of lower Kohistan Forest Division and Upper Kohistan Forest Division should implement the decision of the earlier Inquiry Committee and report compliance.

MIR ZALI KHAN  
Section Officer (Litigation)

Endst: of even No. & Date

*1281-82 -*

Copy forwarded to the:

- ✓ 1. CF-Upper Hazara Circle, Mansehra.
2. PS to Secretary Environment Department.

*M. Z. Khan*  
Section Officer (Litigation)



OFFICE OF THE CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE  
MANSEHRA.

To,

Mr. Mohammad Zaib s/o Haji Yardad  
Residence & PO Pattan  
Tehsil Pattan District Kohistan.

No: /GE dated Mansehra the 12/02/2013.

Subject: APPEAL OF MR. MOHAMMAD ZAIB S/O HAJI YARDAD AGAINST  
THE DFO LOWER KOHISTAN OFFICE ORDER NO.20, DATED  
21/12/2012.

Memo: Reference your appeal dated 24/01/2013.

Upon termination from service of one Mr. Mohammad Zaib s/o Haji Yardad preferred an appeal dated 24/01/2013 before the undersigned being appellate authority against the DFO Lower Kohistan office order No.20, dated 21/12/2012. The DFO Lower Kohistan offered comments upon the appeal vide No.796/GE, dated 11/02/2013.

I, in the capacity of appellate authority in the instant case have gone through the relevant documents available on record upon which the order appealed against is based and found that:

A committee was constituted by CCF-II vide office order No.34, dated 13/04/2012 with the mandate to enquire in the Writ Petition No.533/2011 which recommended rolling back of entire recruitment process based on certain procedural flaws. Subsequently another enquiry committee on higher level was constituted by Administrative Department vide Notification No.SO(Lit)ED/2-165/2011, dated 14/06/2012 for the same purpose which detected further irregularities in addition to the flaws pointed out by previous committee. Based on the recommendation of above committee, the Administrative Department directed vide No. SO(Lit)ED/2-165/2011/1281-82, dated 11/12/2012 for implementation of recommendation of earlier committee.

In light of the absolute recommendations by the two successive committees, direction of the Administrative Department, and comments of the DFO/competent authority, the facts on which the termination order is based found established. Hence, the action taken vide office order No.20, dated 21/12/2012 is appropriate as no other action can satisfy the recommendations so made which is, therefore, neither excessive nor inadequate:

Keeping in view the above facts on record the appeal is rejected and order appealed against is confirmed.

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

No: 4455 /GE

Copy forwarded to DFO Lower Kohistan Forest Division Pattan for information with reference to his letter cited above.

Seen & file

DFO  
HE

Conservator of Forests  
Upper Hazara Forest Circle  
Mansehra

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

Service Appeal No. 529/2013

Mohammad Zeb

VS

Govt: of KPK etc

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-4) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Admitted, hence no comments.
- 2 Admitted, hence no comments.
- 3 Admitted, hence no comments.
- 4 Admitted, hence no comments.
- 5 Incorrect, moreover the august High Court's order was not followed by respondents in its real spirits.
- 6 Incorrect, while para 6 of the appeal is correct. The appellant cannot be held responsible for the faults and irregularity committed by others.

7 Incorrect and replied according to para 7 of the appeal.


**GROUNDS:**

- A) Incorrect. Both orders are not according to law and liable to be set aside.
- B) Incorrect, the appellant have status of Govt: servant as he was appointed after fulfilling all requirements. Therefore the impugned orders are liable to be set aside.
- C) Incorrect. The inquiry committee did follow the order of High Court in its true sense, therefore the report of the inquiry committee is against the order of High Court.
- D) Incorrect, as it was the right of the appellant to associate with inquiry proceeding before any decision taken against the appellant.
- E) Incorrect, while Para-E of appeal is correct
- F) Incorrect. High Court directed the respondent deptt: to inquire the Ziaul Haq (complainant) by inquiry committee but the did bother to do so.
- G) Incorrect, while Para-G of appeal is correct.
- H) Incorrect and not replied according to para H of the appeal.
- I) Incorrect, while Para-I of appeal is correct.
- J) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

Through:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



  
DEPONENT

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

Service Appeal No. 529 /2013

B.W.F. Province  
Service Tribunal  
Diary No. 277  
2013-10/4/15

Sarang Zeb V/S Forest Department.  
.....

**APPLICATION FOR RESTRAINING THE  
RESPONDENTS FROM FILLING THE  
POST OF FOREST GUARD ADVERTISED  
IN THE NEWS PAPER "AAJ" DATED  
2.4.2015**

.....

**RESPECTFULLY SHEWETH:**

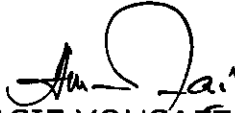
1. That the appellant has filed the above mentioned appeal against the termination order dated 21.12.2013 and the appeal of the appellant is now in final stage of argument and fixed for 21.5.2015.
2. That the respondent department has advertised the post of Forest Guard including the appellant's post in the daily News paper "Aaj" dated 2.4.2015 from which the appellant was terminated and in respect of which the appeal is subjudiced. Copy of Advertisement is attached as Annexure-A-1.
3. That if the respondents are not restrained from making appointment on the post of the appellant then the legal complications will be created and established, if the appellant is reinstated then there will be no available post due to which the appellant will be deprived from the benefits of reinstatement.
4. That as per demands of justice and propriety, it would be just and fair to restrain the respondents from making appointment against the post of the appellant from which the appellant was terminated.

5. That the application is based on cogent and legal aspect of the case and all the legal position is in favour of the appellant.

It is, therefore, most humbly prayed that the respondents may be restrained from making appointments against the post of appellant which was advertised in the daily News Paper "Aaj" dated 2.4.2015 till the decision of main appeal and to meet the ends of justice. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

APPLICANT /APPELLANT



Through:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of Application are true and correct to the best of my knowledge and belief.

  
DEPONENT

**ATTESTED**  
  
20.04.2015  
Mian Sibghat Ullah Shah  
Advocate  
OATH COMMISSIONER  
High Court Peshawar 

پہلے ازلیہ آواز (آواز) اور گرائی سے ایک وقت شائع ہونے والا کثیر الاثر شہرت آفرین روزنامہ

روزنامہ **آواز**

پشاور پاکستان

محمد اویس

شعبہ ایڈیٹنگ

شماره 12

جلد 26 نمبر 2 پہلے 2015-12-12 عماری ڈی 1436۔ ہر 12 روپے 100 روپے 83

**درخواستیں مطلقاً وہیں**

سوداگری حکومت خیبر پختونخواہ کی بھرتی پالیسی کے مطابق، دیگر کثرت کی بنیاد پر شرح ہر بہت کی علاقائی شہرت کے حامل افراد سے درخواستیں براہ برقی ذریعہ کے ساتھ درج وارڈ پر پہنچانے ہوں۔ ہر صاحب جیسا کہ تمام اسامیوں ناموں میں جن کو پیش کرنے کا اختیار وزارت خزانہ سوداگری شہرت کے پاس ہے۔ آسامیوں جنم کرنے کی صورت میں بھرتی مشورہ کرنی جائے گی۔

شمار	اسامی	تعداد	قابلیت	مزد	بھرتی کی حالت
1	آرٹس کار (HPS-73)	13	بھرتی سائنس پیکٹ	28418	تعداد 13 ہائی پوائنٹ 132
	SSD-320-15400		10 ہائی پوائنٹ	سال	1344 ہائی پوائنٹ 100-100
			اسے سائنس ڈیپارٹمنٹ		شماره 77

**عمومی شرائط :-** (1) امیدوار اپنی درخواستیں ہر ماہ بدلتی ہوتی ہیں۔ (2) تمام درخواستیں ہر ماہ بدلتی ہوتی ہیں۔ (3) تمام درخواستیں ہر ماہ بدلتی ہوتی ہیں۔ (4) تمام درخواستیں ہر ماہ بدلتی ہوتی ہیں۔ (5) تمام امیدواروں کو بھرتی امتحان ہر ماہ بدلتی ہوتی ہیں۔ (6) تمام امیدواروں کو بھرتی امتحان ہر ماہ بدلتی ہوتی ہیں۔ (7) تمام امیدواروں کو بھرتی امتحان ہر ماہ بدلتی ہوتی ہیں۔ (8) تمام امیدواروں کو بھرتی امتحان ہر ماہ بدلتی ہوتی ہیں۔ (9) تمام امیدواروں کو بھرتی امتحان ہر ماہ بدلتی ہوتی ہیں۔ (10) تمام امیدواروں کو بھرتی امتحان ہر ماہ بدلتی ہوتی ہیں۔ (11) تمام امیدواروں کو بھرتی امتحان ہر ماہ بدلتی ہوتی ہیں۔

**المشتر: ڈویژنل فارسٹ آفیسر**  
**اپرکوہستان فارسٹ ڈویژن**

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

Service Appeal No. 529 /2013

Sarvag Zeb V/S Forest Department.  
.....

**APPLICATION FOR RESTRAINING THE  
RESPONDENTS FROM FILLING THE  
POST OF FOREST GUARD ADVERTISED  
IN THE NEWS PAPER "AAJ" DATED  
2.4.2015**

.....

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the above mentioned appeal against the termination order dated 21.12.2013 and the appeal of the appellant is now in final stage of argument and fixed for 21.5.2015.
2. That the respondent department has advertised the post of Forest Guard including the appellant's post in the daily News paper "Aaj" dated 2.4.2015 from which the appellant was terminated and in respect of which the appeal is subjudiced. Copy of Advertisement is attached as Annexure-A-1.
3. That if the respondents are not restrained from making appointment on the post of the appellant then the legal complications will be created and established, if the appellant is reinstated then there will be no available post due to which the appellant will be deprived from the benefits of reinstatement.
4. That as per demands of justice and proprietary, it would be just and fair to restrain the respondents from making appointment against the post of the appellant from which the appellant was terminated.

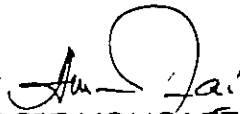


5. That the application is based on cogent and legal aspect of the case and all the legal position is in favour of the appellant.

It is, therefore, most humbly prayed that the respondents may be restrained from making appointments against the post of appellant which was advertised in the daily News Paper "Aaj" dated 2.4.2015 till the decision of main appeal and to meet the ends of justice. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

APPLICANT /APPELLANT

Through:


  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of Application are true and correct to the best of my knowledge and belief.

  
DEPONENT

**ATTESTED**

  
Mian Sibghat Ullah Shah  
Advocate  
OATH COMMISSIONER  
High Court Peshawar





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

Service Appeal No. 529 /2013

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**RESPECTFULLY SHEWETH:**

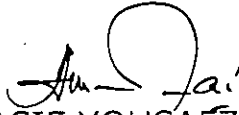
1. That the appellant has filed the above mentioned appeal against the termination order dated 21.12.2013 and the appeal of the appellant is now in final stage of argument and fixed for 21.5.2015.
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4. That as per demands of justice and proprietary, it would be just and fair to restrain the respondents from making appointment against the post of the appellant from which the appellant was terminated.

5. That the application is based on cogent and legal aspect of the case and all the legal position is in favour of the appellant.

It is, therefore, most humbly prayed that the respondents may be restrained from making appointments against the post of appellant which was advertised in the daily News Paper "Aaj" dated 2.4.2015 till the decision of main appeal and to meet the ends of justice. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

APPLICANT /APPELLANT



Through:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

**AFFIDAVIT**

It is affirmed and declared that the contents of Application are true and correct to the best of my knowledge and belief.

  
DEPONENT

**ATTESTED**  
  
Mian Sibghat Ullah Shah  
Advocate  
OATH COMMISSIONER  
High Court Peshawar  
20.04.2015  


پشاور میں آمد اور سالانہ ماراؤ کر رہی ہے ایک وقت شائع ہونے والا کثیر الا شمارت قومی روزنامہ

روزنامہ کی حالت اور قیمت

# روزنامہ

پشاور پاکستان

عبدالواحد پٹینی

شماره 12

جلد 26 | بسولہ 2 اپریل 2015ء | شمارہ نمبر 1436 | 12 مارچ 2015ء | شمارہ 83

### درخواستیں و مطالبات

سوداگری حکومت خیبر پختونخوا کی بحرانی پالیسی کے مطابق، بیکار و محرومیت کی بنیاد پر مطلع اور کہنے کی حالتی شہریت کے حامل افراد سے درخواستیں برآمد کرنی ہوگا۔ سماجی کے ساتھ ساتھ روزانہ کوٹنگ پر پورا اترتے ہیں اور طلبہ ہیں۔ تمام آسامیوں کا ریشی ہیں جن کو مستثنیٰ کرنے کا اختیار وزارت خزانہ سوداگری حکومت کے پاس ہے۔ آسامیوں کی درخواستوں کی صورت میں بحرانی مشورہ کر دینی چاہئے۔

نمبر	نام آسامی	تعداد آسامی	کامیت	مہر کی رقم	بیمانی کیفیت
1	ڈورسٹ گاڑا (DPS-75)	13	میٹرک سائنس سیکٹر	28518	تقدیم 10 اپریل 2015ء
	5800-320-15-00		11 ویں اور 12 ویں	سال	13-14 اپریل 2015ء

**شروط:** (1) امیدوار اپنی درخواستیں (2) امیدواروں کو مطلع ہونے کے بعد روزانہ کے ہادی کردہ روز پڑھیں اور اپنی ایک ہونے کی بات دہرا کر (3) آئی پی ایس (4) کا ہادی کردہ اصل سرٹیفکیٹ سے ہمراہ کاپیوں کے ساتھ اپنی درخواست ڈیڑھ دوپہر کے دفتر میں مورخہ 20/4/2015 تک منجھ کر دیا جائے۔ اس ضمنی دستاویزات سمیت انٹرویو کے وقت پیش کرنا ہوگی۔ (2) پمیل درخواستوں کو دفتر پڑھیں وصول نہیں کیا جائیگا۔ (3) پمیل درخواستوں کو دفتر پڑھیں وصول نہیں کیا جائیگا۔ (3) خیبر پختونخوا حکومت سکول قومی ایس ای کے فارمٹ کارڈ کو سرٹیفکیٹ کا میاب ترین امیدواران کو بحرانی میں ترجیح دی جائے گی۔ کل ہائیکٹ کی قومی پالیسی کے مطابق امیدواروں کی پمیلیشن کے بعد پمیلیشن پانڈ فارمٹ کارڈ کو ایک سال کی قومی ہائیکٹ سکول قومی ایس ای کے فارمٹ کارڈ کو سرٹیفکیٹ ہوگی۔ (4) دروازہ ہر وقت پانڈ فارمٹ کارڈ کے پمیل کو مقررہ کامیت رکھتے پر بحرانی میں حساب قوانین ترجیح دی جائے گی۔ (5) تمام امیدواروں کو ہسانی امتحان مورخہ 20/4/2015 کو ہر جس میں ہسانی ہب ڈول اور 2 ٹاؤنٹر (20 منٹ) کی درجہ شامل ہوگی جس کی تمام بحرانی ہسانی مورخہ 20/4/2015 کی پمیلی کرے گی۔ (6) ہسانی مورخہ پانڈ فارمٹ کارڈ اور ہسانی امتحان مورخہ 20/4/2015 کو ہر جس کی تمام بحرانی مورخہ پانڈ فارمٹ کارڈ پر پمیلی کرے گی۔ (7) تحریری اور ہسانی طور پر کامیاب امیدواروں کا انٹرویو مورخہ 20/4/2015 وقت 10 بجے زور پمیلی کے دفتر میں ہسانی پمیلی کرے گی۔ (8) ایک تمام امیدواران آسامی کے ساتھ ہی کی کامیت کر سکتے ہیں ان کی درخواستوں کو پمیلی نہیں کیا جائیگا۔ (9) پمیلی اور ہسانی پانڈ فارمٹ کارڈ کے ساتھ ہی کی کامیت کر سکتے ہیں۔ (10) حالات کے مطابق مورخہ پانڈ فارمٹ کارڈ پمیلی ہو سکتی ہے جس کے بارے میں پمیلی۔ (11) آسامیوں کی تعداد میں کی پانڈ فارمٹ کارڈ ہو سکتی ہے۔

**المشتر: ڈویژنل فارسٹ آفیسر**

**اپر کوہستان فارسٹ ڈویژن**

www.khyberpaktunkhwa.gov.pk INF(P) 1782

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

Service Appeal No. 529 /2013

Saranga Zeb V/S Forest Department.  
.....

**APPLICATION FOR RESTRAINING THE  
RESPONDENTS FROM FILLING THE  
POST OF FOREST GUARD ADVERTISED  
IN THE NEWS PAPER "AAJ" DATED  
2.4.2015**

.....

**RESPECTFULLY SHEWETH:**

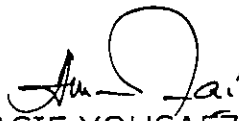
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