



15.06.2022

Nemo for appellant.


Despite directions, appellant/counsel were not put on notice. Therefore, fresh notice be issued to appellant and his counsel for 15.08.2022 for preliminary hearing before S.B at Camp Court, Abbottabad.


(Rozina Rehman)
Member (J)
Camp Court, A/Abad

17.10.2022

 Nemo for appellant.

Notice be issued to appellant/counsel for 14.11.2022 for preliminary hearing before S.B at Camp Court, Abbottabad.





(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 203/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/02/2022	<p>The appeal of Mr. Saif-ur-Rehman presented today by Mr. Muhammad Tasleem Khan Kaloch Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	19.04.2022	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put there on <u>19.4.22</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for appellant.</p> <p>Notice be issued to appellant/counsel for 15.06.2022 preliminary hearing before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J) Camp Court, A/Abad</p>

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

Service Appeal No. 203/2022

Bashir Ahmed, Forest Guard Haripur, Forest Division, Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Forest, KP. Peshawar & Others.

...RESPONDENTS

SERVICE APPEAL

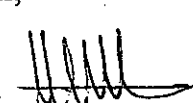
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<i>S.#</i>	<i>Description</i>	<i>Page No.</i>	<i>Annexure</i>
1.	Service appeal along with affidavit	1 to 7	
2.	Copy of seniority list showing the appointment of the appellant	9-16	"A"
3.	Copy of departmental appeal and rejection of departmental appeal	17-22	"B"
4.	Copy of relevant law on the subject	23-28	"C"
5.	Copy of judgment of the Apex Court	29-34	"D"
6.	Wakalatnama		


...APPELLANT

Through;

Dated: _____/2022


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
At Abbottabad

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

Service Appeal No. _____/2022

Bashir Ahmed, Forest Guard Haripur, Forest Division, Haripur.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Forest, KP. Peshawar.
2. Chief Conservator of Forest Northern Region-II, Abbottabad.
3. Conservator of Forest Lower Hazara Circle, Abbottabad.
4. Divisional Forest Officer, Haripur.
5. Tufail-Ur-Rehman son of Muhammad Zaman, ^(Forest Guard) Haripur Forest Division, Haripur.
6. Muhammad Jamshaid son of Muhammad Afsar Khan. *Forest Guard Haripur Forest Division*
7. Muhammad Nawaz son of Munsif Khan. *Forest Guard Haripur Forest Division*

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT IS SERVING IN THE HARIPUR
FOREST DIVISION AS FOREST GUARD W.E.F 2004,
BUT THE RESPONDENTS' DEPARTMENT
TRANSFERRED RESPONDENTS NO. 5 TO 7 FROM
OTHER DIVISION BUT HAVE BEEN SHOWN

②

SENIOR TO THE APPELLANT IN THE TENTATIVE SENIORITY LIST ISSUED ON 30/11/2021. AS PER LAW, ONCE AN EMPLOYEE IS TRANSFERRED FROM ANOTHER DIVISION TO HARIPUR DIVISION, THE TRANSFEREE IS PLACED AT THE BOTTOM OF THE SENIORITY LIST OF THE FOREST GUARD BUT, THE APPELLANT HAS BEEN SHOWN JUNIOR TO RESPONDENTS NO. 5 TO 7 WHICH IS AGAINST THE LAW AND THE SENIORITY LIST OF THE APPELLANT IS TO BE RECONCILED, RECTIFIED AFTER PLACING THE APPELLANT SENIOR TO RESPONDENTS NO. 5 TO 7.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO PLACE THE APPELLANT SENIOR TO RESPONDENTS NO. 5 TO 7 AND THEREAFTER, ISSUE REVISED SENIORITY LIST AS PER LAW. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth,

That the facts forming the background of the instant service appeal are as follows;-

1. That the appellant is serving in Forest Division Haripur w.e.f 01/11/2004. Copy of seniority list showing the appointment of the appellant is attached as Annexure "A".
2. That respondent No. 5 was posted to Haripur Forest Division on 13/08/2007, respondent No. 6 on 01/07/2013 and respondent No. 7 on 17/01/2009 which is mentioned in the impugned tentative seniority list issued by respondents on 30/11/2021. Copy of tentative seniority list dated 30/11/2021 is already attached as Annexure (A).
3. That the appellant filed departmental appeal against the tentative list of Forest Guard which has been rejected on 01/02/2022. Copy of departmental appeal and rejection of departmental appeal is attached as Annexure "B". Hence, the

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instant writ petition is filed, inter-alia on the following grounds:-

GROUND:-

- a) That impugned tentative seniority list is malafide against the law, discriminatory and without lawful justification.
- b) That as per law, all those employees who were transferred from other Division to Haripur Forest Division shall be placed Junior to those Forest Guard who are already serving in the Forest Division. In this regard, relevant law on the subject is attached as Annexure "C".
- c) That respondents No. 5 to 7 were serving in other divisions in the projects i.e. Soka and in Kaghan Forest Division and their services were transferred from other Forest Division to Haripur Division with back dated seniority which is against the law. In this regard, judgment of the Apex Court is attached as Annexure "D".

- d) That this fact may not be left to fade on oblivion that the appellant is eligible to be placed senior to respondents No. 5 to 7 in all fours. It is further submitted that respondents department is going to accommodate respondents No. 5 to 7 who are blueeyed.
- e) That respondents' department has led the appellant to the place which is utterly unknown to the principle of jurisprudence, good governance and fair play. It is also worth mentioning that when ever a law prescribe a thing which is to be done in a particular manner that must be done in that manner and not otherwise.
- f) That respondents' department have resorted to cherry picking just to accommodate influential respondents No. 5 to 7 which is not maintainable at law.
- g) That the other points shall be urged at the time of arguments.

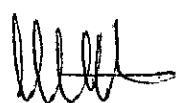
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It is, therefore, humbly prayed that on acceptance of the instant service appeal, respondents may graciously be directed to place the appellant senior to respondents No. 5 to 7 and thereafter, issue revised seniority list as per law. Any other relief which this Honourable Court deem appropriate in the circumstances of the case may also be granted to the appellant.


...APPELLANT

Through;

Dated: _____/2022


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan
At Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.


...APPELLANT

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

Service Appeal No. _____/2022

Bashir Ahmed, Forest Guard Haripur, Forest Division, Haripur.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Forest, KP. Peshawar &
Others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, *Bashir Ahmed, Forest Guard Haripur, Forest Division, Haripur*, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



DEPONENT

ٹی سٹیشن

Annex - A

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DIVISIONAL FOREST OFFICER HARIPUR FOREST DIVISION HARIPUR	Office Tehsil Road, Haripur Phone & Fax # 0995-920044 No. <u>2057-6/GE</u> dated <u>30/11/2021</u>
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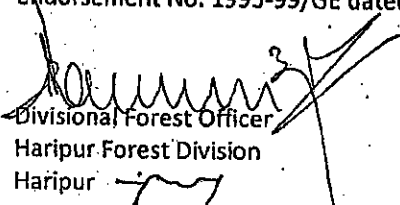
To

The all SDFOs/RFOs
In Haripur Forest Division

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Subject: TENTATIVE SENIORITY LIST OF FOREST GUARD

Enclosed find herewith tentative seniority list of Forest Guards as stood on 30-11-2021, upon acceptance of appeal for the seniority and restoration of seniority of M/S Tufail Ur Rehman, Muhammad Jamshaid, Muhammad Nawaz Forest Guards as provided in minutes of meeting held under the chairmanship of Chief Conservator of Forests Northern Forest Region-II Abbottabad on 05/10/2021, circulated vide his letter endorsement 3146-70 dated 20-10-2020, and endorse to you vide this office endorsement No. 1995-99/GE dated 19/11/2020 for favour of information and further necessary action.

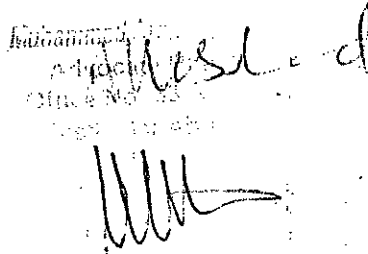

Divisional Forest Officer
Haripur Forest Division
Haripur

No. _____/GE dated _____/11/2021.

Copy forwarded to the:-

1. Chief Conservator of Forests Northern Forest Region-II Abbottabad for favour of information with reference to his letter No. 1872/GE dated 27/08/2021, please.
2. Conservator of Forests Lower Hazara Forest Circle Abbottabad for favour of information with reference to his letter No. 1821/GE dated 02/09/2021, please.

Divisional Forest Officer
Haripur Forest Division
Haripur


Divisional Forest Officer
Haripur Forest Division
Haripur

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TOTAL SANCTIONED STRENGTH OF FOREST GUARDS=103
 TOTAL EFFECTIVE STRENGTH OF FOREST GUARD.....87
 Permanent.....79
 Special squad.....8
 Total.....87

TENTATIVE SENIORITY LIST OF FOREST GUARDS OF THE KHYBER PAKHTUNKHWA ENVIRONMENT
 DEPARTMENT HARIPUR FOREST DIVISION HARIPUR AS IT STOOD ON 30-11-2021

S.#	Name	Father Name	Date of Birth.	Date of appointment /arrival in Haripur Forest Division	Qualification	Trained/ Un-Trained	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Tufail Ur Rehman	Muhammad Zaman	12-02-1968	21-12-1987 Soka Nala to Kaghan(18-3-1990) to Haripur 13/08/2007	Matric	Trained	<i>Seniority restored as provided in the minutes of meeting held under the chalmanship of Chief Conservator of Forests Northern Forest Region-II Abbottabad on 05/10/2020 and endorse to this office and others vide endorsement No. 3146-70 dated 20/10/2020, and circulated amongst all SDFOs/RFOs vide this office endorsement No.1995-99/GE dated 19/11/2020</i>
2	Saeed Anwar	Muhammad Yaqoob	03/03/1966	Soka Nala Project to Haripur 1/11/1984-14/09/1992	-do-	Un-trained	
3	Muhammad Jamshaid	Muhammad Afsar Khan.	04-05-1974	Galis to Haripur 18/10/1993-01-07-2013	Matric	Trained.	
4	Muhammad Nawaz	Munsif Khan	16/04/1971	7/5/1994 Daur Watershed to Haripur 23/1/2009.	-do-	Un-Trained	
5	Sajjad Khan	Muhammad Miskeen	01/04/1973	26/06/1995	-do-	Trained	Appointed in Haripur
6	Gul Hameed	Abdul Hakeem	18/11/1974	26/06/1995	-do-	-do-	-do-
7	S. Sabir Shah	Wali Shah	06/03/1968	29/06/1995	FA	-do-	Appointed in Haripur
8	Rehman Nawaz	Sarwar Khan	01/01/1969	29/06/1995	BA	-do-	Appointed in Haripur
9	Shoukat Khan	Sher Zaman	02/02/1975	29/06/1995	Matric	-do-	Appointed in Haripur
10	Muhammad Saeed	Gulistan	12/12/1971	06/03/1996	-do-	-do-	Appointed in Haripur
11	Muhammad Siddique	Muhammad Shafi	28/06/1964	Soka Nala(05/01/1984) to Haripur 23/09/1996	-do-	-do-	Appointed in Soka Nala
12	Muhammad Azam	Qalandar Khan	04/02/1966	Soka to Haripur 17/10/1987-07-10-1998	-do-	Trained.	-do-

Approved
MMS

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13	Abdul Waheed	Sultan Mehmood	15/06/1971	18/09/2003	-do-	U/Trained	Appointed in Haripur
14	Rashir Ahmed	Abdul Aziz	13/05/1986	01/11/2004	-do-	Trained	-do-
15	Ayaz Ahmed	Sarfraz Khan	15/07/1977	20/03/2008	-do-	Trained	Appointed in Haripur
16	Waseem Ahmed	Raja Haji Razaq Muhammad	06/08/1977	20/03/2008	-do-	-do-	-do-
17	Mazhar Iqbal	Zardad Khan	05/03/1980	20/03/2008	-do-	Trained	-do-
18	Syed Rawait shah	Syed Kuwait Hussain Shah	03/04/1983	20/03/2008	-do-	Trained	-do-
19	Rizwan Gul	Gulab khan	01/03/1984	20/03/2008	-do-	Trained	-do-
20	Asghar Shah	Sikander shah	01/02/1985	20/03/2008	-do-	Trained	-do-
21	Muhammad Irfan	Muserat Khan	10/03/1985	20/03/2008	-do-	Trained	-do-
22	Muhammad Majeed	Muhammad Safar	03/06/1986	20/03/2008	-do-	-do-	-do-
23	Majid Ali	Gul Dad	17/01/1987	20/03/2008	-do-	-do-	-do-
24	Waqas Khan	Khan Fiaz	02/05/1987	20/03/2008	-do-	-do-	-do-
25	Shakoor Khan.	Baland Khan.	07-07-1979	01-07-2013	Matric	Un-Trained	Adjusted from defunct District Government
26	Waqas Hussain Shah	Mazloom Hussain Shah	12-12-1987	01-07-2013	Matric	Un-Trained	
27	Mohsan Ali Khan.	Khanzada Khan	05-05-1989	01-07-2013	Matric.	Un-trained	
28	Tahir Tariq.	Muhammad Tariq.	09-10-1990	01-07-2013	Matric	Trained	
29	Muhammad Waqar Younis.	Muhammad Younis.	03-03-1991	01-07-2013	Matric	Trained	
30	Adeel Javed.	Javed Iqbal.	24-03-1991	01-07-2013	Matric	Trained	Appointed in Haripur Forest Division
31	Muhammad Irshad	Muhammad Aslam.	08-03-1972	03-03-2014	Matric.	Trained	
32	Naeem Mumtaz.	Mumtaz Khan	29-01-1990	03-03-2014	F.A	Trained	-do-
33	Waqas Waheed.	Abdul Waheed.	01-01-1989	29-06-2015	Matric/DAE	Un-trained	-do-
34	Naveed Mansoor	Muhammad Rafique.	01-01-1991	29-06-2015	F.Sc	Un-trained	-do-
35	Nadeem Akhtar	Akhtar Zaman.	12-04-1991	29-06-2015	DAE/FA	Un-trained	-do-
36	Muhammad Abbass.	Ghulab.	15-06-1991	29-06-2015	Matric/DAE	Trained	-do-
37	Aakash Ahmed.	Ahmed Nawaz.	21-02-1992	29-06-2015	BA	Un-trained	-do-
38	Irfan Arshad	Arshad Khan	23/03/1992	29-06-2015	BSc.	Un-trained	-do-
39	Sarmad Mumtaz	Mumtaz Khan.	09-02-1993	29-06-2015	F.Sc.	Trained	-do-
40	Junaid Akhtar.	Jamshaid Akhtar.	01-03-1993	29-06-2015	F/Sc/DAE	Un-trained.	-do-
41	Waqas Ahmed.	Muhammad Sadiq.	06-08-1994	29-06-2015	Matric/DAE	Un-trained.	-do-
42	Ehsan-ul-Haq.	Haq Nawaz	04-11-1996	29-06-2015	F.Sc	Un-trained.	-do-
43	Muhammad Saqib.	Khurshid Ahmed.	07-06-1995	30-06-2015	F.Sc	Un-trained.	-do-
44	Usman Khan Abbasi	Ghazanfar Ali	15-01-1990	01-10-2015	FA	Un-trained	-do-

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45	Kashaf Awais	Muhammad Shereen Khan	08-12-1990	07-03-2016	DAE	Trained.	-do-
46	Muhammad Wasif Khan	Muhammad Asif Khan	09-09-1991	07-03-2016	F.Sc	Un-trained.	-do-
47	Muhammad Adil	Ghulam Muhammad	19-04-1992	07-03-2016	BA	Un-trained.	-do-
48	Ghulam Mustaqeem	Muhammad Siddique	15-06-1993	07-03-2016	FA	Un-trained.	-do-
49	Rizwan Ali	Manzoor Ellahi	20-10-1993	07-03-2016	FA	Trained.	-do-
50	Khanzada	Muhammad Sadiq	31-05-1991	08-03-2016	F.Sc	Un-trained.	-do-
51	Ehsan Ijaz	Ali Asghar	20-04-1994	08-03-2016	F.Sc	Trained.	-do-
52	Syed Imfan Hussain Shah	S.Mazhar Hussain Shah	12-02-1995	08-03-2016	F.Sc	Trained.	-do-
53	Saqib Khan	Hamayoon Khan	24-09-1995	06-05-2016	FA	Trained	-do-
54	Khizar Atta Ashraf	Muhammad Ashraf	25-07-1995	31-05-2016	DAE	Trained.	-do-
55	Syed Umair Hussain Shah	Syed Abid Hussain Shah	30-05-1991	03-11-2016	BA	Un-trained.	-do-
56	Malik Hammad Ansar	Malik Muhammad Ansar	28-05-1994	04-11-2016	BA	Un-trained.	-do-
57	Mehrab Khan	Mir Ahmed Khan	26-06-1994	04-11-2016	BA	Un-trained.	-do-
58	Muhammad Sagheer	Bashir Muhammad	10-01-1989	07-11-2016	BA	Un-trained.	-do-
59	Arshad Habib	Habib-ur-Rehman	31-03-1991	07-11-2016	BA	Un-trained.	-do-
60	Adeel Ahmed	Muhammad Saeed	19-04-1991	07-11-2016	BS(H)	Un-trained.	-do-
61	Muhammad Tahir	Muhammad Riaz	20-03-1989	08-11-2016	DAE	Un-trained.	-do-
62	Abdur Razaq	Muhammad Akram	02-01-1985	27-11-2017	FA	Un-trained.	-do-
63	Muhammad Shamraiz	Fazal-ur-Rehman	19-03-1989	27-11-2017	BA	Un-trained.	-do-
64	Adnan Khan	Umar Khan	13-05-1989	27-11-2017	MBA	Un-trained.	-do-
65	Bilal Khan	Pervaiz Khan	31-12-1990	27-11-2017	B.ED	Un-trained.	-do-
66	Atif Shah	Dilawar Shah	18-01-1993	27-11-2017	FSC	Un-trained.	-do-
67	Babar Khan	Azmat Khan	12-11-1993	27-11-2017	DIT	Un-trained.	-do-
68	Zawar Ali Shah	Hafeez Shah	12-10-1996	27-11-2017	DIT	Un-trained.	-do-
69	Noman Khan	Muhammad Sheraz Khan	11-06-1990	27-12-2017	F.Sc	Un-trained.	-do-
70	Noman Sanobar	Muhammad Sanobar	23-03-1995	02-02-2018	FA	Un-trained.	-do-
71	Zamirad Khan	Fazal Dad	26-11-1991	07-02-2018	FSC	Un-trained	-do-
72	Qasim Nawaz Khan	Dilnawaz Khan	15-12-1993	18-10-2018	B.A	Un-trained	-do-
73	Siddique Rehman Shah	Muhammad Rafique Shah	30-03-1991	22-10-2018	BSC	-do-	-do-
74	Uzair Ahmed	Muhammad Ayaz	06-04-1993	22-10-2018	BS Physics	-do-	-do-
					MSC Zoology	-do-	-do-

Accepted
Date

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75	Syed Iqrar Hussain Shah	Syed Ibrar Hussain Shah	01-10-1993	22-10-2018	DAE	-do-	-do-
76	Nabeel Saleem	Saleem Khan	15-12-1999	23-10-2018	FSC	-do-	-do-
77	Abdul Manan	Gulistan Khan	16-01-1994	13-11-2018	FA	-do-	-do-
78	Ehtisham	Amjid Hussain	09-08-1996	13-11-2018	FSC	-do-	-do-
79	Abdul Razaq	Abdul Qayoom	20-04-1990	14-11-2018	DAE	-do-	-do-
80	Ali Sher	Muhammad Sher Khan	05-10-1997	14-11-2018	FA	-do-	-do-
81	Imran Hameed	Abdul Hameed	09-03-1986	30-11-2018	FA	-do-	-do-
82	Assad Riaz	Muhammad Riaz	19-04-1990	11-01-2019	BS Honors	-do-	-do-
83	Mehak Ali Iqbal	Muhammad Iqbal	09-05-1998	14-01-2019	FSC	-do-	-do-
84	Hamza Kaleem	Chudary Kaleem	12-02-1999	14-01-2019	FA	-do-	-do-
85	Osama Khan	Khalid Khan	01/02/2000	18/09/2019	FA	-do-	-do-
86	Wasif Azeem	Gushtasib Khan	01/01/1997	11/11/2019	FA	-do-	-do-
87	Zul-gaurnain	Malik Aman	01-07-2001	09-06-2020	FSC	-do-	-do-

No. 2057-C/GE dated Haripur the 30 /11/2021.

Copy forwarded to all SDFOs/RFOS in this Division for information and necessary action; They should circulate the seniority list amongst the Forest Guards for seeking their objection, if any and report the omission on or before 15/12/2021, so that necessary correction could be made.

DIVISIONAL FOREST OFFICER
HARIPUR FOREST DIVISION
HARIPUR

File checked
Mansoor

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TOTAL SANCTIONED STRENGTH OF FOREST GUARDS 101
 TOTAL EFFECTIVE STRENGTH OF FOREST GUARD 91
 Permanent 83
 Special grade 8
 Total 91

TENTATIVE SENIORITY LIST OF FOREST GUARDS OF THE KHYBER PAKHTUNKHWA ENVIRONMENT
 DEPARTMENT HARIPUR FOREST DIVISION HARIPUR AS IT STOOD ON 31-12-2020

S.P.	Name	Father Name	Date of Birth	Date of appointment Interval in Haripur Forest Division	Qualification	Trained/Un-Trained	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Muhammad Khalid	Gulab Khan	12/02/1967	21/08/1990	Main	Trained	Appointed in Haripur
2	Sajjad Hussain Shah	Riaz Shah	19/03/1966	31/1/1994-20/5/1992	do	do	Appointed in Soka Nala
3	Saeed Anwar	Muhammad Yaqoob	03/03/1966	Soka to Haripur 1/11/1984-14/05/1992	do	do	Appointed in Soka Nala
4	Ahmed Nawaz	Chanani Khan	15/02/1973	26/05/1995	do	do	Appointed in Haripur
5	Sajjad Khan	Muhammad Miskeen	07/02/1973	26/06/1995	do	do	do
6	Gul Hameed	Abdul Hakeem	18/11/1974	26/08/1995	do	do	do
7	S. Sabir Shah	Wali Shah	06/03/1968	29/06/1995	FA	do	Appointed in Haripur
8	Rehman Nawaz	Sawar Khan	01/01/1969	29/08/1995	EA	do	Appointed in Haripur
9	Shoukat Khan	Sher Zaman	02/02/1975	29/06/1995	Main	do	Appointed in Haripur
10	Muhammad Saeed	Gulistan	12/12/1971	06/03/1998	do	do	Appointed in Haripur
11	Muhammad Siddique	Muhammad Sharif	28/05/1964	Soka Nala (05/01/1984) to Haripur 23/09/1996	do	do	Appointed in Soka Nala
12	Muhammad Azam	Qalandar Khan	04/02/1966	Soka to Haripur 17/10/1987-09/09/2002	do	Trained	do
13	Abdul Waheed	Soliz Mehmoob	15/06/1971	15/09/2003	do	Un-Trained	Appointed in Haripur
14	Basim Ahmed	Accur Aziz	13/05/1986	07/11/2004	do	Un-Trained	do
15	Talib Rehman	Muhammad Zameer	20/02/1968	Soka to Kaghan 16-3-1990 to Haripur 11/2/1987-10/08/2007	do	Trained	Appointed in Haripur
16	Ali Red	Serfraz Khan	30/07/1977	20/03/2008	do	Trained	Appointed in Haripur
17	Waseem Ahmed	Raja Hali Razaq	06/02/1977	20/03/2008	do	do	do
18	Muhammad	Muhammad					
19	Muhammad	Zarab Khan	05/03/1980	20/03/2008	do	Trained	do

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 20/03/2008

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25	Syed Fawaz Shah	Syed Karam Shah	02/04/1983	20/03/2008			
25	Rizwan Gul	Gulab Khan	01/03/1984	20/03/2008		Trained	do
26	Ajmal Shah	Sikander Khan	01/07/1985	20/03/2008		Trained	do
27	Muhammad Irfan	Miserat Khan	10/03/1985	20/03/2008		Trained	do
28	Muhammad Majeed	Muhammad Safar	07/05/1985	20/03/2008			do
29	Majid Ali	Gul Dard	17/10/1987	20/03/2008			do
29	Waqas Khan	Khan Fiaz	07/05/1987	20/03/2008			do
28	Muhammad Nawaz	Munir Khan	15/04/1971	20/03/2008		Trained	Appointed in Dist. Government
27	Muhammad Jamshaid	Muhammad Khan	05/05/1974	15/11/1994-23/11/2009		Matric	Trained
26	Shakoor Khan	Baland Khan	07-07-1979	18/10/1993-01-07-2013		Matric	Un-Trained
29	Waqas Hussain Shah	Mazloom Hussain Shah	12-12-1987	21/1/2009-01-07-2013		Matric	Un-Trained
30	Mohsan Ali Khan	Khanzada Khan	05-05-1989	01-07-2013		Matric	Un-Trained
31	Tahir Farid	Muhammad Tano	09-10-1990	01-07-2013		Matric	Trained
32	Muhammad Waqar Younis	Muhammad Younis	03-03-1991	01-07-2013		Matric	Trained
33	Adeel Javed	Javed Iqbal	24-03-1991	01-07-2013		Matric	Trained
34	Shakeef Ahmed	Baland Khan	01-04-1991	04-02-2014		Under Matric	Un-Trained
35	Muhammad Irshad	Muhammad Aslam	08-03-1972	03-03-2014		Matric	Trained
36	Nadeem Mumtaz	Mumtaz Khan	29-01-1990	03-03-2014		F.A	Trained
37	Waqas Waheed	Abdul Waheed	01-01-1989	29-06-2015		Matric/DAE	Un-Trained
38	Naveed Mansoor	Muhammad Rafique	01-01-1991	29-06-2015		F.Sc	Un-Trained
39	Nadeem Akhlaq	Akhlaq Zaman	2-04-1991	29-06-2015		DAE/FA	Un-Trained
40	Muhammad Abbass	Ghulam	5-06-1991	29-06-2015		Matric/DAE	Trained
41	Aakash Ahmed	Ahmed Nawaz	21-02-1992	29-06-2015		BA	Un-Trained
42	Man Arshad	Arshad Khan	23/03/1992	29-06-2015		BSc	Un-Trained
43	Sarmad Murtaza	Murtaza Khan	09-02-1993	29-06-2015		F.Sc	Trained
44	Junaid Akhtar	Jamshaid Akhtar	01-03-1993	29-06-2015		F.Sc/DAE	Un-Trained
45	Waqas Ahmed	Muhammad Sadiq	06-08-1994	29-06-2015		Matric/DAE	Un-Trained
46	Ehsan Usman	Ehsan Nawaz	04-11-1996	29-06-2015		F.Sc	Un-Trained
47	Muhammad Saad	Khuda Bakhsh Ahmed	07-06-1995	30-06-2015		F.Sc	Un-Trained

Adjusted from defunct District Government

Appointed in Hand. Forest Division

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49	Uzair Khan	Chazantia Ali	15-07-1991	17-03-2016	FA	Trained	CC
50	Muhammad Wasil Khan	Muhammad Saad Khan	05-08-1991	17-03-2016	OPE	Trained	CC
51	Muhammad Adil	Ghulam Muhammad	19-04-1992	17-03-2016	FSC	Trained	CC
52	Ghulam Mustaqeem	Muhammad Siddique	15-05-1993	17-03-2016	BA	Trained	CC
53	Rizwan Ali	Manzoor Ellah	15-05-1993	17-03-2016	FA	Trained	CC
54	Khanzada	Muhammad Sadig	20-10-1993	07-03-2016	FA	Trained	CC
55	Ehsan Ijaz	Ali Asghar	31-05-1991	07-03-2016	FSC	Un-trained	CC
56	Syed Imran Hussain Shah	S. Mazhar Hussain Shah	20-04-1992	22-03-2016	FSC	Trained	CC
57	Sadig Khan	Hamayoon Khan	12-02-1995	22-03-2016	FSC	Trained	CC
58	Khizar Atta Ashraf	Muhammad Ashraf	24-09-1995	03-03-2016	FA	Trained	CC
59	Syed Umar Hussain Shah	Syed Abid Hussain Shah	25-07-1995	03-05-2016	OAE	Trained	CC
60	Malik Hamid Ansari	Malik Muhammad Ansari	30-05-1991	31-05-2016	BA	Un-trained	CC
61	Mehrab Khan	Mir Ahmed Khan	28-05-1994	03-11-2016	BA	Un-trained	CC
62	Muhammad Sagheer	Bashir Muhammad	26-06-1994	04-11-2016	BA	Un-trained	CC
63	Arshad Habib	Habib Ur Rehman	10-01-1969	07-11-2016	BA	Un-trained	CC
64	Adeel Ahmed	Muhammad Saeed	11-03-1991	07-11-2016	BS(H)	Un-trained	CC
65	Muhammad Tahir	Muhammad Riaz	19-04-1991	07-11-2016	DAE	Un-trained	CC
66	Abdul Razaq	Muhammad Avram	20-03-1989	08-11-2016	FA	Un-trained	CC
67	Muhammad Shamraz	Faza Fur Rehman	02-01-1985	27-11-2017	BA	Un-trained	CC
68	Adnan Khan	Uma Khan	18-03-1989	27-11-2017	MBA	Un-trained	CC
69	Bilal Khan	Pervaz Khan	13-05-1989	27-11-2017	BED	Un-trained	CC
70	Auf Shah	Dilawar Shah	31-12-1990	27-11-2017	FSC	Un-trained	CC
71	Babar Khan	Azmat Khan	18-01-1993	27-11-2017	DIT	Un-trained	CC
72	Zawa Ali Shah	Hareez Shah	12-11-1993	27-11-2017	DIT	Un-trained	CC
73	Noman Khan	Muhammad Sheraz Khan	12-10-1996	27-11-2017	FSC	Un-trained	CC
74	Noman Sarobac	Muhammad Sarobar	11-06-1990	27-12-2017	FA	Un-trained	CC
75	Zamara Khan	Faza Da	23-05-1995	02-02-2018	FSC	Un-trained	CC
76	Qasim Nawaz Khan	Edinawaz Khan	26-11-1991	07-02-2018	B.A	Un-trained	CC
77	Siddique Rehman	Muhammad Baiguo	15-12-1993	15-10-2016	BSC	Un-trained	CC
			30-03-1991	22-10-2018	BS Physics	Un-trained	CC

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16	Shah	Muhammad Azeem	09/1/1983			do
17	Syed	Syed Hassan	01/12/83	22-02-2018		do
21	Saleem	Saleem Khan	15/04/88	22-02-2018	PSC	do
31	Faris		15/01/1994	20-09-2018	FA	do
37	Esther		09/03/1996	12-11-2018	PSC	do
42	Abdul Razaq		20-01-1980	03-11-2018	DJE	do
44	Abdul		09/12/1987	04-11-2018	FA	do
52	Faris		09/03/1984	04-11-2018	FA	do
58	Maria		19-02-1990	3-11-2018	AS M22	do
67	Maria		02-05-1988	11-01-2019	DEC	do
68	Hammad		12-02-1999	04-01-2018	FA	do
69	Ghassan		01/01/2000	16-01-2018	FA	do
80	Ghassan		01/01/1987	18-02-2018	FA	do
81	Zahid		06/07/2001	10/11/2018	ESC	do
				06-06-2019		

No. 202-93/CE/100/10000/24/18/200

Copy forwarded to the Director General of Forests, Dera Ismail Khan, for his information and necessary action.

DIVISION FORESTS
RAJAPUR FOREST DIVISION

Muhammad
Muz

کثرت جاب DFO صاحب ہری پور

عنوان :- اپیل بابت سیٹاری فارمنٹ گارڈ جاگوارہ ہری
30/11/2021 2057-61

جناب عالی! گزارش ہے کہ ہری پور سیٹاری مذکورہ بالا میں جن تین فارمنٹ گارڈان جنرل
تھروٹاز اور مشین کو سیٹاری کی گئی ہے۔ جو کہ جاری کردہ منٹس از دفتر چیف کنٹرولر
یاد رہے کہ Endorse کروہ DFO آفس نمبر 90-2069 نمبر 9-16 کی روشنی
میں دی گئی ہے جو کہ قانون تق کے تحت درست نہیں کرتے۔ اور ہم فارمنٹ گارڈان ہری پور فارمنٹ
ڈویژن کیساتھ حق تلفی ہے۔ اس سلسلہ میں التجا ہے کہ
(1) 1962 کے رول 1989 کے رول سیکشن 11-8 اور فارمنٹ گارڈز کے نئے رول
اور پورم کوٹ آف پاکستان اور سرول ٹریبونل کے فیصلوں کے مطابق ہے۔ (پندرہ ستمبر کوٹ
اور سرول ٹریبونل کی کاپی لف ہذا ہے)

(2) جب 2002ء میں مختلف ہراٹھنگ ٹیم پورے قوانین فارمنٹ گارڈ کو ان کی فوریوں میں ہی حاضر مختلف
ڈویژن میں ایڈجسٹ کیا گیا۔ لیکن کسی آفس نے سیٹاری نہ ہی بلکہ ان کی Date of Arrival سے ان کی
سیٹاری بنائی گئی ہے۔ جس کا ثبوت یہ ہے کہ ان کے Arrival بعد ہری پور میں ہی ہر جگہ ہو چکے ہیں
(3) جاگوارہ منٹس از دفتر چیف کنٹرولر کے فیصلہ چیف کنٹرولر کے کو محمد خالد۔ سجاد حسین
سعید اللہ۔ محمد سعید۔ محمد شوکت۔ سجاد خان۔ رحیم فواز۔ صاحب حسین شاہ۔ علی سعید۔ بشیر احمد

فارمنٹ گارڈان نے اپیل کی جو کہ بوساٹ جاب DFO صاحب ہری پور کی گئی ہے۔ جو کہ اس اپیل
کے بعد ہری پور سیٹاری کو بحال رکھے۔ پور محمد خالد۔ احمد فواز۔ سجاد حسین شاہ کو فارمنٹ گارڈ سے فارمنٹ ڈویژن
پوش میں۔ (خالی لکھیے)

(4) اس سے پہلے بھی فارمنٹ گارڈ مختلف اوقات میں آفیس اور سرول ٹریبونل میں بھی اپیل کر چکے ہیں۔
لیکن ان کی اپیلیں مسترد ہو چکی ہیں۔ اور ان کی Date of Arrival سے حاضر ہری پور سیٹاری ہر جگہ ہو چکے ہیں

(5) 2002ء میں ہری پور فارمنٹ ڈویژن میں ملانہ میں سرول ٹریبونل میں تو یہوں سے اسی طرح اپیل
کی تھی۔ تو اس وقت کے سیکرٹری فارمنٹ ان کی اپیلیں ہر قسم سے روکتی رہی تھی۔ ان کی سیٹاری وہ Date
of Arrival پر مبنی قرار رکھی۔

(6) اب جو ہم فارمنٹ گارڈز کے نئے رول میں چکے ہیں جس میں فارمنٹ گارڈز کی سیٹاری ڈویژن کی

Attested
HLL

پروٹیکشن ٹیسٹ ہے۔ اس کے بارے میں سادہ ٹیسٹس جاری کیے جائیں گے اور فارمیٹ ڈویژن کے تجزیاتی رپورٹس
ٹائڈر کو اس کے حق سے حقوق اکرنا قانون سے منافی ہے۔

(7) سیٹلائٹ مائٹ سروس ٹریبونل اور سپریم کورٹ آف پاکستان کا فیصلہ جو جوڑ ہے جس میں
Date of Arrival سے سناری کو برقرار رکھنے کا کہا گیا ہے۔ (جو کہ نوٹ دیا گیا ہے)۔ اس سے پہلے
یعنی DFO کا سیکرٹری کے فیصلہ کا ڈویژن ٹریبونل پر ہے۔ درج ذیل فیصلہ کا حوالہ دیا گیا ہے جو جوڑ میں
جس کا یہ فیصلہ کیا جا سکتا ہے۔

(8) یہ کہ جاری کردہ ٹیسٹس صرف آفس کے ہیڈ آفیس میں سولڈ FR-14 کے علاوہ کسی قانون
کا حوالہ نہ دیا گیا ہے۔ بلکہ تحت انکو سیٹلائٹ ریٹائٹ ہے۔ جو کہ جاری ٹیسٹس ڈویژن کے حوالے پر
فارمیٹ کا ڈران کی حق تعلق ہے۔ اور قانون کے منافی ہے۔

یہاں مذکورہ بالا حقائق کو مد نظر رکھتے ہوئے۔ آپ سے التماس کی جاتی
ہے کہ سابقہ سیٹلائٹ کے مطابق Date of Arrival سے سیٹلائٹ دوبارہ جاری کیا جائے۔
اور نئی جاری کردہ سیٹلائٹ کو فٹم کیا جائے۔ جو کہ سیٹلائٹ رول 1989 نمبر 1989 کے فیصلہ کے مطابق
مطابق برقرار رکھی ہوگی۔

آپ کی بہت بھاری ہوگی۔

العارض

13/12/2021

Received by
Junaid

14-12-21

- (1) گل حمید F4
- (2) سجاد خان F4
- (3) شہر احمد F4
- (4) صابر شاہ F4
- (5) رحیم نواز خان F4
- (6) شوکت خان F4
- (7) محمد عدلی F4
- (8) قمر سعید F4
- (9) اصغر شاہ F4
- (10) رحمان گل F4
- (11) نسیم احمد F4
- (12) محمد عمران F4

Attested

[Signature]

DIVISIONAL FOREST OFFICER
HARIPUR FOREST DIVISION
HARIPUR

Office Tehsil Road, Haripur
Phone & Fax # 0995-920044
No. 2959/GE dated 01/02/2022

To

M/S Gul Hameed, Sajjad Khan
Bashair Ahmed, Sabir Hussain Shah
Reham Nawaz Khan, Shaukat Khan
Muhammad Siddique, Muhammad Saeed
Asghar Shah, Rizwan Gull
Waseem Ahmed Tahir Tariq, Azam Khan, Usama Khan,
Mazhar Iqbal, Waqas Khan, Mohsin Khan, Sarmad Khan,
Waqar Younis, Baber Khan Forest Guards of Haripur Forest Division

P. 20

P-19

Subject: APPEAL OF FOREST GUARDS OF HARIPUR FOREST DIVISION

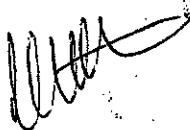
Reference your joint appeal dated against tentative seniority of Forest Guards dated 13/12/2021.

1. The order of Apex Court of Pakistan dated 12-06-2013 and Honorable Khyber Pakhtunkhwa Services Tribunal decisions pertains to the project employees who rendered surplus on the expiry of project and have no bearing on the officials transferred from one Division to another Division.
2. The Forest Guards who have been awarded seniority have been transferred from regular Forest Division and thus, their seniority have been restored from the date of regular appointment, and light of provision contained in FR-14(b).
3. furthermore two years lien the Government Servants have been fixed as per provision of Khyber Pakhtunkhwa Establishment & Administration Department (*Regulation Wing*) in letter dated 15/07/2005 with respect to *Appointment Promotion & Transfer Rules 1989*, which on special request can be extended upto three (03) years and thus on expiry of three years the lien will be automatically concluded.

Moreover, your appeal has also against the rule 3(2) of Khyber Pakhtunkhwa Civil Servant appeal rule 1986; hence your appeal is hereby rejected.


Divisional Forest Officer
Haripur Forest Division
Haripur

Attested



P-20

P-20

<p>Syed Muqtada Shah Conservator of Forests Lower Hazara Forest Circle Abbottabad</p>		<p>Civil Line Forest Offices Abbottabad ☎ 0992-9310232 ☎ Fax 0992-9310233 E-mail: cfhfc@gmail.com</p>
<p>No. <u>7272</u> /GE dated Abbottabad the <u>21</u> / <u>1</u> /2022</p>		

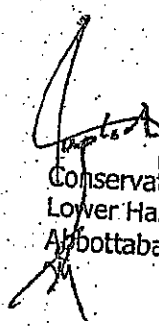
The Divisional Forest Officer
Haripur Forest Division
Haripur

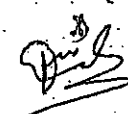
Subject: **APPEAL AGAINST SENIORITY LIST**

Memo,

Enclosed please find herewith an appeal (in original) return requested preferred by M/S Gul Hameed and twelve others Forest Guards against seniority list of Forest Guards for comments at an early date.

Encl. As above


Conservator of Forests
Lower Hazara Forest Circle
Abbottabad

Received by
Jumair Akhtar
dated 21-01-22


Muqted

Muqted

خدمت جناب کنزرویٹر صاحب نوشہرہ اور سٹریٹ ایبٹ آباد
بوساٹ ڈفو صاحب نوشہرہ

مہنگوں اور درخواست بائٹ سیارٹی فارمٹ گاڑ جا کر کردہ نمبر 2057-61 نمبر 30/11/2021 جناب عالی!

گزارش ہے کہ جاوی کردہ سیارٹی مذکورہ بالا میں جن تین فارمٹ گاڑے گئے تھے ان میں
محمد نعیم الرحمن، محمد نواز، محمد سعید اور کو سیارٹی دی گئی ہے جو کہ جاوی کردہ نمٹس از دفتر چیف
کنزرویٹر نارمن راجھن آ اور endorse کردہ DFo جی پور آفس نمبر 70-3146 نمبر 10-10-2021
کی روشنی میں دی گئی ہے۔ جو کہ قانونی حق ہے اور ہمیں کہہ ہے جو کہ فارمٹ گاڑنے، جی پور آفس
ڈویژن کیسے حاصل کی گئی ہے۔ ان سلسلہ میں التجاہیک

- (1) 1962 نمبر کے رول 1989 کے رول سیکشن 11-8 اور فارمٹ گاڑنے کے رول اور سپریم کورٹ آف
پاکستان اور سروس ٹریبونل کے فیصلوں کے مطابق ہے۔ (فیصلہ سپریم کورٹ اور سروس ٹریبونل فیصلہ)
- (2) 2000 نمبر میں مختلف سر ایبلٹ حکم سے گورنر ان فارمٹ گاڑنے کو انکی نوٹس میں ممانی خاطر مختلف ڈویژن میں
انڈرسٹ کٹاں لیکن کسی ایسے ہی انکو سیارٹی نری ملے انکی Date of Arrival سے انکی سیارٹی
بنائی گئی ہے۔ چکا ثبوت یہ ہے کہ ان سلسلہ کبریٰ پورنواسے فارمٹ گاڑنے بھی موقوف ہو چکے ہیں۔
- (3) جاوی کردہ نمٹس از دفتر چیف کنزرویٹر محمد سعید، محمد خالد، سجاد حسین شاہ، سعید نواز، محمد سعید
محمد شوکت، سجاد خان، رحیم نواز، صاحب حسین شاہ، گل محمد، سعید آف فارمٹ گاڑنے سے اپیل کی
جو کہ بوساٹ ڈفو صاحب جی پور کی گئی ہے۔ چکا وہم سے سابقہ سیارٹی کو مدنظر رکھتے ہوئے فیصلہ
اخذ نواز، سجاد حسین شاہ کو فارمٹ گاڑنے سے فارمٹ موقوف کیا گیا ہے (ممانی نوٹس)
- (4) ان سے پہلے بھی فارمٹ گاڑنے مختلف اوقات میں افغان اور سروس ٹریبونل میں بھی اپیل
کی ہو چکی ہیں۔ لیکن انکی اپیلیں ختم ہو چکی ہیں اور انکی سیارٹی Date of Arrival
سے بہر قرار رکھی گئی ہے۔

اسی سلسلہ میں جی پور فارمٹ ڈویژن میں حلاز میں سروس ٹریبونل کی اپیل سے بھی ایسی نظر اپیل کی گئی
تو اس وقت کے سیکرٹری فارمٹ نے انکی اپیلیں مسترد کر کے Date of Arrival سے
سیارٹی بہر قرار رکھی۔

P.T.O

Attested

[Handwritten Signature]

(7) اب جو کہ فارسیٹ ڈائریکشن کے عمل میں چلے ہیں ان کے بارے میں سادہ منٹس جاری کی جی جی فارسیٹ ڈائریکشن کے ہوتے ہوئے جملہ فارسیٹ ڈائریکشن کو ایک حق سے فریم یا قانون کی طرف برزی ہے۔

(8) سینارٹی کی بابت سرورس ٹریبونل اور ڈی ایف او کے پاس آف ایس کے فیصلہ کا جو فریم اس میں Date of Arrival کو برقرار رکھے جائیگا ہے۔

(9) یہ کہ جاری کردہ منٹس چیف آفس کے ہیڈ آف فرم FR-14 کے علاوہ کسی قانون کا فریم نہ رہا ہے۔ جملہ جاری کردہ منٹس ڈی ایف او کے فیصلہ کے مطابق جاری کیے گئے۔ اور قانون کے مطابق ہے۔

(10) جی جی ڈی ایف او جاری کردہ TENTATIVE سینارٹی از دفتر ڈی ایف او جی جی ڈی ایف او فرم 13/12 کو اپیل کی گئی ہے۔ مگر اس اپیل میں بھی تاحال کوئی جواب نہ دیا گیا ہے۔

لہذا درج کردہ بالا حقائق کو مدنظر رکھتے ہوئے آپ کے التماس پر جی جی ڈی ایف او جی جی ڈی ایف او کو سینارٹی بحال رکھنے کے احکامات جاری کیے جا رہے ہیں۔ جو کہ سینارٹی بحال

1989 اور 1962 کے فیصلہ کے مطابق برقرار رکھے گا۔

20/01/2021

(رقم)

العارضین

- (6) محمد سعید F9
- (7) امیر شاہ F9
- (8) رضوان گل F9
- (9) محمد رفیق خان F9
- (10) وسیم احمد F9
- (11) فہم علی F9
- (12) احمد امین F9
- (13) وقار یونس F9

- (1) گل محمد فارسیٹ ڈائریکشن
- (2) سجاد خان F9 سجاد خان
- (3) صابر حسین شاہ F9
- (4) رحیم وارث F9
- (5) شہوکت خان F9

یہ فیصلہ سب سے بڑا فیصلہ ہے۔

(1) جی جی ڈی ایف او جی جی ڈی ایف او

Alles

Alles

COPY OF LETTER NO. 7813-15/E DATED 11.3.2014 FROM
FOREST REGION-II ABBOTTABAD TO THIS OFFICE AND OTHERS

Subject: CRL ORIGINAL PETITION NO.89/M1,CMA 309-K/12, CMA,310-K/2012, CRL.MAS42-K/2012, 80-K/2012, 87-K/2012,3-K/2013, CMA 2453/13,CRL, M.A 29-K/2013, CMA.131-K/2013/CRL.M.A.S 185-K/2012, 225-2013,226/2013, 227/2013, CMAS, 224-K/2013, 257-K & 259-K/2013, CRL.M.A 263/2013, CRL, MA.282 IN CRL, ORIGINAL PETITION NO.89/2011 (2013/SCMR/1752).

Memo

Enclosed please find herewith a copy of Section Officer (Litigation) Government of Khyber Pakhtunkhwa Environment Department Peshawar letter no.SO(Lit)/E-D/II-62/92(instruction)/1810-19 dated 11.3.2014, which is self contained for information, necessary action and strict compliance.

Encl: As above

Sd/-CHIEF CONSERVATOR OF FORESTS
NORTHERN FOREST REGION-II
KHYBER PAKHTUNKHWA
ABBOTTABAD

No. 6703-07/B&A dated Abbottabad the 3 April, 2014

Copy alongwith its enclosures forwarded to all Divisional Forest Officers in Lower Hazara Forest Circle Abbottabad for information, necessary action and strict compliance.

Encl: As above

CONSERVATOR OF FORESTS,
LOWER HAZARA FOREST CIRCLE,
ABBOTTABAD

*make a photo copy
of the undersigned*

No. 3361-64 IE dated Garhi-Habibullah the 17 /04/2014.

Copy alongwith its enclosures forwarded to all Sub Divisional Forest Officers/Range Forest Officer, in Kaghan Forest Division Garhi-Habibullah for information, necessary action and strict compliance.

Encl: As above.

Chh
Divisional Forest Officer
Kaghan Forest Division
Garhi-Habibullah

Copy forwarded to SOFU R/O-72

Attested

[Signature]

*Annex-C
P-20
P-23*

GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT
LITIGATION SECTION

SO(Lit:)/E.D/II-62/92(Instruction) / Sic
Dated Peshawar: 11/03/2014.

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1. The Chief Conservator of Forests Region, Central Region-I, Peshawar.
2. The Chief Conservator of Forests Region, Northern Region-II, Abbottabad.
3. The Chief Conservator of Forests Region, Malakand Region-III, Saigju Sharif, Swat.
4. The Chief Conservator Wildlife, Peshawar.
5. The Director General, Pakistan Forest Institute, Peshawar.
6. The Director General, Environmental Protection Agency, Peshawar.
7. The Managing Director, Forest Development Corporation, Hayatabad, Peshawar.

Subject: CRL ORIGINAL PETITION NO. 89/11.CMA 309-K/12 CMA 310-K/2012, Cr.L.M.As. 42-K/2012, 80-K/2012, 87-K/2012, 13-K/2013 CMA 245/13, Cr.M.A. 29-K/2013, CMA 131-K/2013, Cr.L.M.As. 183-K/2012, 225-2013, 226/2013, 227/2013, CMA 244-K TO 247-K/2013, 257-K & 258-K/2013, Cr.M.A. 263/2013, Cr. MA. 282 IN CRL ORIGINAL PETITION NO. 89/2011/2013/SCMR/1752.

I am directed to enclose a copy of letter No. SCR-VI/E&AD/1-13/2009 dated: 25/02/2014 (alongwith its enclosures), on the subject noted above received from Section Officer. (REG-VI), Establishment Department, Govt. of Khyber Pakhtunkhwa, which is self-explanatory, for strict compliance with the guidelines/principles contained therein.

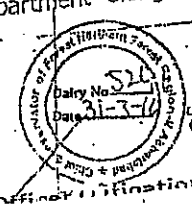
Encl: As Above.

F. J. ...
Section Officer (Litigation)

Encl: of even No. & Date please

Copy for information to the:

1. Section Officer (Establishment) Environment Department alongwith copy of subject case.
2. PS to Secretary Environment Department.
3. Master file.



Attested

M.A.S.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

(REGULATION WING)

No. SOR-VI/E&AD/1-13/2009

Dated. 25th Feb, 2014

P-20

P-25

1. Addl. Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. Addl. Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
5. The Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.

Subject: CRL ORIGINAL PETITION NO. 89/2011, CMA 309-K/2012, CMA 310-K/2012, Crl.M.A.42-K/2012, 89-1/2012/97-K/2012, 13-K/2013, CMA 245/13, Crl.M.A. 29-K/2013, CMA 131-K/2013, Crl.M.A. 185-K/2013, 225-2013, 226/2013, 227/2013, CMAs, 244-K TO 247-K/2013, 257-K & 259-K/2013, Crl.M.A. 263/2013, Crl. MA. 282 IN CRL ORIGINAL PETITION NO. 89/2011 (2013/SCMR/1752).

Sir,

I am directed to forward herewith copy of Government of Pakistan Cabinet Secretariat Establishment Division Office Memorandum No. 1/59/2013-Lit-IV dated 31-01-14 on the subject noted above for information and compliance.

*circulate to
HADS & SOE
w/ft. no.*

Yours faithfully,
ZIRA
25-02-14
(QURATUL AIN)
SECTION OFFICER (REG-VI)

It is forwarded to:

1. All Divisional Commissioners in Khyber Pakhtunkhwa.
2. All Heads of Attached Departments in Khyber Pakhtunkhwa.
3. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
4. All Deputy Commissioners Khyber Pakhtunkhwa and Political Agents in FATA.
5. The Registrar Peshawar High Court, Peshawar.
6. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
7. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
8. The Additional Secretaries, Deputy Secretaries and Section Officers in ~~Subordinate~~ Administration Department.

ZIRA
25-02-14
SECTION OFFICER (REG-VI)

Allesed

[Signature]

1328
 14/2/13-2-14 BC=4650
 68
 14/2/14

GOVERNMENT OF PAKISTAN
 CABINET SECRETARIAT
 ESTABLISHMENT DIVISION

Islamabad, 31 January, 2014
 Addl: Secy. (JUR. & AD)
 Diary No. 376
 Date: 3-1-2014

13-2013-LI-IV

OFFICE MEMORANDUM

CRL ORIGINAL PETITION NO. 89/2011, CMA 309-K/2012, CMA 310-K/2012, Crl.M.As. 42-K/2012, 80-K/2012, 87-K/2012, 113-K/2013, CMA 2453/13, Crl.M.A. 29-K/2013, CMA 131-K/2013, Crl.M.As. 185-K/2012, 225/2013, 226/2013, 227/2013, CMA 244-K TO 247-K/2013, 257-K & 258-K/2013, Crl.M.A. 263/2013, Crl. MA. 282 IN CRL ORIGINAL PETITION NO. 89/2011(2013/SCMR/1752)

The undersigned is directed to say that the Honorable Supreme Court of Pakistan passed judgment on 12-6-2013 on the subject petitions clubbed with a number of other petitions and had ordered that a copy of this judgment be sent to all the Chief Secretaries of the provinces as well as the Establishment Secretary with the direction to streamline the service of civil servants in line with principles laid down in this judgment.

It was expected that afore-mentioned judgment was downloaded by all Ministries/Departments for compliance. However, for the sake of convenience, the following guidelines/principles are highlighted:-

The Honourable Court has declared the following practices as illegal:-

A civil servant, who after passing the competitive exam in terms of the recruitment rules, is appointed on merits, loses his right to be considered for promotion, when an employee from any other organization is absorbed without competing or undertaking competitive process with the backdated seniority and is conferred the status of a civil servant in complete disregard of recruitment rules.

Absorption of a non Civil Servant conferring on him status of a Civil Servant and likewise absorption of a Civil Servant from non cadre post to cadre post without undertaking the competitive process under the recruitment rules.

Introduction of any validation law in the nature of multiple or parallel legislation in the subject of service law.

Granting of seniority to an employee without backdated seniority.

Attested

[Signature]

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P. 20

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- (v) The re-employment / rehiring of the retired Civil / Government Servants being violative of the constitution are declared nullity.

The Apex Court has further held that: -

- (a) No non-civil servant can be transferred and appointed by way of deputation to any cadre. The procedure provided under Esta Code has been approved by this Court in the case of Mohammad Arshad Sultan.
- (b) No civil servant of a non-cadre post can be transferred out of cadre to be absorbed to a cadre post which is meant for recruitment through competitive process.
- (c) The procedure provided under ESTACODE requires that a person who transferred and appointed on deputation must be a govt servant and such transfer should be made through the process of selection. The borrowing Govt has to establish the exigency in the first place and then the person who is being transferred/ placed on deputation in Govt must have matching qualification, expertise in the field with required experience.
- (d) An employee holding a post under any authority or corporation, body or organization established by or under any Provincial or Federal law or which is owned or controlled by Federal or Provincial Government or in which Federal Government or Provincial Government has controlling share or interest, could not confer status of a civil servant.
- (e) It is settled principle of law that if the right of promotion is not blocked by re-employment then such powers can be exercised, then too in exceptional cases for a definite period. Besides it violates the fundamental rights of the serving civil servants, on account of such rehiring on contract are deprived of their legitimate expectancy of promotion to a higher cadre, which is violative of the provisions of Articles 4, 9 and 25 of the Constitution.
- (f) The absorption and out of turn promotion will also impinge on the self respect and dignity of the civil servants, who will be forced to work under their rapidly and unduly promoted fellow officers, those who have been inducted from other services / cadres regardless of their (inductees) merit and results in the competitive exams (if they have appeared for exam at all), hence are violative of Article 14 of the Constitution.
- (g) Principle of locus poenitentiae is the power of receding till a decisive step is taken but it is not a principle of law that order once passed becomes irrevocable and final and closed transaction. If the order is illegal then perpetual rights cannot be based on the basis of an illegal order.

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(b) Any backdated seniority cannot be granted to any absorbee, and his inter-se seniority, on absorption in the cadre shall be maintained at the bottom as provided under the Rules regulating the seniority.

All Ministries / Divisions and Departments / Organizations under them are requested to comply with the judgment of the Apex Court in letter and spirit.

(Muhammad Shakeel Mallik)
Joint Secretary

All Ministries / Divisions / Departments

Copy forwarded for information to:-

1. Chief Secretary, Government of the Punjab, Lahore
2. Chief Secretary, Government of Sindh, Karachi
3. Chief Secretary, Government of KPK, Peshawar
4. Chief Secretary, Government of Balochistan, Quetta
5. Chief Secretary, Gilgit Baltistan, Gilgit
6. Chief Secretary, Government of J&K, Muzaffarabad

(Signature)
(Naseer Ahmed)
Deputy Secretary

(Signature)

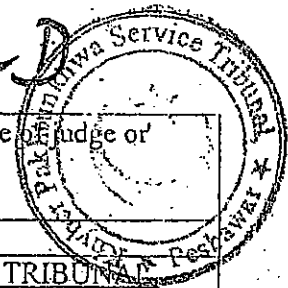
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Annex-D



S.No.	Date of order proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	08.12.2015	<p align="center"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>PESHAWAR.</u></p> <p align="center">APPEAL NO.1451/2013</p> <p align="center">(Muhammad Sabir-vs-Govt: of Khyber Pakhtunkhwa through Secretary Environment Department, Peshawar and others).</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>ABDUL LATIF, MEMBER:</u></p> <p>Counsel for the appellant (Mr. Shahzada Irfan Zia, Advocates) and Mr. Nisar Ahmed, Sub Divisional Forest Officer alongwith Mr. Ziullah, GP for official respondents No. 1 to 4 and counsel for private respondents (Mr. Noor Muhammad Khattak, Advocate) present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the impugned seniority list dated 20.10.2011 whereby the name of the appellant has been shown at S.No. 104 below the name of respondents No.5 to 105, who are far juniors to the appellant, and his departmental appeal against the impugned seniority list was rejected by respondent No.4 vide order dated 05.08.2013 communicated to the appellant on 14.10.2013. He prayed that on acceptance of this appeal the impugned final order of respondent No.4 dated 05.08.2013 and</p>

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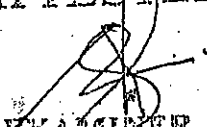
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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the impugned seniority list No. 1053-56 dated 20.10.2011, stood on 30.09.2011 may graciously be set aside, being illegal, void, against the rules, directing the respondents No.1 to 4 to place the name of the appellant at appropriate place, showing the names of respondents No.5 to 105 below the name of the appellant by issuing a revised seniority list in accordance with the rules.

3. Brief facts giving rise to the instant appeal are that the appellant is a regular member of Provincial Civil Service, serving as Forest Guard in Forest Department under the administrative control of respondent No.4. That the appellant joined Forest Department on 12.3.1977. That on 1.3.2010 the appellant was transferred from Siran Forest Division Mansehra to Kaghan Forest Division, Garhi Habibullah in the interest of public service. Respondent No. 4 on 20.10.2011 issued/circulated the seniority list of Forest Guards of Kaghan Forest Division, but it was astonishing that name of the appellant in the said impugned seniority list was shown at serial No. 104, despite of the fact that the Forest Guards whose names have been shown at serial No. 1 to 102, they all are far juniors to the appellant, but their names have been shown above the name of the appellant due to certain underground reasons, without any justification against the principle and rules of seniority. That it is pertinent to mention that the date of initial appointment of the appellant and private respondents would reveal that the appellant is senior than his rival colleagues as per seniority dated 20.10.2011, but the appellant

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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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has been relegated to lower position at serial No. 104 while the name of his junior colleagues/respondents have been shown at serial No. 1 to 102. That against the impugned seniority list dated 20.10.2011 the appellant preferred departmental appeal which was rejected by the respondents No. 4 vide order dated 5.8.2013 communicated to the appellant on 14.10.2013. That the seniority of the appellant has been changed without the process of law, without serving any show cause notice, hearing to the appellant, hence the change in seniority position of the appellant is against the law/rules and natural justice, hence the present appeal.

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

4. The learned counsel for the appellant argued that the appellant was appointed as Forest Guard on 12.03.1977 in the Siran Forest Division and was transferred to the Kaghan Forest Division on 01.03.2010. He further argued that seniority list of Forest Guard issued by respondent No.4 on 20.10.2011 where name of the appellant was placed at S.No. 104 inspite of the fact that private respondents at serial No 1 to 102 of the seniority list were much junior to the appellant. He argued that transfer of the appellant to the Kaghan Forest Division was made in the public interests and appellant never gave any option/willingness for the said transfer, hence the placement of the appellant at the bottom of Forest Guards of the Kaghan Forest Division was illegal, without any lawful authority and not maintainable under the law. He further argued that seniority of the appellant was changed without any show cause notice and without process of law hence the same was against

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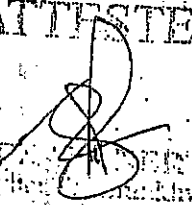
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the law and natural justice. He prayed that on acceptance of this appeal, the impugned order dated 5.8.2013 may be set aside and the appellant may be restored at the relevant position in seniority list of the Forest Guards on the basis of his date of regular appointment as prescribed in the Appointment, Promotion and Transfer Rules of the Government of Khyber Pakhtunkhwa. He relied on 2014 SCMR 1289.

5. The learned counsel for private respondents argued that the appellant was appointed in a Project "Kunhar Valley Watershed Project Abbottabad" of the Forest Department funded by the Federal Government till 2010 and on winding up of the said Project the appellant was adjusted in the Kaghan Forest Division after obtaining of his willingness by the concerned conservator of Forests. He further argued that seniority of Forest Guards was maintained at Divisional level under the Forest Department Divisional Service Rules 1962 and on transfer from Siran Division to Kaghan Forest Division, seniority of the appellant was correctly fixed below the private respondents being permanent employees of the said Division. He also relied on Rule-8 of the APT Rules 1989 according to which seniority on Provincial transfer was fixed at the bottom and the same principle was also applicable to the case of the appellant. (He also referred to Establishment Division Government of Pakistan OM dated 31.1.2014 followed by Khyber Pakhtunkhwa Establishment Department Circular dated 25.02.2014 which clearly disallowed back-dated seniority to non-civil servants in terms of the judgment of

ATTESTED


 Khyber Pakhtunkhwa
 Government
 Forest Division

Accepted

Attest

Supreme Court of Pakistan dated 12.6.2013.) The learned Government Pleader also adopted the arguments advanced by the counsel for private respondents and prayed that the appeal being devoid of any merits may be dismissed. He relied on 2013 SCMR 911, 2002 SCMR 875, 2006 SCMR 453, 2009 SCMR 1435, 2002 SCMR 875, 2002 SCMR 889, 2006 SCMR 453 and 2011 SCMR 676.

6. Arguments of learned counsels for the parties heard and record perused with their assistance.

7. From perusal of the record, it transpired that the appellant was initially appointed in a project in the Siran Forest Division which was funded by the Federal Government and on winding of the said scheme he was adjusted/absorbed in the Kaghan Forest Division on 31.3.2010. Besides being an employee of a project the appellant through-out remained an employee of the Siran Forest Division and his services were regulated for all practical purposes under the Forest Department, (Forest Guard (Divisional Service Rules, 1962 where seniority was maintained at divisional level being borne on divisional cadre.) Record also revealed that prior to his adjustment in Kaghan Forest Division, willingness of the appellant was also obtained by the relevant authorities to save him and other employees of the said scheme from rendering surplus. His seniority in the Kaghan Forest Division was thus correctly fixed at the bottom of the seniority list of the private respondents who had already got vested rights over the

ATTESTED

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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particular seniority position by virtue of their being permanent members of the cadre. There was therefore no legal force in the claim of the appellant for back-dated seniority in the Kaghan Forest Division and the appeal being devoid of any merits is dismissed. Parties are left to bear their own costs. File be consigned to the record.

Announced 8.12.2015
 JUDGE - Abdul Latif,
 Member

JUDGE - PIR BAKHSH SHAH,
 Member

Certified to be true copy
 JUDGE
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Date of Presentation of Appeal: 8.12.2015
 Number: 2400
 Copy: 14
 U: _____
 T: 14
 Na: _____
 Date of Court: 18.12.2015
 Date of Delivery of Judgment: 18.12.2015

Attested

[Signature]

وکالت نامہ

کورٹ فیس

بعدالت
سرمسٹریبول ۱۹۱۵

عنوان: لکھنؤ
بنام حکومت

منجانب: ریسیدنٹ

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

مدرسہ خان سہیل ریکورڈنگ و سٹریٹنگ

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختمہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت نالش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم: ۱۷ ستمبر ۲۰۲۲

بمقام: لکھنؤ