

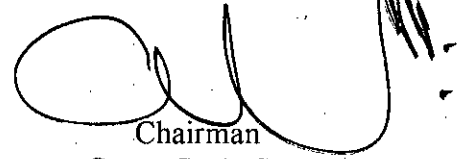
06.01.2014

Appellant with counsel (Mr. Imdadullah, Advocate) present. The learned counsel for the appellant produced copy of letter dated 13.11.2013 from the Environment Department to the Chief Conservator of Forests, Malakand Forest Region-III, Saidu Sharif at Swat (respondent No. 1), showing thereby setting-aside the impugned order dated 14.6.2013 by the competent authority with the direction for preparation of seniority list(s) of all Forest Guards in terms of section-8(4) of the Civil Servants Act, 1973 (read with rules-17 of the APT Rules, 1989). With the said letter and the aforementioned order referred to in the letter, a new situation has emerged, rendering this appeal as infructuous, as after completion of process and preparation and issuance of fresh seniority list, a fresh cause of action will accrue in favour of the appellant, if he is still aggrieved of the final order of the departmental authority with regard to his seniority; and in that case he will be well within his right to seek remedy available to him under the law.

In view of the above, the appeal is disposed of accordingly, with no order as to costs.

ANNOUNCED.

06.01.2014


Chairman
Camp Court Swat

02.10.2013

Appellant in person present and moved an application for transfer of the appeal to camp court Swat. Application is allowed. The appeal is transfer to camp court swat for preliminary hearing on 07.10.2013.


Member

7.10.2013

Appellant with counsel present and heard. The departmental appeal of the appellant was found not available on the file. Therefore, the appellant is directed to bring on file the departmental appeal for further preliminary hearing at camp court Swat on 4.11.2013.


Chairman
Camp Court Swat

4.11.2013


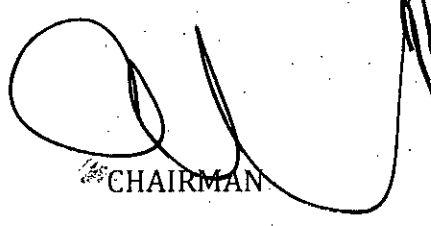
Appellant with counsel (Mr. Imdadullah, Adv.) present. The departmental appeal has not been provided so far. The same be filed for further preliminary hearing at camp court Swat on 6.1.2014.


Chairman
Camp Court Swat

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1318 /2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/09/2013	<p>The appeal of Mr. Habib-ur-Rehman resubmitted today by Mr. Aziz-ur-Rahman 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	23-9-2013	<p>This case is entrusted to primary Bench for preliminary hearing to be put up there on <u>2-10-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Habib-ur-Rehman Forest Guard received today i.e. on 26/08/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal against the impugned order is not attached with the appeal which may be placed on it.
- 2- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1185 /S.T,

Dt. 26/08 /2013.

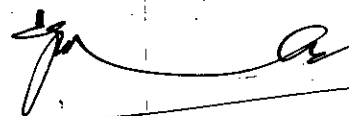

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Aziz-ur-Rehman Adv. Swat.

Sir,

Resubmitted with the remarks that:

1. The order impugned is made by the Appellate authority and no departmental appeal is required.
2. That the file may please be placed before the Honourable Tribunal, please.



Aziz-ur-Rehman
Advocate Swat

07/09/2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service appeal 1318 of 2013

Habib-ur-Rahman

... Appellant

VERSUS

The Chief Conservator of Forests Govt. K.P. and Others

... Respondents

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5.	Copy of the seniority list of 31/12/2012	B	11-13
6.	Copy of the order bearing No. 3197-3200/G dated 28/06/2013	C	14-15
7.	Copy of the seniority list dated 30/06/2013	D	16-18
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Appellant through



AZIZ-UR-RAHMAN
ADVOCATE SWAT

Office: Khan Plaza, Gulshan Chowk,
G.T. Road, Mingora, District Swat.
Cell No. 0300-9070671

①

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

Service Appeal No. 3/8 of 2013

Habib-ur-Rahman Forest Guard Kalam Forest
Division at Madyan.

~~12/6~~
~~26/8/13~~

...Appellant

VERSUS

1. The Chief Conservator of Forests, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Conservator of Forests Malakand Circle East, Saidu Sharif, District Swat.
3. The Divisional Forest Officer Kalam Forest Division at Madyan, District Swat.
4. Shawkat Ali Forest Guard Kalam Forest Division Swat.
5. Muhammad Islam Forest Guard Kalam Forest Division Swat.
6. Gulab Khan Forest Guard Kalam Forest Division Swat.
7. Muhammad Nawaz Forest Guard Kalam Forest Division Swat.

~~26/8/13~~
26/8/13

...Respondents

re-submitted to ~~4~~
and filed.

~~9/9/13~~
9/9/13

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order No. 17 dated 14-06-2013 of the Respondent No. 1 (copy of which was never communicated to the Appellant, however on getting information the same was obtained on 21-08-2013), whereby joint second appeal of the Respondents No. 4 to 7, to which the Appellant has not been made party at any stage,

was accepted and the established seniority position as it was borne on the earlier Final Seniority Lists was disturbed and the Respondents No. 4 to 7 were shown senior to the Appellant in a new seniority list as it stood on 30-06-2013. The order impugned as well as the seniority list issued vide No. 265-66/G dated 29-07-2013 by the Respondent No. 3 is against the law, facts and Shariah, hence liable to be set aside and seniority position of the Appellant may very kindly be restored to Serial No. 1 / top reckoning from the date of appointment i.e. 1-12-1985.

Prayer:

It is very respectfully prayed that on acceptance of this appeal the new seniority list issued vide No. 265-66/G dated 29-07-2013 by the Respondent No. 3 being against the law, facts and Shariah, hence liable to be set aside and seniority position of the Appellant may very kindly be restored at Serial No. 1 / top reckoning from the date of appointment i.e. 1-12-1985 as per the Final Seniority List issued on 31-12-2012.

Respectfully Sheweth:

Facts:

- i. That the Appellant is regular Forest Guard presently posted at Kalam Forest Division at Madyan, Swat.
- ii. That in the final seniority list as issued on 31-12-2012 and in those issued earlier than that the Appellant is on top.

- iii. That the seniority aforesaid as far as the Appellant is concerned has never been challenged in any forum, which has got an absolutely finality and is holding the field as good.
- iv. That the Respondents No. 4 to 7 started litigation, unauthorisidly and without any lawful justification, against one Mr. Shakirullah Forest Guard of Kalam Forest Division Swat, who's date of regular appointment is 14-04-1988, which is obviously prior to those of the Respondents aforesaid.
- v. That the Respondents No. 4 to 7 objected to the seniority position of one Mr. Shakirullah on the sole ground that it shall be reckoned from his arrival in Kalam Forest Division Swat dated 26-04-2004 instead of first appointment i.e. 14-04-1988, however on acceptance of the appeal of Mr. Shakirullah the Respondent No. 2 reversed the decision of Respondent No. 3 and ordered in his capacity as appellate authority on 27-05-2010 vide order No. 8, therefore, Mr. Shakirullah is to be placed in the seniority list considering the reckoning date as 14-04-1988. Copy of the order is enclosed as Annexure "A". The seniority list as stood on 31-12-2012 reflects the name of Mr. Shakirullah at Serial No. 2. Copy of the seniority list of 31-12-2012 is enclosed as Annexure "B".
- vi. That against the law the Respondents No. 4 to 7 filed second departmental appeal before the

Respondent No. 1, who unlawfully entertained the same and reversed the order of the Respondent No. 2. Copy of the order is enclosed as Annexure "C".

- vii. That in presence of the orders of the Respondent No. 1 the Respondent No. 3 shuffled the seniority list of Mr. Shakirullah by placing him at Serial No. 18 while further travelling beyond his jurisdiction also wrongly placed the Appellant at Serial No. 8, hence this service appeal on the following grounds.

Grounds:

- a. That the entire proceedings by the Respondent No. 1 have been carried out at the back of the Appellant. A very serious adverse action has been taken against him without associating him with the proceedings. This is the treatment in contravention of the law.
- b. That in the earlier seniority list the Appellant has been shown on proper place in accordance with the law on the basis of which the Appellant has established right and legitimate expectancy of his promotion.
- c. That the seniority list dated 30-06-2013 is manifestly detrimental to the relevant provision of the Constitution, Civil Servants Act and rules made there under and also against the Shariah. The same is without any support of legal provision

and also without any footing, hence liable to be set aside.

- d. That by now it is the cardinal principle of the administration of justice that no action whatsoever, which is adverse shall be taken against any Civil Servant without giving him the opportunity of being heard and this opportunity shall be fair, transparent and meaningful and should not be just an eye wash to evade the cannon of the law and spirit of the Shariah.
- e. That disturbing established seniority right of an employee is a very serious matter which cannot be made in a cursory and slip shod manner as has been done in the case of the Appellant.
- f. That the Appellant seeks to place reliance on more grounds at the time of arguments, with the leave of this Honourable Tribunal.

It is very respectfully prayed that on acceptance of this appeal the new seniority list issued vide No. 265-66/G dated 29-07-2013 by the Respondent No. 3 being against the law, facts and Shariah, hence liable to be set aside and seniority position of the Appellant may very kindly be restored at Serial No. 1 / top reckoning from the date of appointment i.e. 1-12-1985 as per the Final Seniority List issued on 31-12-2012.

Any other relief deemed appropriate may also very kindly be granted.

Appellant
F.S. *عبدالرحمن*
Habib-ur-Rahman

Through Counsels,
عزیز
Aziz-ur-Rahman
ایم دد
Imdad Ullah

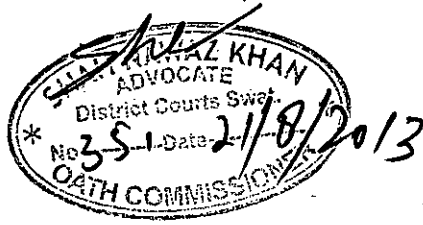
Advocates Swat

Affidavit:

It is stated on Oath that all the contents of this appeal are true and correct to the best of my knowledge and belief.

Deponent
F.S. *عبدالرحمن*
Habib-ur-Rahman

ATTESTED



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

Service Appeal No. _____ of 2013

Habib-ur-Rahman Forest Guard Kalam Forest
Division at Madyan.

...Appellant

VERSUS

The Chief Conservator of Forests, Government of Khyber
Pakhtunkhwa, Peshawar and Others.

...Respondents

ADDRESSES OF THE PARTIES

Appellant:

Habib-ur-Rahman Forest Guard Kalam Forest Division
at Madyan.

Respondents:

1. The Chief Conservator of Forests, Government of
Khyber Pakhtunkhwa, Peshawar.
2. The Conservator of Forests Malakand Circle East,
Saidu Sharif, District Swat.
3. The Divisional Forest Officer Kalam Forest
Division at Madyan, District Swat.
4. Shawkat Ali Forest Guard Kalam Forest Division
Swat.
5. Muhammad Islam Forest Guard Kalam Forest
Division Swat.
6. Gulab Khan Forest Guard Kalam Forest Division
Swat.
7. Muhammad Nawaz Forest Guard Kalam Forest
Division Swat.

Appellant

Through Counsel,



Aziz-ur-Rahman

Advocate Swat

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2013

Habib-ur-Rahman Forest Guard Kalam Forest
Division at Madyan.

...Appellant

VERSUS

The Chief Conservator of Forests, Government of Khyber
Pakhtunkhwa, Peshawar and Others.

...Respondents

Application for interim relief

Respectfully Sheweth:

- i. That the above titled service appeal is pending before this Honourable Tribunal in which no date of hearing is fixed as yet.
- ii. That the Appellant has got prima facie case in favor.
- iii. That the balance of convenience is in the favor of the Appellant.
- iv. That if the interim relief prayed for is not granted the Appellant will suffer an irreparable loss.

It is, therefore, very respectfully prayed that on acceptance of this application the operation of the impugned seniority list issued vide No. 265-66/G dated 29-07-2013 by the

Respondent No. 3 may very kindly be suspended till the disposal of this appeal.

Applicant
P.S. P. Khan
Habib-ur-Rahman

Through Counsel,
Aziz-ur-Rahman
Aziz-ur-Rahman

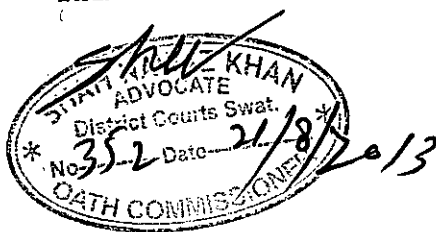
Advocate Swat

Affidavit:

It is stated on Oath that all the contents of this application are true and correct to the best of my knowledge and belief.

Deponent
P.S. P. Khan
Habib-ur-Rahman

ATTESTED



Annexure A 10

OFFICE ORDER NO. 81 DATED SAIDU SHARIF THE: 27/5/2010 BY MR. MOHAMMAD IKRAM KHAN,
CONSERVATOR OF FORESTS, MALAKAND CIRCLE, SAIDU SHARIF SWAT.

READ WITH

1. DFO Kalam letter No. 1347/G, dated 15.01.2010.
2. Appeal of Mr. Shakirullah Forest Guard of Kalam Forest Divn.
3. Seniority list of Forest Guards of Kalam Forest Divn. as it stood on 31.10.2009.
4. This office letter No. 6812/E, dated 04.02.2010.
5. DFO Kalam letter No. 1748/G, dated 06.3.2010.
6. This office letter No.9823/E, dated 28.4.2010.
7. Personal hearing held on 06.5.2010.

BRIEF HISTORY OF THE CASE

Mr. Shakirullah Forest Guard, appointed on 14.4.1988, was transferred from Swat Forest Division to Kalam Forest Division in the interest of public service. While issuing seniority list of Forest Guards stood on 31.10.2009, the DFO Kalam considered the seniority of the above named Forest Guard from the date he reported arrival in Kalam Forest Division i.e. 26.4.2004.

DISCUSSION

Being aggrieved the Forest Guard preferred an appeal received vide DFO Kalam letter No.1347/G, dated 15.01.2010. The Divisional Forest Officer Kalam was asked vide this office No.6812/E, dated 04.02.2010 for his comments and detail report. In response the DFO Kalam vide his letter No.1748/G, dated 06.3.2010 offered his comments. The official was heard in person on 06.5.2010. Relevant documents of the case have been perused. It was noticed that in most of the cases, seniority has been granted from the date of appointment. Moreover Court decisions in similar cases also confirms that seniority was granted from the date of appointment.


ORDER

From the afore mentioned discussion it is clear that the seniority of the above named appellant fixed by the DFO Kalam from the date of his arrival in Kalam Forest Division is not justified, therefore, I Mohammad Ikram Khan, Conservator of Forests Malakand Circle in the capacity of Appellate authority hereby accept the appeal of Mr. Shakirullah Forest Guard. The DFO Kalam should fix the seniority of the appellant from the date of his appointment i.e. 14.4.1988 instead of the date of his arrival in Kalam Forest Division.

SD/-
(MOHAMMAD IKRAM KHAN)
CONSERVATOR OF FORESTS,
MALAKAND CIRCLE SHAGAI,

No. 10833-34 /E.
Copy forwarded to the:

1. Divisional Forest Officer, Kalam Forest Division Madyan for information and further necessary action with reference to his No cited above.
2. Mr. Shakirullah Forest Guard C/O DFO Kalam for information with reference to his appeal cited above.


CONSERVATOR OF FORESTS,
MALAKAND CIRCLE SHAGAI,
SAIDU SHARIF SWAT.

ATTESTED


Advocate

Shakirullah FG

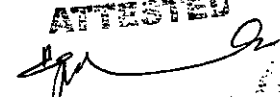
SENIORITY LIST OF FOREST GUARD OF KALAM FOREST DIVISION AS IT STOOD ON 31/12/2012

Annexure "B"

(11)

Total No. of sanctioned posts = 45
 No. of Provincial posts = 29
 No of post District Government = 01
 No. of S.N.E posts = 15

S.No.	Name of Forest Guard	Name of District	Educational qualification	Technical qualification	Date of birth	Date of appointment	Remarks
1	2	3	4	5	6	7	8
1.	Mr. Habibur Rehman	Swat	Matric	Trained	13/8/1963	12/05/1985	--
2.	Mr. Shakirullah	Swat	Matric	Trained	01/01/1965	01/12/1985	--
3.	Mr. Gulab Khan	Swat	Matric	Trained	16/04/1965	14/04/1988	--
4.	Mr. Saedur Rehman	Swat	Matric	Trained	09/05/1964	01/08/1988	--
5.	Muhammad Nawaz	Swat	Matric	Trained	15/01/1971	01/08/1988	--
6.	Mr. Shaukat Ali	Swat	Matric	Trained	20/04/1971	15/06/1989	--
7.	Mr. Fazal Muhammad	Swat	Matric	Trained	06/04/1966	17/06/1989	--
8.	Mr. Muhammad Rauf	Swat	Matric	Trained	02/06/1969	17/06/1989	--
9.	Mr. Taza Gul	Swat	Matric	Trained	03/04/1968	24/06/1989	--
10.	Mr. Attaur Rehman	Swat	Matric	Trained	01/01/1971	06/01/1993	--
11.	Muhammad Khurshid	Swat	Matric	Trained	02/01/1972	10/01/1993	--
12.	Mr. Fayaz Ahmad	Swat	Matric	Trained	21/02/1972	16/10/1995	--
13.	Mr. Amjad Ali	Swat	Matric	Trained	02/04/1973	16/10/1995	--
14.	Mr. Manawarul Islam	Swat	M.A.	Trained	01/05/1974	16/10/1995	--
15.	Mr. Muhammad Zada	Swat	F.A.	Trained	11/06/1974	16/10/1995	--
16.	Mr. Sherin Zada	Swat	B.A.	Trained	03/04/1967	01/08/1988	--
17.	Mr. Mehboob Khan	Swat	Matric	Trained	04/06/1966	01/08/1988	--
18.	Mr. Shamsur Rehman	Swat	Matric	Trained	05/05/1969	23/03/1988	--
19.	Mr. Umar Ahad	Swat	B.A.	Trained	05/03/1965	21/08/1988	--
20.	Mr. Ghulam Mohammad	Swat	Matric	Trained	01/08/1964	22/10/1989	--
21.	Mr. Fazal Haque	Swat	M.A.	Trained	01/02/1965	03/12/1986	--
22.	Mr. Abdul Wahab-II	Swat	Matric	Trained	15/01/1965	03/03/1988	--

ATTESTED

 Advocate

23.	Mr. Aqal Mand	Swat	Matric	Trained	28/08/1968	03/03/1988	--
24.	Mr. Hamayun	Swat	M.A.	Trained	01/10/1960	14/04/1988	--
25.	Mr. Jehangir	Swat	B.A.	Trained	13/02/1963	23/04/1988	--
26.	Mian Noor Ali	Swat	B.A.	Trained	01/03/1964	10/05/1988	--
27.	Mr. Biradar Khan	Swat	F.A.	Trained	05/04/1975	22/01/2007	--
28.	Mr. Ashraf Ali	Swat	F.A.	Trained	10/03/1985	22/01/2007	--
29.	Mr. Mumtaz Alam	Swat	F.A.	Trained	03/03/1981	23/01/2007	--
30.	Mr. Hamidullah	Swat	F.A.	Trained	15/01/1982	23/01/2007	--
31.	Mr. Habib Ahmad	Swat	F.Sc.	Un-trained	01/04/1982	23/01/2007	--
32.	Mr. Mujeebur Rehman	Swat	Matric	Trained	02/06/1978	24/01/2007	--
33.	Mr. Asghar Khan	Swat	Matric	Under training	15/01/1979	26/03/2007	--
34.	Mr. Abdul Ghafoor	Swat	Matric	Under training	06/11/1987	30/06/2008	--
35.	Mr. Said Ali Khan	Swat	Matric	Un-trained	26/10/1966	08/04/2009	--
36.	Mr. Abdul Wahab-I	Swat	F.A.	Trained	01/06/1966	02/03/1988	--
37.	Mr. Shahid Anwar	Swat	F.A.	Un-trained	01/06/1985	20/04/2010	--
38.	Mr. Abrar Zada	Swat	F.Sc.	Trained	10/01/1990	23/04/2010	--
39.	Syed Wajid Shah	Swat	F.A.	Trained	01/04/1991	23/04/2010	--
40.	Mr. Niazmin Khan	Swat	F.A.	Un-trained	01/03/1981	24/04/2010	--
41.	Mr. Ghulam Said	Swat	Matric	Under training	01/11/1984	24/04/2010	--
42.	Mr. Ihsanullah	Swat	F.A.	Trained	04/01/1975	26/04/2010	--
43.	Mr. Muhammad Ayaz	Swat	Matric	Un-trained	01/11/1977	26/04/2010	--
44.	Mr. Aftab Alam	Swat	B.A.	Trained	07/02/1984	26/04/2010	--
45.	Mr. Faiz Ali Khan	Swat	Matric	Trained	05-03-1977	09-05-2012	--

12

M. J.
DIVISIONAL FOREST OFFICER,
KALAM FOREST DIVISION
AT MADYAN SWAT.

ATTESTED

Advocate

(13)

OFFICE OF THE DIVISIONAL FOREST OFFICER KALAM FOREST DIVISION
MADYAN SWAT

To

The SDFOs/Range Officer:-

- 1) Behrain South
Forest Sub Division, Madyan.
- 2) Behrain North
Forest Sub Division, Behrain.
- 3) Kalam Sub Division, Kalam.
- 4) Utror Range, Utror.

No. 2477-80 IG,

Dated Madyan the 24 /04/2013.

SUBJECT:

SENIORITY LIST OF FOREST GUARDS.

Memo: :

Enclosed please find herewith Seniority list of Forest Guards in respect of Kalam Forest Division for further necessary action and record in your offices.

Encl: As above.

24.4.13

DIVISIONAL FOREST OFFICER
KALAM FOREST DIVISION
MADYAN SWAT

ATTESTED



Advocate

(14)

READ WITH:-

- i) Joint appeal of M/S Shoukat Ali, Manawarul Islam, Gulab Khan and Muhammad Nawaz Forest Guards of Kalam Forest Division.
- ii) Chief Conservator of Forests, Malakand Forest Region (Region-III) letter No.2415/E, dated 20/3/2013.
- iii) Conservator of Forests, Malakand East Forest Circle letter No.7064/E, dated 07/5/2013.
- iv) Conservator of Forests, Malakand Forest Circle office order No.81, dated 27/5/2010.
- v) Chief Conservator of Forests, Malakand Forest Region (Region-III) letter No.3308/E, dated 22/5/2013.
- vi) Conservator of Forests, Malakand East Forest Circle office letter No.7638/E, dated 28/5/2013.
- vii) Conservator of Forests, Malakand Forest Circle office order No.90, dated 24/4/2004.
- viii) Conservator of Forests, Malakand Forest Circle office order No.35, dated 03/5/2003.
- ix) Chief Conservator of Forests, Malakand Forest Region (Region-III) letter No.3363-69/E, dated 28/5/2013.
- x) Finance Department letter No.SOR-III(FD)4-141/98, dated 11/7/1998.

BRIEF HISTORY OF THE CASE:-

Mr.Shakirullah was appointed as Forest Guard in Dir-Swat Watershed Management Project vide office order No.89, dated 12/4/1988 and joined his duty on 14/4/1988. On completion of Project period, he was adjusted in Swat Forest Division and thereafter transferred to Kalam Forest Division on mutual basis with Anwar Zeb Forest Guard vide Conservator of Forests, Malakand Forest Circle office order No.35, dated 03/5/2013 on the grounds/reasons at S.No.(IV) mentioned therein that " it should not be counted towards regularization of their services in the Department".

On arrival in Kalam Forest Division, Mr.Shakirullah Forest Guard was placed at S.No.24 of the Seniority list of Forest Guards of Kalam Forest Division as it stood on 30/6/2006 with effect from his date of arrival in Kalam Forest Division.

Being aggrieved Mr.Shakirullah Forest Guard preferred a Departmental appeal to Conservator of Forests, Malakand Forest Circle for determination of his seniority from the date of his appointment instead of the date of his arrival in Kalam Forest Division. The said appeal was accepted by Conservator of Forests, Malakand Forest Circle vide office order No.81, dated 27/5/2010 and granted seniority to the appellant from the date of his appointment i.e. 14/4/1988. In response the seniority of the appellant was fixed at S.No.3 in the seniority list of Forest Guards of Kalam Forest Division as it stood on 30/6/2011.

Against the Conservator of Forests Malakand Forest Circle office order No.81, dated 27/5/2010, M/S Shoukat Ali, Munawar-ul-Islam, Gubal Khan and Muhammad Nawaz Forest Guards of Kalam Forest Division preferred an appeal to the undersigned for reconsideration of the seniority of Mr.Shakirullah Forest Guard.

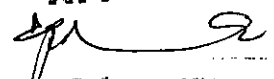
DISSCUSSIONS:-

The application of the Forest Guards was sent to Conservator of Forests, Malakand East Forest Circle vide this office letter No.2415/E, dated 20/3/2013 for comments and detail report. In response the Conservator of Forests, Malakand East Forest Circle vide his letter No.7064/E, dated 07/5/2013 has reported that the Departmental appeal of Shakirullah Forest Guard was accepted by his office, therefore, no action is required to be taken by him and supplied photo copies of relevant documents.

After detail scrutiny of the documents the applicants were called for personal hearing vide this office letter No.3363-69/E, dated 28/5/2013 and accordingly the appellants were heard in person on 5/6/2013 and also Mr.Shakirullah Forest Guard was given the opportunity of hearing which he himself accepted the seniority of Mr.Shamsur Rehman Forest Guard as he is senior to him as per appointment date in the Project. The DFO Kalam also participated and produced the relevant documents. During the course of hearing, the following rules/instructions were discussed in detail:-

- 1) As per Project policy at S.No.10(vi) of the Khyber Pakhtunkhwa policy regulating appointment to post in Developmental Projects, ex-Project employees shall have no right of adjustment against the regular post. However, if eligible, they may also apply and compete for the post with other candidates.

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- 1) As per Project policy at S.No. 10(vi) of the Khyber Pakhtunkhwa policy regulating appointment to post in Developmental Projects, ex-Project employees shall have no right of adjustment against the regular post. However, if eligible, they may also apply and compete for the post with other candidates.
- 2) As per Finance Department Khyber Pakhtunkhwa letter No.SOR-III(FD)4-141/98, dated 11/7/1998 the project employees recruited after 30/3/1989 would be on contract basis and their services would not counter for pension and the said date has been treated as cut of date. The entire service of the employees recruited before 30/3/1989 shall count for the pensionary benefit.
- 3) As per para-8(2) of Khyber Pakhtunkhwa Civil Servants (appointment, Promotion and Transfer) Rules 1989, a person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority.

ORDER :-

In light of the detailed discussion personal hearing of appellants and the affectee as well as provisions of different rules quoted above, I Hasham Ali Khan Chief Conservator of Forests Malakand Forest Region (Region-III) in the capacity of appellate authority accept the appeal of Forest Guards, set aside the office order No. 81, dated 27/5/2010 of Conservator of Forest Malakand Forest Circle and do hereby ordered that :-

The DFO Kalam should determine seniority of the Forest Guards on the following guidelines to streamline the seniority as per approved rules:

- 1) To prepare seniority list of those Forest Guards who were on the strength of Behrain, Kalam and Utror Ranges of the then Swat Forest Division who were later on transferred to newly created Kalam Forest Division.
- 2) The Forest Guards so transferred from other Divisions/Projects should be placed in the seniority lists from their date of arrival in Kalam Forest Division.

Sd/- (HAAHAM ALI KHAN)
CHIEF CONSERVATOR OF FORESTS
MALAKAND FOREST REGION (REGION-III)
SAIDU SHARIF SWAT.

No. 3715-16 /E,
Copy forwarded to the :-

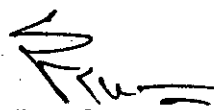
1. Conservator of Forests, Malakand Forest Circle East Saidu Sharif Swat for information and necessary action with reference to his letters cited above.
2. Divisional Forest Officer, Kalam Forest Division at Madyan for information and strict compliance and report accordingly.

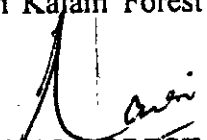
Sd/-
CHIEF CONSERVATOR OF FORESTS
MALAKAND FOREST REGION (REGION-III)
SAIDU SHARIF SWAT

No. 3197-3200 /G,

Dated Madyan the 28 /06/2013.

Copy forwarded to all SDFOs/Range Officer in Kalam Forest Division for information, guidance and strict compliance.


Sub Divisional Forest Officer,
Behrain South Sub Division,
Madyan, Swat.


DIVISIONAL FOREST OFFICER
KALAM FOREST DIVISION
MADYAN SWAT

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Advocate

Annexure "D"

16

SENIORITY LIST OF FOREST GUARD OF KALAM FOREST DIVISION AS IT STOOD ON 30/06/2013

Total No. of sanctioned posts = 45
 No. of Provincial posts = 29
 No of post District Government = 01
 No. of S.N.E posts = 15

S.No.	Name of Forest Guard	Name of District	Educational qualification	Technical qualification	Date of birth	Date of appointment	Date of arrival in Kalam Forest Division.	Remarks
1	2	3	4	5	6	7		8
1.	Mr. Gulab Khan	Swat	Matric	Trained	13/03/1960	01/8/1988	--	--
2.	Mr. Saeedur Rehman	Swat	Matric	Trained	09/05/1964	01/8/1988	--	--
3.	Muhammad Nawaz	Swat	Matric	Trained	25/01/1971	01/8/1988	--	--
4.	Mr. Shaukat Ali	Swat	Matric	Trained	20/04/1971	15/06/1989	--	--
5.	Mr. Fazal Muhammad	Swat	Matric	Trained	06/04/1966	17/06/1989	--	--
6.	Mr. Muhammad Rauf	Swat	Matric	Trained	02/06/1969	17/06/1989	--	--
7.	Mr. Taza Gul	Swat	Matric	Trained	03/04/1968	24/06/1989		--
8.	Mr. Habibur Rehman	Swat	Matric	Trained	01/01/1965	01/12/1985	02/01/1993	Transfer from Besham W/Shed Division.
09.	Mr. Attaur Rehman	Swat	Matric	Trained	01/01/1971	09/01/1993	--	--
10.	Muhammad Khurshid	Swat	Matric	Trained	02/01/1972	10/01/1993	--	--
11.	Mr. Amjad Ali	Swat	Matric	Trained	02/04/1973	16/10/1995	--	--
12.	Mr. Muhammad Zada	Swat	F.A.	Trained	11/06/1974	16/10/1995	--	--
13.	Mr. Manawarul Islam	Swat	M.A.	Trained	01/05/1974	17/10/1995	--	--
14.	Mr. Fayaz Ahmad	Swat	Matric	Trained	21/02/1972	18/10/1995	--	--
15.	Mr. Sherin Zada	Swat	F.A.	Trained	03/04/1967	30/05/1998	--	--
16.	Mr. Mehboob Khan	Swat	Matric	Trained	04/06/1966	03/10/1999	--	--
17.	Mr. Shamsur Rehman	Swat	F.A	Trained	05/05/1969	23/02/1988	01/04/2004	Transfer from Dir Swat W/Shed Division.

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18	Mr. Shakirullah	Swat	Matric	Trained	16/04/1965	14/04/1988	26/04/2004	Transfer from Dir Swat W/Shed Division.
19.	Mr. Umar Ahad	Swat	F.A.	Trained	05/03/1965	21/02/1988	12/06/2004	- do -
20.	Mr. Ghulam Mohammad	Swat	Matric	Trained	01/08/1964	22/10/1989	18/12/2004	Transfer from Swat Forest Division.
21.	Mr. Hamayun	Swat	M.A.	Trained	01/10/1960	14/04/1988	31/07/2006	Transfer from Dir Swat W/Shed Division.
22.	Mian Noor Ali	Swat	Matric.	Trained	01/03/1964	10/05/1988	11/08/2006	- do -
23.	Mr. Jehangir	Swat	Matric.	Trained	13/02/1963	23/04/1988	16/09/2006	- do -
24.	Mr. Fazal Haque	Swat	M.A.	Trained	01/02/1965	03/12/1986	19/09/2006	Transfer from Besham W/Shed Division.
25.	Mr. Abdul Wahab-II	Swat	Matric	Trained	15/01/1965	03/03/1988	19/09/2006	- do -
26.	Mr. Aqal Mand	Swat	Matric	Trained	28/08/1968	03/03/1988	22/09/2006	- do -
27.	Mr. Biradar Khan	Swat	F.A.	Trained	05/04/1975	22/01/2007	--	--
28.	Mr. Ashraf Ali	Swat	F.A.	Trained	10/03/1985	22/01/2007	--	--
29.	Mr. Mumtaz Alam	Swat	F.A.	Trained	03/03/1981	23/01/2007	--	--
30.	Mr. Hamidullah	Swat	F.A.	Trained	15/01/1982	23/01/2007	--	--
31.	Mr. Habib Ahmad	Swat	F.Sc.	Un-trained	01/04/1982	23/01/2007	--	--
32.	Mr. Mujeebur Rehman	Swat	Matric	- do -	02/06/1978	24/01/2007	--	--
33.	Mr. Asghar Khan	Swat	Matric	Under training	15/01/1979	26/03/2007	--	--
34.	Mr. Abdul Ghafoor	Swat	Matric	Under training	06/11/1987	30/06/2008	--	--
35.	Mr. Abdul Wahab-I	Swat	F.A.	Trained	01/06/1966	02/03/1988	01/03/2010	Transfer from Dir Swat W/Shed Division.
36.	Mr. Said Ali Khan	Swat	Matric	Un-trained	26/10/1966	08/04/2009	19/03/2010	Transfer from Buner W/Shed Division.
37	Mr. Shahid Anwar	Swat	F.A.	Un-trained	01/01/1985	20/04/2010	--	--
38.	Mr. Abrar Zada	Swat	F.Sc.	Trained	10/01/1990	23/04/2010	--	--
39.	Syed Wajid Shah	Swat	F.A.	Trained	01/04/1991	23/04/2010	--	--
40.	Mr. Niazmin Khan	Swat	Matric.	Un-trained	01/03/1981	24/04/2010	--	--

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 Advocate

41.	Mr. Ghulam Said	Swat	Matric	Under training	01/11/1984	24/04/2010	--	--
42.	Mr. Ihsanullah	Swat	F.A.	Trained	04/01/1977	26/04/2010	--	--
43.	Mr. Muhammad Ayaz	Swat	Matric	Un-trained	01/11/1977	26/04/2010	--	--
44.	Mr. Aftab Alam	Swat	B.A.	Trained	07/02/1984	26/04/2010	--	--
45.	Mr. Faiz Ali Khan	Swat	Matric	Trained	05/03/1977	14/05/2012	--	--

No. 265-66 IG, Dated Madyan the 29 th 10/7/2013.

Copy forwarded to the :-

1. Chief Conservator of Forests, Malakand Forest Region (Region-III) Saidu Sharif Swat for favour of information with reference to his Office order No. 17 dated 14/06/2013, please.
2. All SDFOs/Range Officer in Kalam Forest Division for information and further necessary action. They are directed to circulate the seniority list of Forest Guards among their respective staff.

[Signature]
 DIVISIONAL FOREST OFFICER,
 KALAM FOREST DIVISION
 AT MADYAN SWAT.

[Signature]
 Sub Divisional Forest Officer,
 Bahrain South Sub Division,
 Madyan, Swat.

ATTESTED
[Signature]
 Advocate



GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT

NO.SO(Estt)/Envt/I-3/B /2K13 910

Dated Pesh: 13/11/ 2013

To

The Chief Conservator of Forests,
Malakand Forest Region-III,
Saidu Sharif at Swat.

SUBJECT: APPEALS REGARDING RESTORATION OF SENIORITY.

I am directed to refer to your letter No.1296/E Dated 26/09/2013 on the subject cited above and to say that after thorough examination of the appeal(s) and comments thereon in the case; the Competent Authority has been pleased to set-a-side the Office Order No.17 dated 14.6.2013, issued by CCF-III; and directed that in term of Section-8(4) of the Civil Servant Act, 1973 (read with rules-17 of the APT Rules, 1989) seniority list(s) of all the Forest Guards may be prepared afresh.

2. I am further directed to ask that, after preparation of seniority lists, the same may be circulated amongst the Forest Guard as tentative calling thereby any objection from them within a period of 30-days; and thereafter final seniority list may be issued accordingly.

F. J. R. Khan
SECTION OFFICER (ESTT)

Endst: No. & Date even.

Copy is forwarded to PS to Secretary, Environment Department

SECTION OFFICER (ESTT)

Before The Khyber Pakhtunkhwa Service Tribunal,
Peshawar

Habib-ur-Rahman vs The Chief Conservator of Forest etc

Application for early hearing of the case.

Respectfully Sheweth:

- 1- That the above titled case is pending before this Honourable Tribunal, in which no date of hearing is fixed as yet.
- 2- That on 27th September, 2013 the Departmental Promotion Committee is going to take place.
- 3- That if the interim relief is not granted so the Appellant will suffer irreparable loss and would also render the Service Appeal of the Appellant as infructuous.

It is, therefore, very respectfully prayed that on acceptance of this application the case may very kindly be taken up for early hearing

Appellant
FSC/21/10/13
Habib-ur-Rahman

محفوظات ممبر صاحب سروس ٹریبونل پشاور

صبا بمالی

آداب گزارش ہے۔ دو سائیل کے اپیل برائے ابتدائی بحث -
آج مورخ $\frac{10}{13}$ و مقرر ہے۔ دو سائیل کا وکیل صاحب -
عزیز الرحمن صاحب سوات سے آج نہیں آسکتے لہذا میرا بی -
فرما سائیل کے کیس میں آئندہ سوات کے ٹور میں مقرر
کرنے کا حکم صادر فرما رہا مشکو فرودیں لڑ عین گزارش پورے

علی

صاحب الرحمن

عصیت الرحمن فارمد کارڈ کالام فارست ڈویژن مدین

مورخ $\frac{10}{13}$

در نشینان غیبی در شهر بگردد همه ببنفای خود

بگردد ببنفای

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بگردد

ببنفای

نشینان ابتدا در این بیابان ایستادند

بگردد ببنفای