


Sir,

PUC is an application submitted by Aitezaz Mehfooz, DFO Head office, Office of Chief Conservator of forest, Peshawar wherein he has requested that order of attachment of salary of respondent No.1, 2, and 3 dated 13-09-2022, Secretary Forest department Govt. of Khyber Pakhtunkhwa, Peshawar and Chief Conservator of forests, Central Southern Region-I, Peshawar, be recall in execution petition No.116/2020 titled Farhad Sajjad vs. Forest department,

Submitted for perusal & appropriate order, please.


Registrar
23/11/2022

Hon'ble Chairman

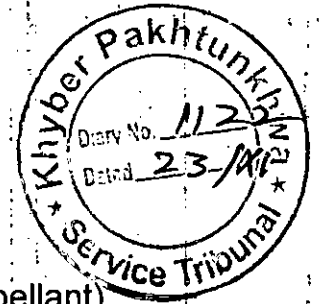
As the impugned order is
stated to have been made, therefore,
let the salaries be
released
23/11/22

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

**EXECUTION PETITION NO. 116/2020
IN SERVICE APPEAL NO. 809/2018**

Farhad Sajid S/O Lal Khan,
Deputy Forest Ranger (BPS-12) Rtd.
R/O Village Shinkiyari, Tehsil &
District Mansehra

(Appellant)



VERSUS

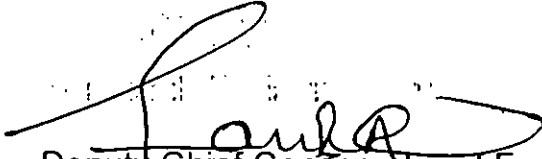
1. Government Of Khyber Pakhtunkhwa through Secretary Forests, Environment and Wildlife Department, Peshawar.
2. Secretary Forests, Environment and Wildlife Department, Peshawar.
3. Chief conservator of Forests, Central Southern Forest Region-I, Peshawar.
4. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.

(Respondents)

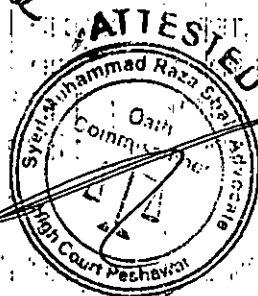
Respectfully Sheweth;

In light of the implementation of the Judgement of Khyber Pakhtunkhwa Service Tribunal dated 21-11-2019 and 13-10-2021 in Service Appeal No. 809/2018/ Execution Petition No. 116/2020 filed by Mr. Farhad Sajid S/O Lal Khan Ex-Deputy Forest Ranger, the Hon'ble Khyber Pakhtunkhwa Service Tribunal is requested to release the salaries of Secretary Forestry Environment and Wildlife Department and Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar already attached as per order sheet dated 19-09-2022.

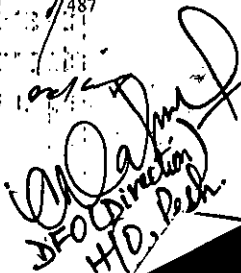
Copy of the implementation report is attached herewith.


Deputy Chief Conservator of Forests,
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar.

Office Order 4



12-3 NOV 2022

Appellant
All the respondents are
correct & as per
my records & books, every
entry is correct or correct

Director of Forests
H.O., Peshawar.

**OFFICE ORDER NO. 110 DATED PESHAWAR THE 22 /11/2022
ISSUED BY MR. EJAZ QADIR, CHIEF CONSERVATOR OF FORESTS CENTRAL
SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA PESHAWAR.**

In compliance with the judgment of the Khyber Pakhtunkhwa Services Tribunal dated 21-11-2019 in Service Appeal No. 809/2018, order sheet dated 13-10-2021 in Execution Petition No. 116/2020 in Service Appeal No. 809/2018, as well as advice of Law Department, the competent authority (Chief Conservator of Forests, Central Southern Forest Region-I) in consultation with the Departmental Promotion Committee is pleased to grant proforma promotion to Mr. Farhad Sajid, Ex-Deputy Ranger (BPS-12) to the post of Forest Ranger (BPS-16) on acting charge basis w.e.f. 14-02-2018 i.e. the date of his retirement from Government Service subject to the final decision of the CPLA pending at judication against the said judgment of Khyber Pakhtunkhwa Service Tribunal in the Supreme Court of Pakistan.

Sd/-

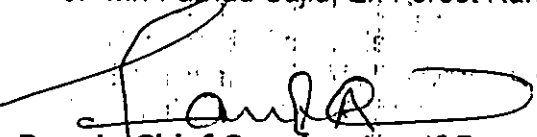
(Ejaz Qadir)

**Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar**

No. 3133-4/IE

Copy forwarded for information and necessary action to the

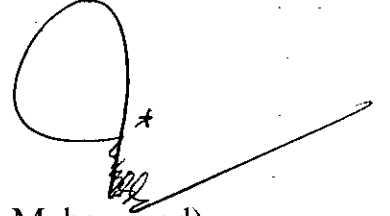
1. Secretary to Government of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department.
2. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
3. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.
4. Budget & Accounts Officer, Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar.
5. Divisional Forest Officer, Upper Kohistan, Dasso.
6. Section Officer, (Estt), Government of Khyber Pakhtunkhwa Forestry Environment and Wildlife Department with reference to his letter No. SO(Estt)/FE&WD/1-3/2020, dated 22-11-2022.
7. Section Officer (Litigation), Government of Khyber Pakhtunkhwa Forestry Environment and Wildlife Department.
8. The Accounts Officer (Litigation), office of the Accountant General Khyber Pakhtunkhwa, Peshawar Pakistan with reference to his letter No. Lit/S.T/attachment of salary/2022/1186-89 dated 10-11-2022 with the request to release the pay of MS Muhammad Abid Majeed, Secretary to Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department and Ejaz Qadir Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar.
9. Mr. Farhad Sajid, Ex-Forest Ranger.


**Deputy Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar**

14.11.2022

Nemo for the petitioner. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

The instant service appeal has erroneously been fixed for hearing before S.B at Principal Seat Peshawar today. To come up for further proceedings before the S.B on 15.12.2022 at Camp Court Abbottabad.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a vertical stroke and a long horizontal line extending to the right.

(Mian Muhammad)
Member (E)

19th Sept, 2022

Petitioner alongwith his counsel present. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Anwar Khan, SDFO for respondents present.

Implementation report not submitted. It seems that the department is not interested in the implementation of the judgment of this Tribunal. Show cause notices be issued to the respondent as to why they should not be proceeded under the relevant law. Salaries of the respondents are attached till further order. The Accountant General Khyber Pakhtunkhwa are directed to attach salaries of respondents No. 1 to 3 while District Comptroller of accounts, Abbottabad is directed to attach salary of respondent No.4 till further orders by this Tribunal.

To come up on 14.11.2022 for further proceedings at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

18th July 2022

Learned counsel for the petitioner present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

Implementation report not submitted. Previous date was changed through Reader note, therefore, notices be issued to the respondents for submission of implementation report through registered post. To come up for implementation report on 19.09.2022 before S.B at camp court Abbottabad.

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(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

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10th Sept 2022

22.12.2021

Petitioner in person present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Sajid, SDFO for respondents present.

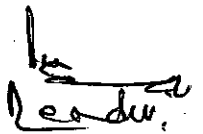
Representative of the respondents produced correspondence dated 10.12.2021 addressed to Conservator of Forest Upper Hazara Forest Circle Mansehra requesting therein to approach the competent forum for implementation of the Service Tribunal judgement dated 21.11.2019. The respondent-department is obligated to implement judgement of the Service Tribunal conditionally, in case CPLA has been filed in the august Supreme Court of Pakistan by them. The respondent-department is therefore, extended last opportunity with the direction to come up with implementation report on the next date. Adjourned. To come up for further proceedings on 14.02.2022 before S.B at camp court Abbottabad.



(Mian Muhammad)
Member(E)
Camp Court Abbottabad

14-2-22

Due to retirement of Wazirly Chauhan the case is adjourned. To come up for the same as before on 14-2-2022.


Reader.

EP 116/2020


13.10.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Sajid, SDFO for the respondents.

Learned AAG on information from the departmental representative states that the department has filed CPLA No. 11-P/2020 before the August Supreme Court of Pakistan against the judgment of this Tribunal. If the department has got no order at the credit as to suspension of judgment of this Tribunal by the August Supreme Court of Pakistan, then it shall execute the judgment in the light of the operative part, conditionally subject to decision of CPLA by the August Supreme Court of Pakistan. Therefore, the respondents are directed to issue conditional order in the light of the operative part of the judgment and produced copy of the same on next date. Case to come on 22.10.2021 before the S.B at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

19.9.2021 Due to covid-19, The case is
adjourned to 20/9/2021 for the same.


Reader

20.09.2021 Petitioner in person present. Mr. Riaz Khan Paindakheil, Assistant
Advocate General for the respondents present.

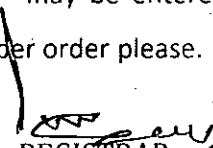

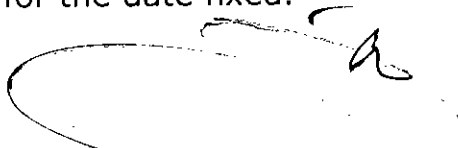
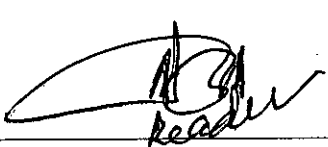
Neither representative of respondents present nor implementation
report has been submitted, therefore, fresh notice be issued to
respondents for submission of implementation report. Adjourned. To come
up for implementation report on 13.10.2021 before S.B at Camp Court,
Abbottabad.


(ATIQ UR REHMAN WAZIR)
MEMBER (E)
CAMP COURT, A/ABAD

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 116 116/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17.08.2020	<p>The Execution Petition submitted by Mr. Farhad Sajid through Mr. Muhammad Asif Syed Raza Shah Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This Execution Petition be put up before Touring S. Bench A. Abad on <u>16-11-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
16.11.2020		<p>Petitioner has not forth come nor anyone else representing him as appeared. Respondents have not been issued notice, they be noticed for 20.01.2021 with the direction to submit implementation report and likewise notice be also issued to petitioner and his respective counsel for the date fixed.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER CAMP COURT ABBOTTABAD</p> <p style="text-align: center;"><i>due to COVID 19, the case is adjourned to <u>19.4.2021</u> for the same.</i></p> <p style="text-align: right;"> MEMBER</p>

*Noted Sir
16.11.2020
[Signature]*

20.1.2021

BEFORE CHAIRMAN SERVICE TRIBUNAL KPK

Peshawar.

Farhad Sajid VS Govt of K.P.K & others.

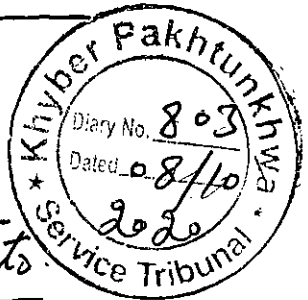
Put up to the court
with relevant E. Petition

Application for requestrining of case

file ~~previously~~ and

issuance of Notices to the respondents.

for the date already fixed i.e. 16-11-2020.



Reader

Respectfully Submitted

Let the law/rules
take their own
course.

That the above title execution petition is
already fixed for hearing on 16-11-2020
in Abbottabad court bench of honourable Court.

That the previous efforts of the petitioner are
involved and already considerable time has been
consumed in litigation with the respondents.

9/10

It is therefore humbly requested that on
the acceptance of this appeal/application the
respondents may graciously be sent the orders
for the date already fixed at Abbottabad.

Applicant.

through Raj's

Eyed Rajn Shah. Advocate
High Court Abbottabad.

Dated: 8/10/2020.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.

SP No 116/20

Execution Petition No. 116' 2020

Farhad Sajid

.... PETITIONER

V E R S U S

The Government of Khyber Pakhtunkhwa and others

.... RESPONDENTS

EXECUTION PETITION

APPLICATION FOR EXECUTION / IMPLEMENTATION

INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Execution Petition alongwith Affidavit	--	1-4
2.	Attested copies of service appeal and judgment / order dated 21.11.2019	"A & B"	5-11
3.	Copy of application	C	12
4.	Copies of notices alongwith postal receipts	"D"	13-14
5.	Vakalat Nama	--	15

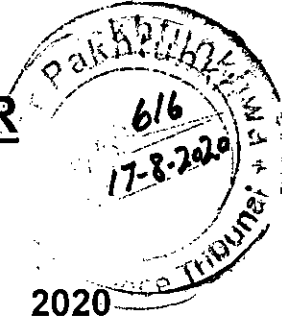

....PETITIONER

Through:

Dated:- _____/2020


(SYED RAZA SHAH)
Advocate High Court, Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR.



Execution Petition No. 116 2020

Farhad Sajid S/o Lal Khan Deputy Forest Ranger (BPS-12) (Retired) R/o
Village Shinkiari, Tehsil and District Mansehra.

.... PETITIONER

V E R S U S

- 1) The Government of Khyber Pakhtunkhwa, through secretary, Forest Environment and Wild Life Department, Peshawar.
- 2) Secretary Forest, Environment and Wild Life Department, Peshawar.
- 3) The Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar.
- 4) The Conservator of Forest, Upper Hazara Forest Circle Mansehra.

.... RESPONDENTS

EXECUTION PETITION

APPLICATION FOR EXECUTION /
IMPLEMENTATION OF JUDGMENT / ORDER
DATED 21.11.2019 OF THIS TRIBUNAL IN
SERVICE APPEAL NO.809/2018.

PRAYER:-

ON ACCEPTANCE OF THE INSTANT
EXECUTION PETITION THE RESPONDENTS
MAY STERNLY BE DIRECTED TO IMPLEMENT
THE JUDGMENT / ORDER DATED 21.11.2019 OF
THIS TRIBUNAL IN SERVICE APPEAL

**NO.809/2018 IN ITS TRUE LETTER AND SPIRIT
AND WITHOUT FURTHER DELAY.**

May it please the Court:


- i. That the petitioner was serving as Deputy Forest Ranger (BPS-12) Upper Kohistan Forest Division at Dassu where his promotion to the post of Forest Ranger (BPS-16) became due.
- ii. That according to the seniority list the petitioner was at serial No.1 but he was deferred for promotion and considered by the Departmental Committee on 28.11.2017 due to his alleged involvement in a National Accountability Bureau (NAB) case.
- iii. That the petitioner was deferred / not recommended while through office order No.85 dated 12.01.2018 issued by respondent No.3 the officers juniors to petitioner were promoted as Forest Ranger (BPS-16).
- iv. That the petitioner filed Departmental Appeal / Representation which was rejected on 19.03.2018 upon the same ground of pendency of NAB case against the petitioner.

- v. That the petitioner assailed the decision of departmental Promotion Committee dated 28.11.2017, office order dated 12.01.2018 and departmental appeal rejection order dated 19.03.2018 through service appeal before the Tribunal which was allowed on 21.11.2019. **(Attested copies of service appeal and judgment / order dated 21.11.2019 are attached as Annexures "A" & "B" respectively)**
- vi. That in obedience to Para No.6 of the Tribunal judgment / order dated 21.11.2019 the petitioner approached the answering respondents personally and also submitted written application to this effect, however, citing different pretexts they have ultimately refused compliance to the tribunal orders. **(Copy of application is attached as Annexure "C")**
- vii. That the aforesaid conduct of the respondents showing least regard to the judgment / order amounts to contempt of Service Tribunal Khyber Pakhtunkhwa which cannot be sustained in the eye of law.

- viii. That, notices have been served upon respondents as per rules. *(Copies of notices alongwith postal receipts are annexed as Annexure " D ")*

PRAYER:

It is, therefore, humbly prayed that on acceptance of the instant Execution Petition the respondents may sternly be directed to implement the judgment / order dated 21.11.2019 of this tribunal in service appeal No.809/2018 in its true letter and spirit and without further delay.


....PETITIONER

Through:

Dated:- _____/2020

(SYED RAZA SHAH)
Advocate High Court, Abbottabad

AFFIDAVIT

I, *Farhad Sajid S/o Lal Khan Deputy Forest Ranger (BPS-12) (Retired) R/o Village Shinkiari, Tehsil and District Mansehra, Petitioner*, do hereby solemnly affirm and declare on Oath that the contents of instant *Execution Petition* are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Service Tribunal.

DEPONENT


...PETITIONER

Dated:- _____/2020

ATTESTED



NOTICE UNDER REGISTERED A.D

To

- 1) The Government of Khyber Pakhtunkhwa, through secretary, Forest Environment and Wild Life Department, Peshawar.
- 2) Secretary Forest, Environment and Wild Life Department, Peshawar.
- 3) The Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar.
- 4) The Conservator of Forest, Upper Hazara Forest Circle Mansehra.

**SUBJECT: INTIMATION NOTICE REGARDING THE EXECUTION
PETITION TITLED "FARHAD SAJID VS GOVT. OF KPK ETC";**

On the advice of my client Mr. Farhad Sajid S/o Lal Khan Deputy Forest Ranger (BPS-12) (Retired) R/o Village Shinkhari, Tehsil and District Mansehra an Execution Petition titled "**FARHAD SAJID VS GOVT. OF KPK ETC**"; is being filed against you before the Service Tribunal Khyber Pakhtunkhwa Peshawar for execution / implementation of judgment / order dated 21.11.2019 in service appeal No.809/2018. A notice intimation of the same is being sent to you through Registered A.D for information / necessary action under the law.

Dated: _____/2020


(SYED RAZA SHAH)
Advocate High Court, Abbottabad

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA

Service Appeal No- /2018

Farhad Sajid

Vs

Govt of KPK etc

SERVICE APPEAL


INDEX

Sr No	Document	Annexure	Page No
1	Memo of appeal along with affidavit.		
2	Copy of order No-85 dated 12/01/2018	A	
3	Copies of departmental appeal & impugned, order dated 19/03/2018	B	
4	Copies of order dated 12/05/2018 passed by the Accountability Court IV	C	
5			
6			
7			

Dated:- 29 / 05 /2018


Appellant

Through


Khurran Ghias Khan
Advocate Supreme Court
At Abbottabad

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA

Service Appeal No-_____/2018

Farhad Sajid S/o Lal Khan, Deputy Forest Ranger (BPS -12)
Retd R/o Village Shinkiyari, Tehsil & District Mansehra.

.....Appellant

Vs

1. The Government of Khyber Pakhtunkhwa through Secretary Forest, Environment & Wildlife Department Peshawar.
2. Secretary Forest, Environment & Wildlife Department Peshawar
3. The Chief Conservation of Forests Central Southern Forest Region-I Peshawar
4. The Conservator of Forests, Upper Hazara Forest Circle Mansehra.

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 FOR DECLARATION THAT THE DEFERMENT OF PROMOTION OF THE APPELLANT BY THE DEPARTMENTAL PROMOTION COMMITTEE ON 28/11/2017 OWING TO PENDING NAB CASE AND THUS NOT BEING RECOMMENDED FOR PROMOTION TO THE POST OF FOREST RANGER (BPS-16) BY THE RESPONDENTS AND SUBSEQUENTLY OFFICE ORDER NO-85 DATED 12/01/2018 ISSUED BY THE RESPONDENT NO-3 AND THEREUPON REJECTION OF DEPARTMENTAL APPEAL OF THE APPELLANT VIDE ORDER NO-DATED 11/03/2018 IS HIGHLY DISCRIMINATORY, PERVERSE, AGAINST THE LAW AND THE FACTS AND THUS NOT SUSTAINABLE AND LIABLE TO BE SET ASIDE

PRAYER

IN ACCEPTANCE OF THIS APPEAL THE RESPONDENTS
MAY BE DIRECTED TO PROMOTE THE APPELLANT TO
THE POST OF FOREST RANGER (BPS-16) AS AND WHEN
DUE WITH ALL SERVICE BENEFITS ALONG WITH ANY
OTHER FURTHER & BETTER RELIEF DEEMED
APPROPRIATE IN THE ATTENDING CIRCUMSTANCES
OF THE LIS

May it please the Court;

FACTS

1. That the appellant was serving as Deputy Forest Ranger (BPS-12) Upper Kohistan Forest Division at Dassu, where his promotion to the post of Forest Ranger (BPS-12) became due.
2. That the appellant was at serial No-1 of his seniority list where he was deferred for promotion and not considered by the departmental promotion committee on 28/11/2017 on account of his alleged involvement in a NAB case. For ready reference the operative part of the decision of the DPC is reproduced herein below;
"Due to pending NAB case the committee did not recommend for promotion and hence deferred"
3. That on one hand the appellant was deferred/not recommended and on the other hand officers junior to the appellant were promoted as Forest Ranger (BPS-16) vide office order No-85 dated 12/01/2018 issued by the respondent No-3.
Copy of order No-85 dated 12/01/2018 is annexure "A"
4. That being aggrieved of the said order of DPC, the appellant filed departmental appeal/representation, which was rejected on 19/03/2018 by the competent authority on the same ground of pendency of NAB case against the appellant. The decision of the departmental

appeal was communicated to appellant on 08/05/2018 vide diary No-2015/GI.

Copies of departmental appeal & impugned order dated 19/03/2018 are annexure "B"

The appellant impugn herein the order No-3687 dated 19/03/2018, office order dated 21/01/2018 and the findings of the departmental promotion committee dated 28/11/2017 on the strength of following amongst others.

GROUNDS

1. Because the appellant was deferred/not considered by the department on account of his alleged involvement in a NAB case. The appellant has been acquitted in the said case.

Copies of order dated 12/05/2018 passed by the Accountability Court IV, KP, Peshawar in reference No-02/2017 is annexure "C"


2. Because even pendency of an inquiry or a proceeding cannot debar a civil servant from being considered for promotion.
3. Because the Govt of Pakistan, National Accountability Bureau vide letter No-3(20) Gen-Co5-006 dated 17/04/2006 in para 2 has laid, "That all civil servants whose cases are pending with NAB may be considered for posting/promotion on merit in order to give them fair and just chance for their progression".
4. Because the DFO, Janmshaid Khan, Bahadur Sher and Fazl-e-Mahboob who were also co-accused in the NAB case were promoted to BPS-18 by the department.
5. Because, the appellant is eligible and qualified for promotion. He does not suffer from any such deficiency as to make him ineligible for the promotion to BPS-16, the promotion has been deferred and withheld without any

fault on his part, and thus, is entitled for the promotion from the date the same has fallen due.


PRAYER

In acceptance of this appeal the respondents may graciously be directed to promote the appellant to the post of Forest Ranger (BPS-16) as and when due with all service benefits along with any other further better relief deemed appropriate in the circumstances of the lis.

Dated:- 29 / 05 / 2018


Appellant


Through

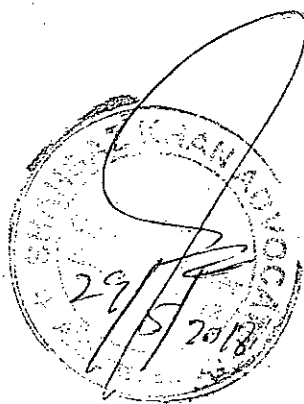

Khurran Ghias Khan
Advocate Supreme Court
At Abbottabad

VERIFICATION

Verified that the contents of instant appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.

Dated: 29 / 05 / 2018


Deponent



5/20
www.tribunal.gov.pk
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BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA

Service Appeal No-_____/2018

Farhad Sajid

Vs

Govt of KPK etc

SERVICE APPEAL

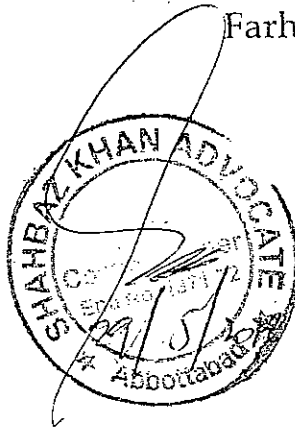
AFFIDAVIT

I, Farhad Sajid S/o Lal Khan, Deputy Forest Ranger (BPS -12) Retd R/o Village Shinkiyari, Tehsil & District Mansehra do here by solemnly affirm on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated:- 29 / 05 /2018


Deponent

Farhad Sajid S/o Lal Khan



To,


The Chief Conservator of Forests
Central Southern Forest Region-I,
Khyber Pakhtunkhwa Peshawar

Subject:- SERVICE APPEAL NO.809/2018 FARHAD SAJID EX-DEPUTY
RANGER VS GOVT. OF KHYBER PAKHTUNKHWA AND OTHERS

Respected Sir,

It is humbly submitted for your kind information that due to non-considering the promotion to the rank of Forest Ranger during the DPC meeting held on 28/11/2017 of the undersigned, I have filed a service appeal in the Court of Khyber Pakhtunkhwa Service Tribunal Peshawar which has now been decided on 21/11/2019. Copy of the judgment is enclosed herewith for favour of further necessary action in your office.

It is therefore requested to kindly consider my proforma promotion with effect from the date of my colleagues already considered during the DPC meeting held on 28/11/2017.


Farhad Sajid S/O Ial Khan

Ex-Deputy Ranger
Village & PO Shinkiari
Tehsil & District Mansehra

12/12/2019

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	21.11.2019	<div data-bbox="1193 277 1485 567" data-label="Image"> </div> <p data-bbox="527 567 1445 693" style="text-align: center;"><u>BEFORE THE KYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> <u>At Camp Court, Abbottabad.</u> Service Appeal No. 809/2018</p> <p data-bbox="641 730 1331 819" style="text-align: center;">Date of Institution 04.06.2018 Date of Decision 21.11.2019</p> <p data-bbox="487 856 1485 995">Farhad Sajid son of Lal Khan, Deputy Forest Ranger (BPS-12) Retd. Resident of Village Shinkiyari, Tehsil & District Mansehra. Appellant</p> <p data-bbox="950 1033 1071 1071" style="text-align: center;">Versus</p> <ol data-bbox="511 1121 1494 1373" style="list-style-type: none"> 1. The Government of Khyber Pakhtunkhwa through Secretary Forest, Environment & Wildlife Department Peshawar. 2. The Chief Conservator of Forests Central Southern Forest Region-I Peshawar. 3. The Conservator of Forests, Upper Hazara Forest Circle Mansehra. <p data-bbox="1274 1373 1494 1423" style="text-align: right;">Respondents</p> <p data-bbox="495 1461 1437 1549">Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p data-bbox="576 1600 795 1638" style="text-align: center;"><u>JUDGMENT</u></p> <p data-bbox="568 1638 1494 1675"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant</p> <p data-bbox="487 1726 1494 1852">with counsel present. Mr. Usman Ghani learned District Attorney present.</p> <p data-bbox="487 1890 1494 2381">2. The appellant (Retired Deputy Forest Ranger) has filed the present service appeal against the decision of Departmental Promotion Committee meeting held on 28.11.2017, to defer his promotion to the post of Forest Ranger due to pending NAB case(s). The appellant has also challenged the promotion order dated 12.01.2018 in relation to the officers, junior to the appellant,</p>

21.11.2019

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

as Forest Rangers (BS-16). The appellant has also assailed the order dated 19.03.2018 through which the departmental appeal of the appellant was rejected.

3. Learned counsel for the appellant argued that the appellant was serving as Deputy Forest Ranger and retired from the said post on 14.02.2018. Further argued that the appellant was at Serial No.1 at the seniority list of the Deputy Rangers however he was deferred from promotion and not considered by the Departmental Promotion Committee on 28.11.2017 on account of his alleged involvement in the NAB case; that on one hand, the appellant was deferred and on the other hand officers junior to the appellant were promoted as Forest Rangers vide promotion order dated 12.01.2018; that the departmental appeal filed by the appellant was also rejected on no good grounds. Further argued that the appellant has been acquitted in the NAB case vide judgment/order dated 12.05.2018 passed by the Accountability Court-IV Khyber Pakhtunkhwa Peshawar in reference No.02/2017; that pendency of inquiry or proceedings cannot debar a civil servant from being considered for promotion.

4. As against that learned District Attorney argued that the case of the appellant was scrutinized by the Departmental Promotion Committee in the light of provincial promotion policy and as such he was rightly deferred from promotion. Further argued that the appellant earned his acquittal after the meeting of Departmental Promotion Committee held on 28.11.2017.

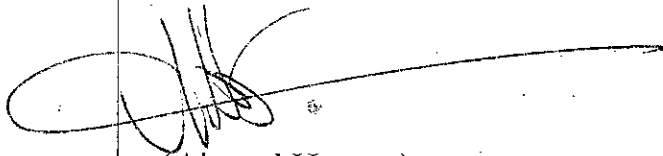
21.11.2019

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

5. Arguments heard. File perused.

6. Junior colleagues of the appellant got promotion to the post of Forest Rangers vide promotion order dated 12.01.2018, however the appellant, who attained the age of superannuation on 14.02.2018, was not promoted and deferred by the Departmental Promotion Committee due to pendency of NAB case(s). Admittedly the appellant earned acquittal from the Accountability Court-IV Khyber Pakhtunkhwa Peshawar vide judgment dated 12.05.2018 passed in reference No.02/2017. This Tribunal is therefore of the considered opinion that the appellant has every right to be considered for pro-forma promotion to the post of Forest Ranger (BS-16). The respondents are therefore directed to consider the appellant for pro-forma promotion to the post of Forest Ranger (BS-16). The present service appeal is accepted in the above noted terms. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member
Camp Court, A/Abad

ANNOUNCED
21.11.2019

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 10-12-2019
Number of Words 1200
Copying Fee 14-
Urgent 4-
Total 18-
Name of Copyist A
Date of Completion of Copy 10-12-2019
Date of Delivery of Copy 10-12-2019

D. 1309

RA Nos 260

Rs. Ps.

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

50
50 AD

Received a registered letter addressed to

Date-Stamp 100

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Initials of Receiving Office

Insured for Rs. (in figures) 100 (in words) 100

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

D. 1310

RA Nos 261

Rs. Ps.

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

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Received a registered letter addressed to

Date-Stamp 100

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Initials of Receiving Office

Insured for Rs. (in figures) 100 (in words) 100

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

No. 1307

RA Nos 258

Rs. Ps.

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

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Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Initials of Receiving Office

Insured for Rs. (in figures) (in words)

If insured.

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

No. 1308

RA Nos 259

Rs. Ps.

For Insurance Notices see reverse. Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

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Received a registered letter addressed to

Date-Stamp

Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. Initials of Receiving Office

Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

بعدالت

جیبر جیٹوخواہ سروس ٹریبیونل کراچی

مورخہ

17-8-2020

2020ء منجانب

مقدمہ

فرهاد سجاد

بنام گورنمنٹ K.P.K. وکیم

دعویٰ

Exemption Petition

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ ہر ایک
 آن مقام جیبر جیٹوخواہ سروس ٹریبیونل کیلئے سپر رضا شنہ ایڈووکیٹس مای ڈار
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
 اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے
 سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2020ء

الکت

المرقوم 17/8/2020

الع د گ و الع د

کے لئے منظور ہے۔

فرهاد سجاد وکیل خان
 سکریٹری تنظیم و تنظیم

مقام
 فرهاد سجاد

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

E.P. No. 116/20

113

APPEAL No..... of 20

Farhad Sajid

Appellant/Petitioner

Versus

Through Sayyid Forest 14 Pk Pesh.

RESPONDENT(S)

Notice to Appellant/Petitioner

Counsel

*Syed Raza Shah
Advocate High Court
Abbottabad*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *20-1-2021* at *9:00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court A Ahead

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

E. P. No. 116/20

713

APPEAL No..... of 20

Farhad Sajid

Appellant/Petitioner

Versus

Through Secy. Forest KPK Pesh

RESPONDENT(S)

Notice to Appellant/Petitioner

Farhad Sajid 50 Lal Khan
Deputy Forest Ranger
R/O Village Shinkari Teh: 2 Distt.
Manshera.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *20.07.2020* at *7.50 PM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at Camp Court A. Alod.

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.