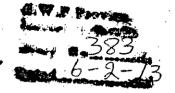


# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL. PESHAWAR

Service Appeal No.

344 / of 2013



Muhammad Shafqat, Forester, Haripur Forest Division, Haripur

Appellant

### **VERSUS**

- 1. Province of Khyber Pakhtunkhwa through Secretary Environment Department, Peshawar.
- 2. Chief Conservator of Forests, Central and Southern Forest Region-I, Peshawar.
- 3. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
- 4. Conservator of Forests, Lower Hazara Forest Circle, Abbottabad...

Respondents

APPEAL UNDER SECTION OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST NOTIFICATION DATED 5.10,2012 AND FINAL ORDER DATED 18.1.2013 COMMUNICATED TO THE APPELLANT 24.1.2013 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR INCLUSION OF HIS NAME IN THE SENIORITY LIST OF LOWER HAZARA **FOREST** CIRCLE ABBOTTABAD HAS BEEN REJECTED.

Respectfully Sheweth:

## FACTS OF THE CASE

That the appellant is a regular member of Provincial Civil Service, holding the post of Forester under the administrative control of respondent No.4.

25.08.2016

Counsel for the appellant and Mr. Wahdat Zeeshan, SDFO alongwith Mr. Ziaullah, GP for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in connected Service Appeal
No. 241/2013 titled "Muhammad Riasat-vs-Province of Khyber
Pakhtunkhwa through Secretary Environment Department, Peshawar
and others", this appeal is also disposed of as per detailed judgment.
Parties are, however, left to bear their own costs. File be consigned to
the record room.

sd/-(PIR BAKHSH SHAH) MEMBER sd/-(ABDUL LATIF) MEMBER 25.08.2016

Counsel for the appellant and Mr. Wahdat Zeeshan, SDFO alongwith Mr. Ziaullah, GP for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today in connected Service Appeal No. 241/2013 titled "Muhammad Riasat-vs-Province of Khyber Pakhtunkhwa through Secretary Environment Department, Peshawar and others", this appeal is also disposed of as per detailed judgment. Parties are, however, left to bear their own costs. File be consigned to the record room.

(PIR BAKHSH SHAH) MEMBER

ANNOUNCED 25.08.2016

> (ABDUL LATIF) MEMBER

Counsel for the appellant and Addl: AG for respondents present. Order could not be announced as Learned Member Executive (Mr. Abdul Latif) is busy in Single Bench Cases, therefore the case is adjourned to 27.07.2016 for order.

Member

Member

27,07.2016

Counsel for the appellant and Mr. Wahdat Zeeshan, SDFO alongwith Mr. Ziaullah, GP for respondents present. Order could not be announced as learned Mr. Pir Bakhash Shah, Member(Judicial) is on leave. To come up for order on 11.08 2016.

Member

Member

11.08.2016

Appellant in person and Mr. Zahoor Ahmed, Range Officer alongwith Additional AG for respondents present. Order could not be announced due to shortage of time. To come up for order on 25.8.16

Member

**k**mber

Appellant with counsel, M/S Arsalan Tariq, SDFO and Wahdat Zeeshan Anwar, SDFO alongwith Addl: AG for respondents present. Seniority list produced which is placed on file but no transfer order of the appellant produced. Hence to come up for perusal of record and order on

MEMBER

MEMBER

Appellant in person and Mr. Ziaullah, GP for respondents present. While perusing the record, it was noted that in the impugned notification dated 05.10.2012, there is reference to previous notification dated 02.01.2012 which is not available on record. Respondent-department is directed to produce copy of the same notification dated 02.01.2012 on the next date. To come up for such record and order on 23.06.2016.

Member

Metorbei

Appellant in person, Mr. Muhammad Mumtaz, Block of fficer and Mr. Wahdat Zeeshan, SDFO alongwith Mr. Ziaullah, GP or respondents present. Representative of the respondents submitted oppy of notification dated 02.01.2012 which is placed on file. To ome up for order on 21 - 7 ./6.

Member

Menber

01.10.2015

Counsel for the appellant and Yousaf Khan, DFO alongwith Mr. Ziaullah GP for respondents present. Arguments could not be heard due to paucity of time. To come up for arguments on 23 2-16.

D\_\_\_

Member

Member

14.04.2016

Counsel for the appellant, M/S Arsalan Tariq, SDFO and Zahoor Ahmad, Rang Officer alongwith Addl: AG for respondents present. Respondent-department is directed to produce transfer order dated 1997 and final seniority list of the Lower Hazara Circle and application if any of the appellant lodged against the transfer order on the next dated. To come up for such record and further arguments on 19.04.2016.

Ø\_\_\_\_

Member

Menaber

14.07.2015

Counsel for the appellant, Mr. Yousaf Khan, DFO and Inamullah, SDFO alongwith Mr. Ziaullah, GP for the respondents present. Arguments partly heard. Certain information's were asked by the department to be provided in the Tribunal on the next date, hence to come up for such informations and complete arguments on 27-08-2015

Member

Member

27.08.2015

Counsel for the appellant and Mr. Inamullah, SDFO alongwith Addll: AG for respondents present. Arguments could not be heard due to Learned Member (Judicial) is on leave. To come up for arguments on 1-10-2015.

 $\Lambda$ 

Member

13.2.2014

Counsel for the appellant and Mr. Nisar Ahmad, SDFO, Patrol Squad Lower Hazara Circle Abbottabad on behalf of respondents with AAG present. Arguments of the learned counsel for the appellant partly heard. The learned AAG requested for adjournment on the ground that he had instructed the respondent-department to provide him necessary record for preparing arguments, but the department has not yet provided the same. To come up for further arguments on

Member

25.6.2014.

25.6.2014

Appellant with counsel and Mr. Javed Arshad, DFO Patrol Squad Abbottabad on behalf of respondents with Mr. Usman Ghani, Sr. GP present. Arguments could not be heard. To come up for arguments alongwith connected appeals on 22.12.2014.

Chairma

22.12.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for arguments alongwith connected appeals on 04.06.2015.

Reader.

04.06.2015

Counsel for the appellant and Addl: AG for the respondents present. Arguments could not be heard as learned Member is on official tour to camp court Swat, therefore the case is adjourned to \$\frac{14.07.2015}{2015}\$ for arguments.

Member

26.3.2013

Counsel for the appellant and Mr. Abid Mumtaz, SDFO on behalf of the respondents with Mr. Noorullah, S.G.P present. To come up for reply to application for interim relief and written reply/comments on behalf of the respondents on 30.5.2013. The learned counsel for the appellant referred to his application for interim relief and stated that the respondent-department may be restrained from processing case of promotion of officers junior to the appellant. Representative of the respondents stated that no case of promotion is under process at the moment. The respondent-department is directed to put on hold process of promotion till further orders.

Chairman

30.5.2013

Counsel for the appellant and Mr. Abid Mumtaz, SDFO with Mr. Usman Ghani, Sr. GP for the respondents present. Written reply/para-wise comments received on behalf of the respondents, copy whereof be handed over to the learned counsel for the appellant for rejoinder on 9.9.2013.

Chairman

9.9.2013

Counsel for the appellant and Mr Nasir Ahmad, SDFO on behalf of the respondents with AAG present. Rejoinder on behalf of the appellant received, copy whereof is handed over to the learned AAG for arguments on 13.2.2014

CHARMA

3. 15.2.2013

Counsel for the appellant present and heard on preliminary. Contended that the appellant has not been treated in accordance with the law. The name of the appellant has not been properly placed in the seniority list. The appellant preferred a departmental appeal but the same was rejected on \$1.2013. The learned counsel for the appellant has also submitted an application for the grant of interim relief. Copy of application also be sent to the respondents. Points raised need consideration. The appeal is admitted to regular hearing, subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notices be issued to the respondents. Case adjourned to \$2.2013 for submission of written reply on main appeal as well as reply/arguments on application.

4. 15.2.2013

This case be put before the Final Bench.

Mamber.

further proceedings.

## Form- A

## FORM OF ORDER SHEET

Court of					 	-	
,		•	•	•			
Case No	3	344/20	13	····	 		_

<u>.</u>	Case No	344/2013
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/02/2013	The appeal of Mr.Muhammad Shafaqat presented
,		today by Mr. Shahzada Irfan Zia Advocate may be entered in the
·		Institution Register and put up to the Worthy Chairman fo preliminary hearing.
		premimary hearing.
-	7 - 0 00.12	REGISTRAR
2	7-2-2013.	This case is entrusted to Primary Bench for preliminary hearing to be put up there on $15-2-2.013$ .
		nearing to be put up there on
	1	
		CHARMAN
	1	
	i	

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

IN RE:

Service Appeal No.

344 / of 2013

Muhammad Shafqat, Forester ...

Appellant

**VERSUS** 

Province of Khyber Pakhtunkhwa and others...

Respondents

## INDEX

Ser	Description of documents	Annexures	Pages
1.	Body of Service Appeal		1 4
2.	Application for Interim Relief	,	5
3.	Affidavit		6
4.	Impugned Notification	'A'	7
5.	Seniority List dated 31.12.2011	'B'	8 – 10
6.	Seniority List dated 31.10.2012	,C,	11 – 13
7.	Departmental Appeal	,D,	14 – 15
8.	Final Order dated 18.1.2013	'E'	16
9.	Vakalat Nama		

Appellant

Through:

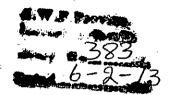
Dated:04 -02.2013

(Shahzada Irfan Zia) Advocate, Peshawar.

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.

344 /of 2013



Muhammad Shafqat, Forester, Haripur Forest Division, Haripur

Appellant

### **VERSUS**

- 1. Province of Khyber Pakhtunkhwa through Secretary Environment Department, Peshawar.
- 2. Chief Conservator of Forests, Central and Southern Forest Region-I, Peshawar.
- 3. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
- 4. Conservator of Forests, Lower Hazara Forest Circle, Abbottabad...

Respondents

APPEAL SECTION OF UNDER **KHYBER** PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST NOTIFICATION DATED 5.10.2012 AND **DATED** FINAL **ORDER** 18.1.2013 THE APPELLANT COMMUNICATED TO 24.1.2013 **WHEREBY** THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR INCLUSION OF HIS NAME IN THE SENIORITY LIST OF LOWER **HAZARA FOREST CIRCLE** ABBOTTABAD HAS BEEN REJECTED.

Respectfully Sheweth:

## **FACTS OF THE CASE**

That the appellant is a regular member of Provincial Civil Service, holding the post of Forester under the administrative control of respondent No.4.



- That the appellant was appointed as Forester in Working Plan Circle on 3.11.1982. The appellant joined service in Working Plan Unit-V, Abbottabad on 1.10.1983. On 8.5.1985 he was transferred from Working Plan Unit-V, Abbottabad to Watershed Project in the interest of Public Service and posted against an existing vacant post. The appellant was permanently adjusted in Lower Hazara Forest Circle and till to date performing his statutory functions in the said Circle. It is worth to mention that in all the Forest Divisions majority of officials were initially appointed in Pre-investment Projects and upon expiry of projects their services were adjusted against vacant posts in various territorial Forest Divisions.
- 3. That the seniority lists were framed and the name of appellant was shown in the seniority list of Lower Hazara Forest Circle at proper place. The appellant was enjoying services privileges in the Circle of his place of posting.
- That all of a sudden the impugned notification dated 5.10.2012, which is totally illegal and in consistent with the provision of Khyber Pakhtunkhwa Civil Servants Act 1973 was issued, which changed the whole scenario. In the impugned notification the criteria of seniority and promotion has been violated, ignoring the principles laid down in Sections 8 & 9 of Khyber Pakhtunkhwa Civil Servants Act 1973. (Annex: A).

- 5. That it is worth to mention that on 31.12.2011 a seniority list of Foresters circulated by Conservator of Forests, Lower Hazara Circle, wherein name of the appellant has been shown at serial No.16. (Annex: B).
- That on 31.10.2012 seniority list of Foresters of Lower Hazara Forest Circle, Abbottabad was circulated, wherein the name of the appellant was excluded without any Show Cause Notice, inspite of the fact that in all previous seniority lists of Lower Hazara Forest Circle circulated from time to time, name of the appellant was shown at his proper place. (Annex: C).
- 7. That the appellant filed his Departmental Appeal before respondent No. 4, and requested for inclusion of his name in the seniority list of Lower Hazara Forest Circle, but to his utter dismay that his request was not accepted but rejected vide order dated 18.1.2013 communicated to the appellant on 24.1.2013. (Annex: D & E).
- 8. That the modus operandi adopted by respondents to exclude name of the appellant from the seniority list of Lower Hazara Forest Circle was that no posts of promotions were available in the initial place of posting. The whole strategy was observed to favour the junior officials of the Lower Hazara Forest Circle, ignoring the long service of the appellant. It is an under hand activity to give an opportunity of promotion to juniors in supersession of the appellant, which is against the rights of appellant.
- 9. That the notification dated 5.10.2012 issued by respondent No.1 is without the mandate of law and in conflict with the provision of Khyber Pakhtunkhwa Civil Servants Act. The entire exercise has been

undertaken to deprive the appellant from the benefit of promotion, for which he is expected to become due in near future at his present place of posting. The so-called notification dated 5.10.2012 was not published in the official Gazette, therefore, the same is illegal and when a basic order is void, whole series of orders falls to the ground.

10. That it is worth mentioning that an Act always prevail over the notification, hence the action of respondents is ultra vires of rules, unwarranted by law and totally illegal.

In view of the aforesaid facts and circumstances of the case it is humbly prayed that the impugned notification dated 5.10.2012 and final order dated 18.1.2013 communicated to the appellant on 24.1.2013 may graciously be set aside, being illegal and void, directing the respondents to issue/circulate final seniority list of Foresters of Lower Hazara Forest Circle Abbottabad, placing the name of appellant at his proper place in the same seniority list and not to disturb the appellant from his circle of posting (Lower Hazara Forest Circle) Abbottabad.

Any other relief though not specifically asked for to which the appellant is found entitled in the circumstances of the case may also be granted in favour of the appellant.

Appellant

Through:

Dated: 04.02.2013

(Shahzada Irfan Zia) Advocate, Peshawar.

#### CERTIFICATE:

Certified that as per instructions of my client, no such Service Appeal on behalf of the appellant has earlier been filed in this Honourable Tribunal on the subject matter.

Advocate.

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M. No. Service Appeal No.	/ of 2013 / of 2013	1 1
Muhammad Shafqat, Forester	••••	Applicant
VERSUS		} 
Province of Khyber Pakhtunkhwa a	and others	Respondents
APPLICATION FOR	INTERIM RELIEF.	
		.

## Respectfully Sheweth:

- 1. That the above titled appeal has been filed before this Honourable Tribunal in which no date of hearing has yet been fixed.
- 2. That the appellant/applicant has a good prima facie case and he is sanguine about the success of his case.
- 3. That balance of convenience is in favour of the applicant and if the notification dated 5.10.2012 and final order dated 18.1.2013 are not suspended, the applicant will suffer irreparable loss.
- 4. That the facts and grounds of appeal may kindly be treated as integral part of this application.

It is, therefore, humbly requested that the Notification dated 5.10.2012 and final order dated 18.1.2013 may kindly be suspended till the final disposal of the instant appeal.

It is further prayed that respondents be restrained from promoting any junior Forester in supersession of the appellant to the post of Deputy Ranger in Lower Hazara Forest Circle, Abbottabad.

Applicant

Through:

Dated: 04.02.2013

(Shahzada Irfan Zia) Advocate, Peshawar.

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

C.M. No.	· 	/ of 2013		, l ;
IN RE: Service Appeal No.		/ of 2013	·	
Muhammad Shafqat, Fo	orester	•••	•••	Applicant
	VERSUS			· · ·
Province of Khyber Pak	thtunkhwa and o	thers		Respondents
	AFFIDAVIT			

I, Muhammad Shafqat, Forester, Haripur Forest Division Haripur, do hereby solemnly affirm and declare that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



Deponent



## GOVERNMENT OF KHYBER PAKHTUNKHW ENVIRONMENT DEPARTMENT

Dated Pesh 5th Oct., 2012

#### NOTIFICATION

No.SQ(Estt)Envt/I-4/2k11: In supersession No.SO(Estt)Envt/I-4/2k11/6475 dated 2/1/2012, the Competent Authority, in exercise of the powers vested vide item 1-6 Part-I of defunct West Pakistan Manual Volume-II, is pleased to order reconstitution/revision of the following Circles for the purpose of initial appointment of Foresters and Deputy Rangers and promotion of Foresters to the rank of Deputy Rangers, in each circle, on the basis of circle-wise seniority lists of the Foresters,

1 Name of Circles constituted Name of Circles
1 Circles constituted
Internal Circle
2- Lower Hazara Circle Upper Hazara Circle
2- Lower Hazara Circle Upper Hazara Circle
3- Malakand West Circle Lower Hazara Circle
4- Malakand West Circle Malakand West
I. Malakand Fast Circle Malakand West Circle
5- FATA Circle Malakand East Circle
5- FATA Circle Malakand East Circle
6- Southern Circle FATA Circle
- Soderierri Circle
7- Watershed Management Circle Southern Circle 8- Forests Of Southern Circle
8- Foresto, Plantagement Circle Watershoot N
- Totally Management Control of Management Control of the Control
8- Forestry Planning & Monitoring Circle Forestry Planning & Monitoring Circle
Colestry Planning & Monitoring Chal-

The seniority of the Foresters and Deputy Rangers shall be determined and fixed in the respective Circles on the basis of their initial appointment.

> SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT.

Dated Pesh: 5th Oct: 2012

Copy is forwarded for information to:-

PS to Secretary Environment Department.

Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad. Chief Conservator of Forests, Malakand Forest Region-III, Mingora at Saldu Sharif, Swat. All Conservators of Forests, Khyber Pakhtunkhwa C/O CCF-I; with the direction that tentative seniority lists of their respective circles may be issued by calling thereby objections within one months time period, if found no objection from any official(s), then final seniority lists may be issued accordingly.

All Directors Integrated Specialized Lights Forest Department

All Directors Integrated Specialized Units, Forest Department.

7) Master file.8) Officer order file.

/E dated Abbottabad the Copy for information and immediate necessary action to the: /10/2012.

1. Conservator of Forests, Lower Hazara Forest Circle Abbottabad.

2. Conservator of Forests, Upper Hazara Forest Circle Mansehra.

Conservator of Forests, Watershed Management Circle Abbottabad. se do the following:

Circulate the above notification amongst all the DFOs of your respective circle. ii.

Call the concerned Foresters and direct them to withdraw their appeals, who have preferred appeals in various courts.

Prepare synopsis of all concerned for promotion. iii.

Immediat

Northern Forest Region-II Abbottabad Khyben Pakhtunkhwa |

PTO)

(Annex: B) 8

## TENTATIVE SENIORITY LIST OF FORESTERS IN RESPECT OF LOWER HAZARA FOREST CIRCLE, ABBOTTABAD AS IT STOOD ON 31-12-2011

	,					<del></del>		<del>,</del>	<del></del>
	C Po www.	Qualification	Home	Any test	Date of	Date of appo	intment in	Cadre	Remarks
S. #	Name of Forester		District	passed	Birth	Govt.	Present	٠,	•
			-	l -		Service	grade	1,2,1	<u> </u>
	2.	3.	1.	5.	6.	7.	S.	9.	10
1.	Mr. Sarfraz Khan S/o Muhammad Ashraf	Matric	Haripur	Trained	01-05-1954	11-11-1975	02-08-1977	A'Abad Circle	Appointed as Deputy Ranger of acting charge basis w.e. 28-4-2008
		B.A	Abbotiabad	-do-	01-06-1952	10-08-1977	10-08-1977	-do-	BS-09,11-05-1998
3	Mr. Masoud-ur-Rehman S/O Jamadali	Matric	Mansehra	-do	20-06-1954	26-10-1977	26-10-1977	-do-	Appointed as Deputy Ranger on acting charge basis w.e.f 28-04-2008
4	Muhammad Facooq	B.A	Manselira	-do-	02-07-1956	19-08-1978	19-08-1978	-do-	Appointed as Deputy Ranger on acting charge basis w.e.f 28-04-2008
5	Muhammad Iqbal S/O Gohar Rehman	MA	Mauschra	-น์o-	19-06-1954	26-08-1978	26-08-1978	Watershed Circle	Appointed as Deputy Ranger on acting charge basis w.c.f. 18-12-2009
6	Mr. Sultan Mehmood	B.A	Mauschra	-do-	08-04-1958	26-08-1978	26-08-1978	-do-	Appointed as Deputy Ranger on netting charge basis w.e.f. 18-12-2009
7	Muhammad Hazif	M.A	Manschra	-do-	01-02-1955	28-08-1978	28-08-1978	A'Abad Circle	Appointed as Deputy Ranger on acting charge basis w.c.f 18-12-2009
		Matric	Manschra	-do-	03-04-1959	03-03-1979	03-03-1979	-do-	BS-09, 02-12-1997
<u> </u>	Muhammad Pervaz	M.A	Mansehra	-do-	11-05-1959	18-09-1979	18-09-1979	-do-	BS-09, 25-09-1997
9	Mr. Nisar Ahmad S/o Sanaullah Khan	Matric	Manschra	-do-	24-03-1959	22-09-1979	22-69-1979	-(10-	BS-09, 25-09-1997
10	Muhammad Gulfam	F.A	Manschra	-do-	06-04-1961	24-03-1981	24-03-1981	-do-	BS-09, 22-06-2010
11_	Mr. Nisar Ahmad S/O Muhammad Raza	Matric	Abbottabad	-do-	18-04-1956	06-06-1981	06-06-1981	-do-	BS-09, 22-06-2010
12	Mr. Tariq Javed Muhammad Iqbal S/O Haji Muhammad	Matric	Mansehra	-do-	01-04-1953	12-11-1975	01-11-1981	-do-	BS-09, 22-06-2010
	Younis	В.А	Manschra	-do-	15-04-1961	23-11-1981	23-11-1981	W/Shed Circle	BS-09, 22-06-2010
14	Mr. Abid Hussain Mr. Abdul Rashid S/O Safiullah	Matric	Haripur	-do-	15-07-1952	07-05-1973	28-05-1983	W/Shed Circle	BS-09, 22-06-2010
15		B.A	Haripur	-do-	01-01-1960	01-10-1983	01-10-1983	W/Plan Circle	BS-09, 22-06-2010 -
16	Muhammad Shafqat	Matric	Mauschra	l -do-	08-01-1953	15-01-1979	01-10-1984	A'Abad Circle	BS-09, 22-06-2010
17	Mr. Baidar Bakht	l F.A	Abbottabad	-do-	15-06-1963	01-01-1984	01-01-1984	-(lc-	BS-09, 22-06-2010
18	Muhammad Riasat S/O Mir Akbar	Matrie	Mauschra	-do-	01-05-1958	27-08-1981	30-09-1985	-do-	BS-09, 22-06-2010
<del>19</del>	Muhammad Anwar S'O Mohib-ur-	F.A	Mansehra	-do-	15-04-1963	30-09-1985	30-09-1985	-do-	BS-09, 22-06-2010
	Rehman	Matric	Abbottabad	-do-	25-03-1966	01-10-1986	01-10-1986	-do- · •	BS-09, 22-06-2010
21	Muhammad Riasat S/O Abdul Qayyum	Lumin	T. Chantingan						·

22 Muhammad Anwar-II S/O Favalura	3.	4.	5.		<del></del>			
22 Muhammad Anwar-II S/O Fazal-ur-	F.A	Abboliaba	d Trained	6. d 15-06-19	7.		9.	<del></del>
23 Mian Tahir Hussain Shah	<del></del>			13-00-19	66 01-10-1	986 01-10-1	986 A'Abad Circl	C PC 00 00
2-4 Sardar Mehmood	B.A	Mansehra	-00-	05-02-19	63 23-11-1	204	1.0	BS-09, 22-06-2010
25 Mr. Nacem Gohar	Matrie	Mansehra	-do-	15-03-19				BS-09, 22-06-2010
26 Mr. Rachin I barrel	F.A	Abbottaba	d -do-	14-12-196	<del></del>			BS-09, 22-06-2010
27 Mr. Amjad Khan	M.A	Manschra	-do- ·	11-03-196				BS-09, 22-06-2010
28 Muhammad Fiaz	F.A	Mansehra	-00-	06-05-196			88 -do-	BS-09, 22-06-2010
29 Syed Ibrar Hussain Shah	Matrie	Mansehra	-do-	10-03-196				RS 00 22 06 2010
30 Mr. Sajid Khan	Matric	Mansehra	-do-	12-02-196			89 -do-	BS-09, 22-06-2010
Muhammad Asif	B.A	Abbottabad					89 W/Plan Circle	BS-09, 22-06-2010
2 Mr. Mashal Khan	F.A	Abbottabad		13-06-197		89   02-11-19:	39 -do-	BS-09, 22-06-2010
3   Muhammad Luqman	Matric	Mansehra	-do-	17-11-196		89 04-11-199		BS-09, 22-06-2010
4 Mr. Gul Zaman	F.A	Haripur	-do-	18-05-1952		73 16-12-199		BS-09, 22-06-2010
1 .	Matrie	Manschra	-do-	03-05-1970		0 23-05-199		BS-09, 22-06-2010
	1 .	- The state of	1 -40-	19-01-1959	21-04-197	9 .21-09-199		BS-09, 22-06-2010
Mr. Kamran Khan	B.Sc		<u> </u>	_1	,		- Maniershed Circ	Appointed as Deputy Range acting charge basis w.e.f.
	(Forestry)	Abbottabad	-do-	01-05-1970	01-10-199	2 01 10 100		28-04-2008
Muhammad Bashir S/O Arsala Khan	Matrie	<del>-   .</del>			1 .0-1)	2 01-10-199	A, Abad Circle	BS-09, 22-06-2010
Mr. Shad Muhammad	Matric	Manselira	-00-	02-01-1957	20-11-1970	1 20 02 100		, = 55 24.10
	Tracere	Manschra	Un	06-05-1956	28-04-197		<del></del>	BS-09, 22-06-2010
Sved Faroog Shah	Matrie	<del>-</del>	trained	_ [	1 =0 04-17/2	07-04-1997	W/Plan Circle	BS-09, 22-06-2010
Muhammad Daud	Matrie	Abbottabad	Trained	06-02-1956	17-11-1973	26.04.260=	- <del> </del>	
Syed Sultan Shah	Matric	Abbottabad :	-do-	02-04-1953	26-07-1975		1 11/10/10/10/10/10	BS-09, 22-06-2010
	PRICE	Mansehra	Un-	03-07-1952	31-03-1975		<del></del>	BS-09, 22-06-2010
Muhammad Sadiq	Matrie		trained		01-03-19/3	16-07-2002	-co-	BS-09, 22-06-2010
Muhammad Igbal S/O Mir Muhammad	Matrie	Haripur	Trained	15-03-1957	17-11-1975	16.00.000		
Mr. Arii Hussain S/O Khushal Khan	Matrie	Manschra	-do-	05-07-1956	24-04-1976		-do-	BS-09, 22-06-2010
Mr. Raza Muhammad	Matrie Value	Mansehra	-do-	16-06-1954	20-11-1976		-do-	BS-09, 22-06-2010
Mr. Zulfigar Khan	Matrie	Abbottabad	-do-	01-08-1966	09-01-1990		-do-	BS-09, 22-06-2010
Mr. Afrasiab	Matrie	Abbottabad	-do-	14-04-1969	17-02-1991	19-07-2004	-do-	BS-09, 22-06-2010
Muhammad Amraiz			-do-	01-01-1959	08-04-1976	02-12-2004	-40-	BS-09, 22-06-2010
Muhammad Ajab S/O Guizar Ahmad	Matric .	Abbottabad	-do-	10-06-1957	14-04-1976	11-02-2005	-do-	BS-09, 22-06-2010
njunammad Ramzan	F.A	Abbottabad .	-do-	11-04-1953	26-07-1975	11-02-2005	-do-	BS-09, 22-06-2010
Mr. Mian Khan	Under Matrie	Abbottabad .	do-	21-09-1954	26-07-1975	15-02-2005	-do-	BS-09, 22-06-2010
Muhammad Yousaf S/O Shor Alexad	Middle	Abbottabad		08-06-1953		15-02-2005	-do	BS-09, 22-06-2010
Muhammad Younis S.O Ahmad Khan	Matric	4.1.4			19-02-1976	15-02-2005	-do-	BS-09, 22-06-2010
Mr. Iltaf Hussain	Matric .	·			24-03-1976	15-02-2005	-40-	BS-09, 22-06-2010
	Matrie				11-07-1975	12-04-2006	-tlo-	BS-09, 22-06-2010
			rained	12-0.1-1353	03-05-1976	12-04-2006	-do-	BS-09, 22-06-2010



**	1.	3.	4.	5.		<del></del>	<u> </u>	٠,	
: 4	Mr. Taj Muhammad S/O Haji Abdul Khanan	Matric	Manschra	Trained	09-09-1958	7.	8.	9.	
55	Muhammad Ramzan S/O Kala Khan			`  .	100-100	20-11-1976	12-04-2006	A'Abad Circle	BS-09, 22-06-2010
	<u> </u>	Matric	Abbottabad		30-09-1952	24-11-1976	19-03-2006	<del>  .                                     </del>	<u></u> _
56	Muhammad Nascem	Matric	Mansehra	trained	- <del> </del>	<u> </u>	77-03-2006	-00-	BS-09, 22-06-2010
<u>57</u>	Mr. Rustam Khan	Under Matric	Abbottabad	-do-  -do-	01-04-1956	10-07-1977	25-09-2007	-do-	75 00 00
<u>58</u> 59	Muhammad Imtiaz	Under Matric		-00-	15-09-1958 20-04-1960	18-12-1976	27-09-2007	-00-	BS-09, 22-6-2010
60	Syed Iltaf Hussain Shah Mr. Uzair	Matrie	Manschra	-do-	21-06-1959	18-12-1976 26-06-1977	27-09-2007	-do-	BS-09, 22-06-2010 BS-09, 22-06-2010
51	Muhammad Saced	Matric	Haripur	-do-	01-01-1988	20-03-2008	18-01-2008	-do-	BS-09, 22-06-2010
52	Mr. Wajid Ali Shah	Middle Middle	Abbottabad	-do-	18-07-1952	21-12-1976	20-03-2008 18-07-2008	-do-	BS-09, 22-06-2010
53	Mr. Mir Afzal	Matrie	Haripur Mansehra	-do-	12-12-1953	28-12-1976	18-07-2008	-do-	BS-09, 22-06-2010
1	Mr. Zakir Hussian	Matric	Manschra *	-do-   -do-	09-04-1955	24-05-1974	14-02-2009	-do-	BS-09, 22-06-2010
	Muhammad Saced Muhammad Arif	Under Matric	Manselira	-do-	15-06-1952 07-07-1957	22-06-1974	14-02-2009	-do- ·	BS-09, 22-06-2010 BS-09, 22-06-2010
	Mr. Zahoor Ahmad	Matric	Mansehra	-do-	25-12-1957	10-07-1977	13-05-2009	-do-	BS-09, 22-06-2010
		B.Sc	Abbottabad	-do-	25-4-1963	3-11-2010	15-09-2009	-do- ,	BS-09, 22-06-2010
8	Mr. Wagir Ahmad.	F.Sc			!	2 2010	3-11-2010	-do-	BS-9 Contractual
-	Mr. Taj Muhammad	F.A	Manschra. Abbottabad	-do-	18-6-1981	13-5-2011	13-5-2011	-de-	Employees
)	Mr. Saced Akhtar	Matric	Abbottabad	Trained Un-		27-4-1977	28-5-2011	-do-	RS-9.
+	Muhammad Ances	<u>                                     </u>		trained	12-4-1975   	24-3-2007	15 11 200	-do-	BS-9
	Mr, Liagat Ali s'o Abdul Jabbar	F.Sc	Mansehra "	-do-	15-6-1991	14-12-2011	14 12 2014		
	The state of the s	Matric .	Mansehra	-do-			1 ( ) ( )	do-	BS-9

Conservator Forests
Lower Hazara Forest Circle
Abbottabad

## AS IT STOOD ON 31-10-2012

S. #	Name of Forester.	Qualification	Home	Any test	Date of Birth	Date of appoin	itment in	Cadre	Remarks
			District	passed		Govt. Service		Place of initial appointment	Remarks
1.		3,	4.	5.	6.	7.	8.	9.	10
!	Muhammad Farooq	B.A	Mansehra -	Trained.	02-07-1956	19-08-1978	28=04-2008	Hazara Forestry Pre-investment Project Manschra	Appointed as Deputy Ranger on acting char basis w.e.f 28-04-2008
2	Mr. Gul Zaman	Matric	Mansehra	-do-	19-07-1959	21-04-1979	28-04-2008	-do-	Appointed as Deputy Ranger on acting char
.,3	Muhammad Hanif	M.A	Mansehra	-do-	01-02-1955	28-08-1978	18-12-2009	-do-	basis w.e.f 28-04-2008 ! Appointed as Deputy Ranger on acting charge basis w.e.f 18-12-2009
4.	Muhammad pervaiz S/O Ali Gohar	Matric	Mansehra	-do-	03-04-1959	03-03-1979	03-03-1979	Hazara Forestry Pre-investment Project Mansehra	BS-09, 22-06-2010
. 5	Taj Muhammad	Matric C. Com	Abboltabad	-do-	15-09-1955	06-04-1976	08-03-1979	Hazara Forestry Pre-investment Project Mansehra	BS-09, 22-06-2010
6.	Mr. Nisar Ahmad S/o Sanaullah Khan	M.A	Mansehra	-do-	01-05-1959	18-09-1979	18-09-1979	Hazara Forestry Pre-investment Project Mansehra	BS-09, 25-09-1997
7	Muhammad Gulfam	Matric	Mansehra	-do-	24-03-1959	22-09-1979	22-09-1979	-do-	BS-09, 25-09-1997
8	Mr. Nisar Ahmad S/O Muhammad Raza	F.A	Mansehra	-do-	06-04-1961	24-03-1981	24-03-1981	Hazara Forestry Cooperative	BS-09, 22-06-2010
9	Mr. Tariq Javed .	Matric	Abbottabad	-do-	18-04-1956	06-06-1981	06-06-1981	-do-	BS-09, 22-06-2010
10	Khurshid Khan	B.A	Abbottbad .	-do-	02-12-1963	05-12-1981	05-12-1981	Hazara Forestry Cooperative Division Manschra	BS-09, 22-06-2010
11	Mr. Baidar Bakht	Matric	Mansehra	-do-	08-01-1953	15-01-1979	01-10-1984	Siran Forest Division	BS-09, 22-06-2010
12	Muhammad Riasat S/O Mir Akbar	F.A	Abbottabad	-do-	15-06-1963	01-10-1984	01-10-1984	Haripur Forest Division	
13	Mr. Aurangzeh S/O Aziz-ur- Rehman	Matric	Manschra !	-do-	06-09-1960	02-06-1979	29-10-1984	Kaghan Forest Division	BS-09, 22-06-2012
14	Muhammad Anwar S/O Muhammad Roshan	Miztrie .	Mansehra	-00-	01-05-1958	27-08-1981	30-09-1985	Kaghan Forest Division	BS-09, 22-06-2010
1						. !			

Johib ur Rehman	F.A		<u>.                                    </u>				•	
Dewno-ur-Rehman	1 2	Mansehra	Traine	d licai				
Man Tahir Hussain Shah	B.A	<del></del>	- 1	d 15-04-1	963 30-09	1005 130		(12
President of the purpor		Mansehra	-do-	<del></del>		, , , 0, 0	9-1985   Kachan Form	
18 Muhammad Fiaz	Matric	Mansehm		05-02-19	963 23.11		. Porest Divisio	n . RS 00 22 44
	Matric	Mansehra		15-03-19		1986   23-1		BS-09, 22-06-2010
		zusema	-do-	10-03-19		17/5   111 14		
Muhammad Luqman			1		61 12-03-1	979 28-00	1 Nagnah korosa ra	BS-09, 22-06-2010
20 Mr. Abdur Rasheed	F.A	<del></del>			1	20-03	1 1944 A POPACE.	
21 Muhammad Rocki	Matric	Haripur	-do-	102.05			I F-INVestment to """	BS-09, 22-06-2010
Muhammad Bashir S/O Ars	ala Matrie	Abbottabad	-do-	03-05-197	23-05-1	900	Mansehra Project	
22 Mr Ma	ala Matric ·	Mansehra	-do-	07-01-195	7 . 172 00 17		1990 110	
/ III 3 COND D			1 -00-	02-01-195		/// J01 07		·   BC 00 00 00
	F.A	Mansehra		_ / /	7 20-11-19	76 28-02-	1 . 411 OI SQUAY D:	
- Shad Muha-	<u> </u>	. Liamsenta	-do-	25-04-1960			114Z2F2 Timber C.	BS-09, 22-06-2010
24 Syed Faroog Shah	Matric			וסקורים ביי ן	27-04-19	76 1900		BS-09, 22-06-2010
25 Muhammad Bhah	Matric	Mansehra	Un-traine	d 100 00 1	1	1 -0.01-1	997 Siran Forest Division	
	Matric	Abbottabad	Trained		28-04-197	5 6=		BS-09, 22-06-2010
	Matric		Ilm 4-2	06-02-1956	1 17 ** **		997   Kaghan Forest Division	
Intunal mad lobal co	Matric	1 **	Un-trained	02-04-1953	26.07.10	26-04-20	002 Calle C	RS 00 22 01
Muhammad 140al S/O Mir	Matric .	. 1 8 /	Trained	15-03-1957		5 12604		BS-09, 22-06-2010
Mr. Arif Hussain S/O		" ansenta	-do-	05-07-1956	17-11-197	1160	Calls Forest Divinio	BS-09, 22-06-2010
Khan Khan	Matric :		·		24-04-1976	16-07-20	Maripur Forest Division	· 1 BS-09, 27-06-2010
29 Mr. Raza Muhammad		Mansehra	-do-	116.06.40		1.0-07-20	02 Kaghan Forest Division	BS-09, 22-06-2010
30 Mr. Afrasiab	Matric			16-06-1954	20-11-1976			1 03-09 27-06 2010
	Triairie :	Abbottabad -	do	<del></del>		16-07-200	2 Hazara Timber Extraction	
Intulammed Aigh Co	Matric !	Abban	do-	01-08-1966	09-01-1990		Division All Division	BS-09, 22-06-2010
	F.A			01-01-1959	03-01-1990	19-07-200	Division Abbottabad	20 05, 22-06-2010
- 171 unammad Ramas	<del>- </del>		do- •	11-04-1953	08-04-1976	11-02-200:		PC 00
- I UIT Wilan VI	Under Matri	C Abbania	·	1 3 1 1 2 3 3	26-07-1975	15-02-200	1 Maripur Forest Division	BS-09, 22-06-2010
34 Muhammad Va	Middle	1	rained ·	21-09-1954	<del>-</del>	02-2003	Galis Forest Division	; 03-09, 27-06-2010
34 Muhammad Younis S/O Ahmad Khan	Matric	Appoilished   11	n-trained	08 06 1954	26-07-1975	15 02 202		BS-09, 22-06-2010
35 Mr. Heart	attic	Mansehra T	ained	08-06-1953	19-02-1976	15-02-2005	Galis Forest Division	
	1 39.4 1		-ineu	15-04-1958	11-07-1975	15-02-2005		BS-09, 22-06-2010
Par, 1ai Muhama	Matrie	Mansehra Un	<del></del>	<u>*</u>	- 01-13/3	12-01-2006	Siran Forest Division	BS-09, 22-06-2010
Abdul Khanan	Matric		-Trained	12-05-1953	03.05		Site a rolest Division	I BS-09 22 06-2010
Muhammad Noon	1.	Transcala . Fra	ained	09-09-1958	03-05-1976	12-01-2006	1 4	BS-09, 22-06-2010
man mad Imit	Matric	Moning			20-11-1976	12-04-2006		90.00
Syed Iltal Hussain Shah	Under Matric	Mansehra Un-	-trained	01-04-1956		1	Hazara Timber Extraction	BS-09, 22-06-2010
Tussain Shah	Matrie Matrie	THATIPUT -do.		72-04-1956	10-07-1977	12500	OUI A Ahad	BS-09, 22-06-2010
0 Mr. Uzair	mattiff.	Mansehra -do-		************	18-12-1976	25-09-2007	Kaghan Forest Division	:
	3.0	L 1 ""	1 2	1-06-1959	26-06-1977	27-09-2007	Harinur Forcet Division	BS-09, 22-06-2010
1 Mr. Wajid Ali Shah	Matric	Haripur Un-t	<u>L</u>		-0-10-1311	18-01-2008	Haripur Forest Division	BS-09, 22-06-2010
	1110016 / I	7,	rained 0	1-01-1988	20.02		Hazara Timber Extraction	RS 00 22 00-2010
	35-4	-114(1PUF 1-do-		3	20-03-2008	20-03-2008		BS-09, 22-06-2010
		Mansehra   -do-	0.0	0.04	28-12-1976	10 0	maripur Forest Division	l pp
e e e e e e e e e e e e e e e e e e e			1 03	9-04-1955 2	1 0 = 110	1.1.00	TIATIOUT FOREST Distan	BS-09, 22-06-2010
	ŝ		•			14-02-2009	Siran Forest Division	. 62-09, 27-06 2010
	. !	•			•		Division .	BS-09, 22-06-2010
•	!	11						



Matric Mansehra Trained . 07-07-1957 10-07-1977 13-05-2009 . Kaghan Forest Division BS-09, 22-06-	010
13   Niphammau Jacca   12 to ined   25 12 1057   10-07-1077   129-08-2009   Kaghan Forest Division   DS-09, 22-00-	010
Intubarmed Atif Matric Infanctive Of the Second Principle Infanctive Infancti	010.
- 44 Muhammad Arti BSc Abbottabad -do- 25-4-1968 3-11-2010 Siran Forest Division BS-09, 22-06-	
45   Mr. Zanout Annua   10 4 1001   13-5-2011   Kagnan Forest Division   155-05, 22-00-	010
Me Wagar Ahmad F.Sc Mainter 1 1974 1977 1985 7011   Haringr Forest Division BS-09, 22-06-	010
Abunitabau I saide   15 Augustabau I saide   15 August	
47   NIF. 13] HARDENING   13.4.1075   174-3-2007   15-11-2011   Gails Forest Division   153-09, 21-00-	010
of Mr. Saeed Akhlar Wadhan Forest Division BS-09, 22-06-	010
48 Mr. Saced Annual  F.Sc Mansehra   -do-   15-6-1991   14-12-2011   Ragnan Forest Division   15-6-99, 22-00-	·

Conservator of Forests

Ower Hazara Esfest Circle

Abbottabad

Τo

The Conservator of Forests, Lower Hazara Forest Circle

Abbottabad

THROUGH

PROPER CHANEEL

Subject:

APPEAL AGAINST SENIORITY OF FORESTERS CIRCULATED BY CONSERVATOR OF FORESTS LOWER HAZARA ABBOTTABAD WHEREBY THE NAME OF APPLLANT HAS NOT

BEEN INCORPORATED IN THE SENIORITY LIST

### **FACTS OF THE CASE**

It is submitted that I was appointed as Forester in Working Plan Circle vide DFO Working Plan Forest Division Unit V Abbottabad office order No. 3 dated 3/11/1982

- That the appellant joined service as Forester in Working Plan Unit V Abbottabad on 1.10.1983
- That the appellant was transferred from Working Plan Unit V Abbottabad to Watershed Project in the interest of public service and posted in Soka Nullah Division against the existing vacancy vide Chief Conservator of Forests vide office order No. 138 dated 8.5.1985
- That a seniority list of Foresters has been circulated by the Conservator, Lower Hazara Forest Circle vide his No. 2385-92/B&A dated 28.11.2012, wherein the name of appellant has not been incorporated.
- 4. Previously seniority lists as circulated by the Conservator, Lower Hazara Forest Circle indicates and specified the name of the appellant during the year 2010 at S No. 32, 2011 at S.No. 12
- 5. It is worth mentioning that the name of appellant has been shown at S.No. 12 in the seniority list of Foresters as stood on 31.12.2011 circulated by the Conservator of Forests, Lower Hazara Forest Circle
- 6. All the previous cases of promotion from Foresters to the rank of Deputy Rangers were made as per seniority circulated by the Conservator of Forests Lower Hazara Forest Circle on the basis of integrated seniority list.
- 7. It is also bring into your kind notice that almost in all the territorial Forest Divisions majority of the officials were initially appointed in Pre-investment Project and upon the expiry of the aforementioned projects their services were re-adjusted/absorbed against the vacant position in various territorial Divisions. It is also pertinent to add that there are few cases of promotion of foresters who were initially recruited in pre-investment project and were promoted to the rank of Deputy Ranger as under:

- a- Muhammad Ayub S/o Said Akbar
- b- Shah Hussain S/O Mir Muhammad Shah
- c- Ali Zaman S/O Ali Akbar
- d- Farhad Saiid S/O Lal Khan
- e- Banaras Khan S/O Mirdad Khan
- f- Arif Sultan S/O Ghulam Nabi
- g- Younas Shah S/Y Syed Barkat Shah
- h- Muhammad Iqbal S/O Muhammad Jalal Khan
- i- Manzoor Ahmed S/O Jan Muhammad
- j- Muhammad Ajab S/O Muhammad Miskeen
- Keeping in view the current seniority lists it is quite evident that all the
  previous cases of promotion to the posts of foresters and Deputy Rangers
  based on the integrated seniority lists, so far entertained are also unjustified.
- 9. In view of the current seniority list the officials are referred to their initial place of appointment for claiming seniority thus leaving the junior most appointment in a particular division to super-cede the appellant as per newly issued seniority list and thus directly affected/influenced the right of the appellant.

#### **GROUND**

- The appellant was transferred from Working Plan Unit –V Abbottabad to Galis
  Forest Division in the interest of public service, therefore his seniority will not
  be disturbed.
- As per section of 8 of civil servant Act, 1973 the seniority will have determined on the bases of length of service, thus the appellant is entitled for seniority.
- 3. That the rights of the appellant to consider for seniority as the lien of the appellant stand transferred to Lower Hazara Forest Circle as per fundamental rule-14 and the appellant serving in Lower Hazara Forest Circle more then 5 years.
- 4. As per para-6 page 441 of the ESTA CODE 2007 seniority on transfer from one office to another, seniority in the office to which he is transferred should count his seniority in the new office from the date of his transfer to that office.

In view of the aforesaid facts, it is humbly prayed that may kindly be correct the impugned seniority list and the name of the appellant be shown its place please.

Muhammad Shafqat

Forester

Haripur Forest Division

Haripur

Copy in advance forwarded to the Chief Conservator of Forests Northern Forest Region-II, Khyber Pakhtunkhwa Abbottabad for favour of consideration, please

(Annex: E) (16)

## OFFICE OF THE CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD



No. 3 (37) IGE,
Dated 18 1/ /2012

The Divisional Forest Officer Haripur Forest Division, Haripur

Subject

APPEAL AGAINST SENIORITY OF FORESTERS CIRCULATED BY CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD WHEREBY THE NAME OF APPELLANTS HAS NOT BEEN INCORPORATED IN THE SENIORITY LIST

Reference

Your office letter No. 2113/GE dated 13-01-2013

Consequent upon the issuance of Notification No. SO (Estt) Envt / 1-4 / 2K11 / 1629-50, dated 05-10-2012 by the Government of Khyber Pakhtunkhwa Environment Department the refixation of seniority of Foresters and Deputy Rangers is to be done in the respective Circles on the basis of their initial appointments.

In view of the above no ambiguity is left in fixation of the seniority of the applicant namely Muhammad Shafqat, Forester in the Forestry Planning and Monitoring Circle which is the Circle of his initial appointment.

Please inform the applicant, accordingly.

Conservator of Forests
Lower Hazala Forest Circle
Abbottabad

attestal

No. 2163

/GE dated Haripur the 24 /1/2013.

Copy forwarded to Muhammad Shafqat Forester C/O SDFO Haripur for information .

DIVISIONAL POBEST OFFICER
THARIPUBLE OFFICER
THARIPUBLE OFFICER
THARIPUBLE OFFICER
THARIPUBLE OFFICER

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 344 Muhammad Shafqat Forester

#### **APPELLANT**

#### **VERSUS**

- 1. The Secretary Environment govt. of Khyber Pakhtunkhwa. Peshawar
- 2. Chief Conservator of Forests Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forest Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

### **RESPONDENTS**

Parawise comments on behalf of respondents

Respectively Sheweth:

**Preliminary Objections** 

- 1. The appeal is not maintainable in the present form
- 2. The appellants have no locus standi
- The appellant is legally stopped by his own conduct to bring the present appeal.

#### **FACTS**

Parawise comments are as under:

- In reply to para-1 it is submitted that the appellant is currently holding the post of Forester under the Administrative control of respondent No. 04 i.e. Conservator of Forests, Lower Hazara Forest Circle, but was recruited in Working Plan Circle and later-on transferred to Lower Hazara Forest Circle, Abbottabad, which was further disintegrated into two Forest Circles i.e. Lower Hazara Forest Circle and Upper Hazara Forest Circle.
- 2. In reply to para-2 it is submitted that the purpose of better Administration / Management the Forest department is divided into Regions, Circles, Divisions and further sub-Territorial units vulnerable to further revisions as per need basis under the law and official procedure. The post of Forester is inter –transferable between the Forest Circles. Therefore the phrase of the appellant i.e.
  - "The appellant was permanently adjusted in Lower Hazara Forest Circle" is portrayed in a contorted sense / manner, as far the handling of this promotion in the specific Forest Circle is concerned. The longer stay of a Forester in any Forest Circle never gives him the right of any specific privileges over the others in contradiction to the law & procedure.
- 3. The seniority lists framed at that times were as per rules and law and the contents therein were correct.

- Para No-4 is incorrect hence denied. After the constitution of new Forest Circles/ of existing Forest Circles by the Govt. Administration/Management. The immediate problem that arised was of formation of fresh seniority lists of Foresters and other filed staff. In order to settle the huge quantum of current as well as impending queries of the affected field staff, a unanimous decision was taken at the departmental level, to fix the seniority of the field staff in their respective circles, on the basis of their initial appointment. It is pertinent to mention here that the decision was taken in consultation and request of the President of the Union of Forest Guard, Forester and Deputy Rangers, vide his application / letter No. Nil dated 07-5-2011 & dated 17-01-2011 (attached) addressed to the Secretary Environment Govt: of Khyber Pakhtunkhwa, Peshawar, therefore the Notification No. SO (Estt)/I-4/2K11/1629-50 dated 5.10.2012 was issued by the Govt. for the reconstitution/ revision of the circles for fixing the seniority of the Foresters and Deputy Rangers in the respective Circle on the basis of their initial appointments which has helped the department in curtailing the higher quantum of impending litigations. The Notification has never violated the principles laid down in the Section 8 & 9 of the Khyber Pakhtunkhwa Civil Servants Act 1973. Rather it has fortified the essence of the Khyber Pakhtunkhwa Civil Servants Act 1973, in general and section 8 & 9 of the Act in specific.
- 5. True as till 5.10.2012 a common integrated seniority list used to be issued by the Conservator of Forest Lower Hazara Forest Circle for all the incumbents of the posts in various Forest Circles of Hazara Region.
- 6. After the issuance of the Notification No. SO(Estt) Envt/I-4)2K11/1629-50 dated 5.10.2012 (attached), the seniority lists are prepared circle wise for their initially appointed staff irrespective of their contemporary place of postings. Therefore the appellant name was not shown in the seniority list as it stood on 31.10.2012 issued by the CF Lower Hazara Forest Circle. In this regard lists of the Foresters who have been initially appointed in Forestry Planning and Monitoring Circle Peshawar have already been sent to the respective Conservator of Forests vide this office letter No. 708-10/GE dated 28.11.2012 for inclusion in the seniority list of his Circle in the light of above Notification. (Letter along with Seniority list attached)
- 7. Consequent upon the issuance of Notification by the Govt. Environment Department KPK dated 5/10/2012, the request of the appellant/departmental appeal for inclusion of his name in the seniority list of Lower Hazara Forest Circle, could not be entertained, rather his seniority was fixed in the FP & M Circle without any pre-judice. CF Lower Hazara office letter No.353#GE dated 18/1/2013 is annexed herewith.
- 8. Para No. 8 is incorrect hence denied. The posts of Deputy Forest Rangers are indeed part of the hierarchy FP & M Circle, but promotion of Foresters to the post of Deputy Rangers is made on the availability of vacant post, besides other promotion criteria to be considered by the departmental promotion committee. The length of service has never been the mandatory condition for promotion, rather it is the comparison of the length of service of the incumbents of the post that matters the most. As per the seniority position of the appellant and the availability of vacant higher post in his parent circle besides other criterias, will enable him for consideration for promotion by the DPC. The promotion is strictly made by the Department, in accordance with the rules and regulations.

- 9. Para No. 9 is also incorrect hence denied. The Notification dated 5/10/2012 is issued in the best interest of the state aiming at the curtailment of litigations made by the larger community. The pray of the appellant is arbitrary and against the interest of the state. The policies are devised by the Government, keeping in view the larger interest of the community rather then benefiting the personal gains of few persons.
- 10. Para No. 10 is also incorrect. Notifications are issued by Govt. from time to time in order to keep the Act rejuvenated with changing needs, better administrative control and less problems to be created, in the best interest of the state.

Hence the so called Notification is legal and implemented immediately with letter and sprit. Therefore any order passed keeping the essence of the Notification intact may be declared legal and consequently the appeal may be dismissed with cost.

Secretary Environment Government of Khyber Pakhtunkhwa

Peshawar

Govt of Khyber Pakhturkhw Environment Colors

> Chief Conservator of Forests Northern Forest Region-II Abbottabad

Chief Conservator of Forests Central Southern Forest Region-I

Peshawar

Conservator of Forests Lower Hazara Forest Circle Advottabad

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

## APPEAL NO. 344 of 2013

## Muhammad Shafqat Forester

#### **APPELLANTS**

#### **VERSUS**

- 1. The Secretary Environment Govt. of Khyber Pakhtunkhwa, Peshawar
- 2. Chief Conservator of Forest Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forests Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

#### RESPONDENTS

#### **COUNTER AFFIDAVIT**

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

Conservator of Forests
Lower Hazara Forest Circle
Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal no. 241, 300, 304, 308 and 344 of 2013 Muhammad Riasat & 04 Others

#### **APPELLANT**

#### **VERSUS**

- 1. The Secretary Environment govt. of Khyber Pakhtunkhwa, Peshawar
- 2. Chief Conservator of Forests Central Southern Forest Region-I, Peshawar
- Chief Conservator of Forest Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

#### **RESPONDENTS**

Divisional For at Partie

Parawise comments on behalf of respondents

Respectively Sheweth:

**Preliminary Objections** 

1. The appeal is not maintainable in the present form

2. The appellants have no locus standi

3. The appellant is legally stopped by his own conduct to bring the present appeal.

### **FACTS**

Parawise comments are as under:

1. The appellant is currently holding the post of Forester under the Administrative control of respondent No. 04 i.e. Conservator of Forests, Lower Hazara Forest Circle, but was recruited in Working Plan Circle and later-on transferred to Lower Hazara Forest Circle, Abbottabad, which was further disintegrated into two Foresters Circle i.e. Lower Hazara Forest Circle and Upper Hazara Forest Circle.

For the purpose of better Administration / Management the Forest department is devided into Regions, Circles, Divisions and further sub-Territorial units vulnerable to further revisions as per need basis under the law and official procedure. The post of Forester is inter –transferable between the Forest Circles. Therefore the phrase of the appellant i.e.

"The appellant was permanently adjusted in Lower Hazara Forest Circle" is portrayed in a contorted sense / manner, as far the handling of this promotion in the specific Forest Circle is concerned. The longer stay of a Forester in any Forest Circle never gives him the right of any specific privileges over the others in contradiction to the law & procedure.

3. The seniority lists framed at that times were as per rules and law and the contents therein were correct.

4 After the constitution of After the constitution of new Forest Circle/bifurcation of existing Forest Circles by the Govt. for better Administration/Management. The immediate problem that arised was of formation of fresh seniority lists of Foresters and other filed staff. In order to settle the huge quantum of current as well as impending queries of the affected field staff, a unanimous decision was taken at the departmental level, to fix the seniority of the field staff in their respective circles, on the basis of their initial appointment. It is pertinent to mention here that the decision was taken in consultation and request of the president of the Union of Forest Guard and Forester, and Deputy Rangers, vide his application / letter No. Nil dated 07-5-2011 & dated 17-01-2011 (Attached) addressed to the Secretary Environment Govt: of Khyber Pakhtunkhwa, Peshawar, therefore the notification No. SO (Estt)/I-4/2K11 dated 5.10.2012 was issued by the Govt. for the reconstitution/ revision of the circles for fixing the seniority of the Forester and Deputy Rangers in the respective Circle on the basis of their initial appointments which has helped the department in curtailing the higher quantum of impending litigations. The notification has never violated the principles laid down in the Section 8 & 9 of the Khyber Pakhtunkhwa civil servants Act 1973. Rather it has

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fortified the essence of the K.P Civil Servants Act 1973, in general and section 8 & 9 of the Act in specific.

5. True as till 5.10.2012 a common integrated seniority list used to be issued by the Conservator of Forest Lower Hazara Forest Circle for all the incumbents of the posts

in various Forest Circles of Hazara Region.

36 36 After the issuance of the notification No. (Estt) Envt/I-4 2K 11 dated 5.10.2012, the 6. seniority lists are prepared circle wise for their initially appointed staff irrespective of their contemporary place of postings. Therefore the appellant name was not shown in the seniority list issued on 31.10.2012 by the CF Lower Hazara Forest Circle. Rather it was shown on the seniority list issued by Conservator of Forests, Forestry Planning & Monitoring Circle (CF FP& M) dated \_\_\_\_\_ in the appropriate place as per his seniority. (morphism ad summy byt attack)

- 7. , Consequent upon the issuance of notification by the govt. environment Department KPK dated 5/10/2012, the request of the appellant/departmental appeal for inclusion of his name in the seniority list of lower Hazara Forest Circle, could not be entertained, rather his seniority was fixed in the FP & M Circle without any pre-judice. CF Lower Hazara office letter No. 3260/GE dated 4/1/2013 is annexed herewith.
- The posts of Deputy Forest Rangers are indeed part of the hierarchy FP & M. Circle, 8. but promotion of Foresters to the post of Deputy Rangers is made on the availability of vacant post, besides other promotion criteria to be considered by the departmental promotion committee. The length of service has never been the mandatory condition for promotion, rather it is the comparison of the length of service of the incumbents of the post that matters the most. As per the seniority position of the appellant and the availability of vacant higher post in his parent circle besides other criterias, will enable him for consideration for promotion by the DPC. The promotion is strictly made by the

Department, in accordance with the rules and regulations.

Dura No 9 is ab a come for function leaders of the state aiming at the notification dated 5/10/2012 is issued in the best interest of the state aiming at 9. the curtailment of litigations made by the larger community. The pray of the appellant is arbitrary and against the interest of the state. The policies are devised by the Government, keeping in view the larger interest of the community rather then para No 10 is also werect

10. Notification are issued by govt. from time to time in order to keep the Act rejuvenated with changing needs, better administrative control and less problems to be created, in the best interest of the state.

Acts are erected by the legislative bodies which are amended by notifications by the Govt. after seeking proper approvals. Hence the so called notification is legal and implemented immediately with letter and sprit. Therefore any order passed keeping the essence of the notification intact may be ideclared legal and consequently the appeal may be set a side do missed with wish

Secretary Environment Government of Khyber Pakhtunkhwa Peshawar

Northern Forest Region-II

Chief Conservator of Forests

Chief Conservator of Forests

Central Southern Forest Region-I

Peshawar

Conservator of Forests

Lower Hazara Forest Gircle

Abbottabad

Abbottabad



## GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

NO.SO(Estt)Envt/1-4/2K11/ Dated Pesh: 7<sup>th</sup> May, 2011

Tο

The Chief Conservator of Forests, Khyber Pakhtunkhwa.

SUBJECT: APPLICATION

I am directed to refer to the subject cited above and to enclose herewith a copy of an application which is self-explanatory (alongwith its enclosure) submitted by Haji Muhammad Zeb, President Forest Guards/Foresters and Deputy Rangers Association Khyber Pakhtunhwa, for necessary action as per remarks of the Secretary Environment which are reproduced below:-

"For considering both the circles separately as per new administrative arrangement and rules/policy."

Encl: as above

(MUTAHIR SHAH)"
SECTION OFFICER (ESTT)

Endst:No.and date even.

Copy is forwarded to PS to Secretary Environment Department.

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SECTION OFFICER (ESTT)

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# F/GUARDS FURESILINS & D/RANGERS ASSOCIATION N.W.F.P, REGED

ASSOCIATION N.W.F.P, F

Haji Muhammad Zeb Khan (L.L.13) Central President Ress: 0945-761174

Cell: 0300-5824716 0345-9065554 1663

Zeb House Zeb Abad Chakdra P.O.Chakdra Tehsil Adenzai District Dir (L)

(c)

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Date: 07-05-2011

جاب سیرر می مادلیات مورجیز محتون فوالیتا در

طباب عالی! مزارش هکرا در فرگلات ۱۲۹۳ میں سیاسی تا جائز دباؤ کاکت "میرٹ کوٹ " کے آڑمی فیموص جو بیر فارسر از کو جو بیٹی رسی زے عمدوں بیر تا جائیز میردوٹ کورانے کیلئے انتہائی عجلت میں حراخ 10 می 110 ہے کو کہ علامی منعقر کروانے کیلئے طباب کے دفتر سے احکامات جاری کی حاجب کی ہے۔ جو کر خلاف فواعل خلاف قالون اور خلاف خالع ہے۔ کوئد!

الصے کووں کو ہمروفوٹ نے جانے کا فو مسل می جارہ کا ہے۔ بور افعالی فوافر ہے۔ 3 . مجام کے اہم عمر (ESTT) SO وق کو حسب تواعد کوئی ورکنگ میمرز ارسال میں کو

ور ولاف روکر ہے۔ فرکورہ مالا حقائق کے بیش نظر استرعاعے کر فیمان فنادات ، ملازمین صبطلات کو الفاقی کو لیٹنی سانے کیلئے 11- کہ مار کو حرق والی کو بٹی رسفرر کے بیروشن کیلئے ہوا کی احلام - ماکر خالد کر الدیکی اور ولیٹ سرطلز کے اماک اماک سرونوشن اور مسیاری / میشنی بیر تالون کے دھالا

الماع المراع مرائع مرائد من المراع م

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# GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

NO.SO(Estt)Envt/I-f/B/2K9 156
Dated Pesh: 17th January, 2011

То

The Chief Conservator of Forests, ~ Khyber Pakhtunkhwa.

SUBJECT: APPLICATION FOR CONSIDERATION OF DEPUTY RANGERS PROMOTION FROM CONCERNED FOREST CIRCLES.

I am directed to refer to the subject cited above and to enclose herewith a copy of an application (self-explanatory) submitted by Haji Muhammad Zeb Khan, President, F/Guards Foresters & D/Rangers Association, with the direction that necessary action in the matter may be taken in view of the new administrative arrangement so that in-justice question may not arise.

Prior 15 ILSONE

(MUTAHIR SHAH)
SECTION OFFICER (EST.)

SECTION OFFICER (ESTI)

Endst: No. and date even.

Copy is forwarded to PS to Secretary Environment Department.

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CALL PATE DIRECTOR VALENTER DATED 0150, 2011 doe



# F/GUARDS FORESTERS & D/RANGERS. ASSOCIATION N.W.F.P. REGED

Mesjs Michammesel Zeh Kliam (L.L.B)
Central President

Res: 0945-761174 Cell: 0300-5824716 0345-9065554 Zeb House Zeb Ab: Chakdra P.O.Chake Tehnil Adenzal District Dir (L)

Date 17-01-2011 حمال سیکرمزی من ناجولیات موسر خیبر تی ترن خوا

کی حالے ار رفاع کما کرن اور رفاع کما میکر صطلات کے متعلقہ اعلی میں کر موایات زمانی جائے۔ کروہ ولیسٹ والان امرال بحرار فلد کرے بر مزل سے عالاکنو مذیب سوات سیور شرکی سے اماک انگ سیاری کردی الذی مزادر ۔ کعورت دیگر دلارمین کو حق الذی سے 15 ۔ ولگ دماگ اردوس کروائے ۔ - ماکہ کمن ولارس کی حق الذی مزادر ۔ کعورت دیگر دلارمین کرون الذی سے 15 ۔

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# GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

Dated Pesh 5th Oct., 2012

# NOTIFICATION

department supersession No.SO(Estt)Envt/I-4/2k11/6475 dated 2/1/2012, the Competent Authority, in exercise of the powers vested vide Item 1-6 Part-I of defunct West Pakistan Manual Volume-II, is pleased to order reconstitution/revision of the following Circles, for the purpose of initial appointment of Foresters and Deputy, Rangers and promotion of Foresters to the rank of Deputy Rangers, in each circle, on the basis of circle-wise seniority lists of the Foresters, with immediate effect.

Name of Circle
Upper Hazara Circle
Lower Hazara Circle
Malakand West Circle
Malakand East Circle
FATA Circle
Southern Circle
Watershed Management Circle
Forestry Planning & Monitoring Circle

The seniority of the Foresters and Deputy Rangers shall be determined and fixed in the respective Circles on the basis of their initial appointment.

> SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

Copy is forwarded for information to:-

1) PS to Secretary Environment Department. 2) Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar.

1629-50

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

Chief Conservator of Forests, Malakand Forest Region-III, Mingora at Saldu

Sharif; Swat: 5); All Conservators of Forests, Khyber Pakhtunkhwa C/O CCF-I; with the direction that tentative seniority lists of their respective circles may be issued by calling thereby objections within one months time period, if found no objection from any l official(s), then final seniority lists may be issued accordingly.

Able City

6) All Directors Integrated Specialized Units, Forest Department:

7) Master file.

脂18) Officer order file.

(ASHFAQ KHAN)

SECTION OFFICER (ESTT)

# OFFICE OF THE CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD



No. 708-/6 /GE,

- The Conservator of Forests
   Watershed Management Project Abbottabad.
- 2- The Conservator of Forests Forestry Planning & Monitoring Circle, Peshawar.
- 3- Principal Sarhad Forest School, Abbottabad at Thai.

Subject

# SENIORITY LIST OF DEPUTY RANGERS / FORESTERS

Memo

The detail of Deputy Rangers /Foresters with full particulars, who are appointee of your Circles and presently serving in this Circle is enclosed herewith on the prescribed proforma for inclusion in the seniority list of your respective Circle on the basis of their initial appointment in the light of Government of Khyber Pakhtunkhwa Notification No. SO (Estt) Envt/1-4/2K11/1629-50, dated 05-10-2012. The Conservator of Forests, Forestry Planning and Monitoring Circle is requested to also supply the names of Deputy Rangers / Foresters, who are appointee of this Circle and presently serving in his Circle at an early date for further necessary action.

Encl. As above

Conservator of Forests Lower Hazara Forest Circle Abbottabad

No.

/GF

Copy forwarded to the Chief Conservator of Forests, Northern Forest Region-II Abbottabad Khyber Pakhtunkhwa for favour of information please.

Conservator of Forests Lower Hazara Forest Circle Abbottabad

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# NAME / SENIORITY LIST OF FORESTERS OF WORKING PLAN CIRCLE PRESENTLY SERVING IN LOWER HAZARA FOREST CIRCLE ABBOTTABAD

ſ	S. #	Name of Forester	Qualification	Home	Any test	Date of Birth	Date of appointment in Cadro		Cadre	Remarks
	,			District	passed		Govt. Service	Present grade	Place of initial appointment	
1		2.	3.	4.	5.	6.	7.	8.	9.	10
	1.	Muhammad Shafqat	B.A	Haripur	Trained	01-01-1960	01-10-1983	01-10-1983	Upper Tanawal Working Plan Division Abbottabad	BS-09, dated 22-06-2012
	2.	Muhammad Riasat S/O Abdul V	Matric	Abbottabad	-do-	25-03-1966	01-10-1986	01-10-1986	Working Plan Unit No. VI, Abbottabad	-do-
	3	Muhammad Anwar-II S/O Fazal-ur-Rehman	F.A	Abbottabad	Trained	15-06-1966	01-10-1986	01-10-1986	Working Plan Unit No. VI, Abbottabad	-do-
	4.	Mr. Bashir Ahmad	M.A	Mansehra	-do-	11-03-1965	01-10-1988	01-10-1988	Working Plan Unit No. IV, Abbottabad	-do-
ŀ	5.	Mr. Amjad Khan	FA	Mansehra	-do-	06-05-1968	01-10-1988	01-10-1988	Working Plan Circle	-do
l	6.	Syed Ibrar Hussain Shah	Matric	Mansehra	-do-	12-02-1965	01-10-1989	01-10-1989	-do-	-do-
	7.	Mr. Zulifqar Khan	Matric	Abbottabad	-do-	14-04-1969	17-02-1991	01-09-2004	-do-	-do-

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Conservator of Forests
Lower Hazara Forest Circle
Abbottabag

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Divisional Forest Characarde Patrol Squad Lower Hosara Carde Alabada and

# OFFICE OF THE **CONSERVATOR OF FORESTS** LOWER HAZARA FOREST CIRCLE **ABBOTTABAD**



The Divisional Forest Officer Haripur Forest Division, Haripur

Subject

APPEAL **AGAINST** SENIORITY **FORESTERS** OF CIRCULATED BY CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD WHEREBY THE NAME OF APPELLANTS HAS NOT BEEN INCORPORATED **IN THE SENIORITY LIST** 

Reference

Your office letter No. 2113/GE dated 13-01-2013 (Puns

Consequent upon the issuance of Notification No. SO (Estt) Envt / 1-4 / 2K11 / 1629-50, dated 05-10-2012 by the Government of Khyber Pakhtunkhwa Environment Department the refixation of seniority of Foresters and Deputy Rangers is to be done in the respective Circles on the basis of their initial appointments.

In view of the above no ambiguity is left in fixation of the seniority of the applicant namely Muhammad Shafqat, Forester in the Forestry Planning and Monitoring Circle which is the Circle of his initial appointment.

Please inform the applicant, accordingly.

Conservator of Forests Cower Hazara Forest Circle Abbottabad

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 344 Muhammad Shafqat Forester

#### **APPELLANT**

#### **VERSUS**

- 1. The Secretary Environment govt. of Khyber Pakhtunkhwa, Peshawar
- 2. Chief Conservator of Forests Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forest Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

# **RESPONDENTS**

Parawise comments on behalf of respondents

Respectively Sheweth:

**Preliminary Objections** 

- 1. The appeal is not maintainable in the present form
- 2. The appellants have no locus standi
- 3. The appellant is legally stopped by his own conduct to bring the present appeal.

#### **FACTS**

Parawise comments are as under:

- In reply to para-1 it is submitted that the appellant is currently holding the post of Forester under the Administrative control of respondent No. 04 i.e. Conservator of Forests, Lower Hazara Forest Circle, but was recruited in Working Plan Circle and later-on transferred to Lower Hazara Forest Circle, Abbottabad, which was further disintegrated into two Forest Circles i.e. Lower Hazara Forest Circle and Upper Hazara Forest Circle.
- 2. In reply to para-2 it is submitted that the purpose of better Administration / Management the Forest department is divided into Regions, Circles, Divisions and further sub-Territorial units vulnerable to further revisions as per need basis under the law and official procedure. The post of Forester is inter –transferable between the Forest Circles. Therefore the phrase of the appellant i.e.
  - "The appellant was permanently adjusted in Lower Hazara Forest Circle" is portrayed in a contorted sense / manner, as far the handling of this promotion in the specific Forest Circle is concerned. The longer stay of a Forester in any Forest Circle never gives him the right of any specific privileges over the others in contradiction to the law & procedure.
- 3. The seniority lists framed at that times were as per rules and law and the contents therein were correct.

- Para No-4 is incorrect hence denied. After the constitution of new Forest Circles/ of existina Forest Circles by the Govt. Administration/Management. The immediate problem that arised was of formation of fresh seniority lists of Foresters and other filed staff. In order to settle the huge quantum of current as well as impending queries of the affected field staff, a unanimous decision was taken at the departmental level, to fix the seniority of the field staff in their respective circles, on the basis of their initial appointment. It is pertinent to mention here that the decision was taken in consultation and request of the President of the Union of Forest Guard, Forester and Deputy Rangers, vide his application / letter No. Nil dated 07-5-2011 & dated 17-01-2011 (attached) addressed to the Secretary Environment Govt: of Khyber Pakhtunkhwa, Peshawar, therefore the Notification No. SO (Estt)/I-4/2K11/1629-50 dated 5.10.2012 was issued by the Govt. for the reconstitution/ revision of the circles for fixing the seniority of the Foresters and Deputy Rangers in the respective Circle on the basis of their initial appointments which has helped the department in curtailing the higher quantum of impending litigations. The Notification has never violated the principles laid down in the Section 8 & 9 of the Khyber Pakhtunkhwa Civil Servants Act 1973. Rather it has fortified the essence of the Khyber Pakhtunkhwa Civil Servants Act 1973, in general and section 8 & 9 of the Act in specific.
- 5. True as till 5.10.2012 a common integrated seniority list used to be issued by the Conservator of Forest Lower Hazara Forest Circle for all the incumbents of the posts in various Forest Circles of Hazara Region.
- 6. After the issuance of the Notification No. SO(Estt) Envt/I-4)2K11/1629-50 dated 5.10.2012 (attached), the seniority lists are prepared circle wise for their initially appointed staff irrespective of their contemporary place of postings. Therefore the appellant name was not shown in the seniority list as it stood on 31.10.2012 issued by the CF Lower Hazara Forest Circle. In this regard lists of the Foresters who have been initially appointed in Forestry Planning and Monitoring Circle Peshawar have already been sent to the respective Conservator of Forests vide this office letter No. 708-10/GE dated 28.11.2012 for inclusion in the seniority list of his Circle in the light of above Notification. (Letter along with Seniority list attached)
- 7. Consequent upon the issuance of Notification by the Govt. Environment Department KPK dated 5/10/2012, the request of the appellant/departmental appeal for inclusion of his name in the seniority list of Lower Hazara Forest Circle, could not be entertained, rather his seniority was fixed in the FP & M Circle without any pre-judice. CF Lower Hazara office letter No.3537/GE dated 18/1/2013 is annexed herewith.
- 8. Para No. 8 is incorrect hence denied. The posts of Deputy Forest Rangers are indeed part of the hierarchy FP & M Circle, but promotion of Foresters to the post of Deputy Rangers is made on the availability of vacant post, besides other promotion criteria to be considered by the departmental promotion committee. The length of service has never been the mandatory condition for promotion, rather it is the comparison of the length of service of the incumbents of the post that matters the most. As per the seniority position of the appellant and the availability of vacant higher post in his parent circle besides other criterias, will enable him for consideration for promotion by the DPC. The promotion is strictly made by the Department, in accordance with the rules and regulations.

- 9. Para No. 9 is also incorrect hence denied. The Notification dated 5/10/2012 is issued in the best interest of the state aiming at the curtailment of litigations made by the larger community. The pray of the appellant is arbitrary and against the interest of the state. The policies are devised by the Government, keeping in view the larger interest of the community rather then benefiting the personal gains of few persons.
- 10. Para No. 10 is also incorrect. Notifications are issued by Govt. from time to time in order to keep the Act rejuvenated with changing needs, better administrative control and less problems to be created, in the best interest of the state.

Hence the so called Notification is legal and implemented immediately with letter and sprit. Therefore any order passed keeping the essence of the Notification intact may be declared legal and consequently the appeal may be dismissed with cost.

Secretary Environment
Government of Khyber Pakhtunkhwa
Peshawar

Govt of Khyher Rukhtunkhwa

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Chief Conservator of Forests Northern Forest Region-II Abbottabad Chief Conservator of Forests Central Southern Forest Region-I

Pe<del>straw</del>ar

Conservator of Forests
Lower Hazara Forest Circle

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

# APPEAL NO. 344 of 2013

# **Muhammad Shafqat Forester**

#### **APPELLANTS**

#### **VERSUS**

- 1. The Secretary Environment Govt. of Khyber Pakhtunkhwa, Peshawar
- Chief Conservator of Forest Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forests Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

#### **RESPONDENTS**

## COUNTER AFFIDAVIT

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

Conservator of Forests Lower Hazara Forest Circle Abbottabad BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal no. 241, 300, 304, 308 and 344 of 2013 Muhammad Riasat & 04 Others

## APPELLANT

#### **VERSUS**

- 1. The Secretary Environment govt. of Khyber Pakhtunkhwa, Peshawar
- 2. Chief Conservator of Forests Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forest Northern Forest Region-II Abbottabad
- Conservator of Forests Lower Hazara Forest Circle Abbottabad

### RESPONDENTS

Parawise comments on behalf of respondents

Respectively Sheweth:

**Preliminary Objections** 

1.

2.

The appellant is legally stopped by his own conduct to bring the present About appeal. 3.

## **FACTS**

Parawise comments are as under:

in reply to para 1 it is submitted I half the 1. The appellant is currently holding the post of Forester under the Administrative control of respondent No. 04 i.e. Conservator of Forests, Lower Hazara Forest Circle. but was recruited in Working Plan Circle and later-on transferred to Lower Hazara Forest Circle, Abbottabad, which was further disintegrated into two Foresters Circle i.e. Lower Hazara Forest Circle and Upper Hazara Forest Circle.

MATT & MONTEST. or the purpose of better Administration / Management the Forest department is devided into Regions, Circles, Divisions and further sub-Territorial units vulnerable to further revisions as per need basis under the law and official procedure. The post of Forester is inter -transferable between the Forest Circles. Therefore the phrase of the appellant i.e.

"The appellant was permanently adjusted in Lower Hazara Forest Circle" is portrayed in a contorted sense / manner, as far the handling of this promotion in the specific Forest Circle is concerned. The longer stay of a Forester in any Forest Circle never gives him the right of any specific privileges over the others in contradiction to the law & procedure.

3. The seniority lists framed at that times were as per rules and law and the contents therein were correct.

Therein were correct.

PARA TO 4 is incorrect bence denies.

4 After the constitution of new Forest Circle/bifurcation of existing Forest Circles by the Govt. for better Administration/Management. The immediate problem that arised was of formation of fresh seniority lists of Foresters and other filed staff. In order to settle the huge quantum of current as well as impending queries of the affected field staff, a unanimous decision was taken at the departmental level, to fix the seniority of the field staff in their respective circles, on the basis of their initial appointment. It is pertinent to mention here that the decision was taken in consultation and request of the president of the Union of Forest Guard and Forester and Deputy Rangers, vide his application / letter No. Nil dated 07-5-2011 & dated 17-01-2011 (Attached) addressed to the Secretary Environment Govt: of Khyber Pakhtunkhwa, Peshawar, therefore the notification No. SO (Estt)/I-4/2K11 dated 5.10.2012 was issued by the Govt. for the reconstitution/ revision of the circles for fixing the seniority of the Forester and Deputy Rangers in the respective Circle on the basis of their initial appointments which has helped the department in curtailing the higher quantum of impending litigations. The notification has never violated the principles laid down in the Section 8 & 9 of the Khyber Pakhtunkhwa civil servants Act 1973. Rather it has

fortified the essence of the K.P Civil Servants Act 1973, in general and section 8 & 9 of the Act in specific.

5. True as till 5.10.2012 a common integrated seniority list used to be issued by the Conservator of Forest Lower Hazara Forest Circle for all the incumbents of the posts

in various Forest Circles of Hazara Region.

36 36 After the issuance of the notification No. (Estt) Envt/I-432K 11 dated 5.10.2012, the 6. seniority lists are prepared circle wise for their initially appointed staff irrespective of their contemporary place of postings. Therefore the appellant name was not shown in the seniority list issued on 31.10.2012 by the CF Lower Hazara Forest Circle. Rather it was shown on the seniority list issued by Conservator of Forests, Forestry Planning & Monitoring Circle (CF FP& M) dated \_\_\_\_\_ in the appropriate place as per his seniority. (motification and summy first attend)

7., Consequent upon the issuance of notification by the govt, environment Department KPK dated 5/10/2012, the request of the appellant/departmental appeal for inclusion of his name in the seniority list of lower Hazara Forest Circle, could not be entertained, rather his seniority was fixed in the FP & M Circle without any pre-judice. CF Lower Hazara office letter No. 3260/GE dated 4/1/2013 is annexed herewith.

The posts of Deputy Forest Rangers are indeed part of the hierarchy FP & M Circle, but promotion of Foresters to the post of Deputy Rangers is made on the availability of vacant post, besides other promotion criteria to be considered by the departmental promotion committee. The length of service has never been the mandatory condition for promotion, rather it is the comparison of the length of service of the incumbents of the post that matters the most. As per the seniority position of the appellant and the availability of vacant higher post in his parent circle besides other criterias, will enable him for consideration for promotion by the DPC. The promotion is strictly made by the

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Dura No 9 13 ab 0 were blue demice.

The notification dated 5/10/2012 is issued in the best interest of the state aiming at the curtailment of litigations made by the larger community. The pray of the appellant is arbitrary and against the interest of the state. The policies are devised by the Government, keeping in view the larger interest of the community rather then para No 10 is also werect

10. Notification are issued by govt. from time to time in order to keep the Act rejuvenated with changing needs, better administrative control and less problems to be created, in the best interest of the state.

Acts are erected by the legislative bodies which are amended by notifications by the Govt. after seeking proper approvals. Hence the so called notification is legal and implemented immediately with letter and sprit. Therefore any order passed keeping the essence of the notification intact may be declared legal and consequently the appeal may be set a side do missed with wis

Secretary Environment -Government of Khyber Pakhtunkhwa Peshawar

> Chief Conservator of Forests Northern Forest Region-II Abbottabad

Chief Conservator of Forests Central Southern Forest Region-I Peshawar

Conservator of Forests distant Lower Hazara Forest Citcle 3

Abbottabad



# GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

NO.SO(Estt)Envt/1-4/2K11/ ( )
Dated Pesh: 7<sup>th</sup> May, 2011

To

The Chief Conservator of Forests, Khyber Pakhtunkhwa.

SUBJECT: APPLICATION

I am directed to refer to the subject cited above and to enclose herewith a copy of an application which is self-explanatory (alongwith its enclosure) submitted by Haji Muhammad Zeb, President Forest Guards/Foresters and Deputy Rangers Association Khyber Pakhtunhwa, for necessary action as per remarks of the Secretary Environment which are reproduced below:-

"For considering both the circles separately as per new administrative arrangement and rules/policy."

Encl: as above

(MUTAHIR SHAH) SECTION OFFICER (ESTT)

Endst: No. and date even.

(Totel -

Divisional Forest Officer Patrol Squad Laurer Hazara Circle Patrol Squad Laurer Hazara

Copy is forwarded to PS to Secretary Environment Department.

SECTION OFFICER (ESTT)

D ManerALF TER DATED 1.5 2011 doc



# F/GUARDS FURESILES & D/RANGERS ASSOCIATION N.W.F.P.

Haji Muhammad Zeb Khan (L.L.B) Central President Res: 0945-761174

Cell: 0300-5824716 0345-9065554

/663 7/5/2011

Zeb House Zeb Abad Chakdra P.O.Chakdra Tchsil Adenzai District Dir (L)

07-05-2011

سكرفرى ص مادلهات مورجس ك

ور في الله عن سياسي ما جائيز ديارة كالحت " ويرك كوظ " كالأمن وعوص و ير فارسرزكو دین رسیر رئے عبدوں بر ناج تیز مرورٹ روانے میلی انتہائی علت میں مررخ 10 می 110 کر DPC کی میں منعقر کرانے کیلئے صاب ccF میں کر فتر سے احکامات ماری کی ماحر کی ہے۔ وک خلاف قواعلى خلاف قالون اورخلاف ها لطره - كيونكه ا

ں۔ حکومت KPP فیکرمافولیات کے ل 011 (5/7) 17 PN NO.SO(ESTT) ENVT/1-4/B/2Kg / 15/5

(تقومتاس ع) ANNEXED"A \_ كے بدلیات مع عطائي نرتو مالولن وليث سرس اور فالولز الد كرنسيل بر رنگ انگ سيارتي كسيت اور انگ انگ مرحوش كوليستي سائے كيك كرئي اقدامات سے بس -مذكرره دولون مركز كدشتركم سيارت ليث برستركم مرموش زير مور لدما جار با مرام و میں ریک استطامی بون برا رے کی کوسٹ ع - سے فیل نیادات کے سرعکس المع اور زالا - طاب والای سر سرایی میں فررم 11-30-00 کر SSRC کے احلاس فرفیکی عے حس کی منظم وسخط تره جاری حواسے - حسک روشن میں "میرٹ کوٹم" کے آرا میں (ی متواتر ۱۸) ACRS کین والوں کی تحقوص براوش کی کرئے بریران موجود اس ع - مکن 11-5-10 میں

السے لوگ کو سروموٹ کے جانے کی کوشش کی جاری ہے۔ جو کم خلاف قواعرے۔ 3 . عام عدر SO.(ESTT) على موس تواعد كون وركنك سرز ارسال سي ك

فركورة مالد حقائق كم بيش نظرات عاج - كرفيان خادات ، مدرس حسكلات كوالفاف کو لندی بنانے میل 11- کو-10 کو حرار والی و شی رسفرز کے بروش میل PC کی احلام - ما مالدنی اور ولید سرکلز ک امک امک میرونوش اور سیارتی ا میشن بر مانون کاره ا

50(E) العارص عاى قرر سفان مركزي حمر الدسى الن حوس فيرزى thing (5

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# GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

NO.SO(Estt)Envt/I-(//B/2K9 156

Dated Pesh: 17th January, 2011

To

The Chief Conservator of Forests, -Khyber Pakhtunkhwa.

SUBJECT: APPLICATION FOR CONSIDERATION OF DEPUTY RANGERS PROMOTION FROM CONCERNED FOREST CIRCLES

I am directed to refer to the subject cited above and to enclose herewith a copy of an application (self-explanatory) submitted by Haji Muhammad Zeb Khan, President, F/Guards Foresters & D/Rangers Association, with the direction that necessary action in the matter may be taken in view of the new administrative arrangement so that in-justice question may not a rise.

(MUTAHIR SHAH) SECTION OFFICER (EST.)

Endst: No. and date even.

Copy is forwarded to PS to Secretary Environment Department.

I amilia in the state of

SECTION OFFICER (ESTE)

COLUMN TUR DIRECTORYMETTER DATED 04:04,2011 doe



# F/GUARDS FORESTERS & D/RANGERS ASSOCIATION N.W.F.P, REGED

Majs Michaninad Zeh Klian (L.L.B)

Res: 0945-761174 Cell: 0300-5824716 0345-9065554

Zeb House Zeb Ab: Chakdra P.O.Chake Tehnil Adenzai District Dir (L)

$Ref_{i,\underline{\hspace{1cm}}}$					ç. U
				Dute	17-01-2011
		ع حوا <sup>ا</sup> -	ت حوبه خیرزش ترا	. Dute. دی هن ناجولتات	و المسكريز
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ے سے متر رر سیاری کیوث	مانوز والإلراز مرز			1 /6/1 1/0/	كل ميننگ يكم
کے متر را سیاری لیٹ تا عرف اور صلاف کا لول کا وی افتحال سرجودہے، کیو کرا			رکنگ سیرز الملب	June 15. 1.	Siii 4
	ہے ہیں۔ جرکر محمور	10 1 Col	VSIDER "		الزور البيدك عالات ما الم
ری افغان سرجودے، کو کمرا	را رکی حق دلتی کی ا	من ابرا	ر بر	رک جیرار کو جرائع	ادر تستركه درك
وی افکان برجودے، کیونکرا کیا ہے۔ ناریشل مرک کربڑر را می رسیر کے عررہ پر بردمرا	ر در	ر آس در	مار میران کے مسیر <i>او</i>	در ولسط بالأن	
ري ہے۔ مارسر	ے با ماعدی کا انظار	ہے۔ خبترن ـ	ن نظر العندات-		اورس کے
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الارا مال ترکره اوالیک میرز ملک کرک بر مرک سی				- <u> </u>	60
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برار علب کرے ہر مرک سے دلارمین کو حق المبی سے 13 -		10	ن دیم تر مرایات	الأسر متعلقه أعلل	11.
15 m 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	مريد اور رون		یہ رہے امک		ا دروج
ولارش كوس كا الما	برور کھیورٹ رمکر	سر کے رحس راہی	بر کے ان اس	ر بن سوات سیاد	عالاكند
دلارمس کو حن آلی ہے فیا۔ دلارمس کو حن					
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Divisional Forest Concording



## GOVERNMENT OF KHYDER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

Dated Pesh 5th Oct., 2012

# <u>NOTIFICATION</u>

department this supersession No.SO(Estt)Envt/I-4/2k11/6475 dated 2/1/2012, the Competent Authority, in exercise of the powers vested vide item 1-6 Part-I of defunct West Pakistan Manual Volume-II, is pleased to order reconstitution/revision of the following Circles for the purpose of initial appointment of Foresters and Deputy Rangers and promotion of Foresters to the rank of Deputy Rangers, in each circle, on the basis of circle-wise seniority lists of the Foresters, with immediate effect.

#	Name of Circles constituted	Name of Circle
11-	Upper Hazara Circle	Upper HazaralCircle
	Lower Hazara Circle	Lower Hazara Circle
	Malakand West Circle	Malakand West Circle
.4-	Malakand East Circle	Malakand East Circle
5-	FATA Circle	FATA-Circle i
1.6-	'Southern Circle	Southern Circle
17-	Watershed Management Circle!	Watershed Management Circle
17- 18-	Forestry Planning & Monitoring Circle	Forestry Planning & Monitoring Circle

The seniority of the Foresters and Deputy Rangers shall be determined and fixed in the respective Circles on the basis of their initial appointment.

> SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

Endst: No. SO(Estt)Envt/I-4/2k11/ 1629 - 52

Copy is forwarded for Information to:

1) PS to Secretary Environment Department

2) Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar.

Chief Conservator of Forests, Northern Forest Region-II, Abbottabad

Chief Conservator of Forests, Malakand Forest Region-III, Mingora at Saldu

Sharif; Swat: 5) All Conservators of Forests, Khyber Pakhtunkhwa C/O CCF-I; with the direction

Addictional

that tentative seniority lists of their respective circles may be issued by calling thereby objections within one months time period, if found no objection from any lofficial(s), then final seniority lists may be issued accordingly.

6); All Directors Integrated Specialized Units, Forest Department.

7) Master file.

(18) Officer order file.

(ASHFAQ KHAN)

SECTION OFFICER (ESTT)

# OFFICE OF THE CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD



No. 708-/6 /GE,

- The Conservator of Forests
   Watershed Management Project Abbottabad.
- 2- The Conservator of Forests Forestry Planning & Monitoring Circle, Peshawar.
- 3- Principal Sarhad Forest School, Abbottabad at Thai.

Subject

# SENIORITY LIST OF DEPUTY RANGERS / FORESTERS

Memo

The detail of Deputy Rangers /Foresters with full particulars, who are appointee of your Circles and presently serving in this Circle is enclosed herewith on the prescribed proforma for inclusion in the seniority list of your respective Circle on the basis of their initial appointment in the light of Government of Khyber Pakhtunkhwa Notification No. SO (Estt) Envt/1-4/2K11/1629-50, dated 05-10-2012. The Conservator of Forests, Forestry Planning and Monitoring Circle is requested to also supply the names of Deputy Rangers / Foresters, who are appointee of this Circle and presently serving in his Circle at an early date for further necessary action.

Encl. As above

Conservator of Forests
Lower Hazara Forest Circle
Abbottabad

No.

/GE

Copy forwarded to the Chief Conservator of Forests, Northern Forest Region-II Abbottabad Khyber Pakhtunkhwa for favour of information please.

Conservator of Forests Lower Hazara Forest Circle Abbottabad

81

Divisional Forest Criscs
Patrol Square Abbotratad

# NAME / SENIORITY LIST OF FORESTERS OF WORKING PLAN CIRCLE PRESENTLY SERVING IN LOWER HAZARA FOREST CIRCLE ABBOTTABAD

Γ	S. #	Name of Forester	ster Qualification Hon		Any test	Date of Birth	Date of appoint	tment in	Cadre	Remarks
	<b></b>		<b>C</b>	District	passed		Govt. Service	Present	Place of initial appointment	1 \$
	/	1						grade		
1		2.	3.	4.	5.	6.	7.	8.	9.	10
ļ	1.	Muhammad Shafqat	B.A	Haripur	Trained	01-01-1960	01-10-1983	01-10-1983	Upper Tanawal Working Plan	BS-09, dated 22-06-2012
1		· >							Division Abbottabad	
f	2.	Muhammad Riasat S/O Abdul	Matric	Abbottabad	-do-	25-03-1966	01-10-1986	01-10-1986	Working Plan Unit No. VI,	-do-
}		Qayyum					* •	**	Abbottabad	,
-	3	Muhammad Anwar-II S/O	F.A	Abbottabad	Trained	15-06-1966	01-10-1986	01-10-1986	Working Plan Unit No. VI,	-do-
}		Fazal-ur-Rehman							Abbottabad	
ŀ	4.	Mr. Bashir Ahmad	M.A	Mansehra	-do-	11-03-1965	01-10-1988	01-10-1988	Working Plan Unit No. IV,	-do-
									Abbottabad	
ŀ	5.	Mr. Amjad Khan	FA	Mansehra	-do-	06-05-1968	01-10-1988	01-10-1988	Working Plan Circle	-do
F	6.	Syed Ibrar Hussain Shah	Matric	Mansehra	-do-	12-02-1965	01-10-1989	01-10-1989	-do-	-do-
<u> </u>	7.	Mr. Zulifgar Khan	Matric	Abbottabad	-do-	14-04-1969	17-02-1991	01-09-2004	-do-	-do-

3

Conservator of Forests Lower Hazara Forest Circle Abbottaba

Ele.

Divisional Forest Officer Patrol Squari Lower Hazara Circle Abbodiabad 1347 July 1

# OFFICE OF THE **CONSERVATOR OF FORESTS** LOWER HAZARA FOREST CIRCLE **ABBOTTABAD**



Dated /8

The Divisional Forest Officer Haripur Forest Division, Haripur

Subject

APPEAL **AGAINST** SENIORITY OF CIRCULATED BY CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD WHEREBY THE NAME OF APPELLANTS HAS NOT BEEN INCORPORATED IN THE SENIORITY LIST

Reference

Your office letter No. 2113/GE dated 13-01-2013 (P-443)

Consequent upon the issuance of Notification No. SO (Estt) Envt / 1-4 / 2K11 / 1629-50, dated 05-10-2012 by the Government of Khyber Pakhtunkhwa Environment Department the refixation of seniority of Foresters and Deputy Rangers is to be done in the respective Circles on the basis of their initial appointments.

In view of the above no ambiguity is left in fixation of the seniority of the applicant namely Muhammad Shafqat, Forester in the Forestry Planning and Monitoring Circle which is the Circle of his initial appointment.

Please inform the applicant, accordingly.

Conservator of Forests Cower Hazara Forest Circle Abbottabad

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 344 Muhammad Shafqat Forester

#### **APPELLANT**

## **VERSUS**

- 1. The Secretary Environment govt. of Khyber Pakhtunkhwa, Peshawar
- 2. Chief Conservator of Forests Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forest Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

#### **RESPONDENTS**

Parawise comments on behalf of respondents

Respectively Sheweth:

**Preliminary Objections** 

- 1. The appeal is not maintainable in the present form
- 2. The appellants have no locus standi
- 3. The appellant is legally stopped by his own conduct to bring the present appeal.

## **FACTS**

Parawise comments are as under:

- In reply to para-1 it is submitted that the appellant is currently holding the post of Forester under the Administrative control of respondent No. 04 i.e. Conservator of Forests, Lower Hazara Forest Circle, but was recruited in Working Plan Circle and later-on transferred to Lower Hazara Forest Circle, Abbottabad, which was further disintegrated into two Forest Circles i.e. Lower Hazara Forest Circle and Upper Hazara Forest Circle.
- 2. In reply to para-2 it is submitted that the purpose of better Administration / Management the Forest department is divided into Regions, Circles, Divisions and further sub-Territorial units vulnerable to further revisions as per need basis under the law and official procedure. The post of Forester is inter –transferable between the Forest Circles. Therefore the phrase of the appellant i.e.
  - " The appellant was permanently adjusted in Lower Hazara Forest Circle" is portrayed in a contorted sense / manner, as far the handling of this promotion in the specific Forest Circle is concerned. The longer stay of a Forester in any Forest Circle never gives him the right of any specific privileges over the others in contradiction to the law & procedure.
- 3. The seniority lists framed at that times were as per rules and law and the contents therein were correct.

- Para No-4 is incorrect hence denied. After the constitution of new Forest Circles/ existing of Forest Circles bν the Govt. Administration/Management. The immediate problem that arised was of formation of fresh seniority lists of Foresters and other filed staff. In order to settle the huge quantum of current as well as impending queries of the affected field staff, a unanimous decision was taken at the departmental level, to fix the seniority of the field staff in their respective circles, on the basis of their initial appointment. It is pertinent to mention here that the decision was taken in consultation and request of the President of the Union of Forest Guard, Forester and Deputy Rangers, vide his application / letter No. Nil dated 07-5-2011 & dated 17-01-2011 (attached) addressed to the Secretary Environment Govt: of Khyber Pakhtunkhwa. Peshawar, therefore the Notification No. SO (Estt)/I-4/2K11/1629-50 dated 5.10.2012 was issued by the Govt. for the reconstitution/ revision of the circles for fixing the seniority of the Foresters and Deputy Rangers in the respective Circle on the basis of their initial appointments which has helped the department in curtailing the higher quantum of impending litigations. The Notification has never violated the principles laid down in the Section 8 & 9 of the Khyber Pakhtunkhwa Civil Servants Act 1973. Rather it has fortified the essence of the Khyber Pakhtunkhwa Civil Servants Act 1973, in general and section 8 & 9 of the Act in specific.
- 5. True as till 5.10.2012 a common integrated seniority list used to be issued by the Conservator of Forest Lower Hazara Forest Circle for all the incumbents of the posts in various Forest Circles of Hazara Region.
- 6. After the issuance of the Notification No. SO(Estt) Envt/I-4)2K11/1629-50 dated 5.10.2012 (attached), the seniority lists are prepared circle wise for their initially appointed staff irrespective of their contemporary place of postings. Therefore the appellant name was not shown in the seniority list as it stood on 31.10.2012 issued by the CF Lower Hazara Forest Circle. In this regard lists of the Foresters who have been initially appointed in Forestry Planning and Monitoring Circle Peshawar have already been sent to the respective Conservator of Forests vide this office letter No. 708-10/GE dated 28.11.2012 for inclusion in the seniority list of his Circle in the light of above Notification. (Letter along with Seniority list attached)
- 7. Consequent upon the issuance of Notification by the Govt. Environment Department KPK dated 5/10/2012, the request of the appellant/departmental appeal for inclusion of his name in the seniority list of Lower Hazara Forest Circle, could not be entertained, rather his seniority was fixed in the FP & M Circle without any pre-judice. CF Lower Hazara office letter No.353/JGE dated 18/1/2013 is annexed herewith.
- 8. Para No. 8 is incorrect hence denied. The posts of Deputy Forest Rangers are indeed part of the hierarchy FP & M Circle, but promotion of Foresters to the post of Deputy Rangers is made on the availability of vacant post, besides other promotion criteria to be considered by the departmental promotion committee. The length of service has never been the mandatory condition for promotion, rather it is the comparison of the length of service of the incumbents of the post that matters the most. As per the seniority position of the appellant and the availability of vacant higher post in his parent circle besides other criterias, will enable him for consideration for promotion by the DPC. The promotion is strictly made by the Department, in accordance with the rules and regulations.

- 9. Para No. 9 is also incorrect hence denied. The Notification dated 5/10/2012 is issued in the best interest of the state aiming at the curtailment of litigations made by the larger community. The pray of the appellant is arbitrary and against the interest of the state. The policies are devised by the Government, keeping in view the larger interest of the community rather then benefiting the personal gains of few persons.
- 10. Para No. 10 is also incorrect. Notifications are issued by Govt. from time to time in order to keep the Act rejuvenated with changing needs, better administrative control and less problems to be created, in the best interest of the state.

Hence the so called Notification is legal and implemented immediately with letter and sprit. Therefore any order passed keeping the essence of the Notification intact may be declared legal and consequently the appeal may be dismissed with cost.

Secretary Environment
Government of Khyber Pakhtunkhwa

Secretary

Govt of Khyber Onkhur Environmin

> Chief Conservator of Forests Northern Forest Region-II Abbottabad

Chief Conservator of Forests
Central Southern Forest Region-I
Peshawar

Conservator of Forests Lower Hazara Forest Circle

# BEFORE THE KHYBER PAKHTUNKHWA SERVICÈ TRIBUNAL

# APPEAL NO. 344 of 2013

# **Muhammad Shafqat Forester**

## **APPELLANTS**

# **VERSUS**

- 1. The Secretary Environment Govt. of Khyber Pakhtunkhwa, Peshawar
- Chief Conservator of Forest Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forests Northern Forest Region-II Abbottabad
- 4 Conservator of Forests Lower Hazara Forest Circle Abbottabad

## **RESPONDENTS**

## COUNTER AFFIDAVIT

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

Conservator of Forests Lower Hazara Forest Circle Abbottabad BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal no. 241, 300, 304, 308 and 344 of 2013 Muhammad Riasat & 04 Others

# **APPELLANT**

#### **VERSUS**

- 1. The Secretary Environment govt. of Khyber Pakhtunkhwa, Peshawar
- 2. Chief Conservator of Forests Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forest Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

# **RESPONDENTS**

Attesteel

Divisional Foliast Officer Patrol Squed Lower Hezera Circle

Parawise comments on behalf of respondents

Respectively Sheweth:

**Preliminary Objections** 

- 1. The appeal is not maintainable in the present form
- 2. The appellants have no locus standi
- 3. The appellant is legally stopped by his own conduct to bring the present appeal.

# **FACTS**

Parawise comments are as under:

1. The appellant is currently holding the post of Forester under the Administrative control of respondent No. 04 i.e. Conservator of Forests, Lower Hazara Forest Circle, but was recruited in Working Plan Circle and later-on transferred to Lower Hazara Forest Circle, Abbottabad, which was further disintegrated into two Foresters Circle i.e. Lower Hazara Forest Circle and Upper Hazara Forest Circle.

For the purpose of better Administration / Management the Forest department is devided into Regions, Circles, Divisions and further sub-Territorial units vulnerable to further revisions as per need basis under the law and official procedure. The post of Forester is inter –transferable between the Forest Circles. Therefore the phrase of the appellant i.e.

"The appellant was permanently adjusted in Lower Hazara Forest Circle" is portrayed in a contorted sense / manner, as far the handling of this promotion in the specific Forest Circle is concerned. The longer stay of a Forester in any Forest Circle never gives him the right of any specific privileges over the others in contradiction to the law & procedure.

3. The seniority lists framed at that times were as per rules and law and the contents therein were correct.

After the constitution of new Forest Circle/bifurcation of existing Forest Circles by the Govt. for better Administration/Management. The immediate problem that arised was of formation of fresh seniority lists of Foresters and other filed staff. In order to settle the huge quantum of current as well as impending queries of the affected field staff, a unanimous decision was taken at the departmental level, to fix the seniority of the field staff in their respective circles, on the basis of their initial appointment. It is pertinent to mention here that the decision was taken in consultation and request of the president of the Union of Forest Guard and Forester and Deputy Rangers, vide his application / letter No. Nil dated 07-5-2011 & dated 17-01-2011 (Attached) addressed to the Secretary Environment Govt: of Khyber Pakhtunkhwa, Peshawar, therefore the notification No. SO (Estt)/I-4/2K11 dated 5.10,2012 was issued by the Govt. for the reconstitution/ revision of the circles for fixing the seniority of the Forester and Deputy Rangers in the respective Circle on the basis of their initial appointments which has helped the department in curtailing the higher quantum of impending litigations. The notification has never violated the principles laid down in the Section 8 & 9 of the Khyber Pakhtunkhwa civil servants Act 1973. Rather it has

mi reply

fortified the essence of the K.P Civil Servants Act 1973, in general and section 8 & 9 of the Act in specific.

5. True as till 5.10.2012 a common integrated seniority list used to be issued by the Conservator of Forest Lower Hazara Forest Circle for all the incumbents of the posts

in various Forest Circles of Hazara Region.

After the issuance of the notification No. (Estt) Envt/I-432K 11 dated 5.10.2012, the 6. seniority lists are prepared circle wise for their initially appointed staff irrespective of their contemporary place of postings. Therefore the appellant name was not shown in the seniority list issued on 31.10.2012 by the CF Lower Hazara Forest Circle. Rather it was shown on the seniority list issued by Conservator of Forests, Forestry Planning & Monitoring Circle (CF FP& M) dated \_\_\_\_\_ in the appropriate place as per his seniority. (motification and summy first attend)

Consequent upon the issuance of notification by the govt. environment Department 7. . KPK dated 5/10/2012, the request of the appellant/departmental appeal for inclusion of his name in the seniority list of lower Hazara Forest Circle, could not be entertained, rather his seniority was fixed in the FP & M Circle without any pre-judice. CF Lower Hazara office letter No. 3260/GE dated 4/1/2013 is annexed herewith.

The posts of Deputy Forest Rangers are indeed part of the hierarchy FP & M Circle, but promotion of Foresters to the post of Deputy Rangers is made on the availability of vacant post, besides other promotion criteria to be considered by the departmental 8. promotion committee. The length of service has never been the mandatory condition for promotion, rather it is the comparison of the length of service of the incumbents of the post that matters the most. As per the seniority position of the appellant and the availability of vacant higher post in his parent circle besides other criterias, will enable him for consideration for promotion by the DPC. The promotion is strictly made by the

Department, in accordance with the rules and regulations.

The notification dated 5/10/2012 is issued in the best interest of the state aiming at the curtailment of litigations made by the larger community. The pray of the appellant is arbitrary and against the interest of the state: The policies are devised by the Government, keeping in view the larger interest of the community rather then benefiting the personal gains of few persons. para No 10 is also wered

10. Notification are issued by govt. from time to time in order to keep the Act rejuvenated with changing needs, better administrative control and less problems to be created, in the best interest of the state.

Acts are erected by the legislative bodies which are amended by netifications by the Govt. after seeking proper approvals. Hence the so called notification is legal and implemented immediately with letter and sprit. Therefore any order passed keeping the essence of the notification intact may be declared legal and consequently the appeal may be set a side do milled with with

Secretary Environment Government of Khyber Pakhtunkhwa Peshawar

> Chief Conservator of Forests Northern Forest Region-II

Abbottabad

Conservator of Forests 101 Stu 11 Lower Hazara Forest Circle Abbottabad

Chief Conservator of Forests

Central Southern Forest Region-I Peshawar

Division



# GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

NO.SO(Estt)Envt/1-4/2K11/ Dated Pesh: 7th May, 2011

To

The Chief Conservator of Forests, Khyber Pakhtunkhwa.

SUBJECT: APPLICATION

I am directed to refer to the subject cited above and to enclose herewith a copy of an application which is self-explanatory (alongwith its enclosure) submitted by Haji Muhammad Zeb, President Forest Guards/Foresters and Deputy Rangers Association Khyber Pakhtunhwa, for necessary action as per remarks of the Secretary Environment which are reproduced below:-

"For considering both the circles separately as per new administrative arrangement and rules/policy."

Encl: as above

(MUTAHIR SHAH)
SECTION OFFICER (ESTT)

Endst: No. and date even.

Copy is forwarded to PS to Secretary Environment Department.

SECTION OFFICER (ESTT)

DALCHEMETTER DATED 1/5/2011 doc



# F/GUARDS FURESILIS & D/RANGERS ASSOCIATION N.W.F.P, REGED

47

Haji Muhammad Zeb Khan (L.L.B) Zeb House Zeb Abad 1663 Chakdra P.O.Chakdra Central President Res: 0945-761174 7/5/2011 Tehsil Adenzai District Dir (L) Cell: 0300-5824716 0345-9065554 رمری ص ساحلهات في في الله عن سياسي ما جائيز دبار كاكت " ديرك كوية " كي أل من المنصوص الويم فاردم زكو می رسم رے عبدوں ایر ماجا سر مردوث اروان اسلام انہائی علت میں حرام 10 سی 110 کر DPC کی میرس معقر کرانے کیا جات محل کے دفتر سے احکامات جاری کی حالی ہے۔ وک خلاف قوامل بخلاف قالزل اورخلاق منالط ع - كوند ا 011 C/y? 17 PN NO-SO(ESTT) ENVT/1-4/8/2K9 F. J. (تورساس ع) ANNEXED"A)- كے برایات معانی برقر مایوری ولیٹ سرس اور مالوروالد ي سري سر رنگ رنگ سيارتي كيف اور انگ رنگ مرحوش كوفيشي سان كيلي كوني اقدامات سے بس يا مزكره دولون مركز كاشتركم سياري ليث پر مشتركم مرموش زير مور لدما جار و م زمر صن ریک استالمامی فوان به ارت می کوسش هر سک فی ز مفادات کے سرعکس اور ما ا عد منا والای سر سرایی می فرخ 11-30-30 کو SSRC کے احلاس فرھی ہے۔ حس کی منظم وسخط تره طاری حواسے - حسک روشی میں "میرٹ کوٹم" کے آرا میں (ی) متوامر ۱۸۱ ACR کیے والوں کی فخصوص بربوش کی کوئ برزیران موجود بس ہے ۔ لیک 11-5-10 میں ایسے لوگوں کو بیروط کے جانے کی کوشش کی جاری ہے۔ جو کم خلاف قواعرہ ۔ 3 . عوم مراهم عمر (SO (ESTT) عن كوحس تواعد كون وركناك ممرز ارال من لأ مركورة مالد حقائق كم بيش نظرارترعا هـ كرفيان خادات، مدرس حسكلات كوالفاق ولتن ان الملا ١١- ٥٥- ١٥ كو حرف والى فوشى رسورك مروش ميك عمر مل كى احلام ما مادر داری دو ولیک سرکار ک دیک دیک مرونوش دور سیاری امیشی پر مانون کاره ا 50(E) ואטיסטא عایی جرز سیال مرکزی حرار الدسی الن حوس حر thy 15

Testael 
Division Forces Office Control Cont

# GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

NO.SO(Estt)Envt/I-fy/B/2K9 (16) Dated Pesh: 17th January, 2011

Chief Conservator of Forests, per Pakhtunkhwa.

ICATION FOR CONSIDERATION OF DEPUTY RANGERS
MOTION FROM CONCERNED FOREST CIRCLES.

I am directed to refer to the subject cited above and to enclose refer with a copy of an application (self-explanatory) submitted by Haji Muhammad Zeb Khan, President, F/Guards Foresters & D/Rangers Association, with the direction that necessary action in the matter may be taken in view of the new administrative arrangement so that in-justice question may not a rise.

And to a some

(MUTAHIR SHAH)
SECTION OFFICER (E5%)

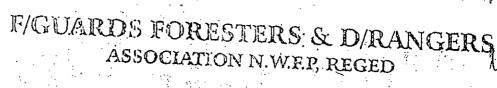
SECTION OFFICER (ESTIT) :

Endst:No.and date even.

Copy is forwarded to PS to Secretary Environment Department.

Division

CALITTER DIRECTORYMETTER DATED 01 91,2011 doe



Kaji Muhammad Zeh Khan (L.L.B)
Contral President

Res: 0945-761174 Cell: 0300-5824716 0345-9065554 Zeb House Zeb Aba Chaladra P.O.Chalad Tehnil Adenzai District Dir (1)

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## GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

Dated Pesh 5th Oct., 2012

## NOTIFICATION

of this department lo.SO(Estt)Envt/I-4/2k11: 1 supersession No:SO(Estt)Envt/I-4/2k11/6475 dated 2/1/2012, the Competent Authority, in exercise of he powers vested vide item 1-6 Part-I of defunct West Pakistan Manual Volume-II, is pleased to order reconstitution/revision of the following Circles for the purpose of initial appointment of Foresters and Deputy Rangers and promotion of Foresters to the rank of Deputy Rangers, in each circle, on the basis of circle-wise seniority lists of the Foresters, vith immediate effect.

	· · · · · · · · · · · · · · · · · · ·	المنافع المناف
7#	Name of Circles constituted	Name of Circle
-1-	Upper Hazara Circle	Upper Hazara Circle
2-	Lower Hazara Circle	Lower Hazara Circle
:3-	Malakand West Circle	Malakand West Circle
4-	Malakand East: Circle	Malakand East Circle
-5-	FATA Circle	FATA Circle
6-	Southern Circle	Southern Circle
17.	Watershed Management Circle	Watershed Management Circle
7.8-	Forestry Planning & Monitoring Circle	Forestry Planning & Monitoring Circle
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The seniority of the Foresters and Deputy Rangers shall be determined and fixed in the respective Circles on the basis of their initial appointment.

> SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

Copy is forwarded for Information to:

1) PS to Secretary Environment Department

2) Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar.

3) Chief Conservator of Forests, Northern Forest Region-II, Abbottabad,

4) Chief Conservator of Forests, Malakand Forest Region-III, Mingora at Saldu Sharif, Swat.

5), All Conservators of Forests, Khyber Pakhtunkhwa C/O CCF-I, with the direction that tentative senjority lists of their respective circles may be issued by calling thereby objections within one months time period, if found no objection from any official(s), then final seniority lists may be issued accordingly.

6); All Directors Integraled Specialized Units, Forest Department

7) Master file.

例 8) Officer order file.

TION OFFICER (ESTT)

# OFFICE OF THE CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD



No. 708-/6 /GE,

- 1- The Conservator of Forests Watershed Management Project Abbottabad.
- 2- The Conservator of Forests Forestry Planning & Monitoring Circle, Peshawar.
- 3- Principal Sarhad Forest School, Abbottabad at Thai.

Subject

# SENIORITY LIST OF DEPUTY RANGERS / FORESTERS

Memo

The detail of Deputy Rangers /Foresters with full particulars, who are appointee of your Circles and presently serving in this Circle is enclosed herewith on the prescribed proforma for inclusion in the seniority list of your respective Circle on the basis of their initial appointment in the light of Government of Khyber Pakhtunkhwa Notification No. SO (Estt) Envt/1-4/2K11/1629-50, dated 05-10-2012. The Conservator of Forests, Forestry Planning and Monitoring Circle is requested to also supply the names of Deputy Rangers / Foresters, who are appointee of this Circle and presently serving in his Circle at an early date for further necessary action.

Encl. As above

Conservator of Forests
Lower Hazara Forest Circle
Abbottabad

No.

/GE

Copy forwarded to the Chief Conservator of Forests, Northern Forest Region-II Abbottabad Khyber Pakhtunkhwa for favour of information please.

Conservator of Forests Lower Hazara Forest Circle Abbottabad

> Division Person Officer Patrol Super Louis Houses Circle Abbothmed

Talees

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# NAME / SENIORITY LIST OF FORESTERS OF WORKING PLAN CIRCLE PRESENTLY SERVING IN LOWER HAZARA FOREST CIRCLE ABBOTTABAD

S. #	Name of Forester	Qualification	Home	Any test	Date of Birth	Date of appointment in		Cadre	Remarks
3. "	Traine of Forester	<b>Q</b>	District	passed		Govt. Service	Present	Place of initial appointment	
	<u> </u>			-			grade		
	2.	3.	4.	5.	6.	7.	8.	9.	10
1.	Muhammad Shafqat	B.A	Haripur	Trained	01-01-1960	01-10-1983	01-10-1983	Upper Tanawal Working Plan Division Abbottabad	BS-09, dated 22-06-2012
2.	Muhammad Riasat S/O Abdul /	Matric	Abbottabad	-do-	25-03-1966	01-10-1986	01-10-1986	Working Plan Unit No. VI, Abbottabad	-do-
3	Muhammad Anwar-II S/O Fazal-ur-Rehman	F.A	Abbottabad	Trained	15-06-1966	01-10-1986	01-10-1986	Working Plan Unit No. VI, Abbottabad	-do-
4.		M.A	Mansehra	-do-	11-03-1965	01-10-1988	01-10-1988	Working Plan Unit No. IV, Abbottabad	-do-
5.	Mr. Amjad Khan	FA	Mansehra	-do-	06-05-1968	01-10-1988	01-10-1988	Working Plan Circle	-do
6.	Syed Ibrar Hussain Shah	Matric	Mansehra	-do-	12-02-1965	01-10-1989	01-10-1989	-do-	-do
7.	Mr. Zulifqar Khan	Matric	Abbottabad	-do-	14-04-1969	17-02-1991	01-09-2004	-do-	-do-

Conservator of Forests
Lower Hazara Forest Circle
Abbottabad

# OFFICE OF THE **CONSERVATOR OF FORESTS** LOWER HAZARA FOREST CIRCLE **ABBOTTABAD**



Dated \_/8 //

The Divisional Forest Officer Haripur Forest Division, Haripur

**Subject** 

AGAINST SENIORITY OF CIRCULATED BY CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD WHEREBY THE NAME OF APPELLANTS HAS NOT BEEN INCORPORATED IN THE SENIORITY LIST

Reference

Your office letter No. 2113/GE dated 13-01-2013 (P-443)

Consequent upon the issuance of Notification No. SO (Estt) Envt / 1-4 / 2K11 / 1629-50, dated 05-10-2012 by the Government of Khyber Pakhtunkhwa Environment Department the refixation of seniority of Foresters and Deputy Rangers is to be done in the respective Circles on the basis of their initial appointments.

In view of the above no ambiguity is left in fixation of the seniority of the applicant namely Muhammad Shafqat, Forester in the Forestry Planning and Monitoring Circle which is the Circle of his initial appointment.

Please inform the applicant: accordingly.

Conservator of Forests Cower Hazara Forest Circle Abbottabad

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 344 Muhammad Shafqat Forester

#### **APPELLANT**

#### **VERSUS**

- 1. The Secretary Environment govt. of Khyber Pakhtunkhwa, Peshawar
- 2. Chief Conservator of Forests Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forest Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

## RESPONDENTS

Parawise comments on behalf of respondents

Respectively Sheweth:

**Preliminary Objections** 

- 1. The appeal is not maintainable in the present form
- 2. The appellants have no locus standi
- 3. The appellant is legally stopped by his own conduct to bring the present appeal.

#### **FACTS**

Parawise comments are as under:

- 1. In reply to para-1 it is submitted that the appellant is currently holding the post of Forester under the Administrative control of respondent No. 04 i.e. Conservator of Forests, Lower Hazara Forest Circle, but was recruited in Working Plan Circle and later-on transferred to Lower Hazara Forest Circle, Abbottabad, which was further disintegrated into two Forest Circles i.e. Lower Hazara Forest Circle and Upper Hazara Forest Circle.
- 2. In reply to para-2 it is submitted that the purpose of better Administration / Management the Forest department is divided into Regions, Circles, Divisions and further sub-Territorial units vulnerable to further revisions as per need basis under the law and official procedure. The post of Forester is inter –transferable between the Forest Circles. Therefore the phrase of the appellant i.e.
  - "The appellant was permanently adjusted in Lower Hazara Forest Circle" is portrayed in a contorted sense / manner, as far the handling of this promotion in the specific Forest Circle is concerned. The longer stay of a Forester in any Forest Circle never gives him the right of any specific privileges over the others in contradiction to the law & procedure.
- 3. The seniority lists framed at that times were as per rules and law and the contents therein were correct.

- Para No-4 is incorrect hence denied. After the constitution of new Forest Circles/ οf existina Forest Circles bγ the Govt. Administration/Management. The immediate problem that arised was of formation of fresh seniority lists of Foresters and other filed staff. In order to settle the huge quantum of current as well as impending queries of the affected field staff, a unanimous decision was taken at the departmental level, to fix the seniority of the field staff in their respective circles, on the basis of their initial appointment. It is pertinent to mention here that the decision was taken in consultation and request of the President of the Union of Forest Guard, Forester and Deputy Rangers, vide his application / letter No. Nil dated 07-5-2011 & dated 17-01-2011 (attached) addressed to the Secretary Environment Govt: of Khyber Pakhtunkhwa, Peshawar, therefore the Notification No. SO (Estt)/I-4/2K11/1629-50 dated 5.10.2012 was issued by the Govt. for the reconstitution/ revision of the circles for fixing the seniority of the Foresters and Deputy Rangers in the respective Circle on the basis of their initial appointments which has helped the department in curtailing the higher quantum of impending litigations. The Notification has never violated the principles laid down in the Section 8 & 9 of the Khyber Pakhtunkhwa Civil Servants Act 1973. Rather it has fortified the essence of the Khyber Pakhtunkhwa Civil Servants Act 1973, in general and section 8 & 9 of the Act in specific.
- True as till 5.10.2012 a common integrated seniority list used to be issued by the Conservator of Forest Lower Hazara Forest Circle for all the incumbents of the posts in various Forest Circles of Hazara Region.
- 6. After the issuance of the Notification No. SO(Estt) Envt/I-4)2K11/1629-50 dated 5.10.2012 (attached), the seniority lists are prepared circle wise for their initially appointed staff irrespective of their contemporary place of postings. Therefore the appellant name was not shown in the seniority list as it stood on 31.10.2012 issued by the CF Lower Hazara Forest Circle. In this regard lists of the Foresters who have been initially appointed in Forestry Planning and Monitoring Circle Peshawar have already been sent to the respective Conservator of Forests vide this office letter No. 708-10/GE dated 28.11.2012 for inclusion in the seniority list of his Circle in the light of above Notification. (Letter along with Seniority list attached)
- 7. Consequent upon the issuance of Notification by the Govt. Environment Department KPK dated 5/10/2012, the request of the appellant/departmental appeal for inclusion of his name in the seniority list of Lower Hazara Forest Circle, could not be entertained, rather his seniority was fixed in the FP & M Circle without any pre-judice. CF Lower Hazara office letter No.353/GE dated 18/1/2013 is annexed herewith.
- 8. Para No. 8 is incorrect hence denied. The posts of Deputy Forest Rangers are indeed part of the hierarchy FP & M Circle, but promotion of Foresters to the post of Deputy Rangers is made on the availability of vacant post, besides other promotion criteria to be considered by the departmental promotion committee. The length of service has never been the mandatory condition for promotion, rather it is the comparison of the length of service of the incumbents of the post that matters the most. As per the seniority position of the appellant and the availability of vacant higher post in his parent circle besides other criterias, will enable him for consideration for promotion by the DPC. The promotion is strictly made by the Department, in accordance with the rules and regulations.

- 9. Para No. 9 is also incorrect hence denied. The Notification dated 5/10/2012 is issued in the best interest of the state aiming at the curtailment of litigations made by the larger community. The pray of the appellant is arbitrary and against the interest of the state. The policies are devised by the Government, keeping in view the larger interest of the community rather then benefiting the personal gains of few persons.
- 10. Para No. 10 is also incorrect. Notifications are issued by Govt. from time to time in order to keep the Act rejuvenated with changing needs, better administrative control and less problems to be created, in the best interest of the state.

Hence the so called Notification is legal and implemented immediately with letter and sprit. Therefore any order passed keeping the essence of the Notification intact may be declared legal and consequently the appeal may be dismissed with cost.

Secretary Environment
Government of Khyber Pakhtunkhwa

Secretary shawar

Govt of Khyber Environing

> Chief Conservator of Forests Northern Forest Region-II Abbottabad

Chief Conservator of Forests Central Southern Forest Region-I Peshawar

Conservator of Forests Lower Hazara Forest Circle

Abbottabad

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

### APPEAL NO. 344 of 2013

### Muhammad Shafqat Forester

#### **APPELLANTS**

#### **VERSUS**

- 1. The Secretary Environment Govt. of Khyber Pakhtunkhwa, Peshawar
- 2. Chief Conservator of Forest Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forests Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

#### RESPONDENTS

### **COUNTER AFFIDAVIT**

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

Conservator of Forests Lower Hazara Forest Circle Abbottabad BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal no. 241, 300, 304, 308 and 344 of 2013 Muhammad Riasat & 04 Others

#### **APPELLANT**

#### **VERSUS**

- 1. The Secretary Environment govt. of Khyber Pakhtunkhwa, Peshawar
- 2. Chief Conservator of Forests Central Southern Forest Region-I, Peshawar
- 3. Chief Conservator of Forest Northern Forest Region-II Abbottabad
- 4. Conservator of Forests Lower Hazara Forest Circle Abbottabad

### <u>RESPONDENTS</u>

Parawise comments on behalf of respondents

Respectively Sheweth:

**Preliminary Objections** 

1. The appeal is not maintainable in the present form

2.

Patrol Equad Lower Hazara Clink The appellant is legally stopped by his own conduct to bring the present appeal. 3.

**FACTS** 

Parawise comments are as under:

in reply to paral it is submitted I hat The 1. The appellant is currently holding the post of Forester under the Administrative control of respondent No. 04 i.e. Conservator of Forests, Lower Hazara Forest Circle, but was recruited in Working Plan Circle and later-on transferred to Lower Hazara Forest Circle, Abbottabad, which was further disintegrated into two Foresters Circle i.e. Lower Hazara Forest Circle and Upper Hazara Forest Circle.

MATTO B MEETER. or the purpose of better Administration / Management the Forest department is devided into Regions, Circles, Divisions and further sub-Territorial units vulnerable to further revisions as per need basis under the law and official procedure. The post of Forester is inter -transferable between the Forest Circles. Therefore the phrase of the appellant i.e.

"The appellant was permanently adjusted in Lower Hazara Forest Circle" is portrayed in a contorted sense / manner, as far the handling of this promotion in the specific Forest Circle is concerned. The longer stay of a Forester in any Forest Circle never gives him the right of any specific privileges over the others in contradiction to the law & procedure.

The seniority lists framed at that times were as per rules and law and the contents therein were correct.

4 After the constitution of new Forest Circle/bifurcation of existing Forest Circles by the Govt. for better Administration/Management. The immediate problem that arised was of formation of fresh seniority lists of Foresters and other filed staff. In order to settle the huge quantum of current as well as impending queries of the affected field staff, a unanimous decision was taken at the departmental level, to fix the seniority of the field staff in their respective circles, on the basis of their initial appointment. It is pertinent to mention here that the decision was taken in consultation and request of the president of the Union of Forest Guard and Forester and Deputy Rangers, vide his application / letter No. Nil dated 07-5-2011 & dated 17-01-2011 (Attached) addressed to the Secretary Environment Govt: of Khyber Pakhtunkhwa, Peshawar, therefore the notification No. SO (Estt)/I-4/2K11 dated 5.10.2012 was issued by the Govt. for the reconstitution/ revision of the circles for fixing the seniority of the Forester and Deputy Rangers in the respective Circle on the basis of their initial appointments which has helped the department in curtailing the higher quantum of impending litigations. The notification has never violated the principles laid down in the Section 8 & 9 of the Khyber Pakhtunkhwa civil servants Act 1973. Rather it has

fortified the essence of the K.P Civil Servants Act 1973, in general and section 8 & 9 of the Act in specific.

True as till 5.10.2012 a common integrated seniority list used to be issued by the 5. Conservator of Forest Lower Hazara Forest Circle for all the incumbents of the posts in various Forest Circles of Hazara Region.

After the issuance of the notification No. (Estt) Envt/I-432K 11 dated 5.10.2012, the 6. seniority lists are prepared circle wise for their initially appointed staff irrespective of their contemporary place of postings. Therefore the appellant name was not shown in the seniority list issued on 31.10.2012 by the CF Lower Hazara Forest Circle. Rather

it was shown on the seniority list issued by Conservator of Forests, Forestry Planning & Monitoring Circle (CF FP& M) dated \_\_\_\_\_ in the appropriate place as per his seniority. (motification and summy first attends)

7. . Consequent upon the issuance of notification by the govt. environment Department KPK dated 5/10/2012, the request of the appellant/departmental appeal for inclusion of his name in the seniority list of lower Hazara Forest Circle, could not be entertained, rather his seniority was fixed in the FP & M Circle without any pre-judice. CF Lower Hazara office letter No. 3260/GE dated 4/1/2013 is annexed herewith.

Dara No & 13 incorred hence demice. The posts of Deputy Forest Rangers are indeed part of the hierarchy FP & M Circle, but promotion of Foresters to the post of Deputy Rangers is made on the availability of vacant post, besides other promotion criteria to be considered by the departmental promotion committee. The length of service has never been the mandatory condition for promotion, rather it is the comparison of the length of service of the incumbents of the post that matters the most. As per the seniority position of the appellant and the availability of vacant higher post in his parent circle besides other criterias, will enable him for consideration for promotion by the DPC. The promotion is strictly made by the

Department, in accordance with the rules and regulations.

Dava No 9 is also accord funce denied:

The notification dated 5/10/2012 is issued in the best interest of the state aiming at the curtailment of litigations made by the larger community. The pray of the appellant is arbitrary and against the interest of the state: The policies are devised by the Government, keeping in view the larger interest of the community rather then

para No 10 is also wiese 10. Notification are issued by govt. from time to time in order to keep the Act rejuvenated with changing needs, better administrative control and less problems to be created, in the best interest of the state.

Acts are erected by the legislative bodies which are amended by notifications by the Govt. after seeking proper approvale. Hence the so called notification is legal and implemented immediately with letter and sprit. Therefore any order passed keeping the essence of the notification intact may be declared legal and consequently the appeal may be set a side dis missed with with

Secretary Environment Government of Khyber Pakhtunkhwa Peshawar

> Chief Conservator of Forests Northern Forest Region-II

> Abbottabad

Conservator of Forests Lower Hazara Forest Circle **Abbottabad** 

Chief Conservator of Forests

Central Southern Forest Region-I Peshawar



# GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

NO.SO(Estt)Envt/1-4/2K11/ Dated Pesh: 7th May, 2011

To

The Chief Conservator of Forests, Khyber Pakhtunkhwa.

SUBJECT: APPLICATION

I am directed to refer to the subject cited above and to enclose herewith a copy of an application which is self-explanatory (alongwith its enclosure) submitted by Haji Muhammad Zeb, President Forest Guards/Foresters and Deputy Rangers Association Khyber Pakhtunhwa, for necessary action as per remarks of the Secretary Environment which are reproduced below:-

"For considering both the circles separately as per new administrative arrangement and rules/policy."

Encl: as abave

(MUTAHIR SHAH)
SECTION OFFICER (ESTT)

Endst:No.and date even.

Copy is forwarded to PS to Secretary Environment Department.

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SECTION OFFICER (ESTT)

D MetterMa TTER DATED 1.5 2011 doc.



### F/GUARDS FUNDALLINS & D/RANGERS ASSOCIATION N.W.F.P. REGED

Haji Muhammad Zeb Khan (L.L.B) Central President

Res: 0945-761174 Cell: 0300-5824716 0345-9065554

1663 7/5/2011

خلاف قواعد بخلاف قالون اورخلاق هالط هـ كوندا

Zeb House Zeb Abad Chakdra P.O.Chakdra Tehsil Adenzai District Dir (L)

سكرمرى ما ماوليات مورجم كترن والشا

ور في الله على من سياسي ما جائيز دياد كوت "ديرك كويل" كالأمن في عوص في بير فارديم و وی رستر رے عمدوں پر ناجائیز مردوث کروانے کیلئے استہائی علت میں درخ 10 سی 110 کر DPC کی اولاس منعقر کروانے کیلئے طاب CCF میں کے دفتر سے احکامات جاری کی حاجم کی ہے۔ ورکر

OII (5) 17 P.J NO. SO(ESTT) ENVT/1-4/18/249 F. J.

(تعربهاس ع) ANNEXED"A) - کے سرامات کے مطابق نرتو والوری ولسٹ سرس اور فالورڈ الد تر سرا بر رنگ ایک میارش کسیک اور ایک دیک مرحوش کویفتی منا نے کیلی کوئی اقدامات نے ہیں۔ یا مزكره دولون مركز كاستركم سارق ليك برستركم برموس زيرعور لدما عاريا م- ورمزم من رمک استطاعی فزان برا را کی کوسش عرف کی و ملک وی دات کے برعکس اور نااز عاب والا كى سرسرامي من فررخ 11-30-00 كر SSRC كا حلاس فرفيكي عرص كي منظی دسخط نده طاری حواسے - حسک روشی میں "میرٹ کوٹم" کے آرا میں (کی متوامر A)

ACRE کیے والوں کی تحقوص بروش کی کرئے "رویم ف وجود بن ع - یک 11-5-01 میں الیے دولاں کو سرووٹ نے مانے ک کوشش کی جاری ہے۔ جو کم خلاف قواعرے۔

ا في ما DPC من المراهم عمر (SO (ESTT) عن كر حسب تواعد كوئى وركزك بسيرز ارسال بسرى كو

فركورة مالد حقائق عيش نظرات عاج - كرفيان معادات ، مدرس حسكلات كوالفاف و لیس ان اے میلے 11- 50-10 کو حرن والی فی کی رسورے بروش میلے DPC کی احلام مرا مالدنیزان دو دلسک سرفلز ک دیک دیک سرونوش اور سیاری ا میشن بر قانون دها

50(E) العارص عایی جرز سفال مرکزی هررالیرسی الش موسر حر

Hotel



# F/GUARDS FORESTERS: & D/RANGERS ASSOCIATION N.W.F.P, REGED

Majs Muhammad Zeb Khan (L.L.B)

iles: 0945-761174 Cell: 0300-5324716 0345-9065554 Zeb House Zeb Ab Chakdra P.O.Chake Tehsil Adenzai District Dir (L)

حمال سیکرنزی می ماحولیات موسر خیر

ادر البدط مالاكر الرسال سے امگ ورك سرز طلب كرے كے كائے سابقہ فالاكر الرسال سے امگر ورك المسال مالاكر الرسال سے امگر ورك المسال مالاكر الرسال م اور تستركر وركز كر سرزكو سروت " conside " أن طارع بن - وكر خلاف قافره ادر حلاف قالون ع رجی مینے دن دلیسطی مالاندار میک کے میٹر اور میٹر وائی کی حق ملتی کی توی اسکان موجودے کیو کرا فذكوره دواون سرطریس كنرور شرز نسینات در جنبون نے باعادی كامفار كيا ہے۔ مارسل مرك كرار، الرسط عدد اور مرسکل کے سیاری لیسٹ کے مطالب مرسکل سے خار شرون کو ڈیٹی رستر کے عبرہ مر برورٹ الرسط عدد اور مرسکل کے سیاری لیسٹ کے مطالب مرسکل سے خار شرون کو ڈیٹی رستر کے عبرہ مر

-160 الله الله الروس كوائے - اكدكس ولارس في حق المني مزهو - كفورت ومكر ولارمس كو حق المني سے 15 ---

كلية عدال جائے سے فی گریز سی كرین 10001

مای ارسی مرزی صدر البرسی الین مردی میرد. مای ارسی البرسی الب

Hesters



# F/GUARDS FORESTERS & D/RANGERS ASSOCIATION N.W.F.P, REGED

Majs Muhammad Zeb Khan (L.L.B)

Res: 0945-761174 Cell: 0300-5824716 0345-9065554 Zeb House Zeb A Chakdra P.O.Chakd Tchail Adenzal District Dir (L)

حمّاب سيكريزي مي ناجليات م

100 - 100 . 100 . 100 M. May 1 Fair - 1 July 1 2011 (1) . Land of soil ادر البدع مالاکر ارس سے امگ ورک سیرز طالب کرنے کے بی نے سابقہ فالاکر ارسی کے مترز ارسیاری لیدے اور تستركر وركز ميرزكو يوسوش" CONSIDER " من طارع بين - وكر حلاف كالون عالون عالون عالون عالون عالون ع اورجن منع من ولیسط الانسام ال کرنیز اور منتی فار طرون کوخن دلتی کی توی امکان برجود می گردیم! فذكوره دواؤن سرطر مين كنررو يرز تسنات م جنبون نه با عاعري كالانجار كيا ب المارير مركز كرار الم المرسط ميد اور سرمكل كر ساري ليسك مالك مرسكل من طور فرون كو فريني رسم ك عروه مر يرورث

، الاكتراعلى في كو مإليات وما في صائع - كروه وليسك والاكترام الله المراد الداليد 166 1/26/2/11/2/ مالاكند مر بسوت ميرد تريين سے بامگ انگ منياری ليد اور دركنگ بسير الله كرك بر مزك سے ا امگ امگ اردوس کردائے - ساکہ کسی ملازم کی جی المنی مزادر کھیورت دیگر دلازمین کو حق المنی سے 15 .... امگ امگ اردوس کردائے - ساکہ کسی ملازم کی جی المنی مزادر کھیورت دیگر دلازمین کو حق المنی سے 15 ....

كلية مدالتجان سي وي الريز بس الري الله

17/01/11 عاى قرار في مرازى صدر البرسى الين 12001



### GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

Dated Pesh 5th Oct., 2012

### OTIFICATION

department Notification of this supersession No SO(Estt)Envt/I-4/2k11/6475 dated 2/1/2012, the Competent Authority, in exercise of he powers vested vide item 1-6 Part-I of defunct West Pakistan Manual Volume-II, is pleased to order reconstitution/revision of the following Circles for the purpose of initial appointment of Foresters and Deputy Rangers and promotion of Foresters to the rank of Deputy Rangers, in each circle, on the basis of circle-wise seniority lists of the Foresters, with immediate effect.

#	Name of Circles constituted	Name of Circle
1-	Upper Hazara Circle	Upper Hazara Circle
	Lower Hazara Circle	Lower Hazara Circle
	Malakand West Circle	Malakand West Circle
	Malakand East Circle	Malakand East Circle
	FATA Circle	FATA Circle
	Southern Circle	Southern Circle
	Watershed Management Circle	Watershed Management Circle
175	Forestry Planning & Monitoring Circle	Forestry Planning & Monitoring Circle
	111 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	

The seniority of the Foresters and Deputy Rangers shall be determined and fixed in the respective Circles on the basis of their initial appointment.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT

Copy is forwarded for information to:-

1) PS to Secretary Environment Department.

2) Chief Conservator of Forests, Central & Southern Forest Region-I. Peshawar.

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

4) Chief Conservator of Forests, Malakand Forest Region-III; Mingola at Saldu

Sharif; Swat.

5) All Conservators of Forests, Khyber Pakhtunkhwa C/O CCF-I; with the direction that tentative seniority lists of their respective circles may be issued by calling. thereby objections within one months time period, if found no objection from any lofficial(s), then final seniority lists may be issued accordingly

6); All Directors Integrated Specialized Units, Forest Department

7) Master file. --

18); Officer order file.

ASHFAQ KHAN)

SECTION OFFICER (ESTI

### OFFICE OF THE CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD



- The Conservator of Forests
   Watershed Management Project Abbottabad.
- 2- The Conservator of Forests Forestry Planning & Monitoring Circle, Peshawar.
- 3- Principal Sarhad Forest School, Abbottabad at Thai.

Subject

## SENIORITY LIST OF DEPUTY RANGERS / FORESTERS

Memo

The detail of Deputy Rangers /Foresters with full particulars, who are appointee of your Circles and presently serving in this Circle is enclosed herewith on the prescribed proforma for inclusion in the seniority list of your respective Circle on the basis of their initial appointment in the light of Government of Khyber Pakhtunkhwa Notification No. SO (Estt) Envt/1-4/2K11/1629-50, dated 05-10-2012. The Conservator of Forests, Forestry Planning and Monitoring Circle is requested to also supply the names of Deputy Rangers / Foresters, who are appointee of this Circle and presently serving in his Circle at an early date for further necessary action.

Encl. As above

Conservator of Forests Lower Hazara Forest Circle

Abbottabad

No.

/GF

Copy forwarded to the Chief Conservator of Forests, Northern Forest Region-II Abbottabad Khyber Pakhtunkhwa for favour of information please.

Conservator of Forests Lower Hazara Forest Circle Abbottabad

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Divisional Forest Officer

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## NAME / SENIORITY LIST OF FORESTERS OF WORKING PLAN CIRCLE PRESENTLY SERVING IN LOWER HAZARA FOREST CIRCLE ABBOTTABAD

S.#	Name of Forester	•	Home		Date of Birth	Date of appointment in		Cadre	Remarks
			District			Govt. Service	Present grade	Place of initial appointment	
1	2.	3.	4.	5.	6.	7.	8.	9.	10
1.	Muhammad Shafqat	B.A	Haripur	Trained	01-01-1960	01-10-1983	01-10-1983	Upper Tanawal Working Plan Division Abbottabad	BS-09, dated 22-06-2012
2.	Muhammad Riasat S/O Abdul /	Matric	Abbottabad	-do-	25-03-1966	01-10-1986	01-10-1986	Working Plan Unit No. VI, Abbottabad	-do-
. 3	Muhammad Anwar-II S/O Fazal-ur-Rehman	F.A	Abbottabad	Trained	15-06-1966	01-10-1986	01-10-1986	Working Plan Unit No. VI, Abbottabad	-do-
4.	Mr. Bashir Ahmad	M.A	Mansehra	-do-	11-03-1965	01-10-1988	01-10-1988	Working Plan Unit No. IV, Abbottabad	-do-
5.	Mr. Amjad Khan	FA	Mansehra	-do-	06-05-1968	01-10-1988	01-10-1988	Working Plan Circle	-do
6.	Syed Ibrar Hussain Shah	. Matric	Mansehra	-do-	12-02-1965	01-10-1989	01-10-1989	-do	-do
7.	Mr. Zulifqar Khan	Matric	Abbottabad	-do-	14-04-1969	17-02-1991	01-09-2004	-do-	-do-

32

Conservator of Forests
Lower Hazara Forest Circle
Abbottabad

ONE

Divisional Forest Cylical Patrol Squad Cache

### OFFICE OF THE CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD



Dated /8

The Divisional Forest Officer Haripur Forest Division, Haripur

Subject

APPEAL AGAINST SENIORITY OF CIRCULATED BY CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD WHEREBY THE NAME OF APPELLANTS HAS NOT BEEN INCORPORATED IN THE SENIORITY LIST

Reference

Your office letter No. 2113/GE dated 13-01-2013 (Puns)

Consequent upon the issuance of Notification No. SO (Estt) Envt / 1-4 / 2K11 / 1629-50, dated 05-10-2012 by the Government of Khyber Pakhtunkhwa Environment Department the refixation of seniority of Foresters and Deputy Rangers is to be done in the respective Circles on the basis of their initial appointments.

In view of the above no ambiguity is left in fixation of the seniority of the applicant namely Muhammad Shafqat, Forester in the Forestry Planning and Monitoring Circle which is the Circle of his initial appointment.

Please inform the applicant, accordingly.

Conservator of Forests Cower Hazara Forest Circle Abbottabad