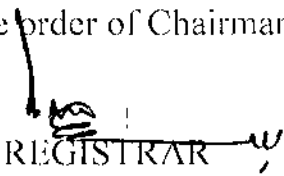


FORM OF ORDER SHEET

Court of _____

Case No. - 05/2023


S No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02/01/2023	<p>The appeal of Mr. Safdar Ali Shah resubmitted today by Mr. Adnan Aman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Safdar Ali Shah Chief Conservator Wildlife received today i.e. on 19.12.2022 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Index of the appeal is incomplete.
- 3- Address of respondent no. 4 is incomplete.
- 4- Affidavit is not duly attested by the Oath Commissioner.
- 5- Copy of impugned order dated 26.12.2022 mentioned in the heading of the appeal is not attached with the appeal.
- 6- Copies of departmental appeal and its rejection order are not attached with the appeal.
- 7- Copies of Writ Petitions mentioned in para-11, 13 & 15 of the memo of appeal is not attached with the appeal.
- 8- Copies of judgment dated 26.11.2022 & 12.04.22 mentioned in para-16&17 of the memo appeal are not attached with the appeal.
- 9- Certificate regarding filing any earlier appeal on the same subject/cause of action not furnished.
- 10- Eight more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3656 /S.T.


DL 19/12 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Adnan Anjan Adv. Pesh.

Respected Sir,

resubmitted after removing
all the necessary objections.


02/01/2023

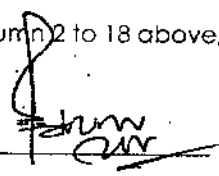
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

1.	Case Title	Safdar Ali Shah Versus The Govt. of KPK	
2.	Case is duly signed.	Yes	No
3.	The law under which the case is preferred has been mentioned.	Yes	No
4.	Approved file cover is used.	Yes	No
5.	Affidavit is duly attested and appended.	Yes	No
6.	Case and annexures are properly paged and numbered according to index.	Yes	No
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have annexed.	Yes	No
8.	Certified copies of all requisite documents have been filed.	Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	Yes	No
10.	Case is within time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp paper is affixed. [For writ Rs. 500, for other as required]	Yes	No
13.	Power of attorney is in proper form.	Yes	No
14.	Memo of addressed filed.	Yes	No
15.	List of books mentioned in the petition.	Yes	No
16.	The requisite number of spare copies attached [Writ petition-3, civil appeal (SB-2) Civil Revision (SB-1, DB-2)]	Yes	No
17.	Case (Revision/ Appeal/petition etc) is filed on a prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes	No

It is certified that formalities/documentations as required in column 2 to 18 above, have been fulfilled.

Signature: _____



FOR OFFICE USE ONLY

Case: _____

Case received on _____

Complete in all respect: Yes/ No, (If No, the grounds) _____

Date in court: _____

Signature _____

(Reader)

Date: _____

Countersigned: _____

(Deputy Registrar)

Umer Computer /Drafting/Composing
Peshawar High Court, Peshawar
Cell No.0333-9321121

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 05 /2022

Safdar Ali Shah.....Appellant

V E R S U S

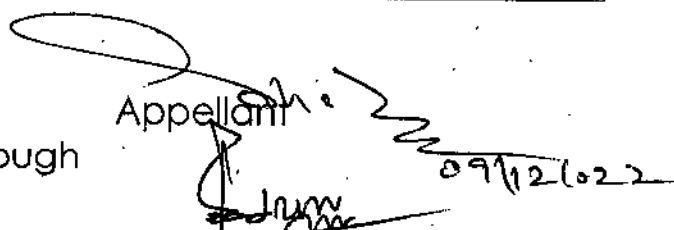
The Govt. of Khyber Pakhtunkhwa
through Chief Secretary & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-16
2.	Addresses of parties		17-18
3.	Copy of the appointment order	A	19
4.	Copies of the promotion orders	B & B/1	20-21
5.	Copy of the final seniority list	C	22-23
6.	Copy of the Notification	D	24
7.	Copies of the Office Orders	E & E/1	25-29
8.	Copies of the letters dated 31.07.2018 and 10.08.2018	F&F/1	30-31
9.	Copy of the letter dated 30-05-18	G	32-34
10.	Copy of the letter dated 24-10-18	H	35
11.	Copy of notification dated 21-0-19	I	36
12.	Copy of the writ petition 4765/2018	J	37-48
13.	Copies of PSB minutes & notification	K&L	49-52
14.	Copy of writ petition No.317-P/2017	M	53-59
15.	Copies of PSB minutes & notification	N&N/1	60-64
16.	Copies of the writ petitions	O&P	65-79
17.	Copy of judgment dated 26.11.202	Q	80-98
18.	Copy of judgment dated 12.04.2022	R	94-95
19.	Copy of the Order 28.07.2022	S	96
20.	Copy of the departmental appeal	T	97-104
21.	Wakalatnama		105

Through

Appellant


Adnan Aman

Advocate High Court(s)

Dated 09.12.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 055 /2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 2378

Dated 19/12/2022

Safdar Ali Shah,
Chief Conservator Wildlife KP/
Additional Director General (Education)
Pakistan Forest Institute Peshawar.....**Appellant**

V E R S U S

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, KP, Civil Secretariat, Peshawar
2. The Chief Secretary to the Govt. of KP, Civil Secretariat, Peshawar
3. The Secretary Forestry, Environment & Wildlife Department to the Govt. of KP, Civil Secretariat, Peshawar
4. The Secretary Establishment Department to the Govt. of KP, Civil Secretariat, Peshawar
5. The Provincial Selection Board (PSB) through its Chairman/ Convener, Civil Secretariat Peshawar
6. Dr. Mohsin Farooq
Chief Conservator Wildlife Department
Govt. of Khyber Pakhtunkhwa, Peshawar

.....**Respondents**

~~Filed to-day~~

Registrar

19/12/2022

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED DECISION**

DATED 26.12.2018, FOLLOWED BY THE IMPUGNED NOTIFICATION DATED 17.01.2019, WHEREBY THE RESPONDENT NO.6 WAS PROMOTED AND APPOINTED AGAINST THE SINGLE CADRE POST OF THE CHIEF CONSERVATOR WILDLIFE KP (BPS-20), DESPITE BEING JUNIOR TO THE APPELLANT AND THE ORDER OF THE DEPARTMENTAL APPELLANT AUTHORITY, WHEREBY HE DID NOT PASS ANY APPROPRIATE ORDER OVER THE DEPARTMENTAL APPEAL OF THE APPELLANT, WITHIN STATUTORY PERIOD OF NINETY (90) DAYS.

Prayer in Appeal

By accepting this appeal, the impugned decision made in the P.S.B meeting dated 26.12.2018 and the impugned notification dated 17.01.2019 and order of the departmental appellate authority (who did not pass any appropriate order over the same), may please be set aside and consequently the respondents may please be directed to consider the appellant for his regular promotion (BPS-20) and thereafter to

appoint the appellant as Chief Conservator (BPS-20) KP wildlife w.e.f 19.05.2017 with all back benefits including seniority (when his predecessor was retired from service upon reaching the age of superannuation).

Respectfully Sheweth:

The brief facts giving rise to the instant service Appeal are submitted as under:

1. That the appellant is holding the qualification of M.Sc Zoology (Gold medalist) from University of Peshawar, M.Sc Forestry from Pakistan Forest Institute, Peshawar and M.S in Biodiversity & Conservation from University of Leeds, UK.
2. That the appellant was initially appointed as Assistant Conservator Wildlife (BPS-17) w.e.f 16.10.1993 in the KP Wildlife Department, whereas respondent No.6 was inducted as Assistant Conservator Wildlife (BPS-17) on 10.03.1996 (three years later the appointment of the appellant).
(Copy of the appointment order is attached as annexure "A").

3. That thereafter the appellant after successful completion of the required length of service was promoted to BPS-18 and BPS-19 respectively. **(Copies of the promotion orders are attached as annexure "B & B/1")**.
4. That on 30.06.2016, the Govt. of Khyber Pakhtunkhwa was pleased to notify the final seniority list, of the Conservator's Wildlife Department (BS-19), wherein the appellant was placed at serial No.1 of the final seniority list, followed by respondent No.6 who (being junior to appellant) was placed at serial No.2 of the final seniority list. It is worth to mention here that the aforesaid final seniority list has never been challenged before any forum and has thus attained finality. **(Copy of the final seniority list is attached "C")**.
5. That upon transfer/appointment of Syed Mubarak Ali Shah (the then Chief Conservator Wildlife KP) as Managing Director, Forest Development Corporation, dated 03-04-2015, the appellant being the senior most conservator (BS-19) wildlife was posted as Chief Conservator

Wildlife KP (own pay scale) and continued to perform his job till 02.02.2016, when Syed Mubarak Ali Shah was repatriated again to his parent department; (KP Wildlife). **(Copy of the Notification is attached as annexure "D")**.

6. That later upon retirement of Syed Mubarak Ali Shah, the appellant was again posted as Chief Conservator Wildlife KP, vide office order dated 21.09.2017 (in his own pay scale) and continued till 13-06-2019 whereafter the appellant was transferred and posted outside the department as Additional Director General (ex-cadre post) at Pakistan Forest Institute, Peshawar till date. **(Copy of the office orders are attached as annexure "E & F")**.

7. That it is worth to mention here that during the tenure of the appellant as Chief Conservator Wildlife KP, the respondent department, submitted case of the appellant for promotion to the rank of Chief Conservator Wildlife (BPS-20) vide letter dated 31-07-2018. However, Establishment department vide letter dated 10-08-2018 opined that *"the case has been examined in*

Regulation Wing and it is observed that an enquiry against the officer as S.No.1 of the panel is pending. According to promotion policy, his promotion will be deferred and a post will be reserved for him. Hence there will be no post against which the officer at S.No. 2 can be considered". (Copies of the letter dated 31.07.2018 and 10.08.2018 are attached as annexure "F" & F/1).

8. That in the meanwhile, the inquiry committee constituted for the purpose, absolved/exonerated the appellant from all the charges vide letter dated 30-05-2018 and respondent No. 3 subsequently submitted the case for approval of the competent authority (Chief Minister) and notifying exoneration of the appellant, however, instead of notifying his exoneration, a show cause notice was issued to the appellant. (Copy of the letter dated 30.05.2018 is attached as annexure "G").
9. That consequent to the issuance of the show cause notice, an opportunity of personal hearing was offered to the appellant on 24-10-2018. (Copy of the letter dated ¹⁹ 24.10.2018 is attached as annexure "H").

10. That exoneration of the appellant was purposefully delayed till march 2019 but lastly the same was notified on 21.03.2019. **(Copy of the notification dated 21-03-2019 is attached as annexure "I").**
11. That in the meanwhile, respondent No.6 approached the worthy Peshawar High Court, Peshawar, through W.P No.4765/2018 by filling a Writ of Quo-Warranto against the appellant. **(Copy of the writ petition is attached as annexure "J").**
12. That as an interim relief granted by the court on 29-11-2018, promotion case of respondent No.6 was placed before the PSB on 25-12-2018, wherein promotion of the appellant (being senior most Conservator Wildlife BS-19) was deferred for frivolous reasons and in contravention of the establishment department opinion dated 10-08-2018, respondent No. 6 was promoted against the single cadre post of the Chief Conservator Wildlife KP (BS 20) on regular basis. **(Copies of the PSB minutes dated 26.12.2018 and notification dated 17-01-2019 are attached as annexure "K & L").**

13. That consequently, the appellant also assailed his deferment of promotion and promotion followed by posting of respondent No.6 as Chief Conservator wildlife before the worthy Peshawar High Court Peshawar through W.P No.317-P/2019 **(Copy of writ petition No.317-P/2017 is attached as annexure "M")**.
14. That during the pendency of the writ petitions, an interim relief was granted to the appellant and in light of the same, promotion case of the appellant was also placed before the PSB, wherein he was recommended for promotion to the rank of the Chief Conservator Wildlife (BS-20) on "Acting Charge Basis" as the single cadre post was already occupied by respondent No.6 on regular basis. **(Copies of the PSB minutes dated 07/05/2019 and notification dated 16-05-2019 are attached as annexure "N & N/1")**.
15. That the respondent No.6 did not stop here and filed two other writ petitions, bearing No.5692-P/2019 and W.P. No.1816-P/2020 against the appellant. **(Copies of writ petitions are attached as annexure "O & P")**.

16. That all the aforesaid writ petition were consolidated and decided through common judgment dated 26.11.2020. **(Copy of judgment dated 26.11.2022 is attached as annexure "Q")**.

It is worth to mention here that the writ petition filed by the appellant (W.P. No.317-P/2019) was dismissed on the ground of jurisdiction and the appellant was advised to seek his remedy before the competent court of law.

17. That the aforesaid judgment was assailed before the Apex Court through CP No.3656/2020 and CP No.171-P/2021 which was again disposed-off by the worthy Apex Court vide judgment dated 12.04.2022. **(Copy of judgment dated 12.04.2022 is attached as annexure "R")**.

18. That the appellant being aggrieved of the judgment dated 12.04.2022 preferred Review petitions bearing No.188 and 189 of 2022 which were again disposed off vide order dated 28.07.2022, in the following terms

"Having gone through the order under review, we find that the order sought to be reviewed does not determine the right or eligibility of any of the candidates appointed or to be appointed to the post in question". (Copy of Order 28.07.2022 is attached as annexure "S").

19. That soon after the judgment/order of the Apex Court, the appellant preferred departmental representation/appeal to the competent authority (respondent No.2) however till date, the same has not been responded so far, after the lapse of statutory period of ninety days. **(Copy of the departmental appeal is attached as annexure "T"),**
20. That the appellant being aggrieved now prefers this service appeal before this Hon'ble Tribunal for the following amongst other grounds:

G R O U N D S:

- A. That the impugned promotion order of respondent No.6 as Chief Conservator Wildlife KP, (BPS-20) is against the Law/Rules governing the subject as the same is a single cadre post and as such the appellant being the senior

most Conservator Wildlife is eligible to be promoted and thereafter appointed as Chief Conservator Wildlife (BPS-20) instead of respondent No.6.

- B. That by now it is a settled proposition of law that promotion to a post cannot be made on the basis of cherry picking rather the same shall be subject to strict criteria of merit and principle of seniority but in the case in hand, the respondents have acted otherwise and thus this Hon'ble Tribunal needs to interfere to meet the ends of justice.
- C. That even otherwise the pendency of departmental enquiry or NAB reference could not be made a ground for depriving an incumbent from his due right of promotion as the same amounts to penalize an official before the final conclusion of charge leveled.
- D. That more so the so-called inquiry proceedings have ultimately been concluded in favour of the appellant as he has been honourably

absolved/exonerated from all the proceedings but notifying exoneration of the appellant was purposefully delayed. But prima facie, it seems that all these inquiry proceedings were staged only for the reason to deprive the appellant of his due right of promotion and to pave way for impugned promotion of respondent No.6.

- E.** That the appellant has run all the time from pillar to post for his due right in the shape of promotion but so far it has been delayed for almost more than 3/4 years but lastly the worthy apex court in its order dated 28.07.2022 clarified the same with an explicit order that the order/judgment of the apex court has never determined the right or eligibility of the respondent No.6 as Chief Conservator Wildlife KP & thus it is this Hon'ble Tribunal to decide who is eligible to occupy the post of Chief Conservator Wildlife KP (BS-20) on merit.
- F.** That even otherwise the respondents did not bother to honour the opinion of Establishment department, to reserve the post in question for

the appellant, till the conclusion of pending inquiry but even the post was filled through promotion on regular basis, in contravention of the Law/Rules which speaks volume that the competent authority was all out to adjust/accommodate his blue eyed over the post of Chief Conservator Wildlife KP at the cost of the appellant.

- G. That in light of the aforesaid submissions it is clear than crystal that the competent authority has gone beyond its domain, in order to favour the respondent No.6 (by hook or by crook) therefore the whole proceedings resulting into promotion of respondent No.6 are liable to be declared as illegal, unlawful and void ab-initio.
- H. That the appellant has been treated against the Law/Rules governing the subject and has also been deprived of equal protection of law
- I. That any other ground will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is therefore most humbly prayed that by accepting this appeal, the impugned decision made in the P.S.B meeting dated 26.12.2018 and the impugned order dated 17.01.2019 and order of the departmental appellate authority (who did not pass any appropriate order over the same), may please be set aside and consequently the respondents may please be directed to consider the appellant for his regular promotion in BPS-20 and thereafter to appoint the appellant as against the post of Chief Conservator (BPS-20) KP wildlife w.e.f from the date of retirement of his predecessor Syed Mubarak Ali Shah i.e. 19.05.2017, with all back benefits including seniority.

AND

Any other relief deems fit and appropriate in the circumstances of the instant appeal may also be passed.

Through

Appellant

Adnan Aman
Advocate High Court(s)

Dated ___/___/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Safdar Ali Shah.....Appellant

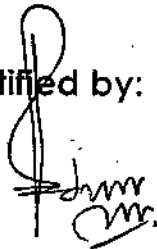
V E R S U S

The Govt. of Khyber Pakhtunkhwa
through Chief Secretary & others.....Respondents

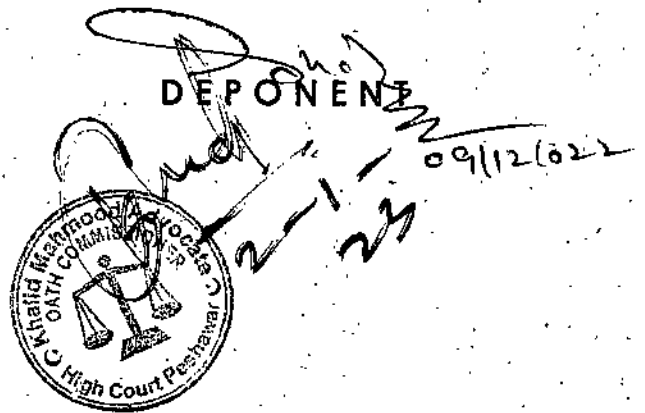
A F F I D A V I T

I, Safdar Ali Shah, Chief Conservator Wildlife KP/Additional Director General (Education) Pakistan Forest Institute Peshawar, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Identified by:



Adnan Aman
Advocate High Court



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Safdar Ali Shah.....Appellant

V E R S U S

The Govt. of Khyber Pakhtunkhwa
through Chief Secretary & others.....Respondents

ADDRESSES OF PARTIES

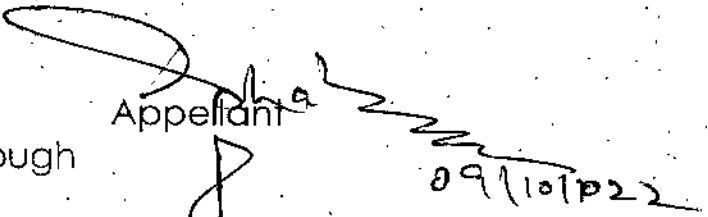
APPELLANT:


Safdar Ali Shah,
Chief Conservator KP Wildlife KP/
Additional Director General (Education)
Pakistan Forest Institute Peshawar

R E S P O N D E N T S

1. The Govt. of Khyber Pakhtunkhwa
through Chief Secretary,
KP, Civil Secretariat, Peshawar
2. The Secretary Forestry,
Environment & Wildlife Department
To Govt. of KP, Civil Secretariat, Peshawar
3. The Secretary Establishment to
Govt. of KP, Civil Secretariat, Peshawar

4. The Selection Board through its Chairman/
Convener, Civil Secretariat Peshawar.
5. Dr. Mohsin Farooq
Chief Conservator Wildlife Department
Govt. of Khyber Pakhtunkhwa, Peshawar

Through  Appellant
09/10/22


Adnan Aman
Advocate High Court(s)

Dated ___/___/2022

Certificate :

*It is certified that no other service
appeal on the same subject has not
been furnished before this Hon'ble Tribunal.*



GOVERNMENT OF NWFP,
FORESTRY, FISHERIES & WILDLIFE
DEPARTMENT.

Annexure

"A"

Dated Pesh: the 14.11.1993.

NOTIFICATION.

NO. 50(MT:II)/L/L-405/93/Vol:II. The Governor NWFP is pleased to order regular appointment of Mr. Safdar Ali Shah, who has qualified 1991-93 B.Sc. Forestry Course, as Assistant Conservator of Wildlife (39-17), with usual allowances as admissible under the rules from time to time, in the NWFP Forest Department, with effect from 16.10.1993(P.M).

(19)

2. The inter-se-seniority of the officer has been determined in accordance with his merit position in the B.Sc. Forestry Course.

3. His appointment is temporary and can be terminated at any time on one month notice.

4. He will be governed by the NWFP Civil Servants Act, 1973.

36/-
Secretary to Govt. of NWFP,
Forestry, Fisheries & Wildlife
Department.

Encl: No. 50(MT:II)/L/L-405/93/Vol:II/ 333-37

Dated Pesh: the 14.11.1993.

Copy forwarded to :-

1. The Conservator of Wildlife, NWFP Peshawar.
2. The Director(B&A), Govt. of NWFP, Forestry, Fisheries & Wildlife Department.
3. Mr. Safdar Ali Shah DFO c/o Cons: of Wildlife, NWFP-Peshawar.
4. P/File of the DFO concerned.
5. O/Order File.

ATTESTED

Seen. Circled & before to Secy. to Govt. of NWFP
SECRETARY OFFICER (PESHAWAR)

A

NWFP PESHAWAR
RECEIPT NO. 2794
DATE 18/6/07

GOVERNMENT OF NWFP
ENVIRONMENT DEPARTMENT

Dated Pesh: 14.06.2007

NOTIFICATION

NO. SO/Env/1-2/2007 The Competent Authority in consultation with the Provincial Selection Board is pleased to promote the following Assistant Conservator Wildlife (BS-17) as Deputy Conservator Wildlife (BS-18) on regular basis with immediate effect.

S.No.	Name of Assistant Conservator Wildlife
1)	Mr. Saifur Ali Shah
2)	Mr. Muhammad Ali

The officers so promoted will remain on probation for a period of one year in terms of Section-6(2) of NWFP Civil Servants Act, 1973 read with Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Consequent upon their promotion, the officers will remain posted in their present places of posting, as under:

S.No.	Name of Officer	Present posting
1)	Mr. Saifur Ali Shah	Deputy Conservator Wildlife, Ayubia National Park Abbottabad
2)	Mr. Muhammad Ali	Deputy Conservator/Project Manager Protected Areas Management Project, Chitral Gol National Park Chitral

SECRETARY TO GOVT. OF NWFP
ENVIRONMENT DEPARTMENT

Encls: NO. SO/Env/1-2/2007

Date: Pesh: 14.06.2007

Copy is forwarded to:-

- The Chief Conservator Wildlife, NWFP.
- The Director Budget & Accounts, Environment Department.
- The PS to Minister Environment, NWFP.
- The PS to Secretary Environment.
- The Officers concerned.
- Master File.
- Officer under file.
- Personal Files of the Officers.

(Signature)
(DUJ JABBAR)
SECTION CHIEF/SECRETARY

No. 7007-25/WL(E)

Dated Peshawar 18/6/2007

Copy forwarded for information and necessary action to:-

- Conservator Wildlife Southern Circle, Peshawar.
- Conservator Wildlife Northern Circle, Swat.
- Mr. Saifur Ali Shah, Deputy Conservator Wildlife.
- Mr. Muhammad Ali, Deputy Conservator Wildlife.
- All Divisional Forest Officers Wildlife in NWFP.

(Signature)
Chief Conservator Wildlife NWFP
Peshawar.



Annexure

B

(20)

ATTACHED

B

GOVERNMENT OF NWF
ENVIRONMENT DEPARTMENT.

Dated Pesh: 13th Feb: 2010

Annexure

NOTIFICATION.

NO.SO(Estt)/Envt/II-2/2K9: The Competent Authority on the recommendation of the Provincial Selection Board, is pleased to promote Mr. Safdar Ali Shah, Deputy Conservator Wildlife (BPS-18) to the post of Conservator Wildlife (BPS-19), on regular basis, with immediate effect.

2. The officer on promotion will remain on probation for a period of one year in terms of Section-6(2) of NWFP Civil Servants Act, 1973 read with Rule-15(1) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

3. Consequent upon above, the officer will remain posted on his present place of posting.

78/91
SECRETARY TO GOVT: OF NWFP
ENVIRONMENT DEPARTMENT.

Endst: NO.SO(Estt)/Envt/II-2/2K9:

Dated 13th Feb, 2010.

Copy is forwarded to:-

- 10
CWL
- 1) The Chief Conservator Wildlife, NWFP.
 - 2) The Director Budget & Accounts Environment Department.
 - 3) Conservator Wildlife Southern Circle Peshawar.
 - 4) Conservator Wildlife Northern Circle Malakand at Saidu Sherif Swat.
 - 5) The officer concerned.
 - 6) PS to Chief Secretary, NWFP.
 - 7) PS to Secretary Establishment Department.
 - 8) PS to Secretary Environment Department.
 - 9) PA to Deputy Secretary-I, Environment Department.
 - 10) Personal file of the officer.
 - 11) Office order file.
 - 12) Master file.

ATTESTED

Mutahir Shah
(MUTAHIR SHAH)
SECTION OFFICER (ESTT)

B/1

41

Annexure
22 "C"

GOVERNMENT OF KHYBER PAKHTUNKHWA
ENVIRONMENT DEPARTMENT

NOTIFICATION

SO(EST)FE&WD/II-26/2K15 In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the Competent Authority is pleased to notify/circulate final seniority list of Conservator Wildlife (BPS-19) Khyber Pakhtunkhwa, Wildlife Department (as stood on 31-03-2016) for general information.

FINAL SENIORITY LIST OF CONSERVATOR WILDLIFE (BPS-19) KHYBER PAKHTUNKHWA WILDLIFE DEPARTMENT AS STOOD ON 31-03-2016.

S#.	Name of Officer with academic qualification	Date of Birth & Domicile	Date of First entry into Govt Service	Regular appointment / promotion to the present post			Remarks
				Date	BPS	Method of recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Safdar Ali Shah, i. M.Sc Biodiversity & Conservation (UK) with merit ii. M.Sc Forestry iii. M.Sc Zoology (Gold medalist) iv. Diploma in Dispensing from Khyber Pakhtunkhwa Medical Faculty v. Certificate in Islamic Law from international Islamic University Islamabad.	24-06-1965 Swabi	16-10-1993 BPS-17	13-02-2010	19	By Promotion	
2.	Dr. Mohsin Farooque, i. Ph.D Environmental Planning. ii. M. Sc Conservation Biology with merit iii. M.Sc Rural Development iv. M. Sc Forestry v. M.Sc (Hons) Agriculture (Gold Medalist) vi. Post Graduate Diploma GIS & Remote Sensing	31-03-1968 Bannu	10-03-1998 BPS-17	07-02-2014	19	By Promotion	

ATTESTED

Director (L.I.)
Department
Khyber Pakhtunkhwa

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA



23

W

2884-87

Dated Pesh: the 30/05/2016

Endst: No. SO(ESTI)FE&W/D/II-26/2K/15.

- 1. Copy is forwarded to:-
- 2. Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
- 3. Director Budget and Accounts Govt. of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department.
- 4. Conservators Wildlife Southern and Northern Circles.
- 5. All officers concerned.

Ahmed
 Section Officer
 Environment Department
 Govt of Khyber Pakhtunkhwa

[Signature]
 SECTION OFFICER (ESTI)

ATTESTED
[Signature]



DATE
**GOVERNMENT OF
 KHYBER PAKHTUNKHWA
 ESTABLISHMENT DEPARTMENT**

Annexure
 " D "

Dated Peshawar, the April 3, 2015

NOTIFICATION

NO.SO(E-I)E&AD/9-112/2015. The Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers, in the public interest, with immediate effect:-

SR.#	NAME OF OFFICER	FROM	TO
1.	Mr. Mubarak Ali Shah	Chief Conservator of Wildlife, Khyber Pakhtunkhwa	Managing Director, Forest Development Corporation, Peshawar, relieving Mr. Sadique Khan Khattak, Chief Conservator of Forests, Northern Forest Region-II of the additional charge.
2.	Mr. Safdar Ali Shah	Conservator Wildlife Northern, Swat	Chief Conservator of Wildlife, Khyber Pakhtunkhwa, in his own pay and scale, vice Sr. No. 1

24

2. Consequent upon above, Mr. Sadique Khan Khattak, Chief Conservator of Forests, Northern Forest Region-II is authorized to hold additional charge of the post of Chief Conservator of Forests, Malakand Region-III, till further orders.

**CHIEF SECRETARY
 GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst. NO.SO(E-I)E&AD/9-112/2015.

Dated 3.4.2015

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department.
4. Divisional Commissioners, Malakand, Hazara and Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director (B&A) Environment Department.
7. Managing Director, Forest Development Corporation, Peshawar.
8. Chief Conservator of Forests Malakand, Forest Region-III, Swat
9. Chief Conservator of Wildlife, Khyber Pakhtunkhwa
10. Chief Conservator of Forests Region-I Central and Southern Forest Region-I, Peshawar.
11. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
12. Conservator of Forest/PD Watershed Management, Abbottabad.
13. Managing Director Forest Development Corporation, Peshawar.
14. District Accounts Officer concerned.
15. PS to Chief Secretary, Khyber Pakhtunkhwa.
16. PS to Secretary Establishment.
17. Officers concerned.
18. Manager, Govt. Printing Press Peshawar.

ATTESTED

(Signature)
**(MUHAMMAD JAVED SIDDIQI)
 SECTION OFFICER (ESTT. I)
 PH: & FAX # 091-9210529**

ZIAUL HAQ



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Pesh: 28th March, 2017

NOTIFICATION

No.SO(Estt)FE&WD/2-50(5)/2k17: In terms of provision of Rule-20 of the Khyber Pakhtunkhwa, Civil Servants Revised Leave Rules, 1981 and the instructions issued there-under from time to time, the competent authority is pleased to accord sanction for encashment of Leave Preparatory to Retirement, equivalent to 365-days in favour of Syed Mubarak Ali Shah, Chief Conservator Wildlife (BS-20) Khyber Pakhtunkhwa.

2. In terms of Section-13 of the Khyber Pakhtunkhwa, Civil Servants Act 1973, Syed Mubarak Ali Shah, Chief Conservator Wildlife (BS-20) Khyber Pakhtunkhwa, will stand retired from government service, on attaining the age of Superannuation, with effect from 19.05.2017.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE
DEPARTMENT

Endst: No.SO(Estt) FE&WD/2-50(5)/2k17 Dated Pesh: 28th March, 2017

Copy is forwarded to:-

- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 2) Chief Conservator of Forest, Central & Southern Forest Region-I, Peshawar.
- 3) Director General, Pakistan Forest Institute, Peshawar.
- 4) Conservator Wildlife Southern Circle, Peshawar.
- 5) Conservator Wildlife Northern Circle, Swat
- 6) Director Budget & Accounts Cell, Forestry, Environment & Wildlife Department.
- 7) PS to Secretary, Forestry, Environment & Wildlife Department.
- 8) Officer concerned.
- 9) Personal file of the officer.
- 10) Master file.
- 11) Officer order file.

ATTSTED

SECTION OFFICER (ESTT)

ATTESTED
T.C

Annexure

"E"

25



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the, 29th May, 2017

NOTIFICATION

Annexure

" E/1 "

No: SO (E) FE&WD/11-8/2015:- In partial modification of this department's Notification of even No: dated 19th May, 2017, the competent authority is pleased to assign the additional charge of the vacant post of Chief Conservator Wildlife, Khyber Pakhtunkhwa to Mr. Safdar Ali Shah, Conservator Wildlife, Southern Circle, Peshawar in addition to his own duties/responsibilities, as a stop-gap arrangement, in the best public interest, till further orders.

26

Secretary to Govt: of Khyber Pakhtunkhwa
Forestry, Environment & Wildlife
Department

Endst: No: SO (E)FE&WD/11-8/2015:- Dated Peshawar the, 29th May, 2017

Copy is forwarded to:-

5280-84

- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa, Peshawar w/r to his letter No: 6841/WL (E) dated 29th May, 2017.
- 2) Conservators Wildlife, Southern and Northern Circles, Peshawar and Swat.
- 3) Director, Budget & Accounts, FE&W department, Khyber Pakhtunkhwa.
- 4) PS to Secretary, FE&W department, Khyber Pakhtunkhwa.
- 5) Officer concerned.
- 6) Personal File of the officers concerned.
- 7) Office order file.

ATTESTED

Section Officer (Estt)

E/1



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

199

DATED PESHAWAR THE SEPTEMBER 21, 2017.

NOTIFICATION

27

NO.SO(E-I)E&AD/9-112/2017. The Government of Khyber Pakhtunkhwa is pleased to post Mr. Safdar Ali Shah (BS-19) Conservator Wildlife, Southern Circle Wildlife Peshawar, as Chief Conservator Wildlife Khyber Pakhtunkhwa, (BS-20), in his own pay and scale, against the vacant post, in the public interest, with immediate effect.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. & date even

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Environment Department.
4. Commissioner, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director (B&A) Environment Department.
7. Managing Director, Forest Development Corporation, Peshawar.
8. Chief Conservator of Forests Malakand, Forest Region-III, Swat
9. Chief Conservator of Wildlife, Khyber Pakhtunkhwa
10. Chief Conservator of Forests Region-I Central and Southern Forest Region-I, Peshawar.
11. PS to Chief Secretary, Khyber Pakhtunkhwa.
12. PS to Secretary Establishment/PS to SS(E)/PA to AS(E)/AS(HRD)/ D.S(A)/D:S(E)/SO(S)/SO(E.II)/S.O.(HRD-I)/S.O.(E.IV)/E.O/ACSO Cypher and Director Protocol E&AD, Dir. I.T. Khyber Pakhtunkhwa.
13. Officers concerned.
14. Manager, Govt. Printing Press Peshawar.

(KASHIF IQBAL JILANI)
SECTION OFFICER (ESTT. I)
PH: & FAX # 091-9210529

A.Latif.

ATTESTED



(52)

TRUE COPY

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

1
Amir-i

Dated Peshawar, the May 16, 2019

NOTIFICATION

28

NO.SO(E-I)E&AD/9-112/2019. On the recommendations of Provincial Selection Board, the competent authority is pleased to appoint Mr. Safdar Ali Shah, Conservator Wildlife (BPS-19) to the post of Chief Conservator Wildlife (BPS-20) on acting charge basis, with immediate effect, ***subject to final decision of the August Supreme Court of Pakistan in Suo Motu Case No.17/2016.***

2. Consequent upon above Mr. Safdar Ali Shah (BPS-20 a c b.) is authorized to actualize his acting charge appointment against already occupied post of Chief Conservator Wildlife (BPS-20)

Sd/-
CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst No. & date even.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department.
4. Divisional Commissioner, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director (B&A) Environment Department.
7. Managing Director, Forest Development Corporation, Peshawar.
8. Chief Conservator of Forests Malakand, Forest Region-III, Swat
9. Chief Conservator of Wildlife, Khyber Pakhtunkhwa
10. Chief Conservator of Forests Region-I Central and Southern Forest Region-I, Peshawar.
11. District Accounts Officer, Abbottabad. A
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Secretary Establishment
14. Officer concerned
15. Manager, Govt. Printing Press Peshawar

ATTESTED

Sd/-
(ISHTIAQ AHMED)
SECTION OFFICER (ESTT.I)

ZIA.UL.HAQI^{PH}

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar, 15th June 11, 2011

NOTIFICATION

29

NOTIFICATION No. 1019. The Government of Khyber Pakhtunkhwa is pleased to appoint the following posts in the public service, with immediate effect:

SR. NO.	POST	FROM	TO
1	Chief Conservator of Wildlife (Biological Sciences) PFI	Chief Conservator of Wildlife (Biological Sciences) PFI	Chief Conservator of Wildlife, Khyber Pakhtunkhwa Service Sr. No. 2
2	Chief Conservator of Wildlife (Biological Sciences) PFI	Chief Conservator of Wildlife (Biological Sciences) PFI	Additional Director (Biological Sciences) PFI No. 1
3	Chief Conservator of Wildlife (Biological Sciences) PFI	Chief Conservator of Wildlife (Biological Sciences) PFI	Director (Biological Sciences) PFI in his own right against the vacant post
4	Chief Conservator of Forests (OP)	Chief Conservator of Forests (OP)	Chief Conservator of Forests, North-West Frontier Province, in his own right against the vacant post

CHIEF SECRETARY

GOVERNMENT OF KHYBER PAKHTUNKHWA

LIST OF POSTS AND DATES

- Copy forwarded to the following:
1. Secretary to Government, Khyber Pakhtunkhwa
 2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
 3. Secretary to Government of Khyber Pakhtunkhwa, Forest, Environment and Wildlife Department
 4. District Commissioner, Mardan, Hazara District, Peshawar
 5. Additional General, Khyber Pakhtunkhwa
 6. Director, Peshawar Institute of Technology, Peshawar
 7. Director, Peshawar Development Corporation, Peshawar
 8. Chief Conservator of Forests, Malakand Region, Swat
 9. Chief Conservator of Forests, Khyber Pakhtunkhwa
 10. Chief Conservator of Forests, Northern Region, Peshawar
 11. Chief Conservator of Forests, Northern Region, Peshawar
 12. Chief Conservator of Forests, Northern Region, Peshawar
 13. Chief Conservator of Forests, Northern Region, Peshawar
 14. Chief Conservator of Forests, Northern Region, Peshawar
 15. Chief Conservator of Forests, Northern Region, Peshawar
 16. Chief Conservator of Forests, Northern Region, Peshawar
 17. Chief Conservator of Forests, Northern Region, Peshawar
 18. Chief Conservator of Forests, Northern Region, Peshawar
 19. Chief Conservator of Forests, Northern Region, Peshawar
 20. Chief Conservator of Forests, Northern Region, Peshawar

ATTEST

SECTION OFFICER (ESTT. II)
PH & FAX: 9210528



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(ESTT)FE&WD/II-2/2K17
Dated Pesh: 31st July, 2018

To

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar.

Annexure
" F " (36)

Attention: - Section Officer (PSB)

Subject: PROMOTION OF CONSERVATOR WILDLIFE (BS-19) TO THE
POST OF CHIEF CONSERVATOR WILDLIFE (BS-20) ON
REGULAR BASIS IN WILDLIFE DEPARTMENT, KHYBER
PAKHTUNKHWA

Dear Sir,

I am directed to refer to your letter No. SO(PSB)ED/1-25/2018 dated 29.6.2018 on the subject cited above and to enclose herewith seven(7) sets of working paper regarding promotion of Conservator Wildlife (BS-19) to the post of Chief Conservator Wildlife (BS-20) on regular basis with the request that after vetting from the Regulation Wing of Establishment Department, the same may please be placed before the Provincial Selection Board for its consideration.

Encl: As above

Endst: No: & date even

Copy is forwarded for information to:-

- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 2) PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.

Yours faithfully,

ATTESTED

(Hafiz Abdul Jalil)
SECTION OFFICER (ESTT)

9/2

Section Officer (LI),
Environment Department
Govt of Khyber Pakhtunkhwa

SECTION OFFICER (ESTT)

0/2

P

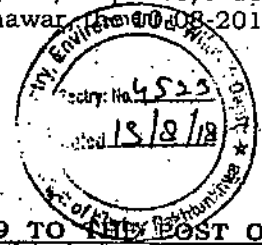


GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

P/B

No. SO (PSB) ED/1-7/2018/P-112
Dated Peshawar, 13/8/2018

The Secretary to
Government of Khyber Pakhtunkhwa,
ENVIRONMENT DEPARTMENT



SUBJECT: PROMOTION OF CONSERVATOR WILDLIFE BS-19 TO THE POST OF CHIEF CONSERVATOR WILDLIFE BS-20 ON REGULAR BASIS IN WILDLIFE DEPARTMENT, KHYBER PAKHTUNKHWA.

Annexure

F/1

31

Dear Sir,

I am directed to refer to Environment Department letter No. SO (Estt)/FE&WD/II-2/2K17/ dated 31.07.2018 on the subject and to say that the case has been examined in Regulation Wing and it is observed that an enquiry against the officer at S. No. 1 of the panel is pending. According to promotion policy, his promotion will be deferred and a post will be reserved for him. Hence there will be no post against which the officer at S. NO. 2 can be considered.

The working paper and other documents received with the letter quoted above are returned in original for doing the needful please.

Yours faithfully,

Abdul Hameed
(Abdul Hameed)
SECTION OFFICER (PSB)

Endst. Even no & dated.

A copy is forwarded to Section Officer (R-III) Establishment Department.

SECTION OFFICER (PSB)

Sp. Secty:		S.O (Envt)
Asst. Secty:		
Dy. Secty (Adm.)		
Dy. Secty. II		
S.O (G)		
S. & Estab. I		
SECRETARY Forests, Environment & Wildlife Department (P)		Accountant/Secy

Section Officer (LT),
Environment Department
Govt of Khyber Pakhtunkhwa

ATTESTED

AS on leave
13/8

F/1

CONFIDENTIAL

Annexure
"G"

32



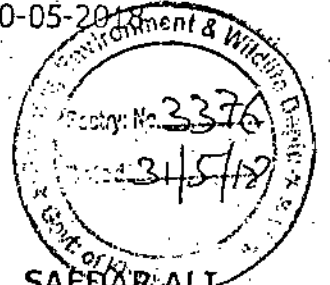
GOVERNMENT OF
KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT

2ND FLOOR, A-BLOCK, ABDUL WALI
KHAN MULTIPLEX, CIVIL SECRETARIAT,
PESHAWAR:
PH. NO. 091-9211535. FAX NO. 091-9223622.

No. SOG(PWD)Misc/Inquiry/2018/3277-7
Dated Peshawar, the 30-05-2018

To

The Secretary to Govt of Khyber Pakhtunkhwa,
Forestry, Environment & Wildlife Department,
Peshawar.



Subject:

**CONDUCTING OF DE-NOVO INQUIRY AGAINST MR. SAFDAR ALI
SHAH, CONSERVATOR WILDLIFE (BS-19)/CHIEF CONSERVATOR
WILDLIFE, KP.**

Dear Sir,

I am directed to refer to the Section Officer (Estt), FE&WD vide Notification No. SO(Estt)FE&WD/11-2/2K15, dated 11-04-2018 on the subject noted above and to state that the inquiry report consisting of 10-pages duly signed by the Inquiry Committee i.e Syed Zafar Ali Shah, Secretary, PWD and Dr. Muhammad Bashir Khan, DG, EPA, Peshawar along with its Annexure (s) from I to XX for further necessary action at your end please.

Yours faithfully,

SECTION OFFICER (GENERAL).

Encl: as above

Copy to:

1. Dr. Muhammad Bashir Khan, Director General, Environmental Protection Agency, Khyber Pakhtunkhwa (As Member).
2. PS to Secretary, PWD.

SECTION OFFICER (GENERAL).

ATTESTED

G



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

No.SO(Estt)FE&WD/II-2/PF/Safdar/2018 3724/we
Dated Pesh: 26th September, 2018

To

✓
Mr. Safdar Ali Shah,
Conservator Wildlife/Chief Conservator Wildlife (BS-19),
Khyber Pakhtunkhwa Wildlife Department.

201
423
33

Subject: SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith Show Cause Notice (in duplicate) duly signed by the Chief Minister, Khyber Pakhtunkhwa, alongwith findings of the inquiry committee, with the request that reply thereon may be furnished to this department, *within seven days* positively, for further necessary action.

2. Please acknowledge the receipt.

Encl: as above


(Hafiz Abdul Jalil)
SECTION OFFICER (ESTT)

Endst:No.& date even

Copy is forwarded to:-

1. Chief Conservator Wildlife, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa for information.

1
SECTION OFFICER (ESTT)


ATTESTED

203
433



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

34

SHOW CAUSE NOTICE

I, Mahmood Khan, Chief Minister, Khyber Pakhtunkhwa as Competent Authority, under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Safdar Ali Shah, Conservator Wildlife (BS-19) Wildlife Department, Khyber Pakhtunkhwa as follows:-

(i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given the opportunity of personal hearing vide office communication No: SO (Estt)/FE&WD/II-2/2K15/4289-92, dated 11th April, 2018 and;

(ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defence before the Inquiry Committee;

I am satisfied that you have committed the following acts/omissions specified in the Rule-3 of the ibid rules:-

- a) Misconduct;
- b) Corruption.

ATTACHED

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalties _____

under Rule-4 of the said Rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in, and in that case, an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry committee is enclosed.

(Mahmood Khan)
Chief Minister,
Khyber Pakhtunkhwa/
Competent Authority



GOVERNMENT OF KHYBER PAKHTUNKHWA

Elementary and Secondary Education Department

Block-"A" Opposite MPA's Hostel, Civil Secretariat Peshawar

Phone: 091-9210480, Fax#: 091-9211419

NO. PS/Secy E&SE/Inquiries/2018

Dated Peshawar the 19.10.2018

To

Mr. Safdar Ali Shah,
Chief Conservator Wildlife,
Khyber Pakhtunkhwa, Peshawar.

Annexure

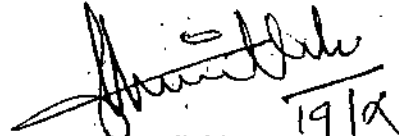
"H"

35

Subject: DISCIPLINARY PROCEEDINGS AGAINST MR. SAFDAR ALI SHAH, CONSERVATOR WILDLIFE (BS-1) OF KHYBER PAKHTUNKHWA WILDLIFE DEPARTMENT.

I am directed to inform you that the Competent Authority i.e. Chief Minister Khyber Pakhtunkhwa has authorized Mr. Mukhtiar Ahmad, (PCS SG BS-20), Secretary Elementary and Secondary Education, Government of Khyber Pakhtunkhwa on his behalf for holding personal hearing in the subject case.

2. In this connection you are therefore, directed to appear for personal hearing in the office of Secretary Elementary and Secondary Education on 24.10.2018 at 1600 Hrs.


19/10

(Saleemullah)

Private Secretary to Secretary
Elementary and Secondary Education Deptt:


Endst.No. & Date Even

Copy forwarded to the:-

1. Secretary Forest, Environment and Wildlife Department, Government of Khyber Pakhtunkhwa, Peshawar with the request to kindly depute a well conversant officer of your Department alongwith all relevant record to attend the proceedings.
2. Hafiz Abdul Jalil, Section Officer (Admn), Forest Department, Peshawar.

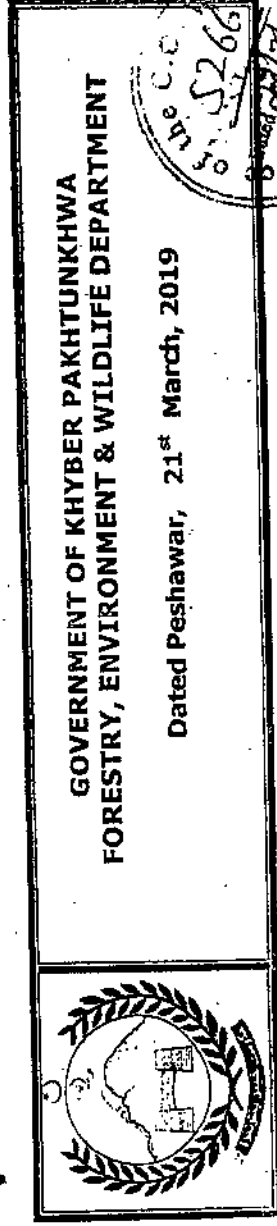
Private Secretary to Secretary
Elementary and Secondary Education Deptt:

TESTED


SA True Copy
Advocate

TESTED

H



Annexure "I"

NOTIFICATION

No.SO(Estt)FE&WD/II-2/2k15:- WHEREAS, Mr. Safdar Ali Shah, Conservator Wildlife (BS-19) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the charges as mentioned in the Charge Sheet and Statement of Allegations, served upon the said officer on 11.4.2018;

2. **AND WHEREAS, the Enquiry Committee, comprising Syed Zafar Ali Shah (PAS BS-20), Secretary, Population Welfare Department (as convener) and Dr. Muhammad Bashir Khan, Director General (BS-20) Environmental Protection Agency, Khyber Pakhtunkhwa (as member) was constituted to conduct de novo inquiry against the said accused officer with reference to the allegations levelled against him in the Charge Sheet and Statement of Allegations;**

3. **AND WHEREAS, the Enquiry Committee, after having examined the charges, evidence on record and explanation of the accused officer, submitted its report, wherein the charges against the officer have not been established;**

4. **NOW, THEREFORE, the Competent Authority, after having considered the charges, evidence on record, findings of the Enquiry Committee, the explanation of the accused officer and exercising his powers under Rule-14(3) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to "EXONERATE" Mr. Safdar Ali Shah, Conservator Wildlife (BS-19) from the charges levelled against him in the Statement of Allegation.**

Sd/-

**CHIEF MINISTER
KHYBER PAKHTUNKHWA**

Endst: No. SO(Estt)FEPWD/ II-2/2k15 8194-31 / Dated Pesh: 21st March, 2019.

Copy is forwarded to:-

- 1) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 2) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 3) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 4) Officer concerned.
- 5) PS to Secretary Forestry, Environment & Wildlife Department.
- 6) Personal file of the officer.
- 7) Master file.
- 8) Office order file.

RECEIVED

(Hafiz Abdul Jafri)
SECTION OFFICER (ESTT)

Annex "A"

"J"



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

37

W.P No. 4765 /2018



1. Dr. Mohsin Farooq Conservator Wildlife Southern Circle, Shami Road, Peshawar.
2. Muhammad Ali Director Zoo Pakistan Forest Institute University of Peshawar.
3. Muhammad Hussain DFO Wildlife Malakand Division at Batkhela, Swat.
4. Muhammad Israr DFO Head Quarters Shami Road Peshawar.

.....Petitioners

VERSUS

1. Government of Khyber Pakhtunkhwa through its Chief Secretary Civil Secretariat, Peshawar.
2. Secretary Establishment Deptt. Civil Secretariat Peshawar.
3. Secretary Forest, Environment and Wildlife Deptt, Khyber Road, Peshawar.
4. Safdar Ali Shah, Chief Conservator Wildlife Deptt. Khyber Pakhtunkhwa, Shami Road, Peshawar.

.....Respondents

WRIT PETITION UNDER ARTICLE
199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN
1973

Attested

ATTESTED

EXAMINER
Peshawar High Court

ATTESTED

J

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Respectfully Sheweth:

Petitioners most humbly submit as under:-

1. That the petitioners are the regular employees of Khyber Pakhtunkhwa Wildlife Department who are performing their duties in various capacities in the provincial Wildlife Force.
2. That respondent No. 04, while performing duty as Conservator Wildlife Southern Circle Peshawar (BPS-19), was appointed as Chief Conservator Wildlife Department against (BPS-20) in his own pay scale (OPS) vide order dated 21.09.2017. (Copies of the Notifications are attached as Annexure A & B).
3. That as per record petitioner entered into V.R with NAB KP in 2013 in the allegation of accumulation of assets disproportionate to his known source of income by returning an amount of Rs. 3,829,842/- Lac to NAB. (Copy of letter dated 16.12.2015 is attached as Annexure C).
4. That Hon'ble Supreme Court of Pakistan in one of the judgment reported as 2016 SCMR 2031 observed in Para-3 of the judgment as under:

ATTESTED

EXAMINER
Peshawar High Court

PARA-3:

We have also noticed that the provisions of section 25(a) of the NAB Ordinance empowers the

Attested
[Signature]

|| ||

|| ||

[Signature]
ATTESTED

(3)
(H)
(39)

NAB to accept the offer of an accused person of Voluntary Return of the assets or gains acquired by him.....

..... What is more shocking for us is that no departmental proceedings are initiated against any of such accused, who entered into Voluntary Return. The option of Voluntary Return by a public servant and or a civil servant falls within the ambit of "Misconduct" and needs to be departmentally proceeded against once he admits that he had earned money by corruption. After admitting this fact, he cannot hold any public office either in Federal or in Provincial Government or in any state owned organization.

So, in the above observation which is binding under Article 189 of the Constitution of Islamic Republic of Pakistan, 1973 and admitted VR by the respondent No. 4 with NAB, he is not entitled to hold public office

(Copy of judgment reported as "2016 SCMR 2031" is attached as Annexure "D")

5. That Hon'ble Supreme Court took a Suo Moto case bearing No. 17/2016 in which it was directed that those employees who had entered into VR with the NAB be proceeded against vide order dated 24.10.2016. The relevant para of the order is reproduced herein below for ready reference.

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EXAMINER
Peshawar High Court

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(4) (12) (40)

"we have heard the prosecutor General NAB. For want of time, the matter is adjourned. The federal and provincial government shall conclude the departmental proceedings against the officials who have entered into voluntary return and report compliance. However, no final order of removal from service shall be passed against any of the officials, who have entered into voluntary return, if the amount of voluntary return paid by him is less than 25 lacs."

(Copies of orders dated 24.10.2016 & 16.12.2016 are attached as Annexure "E").

6. That respondent No. 04 was charge sheeted by the competent authority on the ground of V.R for Rs. 3,829,842/- with NAB authority. However, the result of said inquiry is not known to the petitioners. (Copy of Charge Sheet is annexed as Annexure "F").
7. That no action was taken against the respondent No. 4 on enquiry conducted by the then Secretary Transport KP for the best reason known to the respondents.
8. That second charge sheet was issued to respondent No. 4 and an enquiry was conducted by Enquiry Committee headed by Mr. Zafar Ali Shah Secretary

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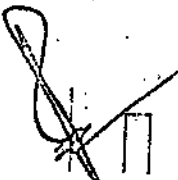
Population and submitted Enquiry Report wherein it was observed that Respondent No. 04 committed "Corruption" and "Misconduct". (Copy of 2nd charge sheet is attached as Annexure "G").

9. That in the light of second enquiry "Show Cause" notice was served upon the respondent No. 4 by the competent authority on ground of "Corruption" & "Misconduct" and surprisingly, for such corruption, minor penalty of withholding two increments for two years was suggested. (Copy of show Cause Notice is annexed as Annexure "H").

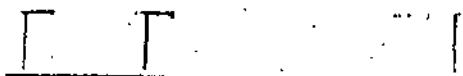
10. That the post of Chief Conservator Wildlife is lying vacant for the last 17 months, respondent No. 4 has been performing duty as Chief Conservator Wildlife on OPS basis for last 17 months. He has blocked the promotions for the incumbents of BPS-19 to 20 & 18 to 19 particularly, petitioner No. 1 who is the most eligible officer for the post of Chief Conservator Wildlife and petitioner No. 2 for the post of Conservator (BPS-19).

11. That respondent No. 4 is not eligible for promotion from BPS-19 to 20 to the post of Chief Conservator Wildlife, to be placed before Provincial Selection Board on the ground of V.R with NAB. Due to appointment of respondent No.4 as Chief Conservator Wildlife on OPS basis, the promotion of petitioners including other employees are blocked which has not only created blockage in service

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structure of the department but has also developed a sense of deprivation among the employees of the department, which is adversely affecting routine business of the department. (Copy of PSB documents dated 30.07.2018 is attached as Annexure "I").

12. That the petitioners having no other adequate and efficacious remedy, are constrained to invoke extraordinary jurisdiction under article 199 of this Hon'ble court inter alia on the following grounds:

GROUNDS:

- A. That respondent No. 4 has admittedly entered into V.R for Rs. 3829,842/- with NAB authorities during the year 2013 and is liable to be dealt with strictly in accordance with law and order of Hon'ble Supreme Court of Pakistan. dated 24/10/2016 & 16/12/2016 passed in Suo Moto Case bearing No. 17/2016 as such he is not entitled to hold the post of Chief Conservator particularly as Head of Department and Provincial Wildlife Force.
- B. That all the courts under obligation are under Article 187 of the Constitution of Pakistan, 1973 to give effect the order / judgment and direction passed by Hon'ble Supreme Court of Pakistan in letter and spirit.

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Peshawar High Court

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(7) (15) (43)

- C. That under Article 189 judgments of the Supreme Court are binding on all Executive Authorities throughout Pakistan, so, not proceeding against the respondent No. 4 by the Executive authorities in the light of directions of Supreme Court will expose them to contempt of Court proceeding.
- D. That in the light of order dated 24/10/2016 and 16/10/2016 passed by Hon'ble Supreme Court in Suo Moto case bearing No. 17/2016, respondent No. 4 was charge sheeted. That any action taken against the respondent No. 4 on the basis of 1st inquiry is not known. That not taking action against the respondents No. 4 by the respondent on the basis of subsequent charge sheet and revised inquiry amounts to violation of the above Order passed by Supreme Court in Suo Moto case, for which respondents are liable to be proceeded.
- E. That in order to avoid implementation of orders dated 24/10/2016 & 16/10/2016 passed in Suo Moto case bearing its No 17/2016, the respondent No. 4 was again charged sheeted on the ground of "Misconduct" and "Corruption". The enquiry committee submitted enquiry in which charges of "Misconduct" and "Corruption" were proved against the respondent No. 4. The competent authority tentatively imposed a minor penalty of with holding of two increments for two years on the basis of finding of the enquiry committee. The punishment proposed by the competent authority is not

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proportionate to the gravity of the nature of proven charges and also amounts violation of the above referred orders passed by Hon'ble Supreme court in Suo Moto case bearing its No. 17/2016 and warrants imposition of proper penalty "Dismissal from Services".

- F. That respondent No. 4 has been performing his duties as Chief Conservator Wildlife and Head of Attached Department (BPS-20) for the last 17 months on OPS basis. Holding a post on OPS basis is alien to the Service Laws and against the decision of Supreme Court in a case titled as "Province of Sindh Vs. Ghulam Farid" reported as 2015 PLC (CS) 151. The relevant para 11 of the judgment is reproduced as under:

"This practice of appointment on OPS basis to a higher grade has always been discouraged by this Court, as it does not have any sanction of law"

So the respondent No. 4 is not liable to hold the post as a Chief Conservator Wildlife on OPS basis.

(Copy of judgment is attached as Annexure "J").

- G. That respondent No. 4 has entered into V.R with NAB and charges of misconduct & corruption having being proved against him, he is not entitled to be promoted to the post of Chief Conservator, but

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EXAMINER
Peshawar High Court

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even lapse of 17 months, the Govt. has not finalized the promotion case to the post of Chief Conservator and by such inordinate delay, the prospects of promotion of other officers of the cadre has been blocked which has developed sense of deprivation amongst them.

H. That it is the inalienable right of every citizen to be treated in accordance with law and to enjoy equal protection of law which is granted by Constitution, 1973. The petitioners are not treated in accordance with law. Such action of the respondent is violative of Article 4 of the Constitution 1973. The post of Chief Conservator Wildlife is lying vacant since 17 months, Respondent No. 4 has been appointed as such on OPS. Petitioner No. 1 being senior most is entitled to be promoted as Chief Conservator Wildlife.

I. That the respondent No. 4 is using public office for promotion of personal interest rather than public interest. So the action of the respondent cannot be sustained in the eyes of law.

J. That any other ground will be taken at the time of arguments with the kind permission of this Hon'ble Court.

It is therefore most humbly prayed that on acceptance of this writ petition, this Hon'ble

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Peshawar High Court

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Court is requested to issue an appropriate writ:


i. to Direct the respondents to explain under what authority respondent No. 4 holds post of Chief Conservator (BPS-20) KPK on OPS basis after entering into V.R with NAB authority and judgment reported as "2016 SCMR 2031" and orders dated 24/10/2016 & 16/12/2016 passed by Hon'ble Supreme court in Suo Moto Case bearing its No. 17/2016 and judgment of Supreme Court reported as "2015 PLC (CS) 151" on OPS basis.

ii. To declare appointment order dated 21/09/2017 by which the respondent No. 4 was appointed as Chief Conservator and Head of Provincial Wildlife Force as illegal void-ab-initio, without lawful authority and jurisdiction.

iii. To direct respondents to consider petitioner and other senior and eligible officers for promotion to the post of Chief Conservator wildlife department in the next available meeting of Provincial Promotion Selection Board (PSB) without further delay.

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Peshawar High Court


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iv. Any other remedy, deemed appropriate, but not specifically asked for may also be granted.

INTERIM RELIEF:

By way of interim relief the respondent be directed to withdraw the order dated 21.07.2017 of respondent No. 4 for appointment as Chief Conservator Wildlife on OPS basis, being illegal, void and base on malafide.

Direction may also be made for restraining respondent No. 4 being the department for taking any adverse action against the petitioners.

Petitioners

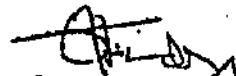
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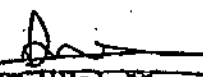
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EX-107828
Peshawar High Court, Peshawar
Punjab & Federal Territories High Court, F.T. & C.
The Hon'ble Justices of the Hon'ble Court

16 DEC 2018

Date: 29.09.2018


Sardar Shoukat Hayat

&

Aman Ullah Marwat
Advocates, High Court
Peshawar.


CERTIFICATE:

It is certify that, no such like writ petition has earlier been filed by the petitioner(s) in this Hon'ble Court.

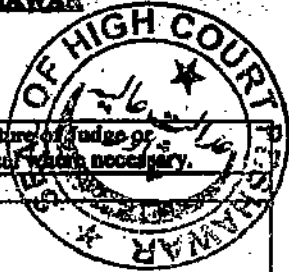

ADVOCATE

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books as per need


ADVOCATE

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Date of order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary.
2.	3.
29-11-2018	<p>W.P.NO. 4763-P/18 with I.R.</p> <p>Present: Sardar Shankat Hayat, Advocate, for the petitioner.</p> <p>Mr. Kamran Hayat, A.A.G. for the official respondents.</p> <p>Barrister Waqar Ali Khan, Advocate, for respondent No.4.</p> <p>.....</p> <p>Whereas the learned AAG states that he has filed the comments as directed on 14.11.2018 but the same are not available before us. He is directed to ensure their availability before us before the next date of hearing.</p> <p>The learned counsel for the petitioner requests that the meeting of Provincial Selection Board is scheduled to be held on 04.12.2018 according to a newspaper clipping and that name of the petitioner be also placed before the said meeting of course along with respondent No.4 whose name also appears in the working paper. Order accordingly. In the meanwhile, the interim order dated 14.11.2018 shall continue.</p> <p style="text-align: right;"><i>[Signature]</i> Senior Pulse Judge</p> <p style="text-align: center;"><i>[Signature]</i> Judge</p>

No. 1076

Date of Presentation of Application 14.11.18

No of Pages 3

Copying Fee _____

Urgent Fee _____

Total _____

Date of Preparation of Copy 14.11.18

Date of Delivery of Copy 14.11.18

Received By [Signature]

CERTIFIED TO BE TRUE COPY

Peshawar High Court, Peshawar
Notices Under Article 87 of
The Constitution of Pakistan

11 JAN 2019

TESTED



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

**NO.SO(ESTT)FE&WD/II-2/2K17
Dated Pesh: 14th December, 2018**

Annexure

To
The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar.

*Annexure
"K"*

Attention: - Section Officer (PSB)

Subject: **PROMOTION OF CONSERVATOR WILDLIFE (BS-19) TO THE POST OF
CHIEF CONSERVATOR WILDLIFE (BS-20) ON REGULAR BASIS**

49

Dear Sir,

I am directed to refer to your letter No: SO (PSB)ED/1-7/2018/P-112 dated 10.8.2018 on the subject cited above (**copy enclosed for ready reference**) and to convey that on a writ petition No. 4565-P/18 filed by Dr. Mohsin Farooq, Conservator Wildlife & others in the Peshawar High Court (PHC) Peshawar (**copy attached for perusal**), the PHC in its order sheet dated 29.11.2018 directed that the name of the petitioners be also placed before the upcoming meeting of Provincial Selection Board alongwith the name of Respondent No.4 (Mr. Safdar Ail Shah, Conservator Wildlife/CCWL) (**copy enclosed**).

In compliance with orders of PHC, seven (7) sets of working paper regarding promotion of Conservator Wildlife (BS-19) to the post of Chief Conservator Wildlife (BS-20) on regular basis is enclosed herewith with the request that after vetting from the Regulation Wing of Establishment Department, the same may please be placed before the Provincial Selection Board for its consideration as per the aforesaid order of PHC.

Encl: As above

Yours faithfully,

[Signature]
Section Officer (LT),
Environment Department
Govt of Khyber Pakhtunkhwa

[Signature]
(Hafiz Abdul Jalil)
SECTION OFFICER (ESTT)

Endst: No: & date even

Copy is forwarded for information to:-

- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 2) Registrar, Peshawar High Court Peshawar.
- 3) Section Officer (Litigation), FE&W Department.
- 4) PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.

[Signature]
SECTION OFFICER (ESTT)

14-12-18
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Annexure

"K"
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GOVERNMENT OF KHYBER PAKHTUKHWA
ESTABLISHMENT DEPARTMENT

50

No. SO(PSE)ED/1-7/2018/P-112
Dated Peshawar, the 02.01.2019

To
The Secretary to
Government of Khyber Pakhtukhwa,
Environment Department



**SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 26.12.2018.**

**PROMOTION OF CONSERVATOR BS-19 TO THE POST OF CHIEF
CONSERVATOR BS-20.**

Dear Sir,

I am directed to refer to Environment Department letter No. SO(Estt)FE&WD/II-2/2K17 dated 14.12.2018 on the subject and to forward herewith an extract of Additional item No. (01) of the minutes/recommendations of the meeting of Provincial Selection Board held on 26.12.2018 as well as copy of approved summary wherein the Chief Minister being competent authority in terms of Rules 4 (1) (a) of the Khyber Pakhtunkhwa has approved the recommendation of the PSB for further necessary action.

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Yours faithfully

Section Officer (LF),
Environment Department
Govt of Khyber Pakhtunkhwa

(Abdul Hameed)
SECTION OFFICER (PSB)

3/1/19
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Pakhtunkhwa to give personal hearing to the...
given and file submitted but the outcome of the same is awaited.

(g) The Enquiry Committee report has exonerated me from all the charges.

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ADDITIONAL ITEM NO (1)

FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
(Meeting of PSB held on 26.12.2018)

SUBJECT:- PROMOTION OF CONSERVATOR WILDLIFE BS-19 TO THE POST OF CHIEF CONSERVATOR WILDLIFE BS-20.

Secretary Forestry, Environment and Wildlife apprised the Board that due to retirement, one (01) post of Chief Conservator Wildlife BS-20. is lying vacant. He further apprised the Board that the Peshawar High Court in its order dated 29.11.2018 directed to place the promotion case of Dr. Mohsin Farooq before the Board.

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2. According to service rules the post is required to be filled as under:-

"By promotion, on the basis of selection on merit, from amongst Conservators of Wildlife with at least seventeen years accumulative service in BPS-17 and above. Seniority being considered only in the case of officers of practically the same standard on merit.

3. The service record of the officers included in the panel was discussed as follows:-

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Safdar Ali Shah	His date of birth is 24.06.1965. He joined government service on 16.10.1993 in BS-17. He was promoted as Conservator Wildlife BS19 on 13.02.2010. He has passed the prescribed departmental examination. However, he is involved in Voluntary Return (VR) case with NAB. His PER for the year 2017 (P) is also not available. The Board recommended to defer his promotion.
2.	Dr. Mohsin Farooq	His date of birth is 13.03.1968. He joined government service on 10.03.1996 in BS-17. He was promoted as Conservator Wildlife BS19 on 07.02.2014. He has passed the prescribed departmental examination. No enquiry is pending against him. His service record upto 2017 is generally good. The Board recommended the officer for promotion to the post of Chief Conservator Wildlife BS-20 on regular basis. He will be on probation for a period of one year.

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Attested
Signature
Section Officer (PSB)
Khyber Pakhtunkhwa
Environment Department

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Section Officer (UN)
Environment Department
Govt of Khyber Pakhtunkhwa

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Pakhtunkhwa to give personal hearing to Dr. Mohsin Farooq. The report is given and file submitted but the outcome of the same is awaited.
(g) The Enquiry Committee report has exonerated me from all the charges.



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Annexure
"L"

Dated Peshawar, the January 17, 2019

NOTIFICATION

52

NO.SO(E-I)E&AD/9-112/2019. The competent authority, on the recommendations of the Provincial Selection Board, is pleased to promote Dr. Mohsin Farooq, Conservator Wildlife (BS-19) to the post of Chief Conservator Wildlife (BS-20) on regular basis, with immediate effect.

2: The officer on promotion shall remain on probation for a period of one year, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another year with the specific orders of appointing authority within two month of the expiry of first year of probation period as specified in Rule 15(2) of rules ibid.

3: Posting/Transfer order of the above officer will be issued later on.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No & Date even.

Copy forwarded to the:-

1. Additional Chief Secretary, P&D Department.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Secretary to Govt of Khyber Pakhtunkhwa, Environment Department with the request to move a summary for approval of competent authority for posting/transfer of the officer afresh after his regular promotion to BS-20.
5. Accountant General, Khyber Pakhtunkhwa.
6. PS to Chief Secretary, Khyber Pakhtunkhwa.
7. PS to Secretary, Establishment, E&A Department/SO (Secret)/DS(Admn)/PA to Director (Protocol) E&AD/ACO Cypher E&AD.
8. Officer concerned.
9. Controller, Government Printing Press, Peshawar.

(ISHTIAQ AHMAD) *me*
SECTION OFFICER (E-I)

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Annex "B"

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IN THE HON'BLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 317-P -P/2019



Mr. Saïdar Ali Shah
Chief Conservator Wildlife Department
Government of Khyber Pakhtunkhwa
Shami Road Peshawar

.....Petitioner

VERSUS

1. The Government of Khyber Pakhtunkhwa
Through the Chief Secretary at Civil Secretariat Peshawar
2. The Secretary to the Government of Khyber Pakhtunkhwa
Forestry, Environment and Wildlife Department
Khyber Road Peshawar
3. The Secretary to the Government of Khyber Pakhtunkhwa
Establishment Department
Civil Secretariat Peshawar
4. Provincial Selection Board
Through the Secretary Establishment Department
Khyber Pakhtunkhwa at Civil Secretariat Peshawar
5. Dr. Muhsin Farooq, Conservator Wildlife
Southern Circle, Shami Road Peshawar

.....Respondents

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC
OF PAKISTAN, 1973.

Respectfully Sheweth:

The petitioner, with profound respect and humility craves permission of this Hon'ble Court to
submit as under:

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Peshawar High Court

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BRIEF FACTS

1. That, the petitioner is a bona fide citizen of Pakistan and belongs to a very respectable family. The fundamental rights of the petitioner are protected under the Constitution of Islamic Republic of Pakistan, 1973. The petitioner was appointed in the Wildlife Department Khyber Pakhtunkhwa in BPS-17 on 16/10/1993. The petitioner always performed his duties diligently, efficiently and honestly which earned him appreciation from his seniors. The petitioner was promoted to BS-19 on 13/02/2010. The petitioner stood at serial No.1 of the final seniority list of BS-19 officers, as prepared on 01/03/2018. The respondent No.5 is at serial No.2 of the seniority list.

Copy of the Seniority List is annexure A

2. That, on 21/09/2017, the petitioner was posted against the post of Chief Conservator Wildlife Khyber Pakhtunkhwa, BS-20 in his own pay scale, being the senior most BS-19 officer in the Department.

3. That, the meeting of Provincial Selection Board (PSB) was held on 26/12/2018 wherein cases of Conservators Wildlife BS-19 were also considered for promotion to BS-20 as Chief Conservator Wildlife. As per the documents placed before the PSB and the seniority list of BS-19 officers in the Wildlife Department, the petitioner stood at serial number one. To the utter shock of the petitioner, the petitioner was deferred whereas respondent No.5 was recommended to be promoted as Chief Conservator Wildlife BS-20 on regular basis.

Copies of the Minutes of the Meeting and Notification are annexure B and C

4. That, the petitioner being mortally aggrieved of the decision of the PSB and having no other alternate, adequate and efficacious remedy, invokes the Constitutional Jurisdiction of this Hon'ble Court on the following grounds amongst other;

GROUND

A. Because, the reason given for deferment, reproduced below for convenience of reference, is misconceived and against the legal and factual realities. The reason is as under;
"He has passed the prescribed departmental examination. However, he is involved in Voluntary Return (VR) case with NAB. His PER for the year 2017 (P) is also not available.

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EXAMINER
Peshawar High Court

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The Board recommended to defer his promotion".

B. Because, the recommendations are tainted with mala-fide as the PERs of the petitioner were complete and available in all respects.

Copies are annexure D

C. Because, it is correct that the petitioner entered into Voluntary Return (VR) with NAB, in a matter of 'alleged accumulation of assets beyond known legal sources of income'. However, this fact does not suggest that he was guilty of corruption and corrupt practices. It may very graciously be noted that the allegation against the petitioner fell within the meaning of Section 9(a)(v) of the National Accountability Ordinance 1999, which is reproduced below for convenience of reference;

"(v) if he or any of his dependants or benamidors owns, possesses, or has acquired right or title in any assets or holds irrevocable power of attorney in respect of any assets or pecuniary resources disproportionate to his known sources of income, which he cannot reasonably account for or maintains a standard of living beyond that which is commensurate with his sources of income".

It may kindly be noted that the petitioner was made to deposit with NAB an amount of which he was accused by the NAB. It has already been explained that the said amount was paid to the NAB due to immense pressure from NAB and very strong apprehension of humiliation at the hands of the NAB authorities, otherwise the mentioned amount is not such a big deal which would not have been defensible for a person of petitioner's social status, having strong financial family background.

Secondly, it is by now well-settled that any case under section 9(a)(v) NAO 1999, must be read with Section 9(a)(vi), which is regarding 'Misuse of Authority'. Section 9(a)(vi) is reproduced for ready reference as under;

"(vi) If he misuses his authority so as to gain any benefit for himself or any other person or renders or attempts to render or willfully fails to exercise his authority to prevent the grant, or rendition of any undue benefit or favour which he could have prevented by exercising his authority".

It is submitted with profound respect that the petitioner was never charged for 'misuse of authority' by the NAB. Even his entire service record corroborates this contention that he was never proceeded against for misuse of authority. It is submitted with utmost respect that the deposit of amount with NAB does not mean that he was actually involved

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EXAMINER
Punjab High Court

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in any offence under the NAO, 1999, rather it was a desperate measure, in the given circumstances, to avoid humiliation to his person and the family members.

D. Because, it is submitted with utmost humility that National Accountability Ordinance 1999 is a special law and that too a Federal one. Article 143 of the Constitution of Islamic Republic of Pakistan 1973 provides that wherever there is any conflict between a Federal Law and a Provincial Law, the Federal Law will prevail to the extent of the conflict. Keeping Article 143 in mind, section 25 of the NAO 1999 is reproduced below for instant reference;

" 25. Voluntary Return and Plea Bargain

(a) Notwithstanding anything contained in section 15 or in any other law for the time being in force, where a holder of public office or any other person, prior to the authorization of investigation against him, voluntarily comes forward and offers to return the assets or gains acquired or made by him in the course, or as the consequence, of any offence under this Ordinance, the Chairman NAB may accept such offer and after determination of the amounts due from such person and its deposit with the NAB discharge such person from all his liability in respect of the matter or transaction in issue".

The petitioner craves permission to submit with all humility and respect that it was the option under section 25(a) which was exercised by him due to the fact that the said statute did not contain any penal consequences for VR, and it was under the said assurance of law that he entered into VR. Kind Attention is invited to clause (b) of Section 25, which relates to Plea Bargain. Any accused of NAB against whom inquiry is converted into investigation loses the option of VR, rather he can enter into Plea Bargain with the NAB under section 25(b). Section 25(a) excludes the application of section 15 of the NAO and absolves an accused of all his liability with no penal consequences whatsoever. Whereas, under section 25(b) when an accused enters into Plea Bargain, he would plunge himself into the mischief of proviso to Section 15(a) of the NAO 1999, which is as under:

" Provided that any accused person who has availed the benefit of subsection (b) of Section 25 shall also be deemed to have been convicted for an offence under this Ordinance, and shall forthwith cease to hold public office, if any, held by him and further he shall stand disqualified for a period of ten years, to be reckoned from the date he has discharged his liabilities relating to the matter or transaction in issue, for seeking or from being elected, chosen, appointed or nominated as a member or representative of any public body or any statutory or local authority or in service of Pakistan or of any Province".

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EXAMINER
Peshawar High Court

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A bare reading of the above provisions reveals that NAO 1999 is a Special Law of the Federation, which is not subservient to the Efficiency & Discipline Rules 2011 framed by the Government of Khyber Pakhtunkhwa or any policy adopted by the Government in this respect. In the case of any conflict between the two, the provisions, theme, scheme and mandate of NAO 1999 shall prevail under Article 143 of the Constitution of Pakistan. Section 25(a) in very explicit and unambiguous terms discharges the accused of all the liabilities, as against the provision contained in section 25(b) which attracts Section 15 and the accused is deemed convicted for all intents and purposes. It was on the strength of the assurance contained in the special law that the petitioner availed the benefit of VR.

E. Because, the petitioner is aware of the Order delivered by the August Supreme Court in a *Suo Moto* case regarding the affairs of the NAB, wherein it was held that VR by public servants amounts to 'Misconduct' and that the respective departments should proceed departmentally against those officials who entered into VR. It is submitted with profound respect that many civil/ public servants who had availed the option of VR were not in attendance before the Apex Court, and most of them have filed Review Petitions into the matter, which have been admitted for hearing, however, the final verdict is yet to come.

Copy of the order is annexure E

F. Because, in compliance of the said orders of the August Supreme Court of Pakistan, the Government of Khyber Pakhtunkhwa initiated departmental proceedings against the petitioner vide notification No. SO (Estt) FE&WD/11-2/2k15: dated 11th April 2018, as per provisions of The Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. The enquiry Committee conducted the enquiry and submitted their report wherein the accused officer has been exonerated from all the charges leveled against him in the Charge Sheet and memo of allegations. Based on the said inquiry report the Forestry, Environment and Wildlife Department submitted its recommendations in terms of Section 14 (3) read with second proviso of Section 5 (b) (ii) of the rules *ibid*, for approval of the competent authority i.e. Chief Minister Khyber Pakhtunkhwa. The Competent Authority, however, issued show cause notice to the petitioner with a proposed minor penalty and the petitioner was heard in person on 24th October 2018, where-after the case was forwarded for decision of the Competent Authority, however, despite lapse of considerable time the matter is still pending.

Copies of the Enquiry Proceedings are annexure F, F/1, F/2...

ATTESTED
EXAMINER
Peshawar High Court

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- G. Because, it may kindly be noted, for the sake of argument, that even if the proposed penalty of withholding two increments had been imposed upon the petitioner, even then his prospects of promotion would not have been affected as the rules require promotion on merit and the petitioner's merit position is far better than the respondent no.5.
- H. Because, the petitioner has been deferred and respondent no.5 has been recommended for promotion to BS-20 on regular basis. It may graciously be noted that there is only one post of BS-20 in Wildlife Department and if it is filled by respondent No.5 on regular basis, then the petitioner will have no post to be appointed against in the event of his promotion at any later stage.
- I. Because, as per the final seniority list of the Conservators of Wildlife BPS-19, issued vide Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department Notification No.SO (Estt) FE&WD/11-27/2k18/5415-18, dated 3-5-2018 as it stood on 01-3-2018; the petitioner is at S.No.1 whereas, the respondent No.5 (Mohsin Farooq) is at S.No.2 of the seniority list; therefore the deferment of the petitioner and regular promotion of the respondent No.5 is against the law.
- J. The petitioner seeks prior permission of this Hon'ble Court to take additional grounds at the time of hearing of the instant petition.

PRAYER

It is, therefore, submitted with utmost humility and respect that this Hon'ble Court may very graciously be pleased to;

- i. Set aside the recommendations of PSB given in its meeting dated 26/12/2018 and any consequential orders/ notifications to the extent of the petitioner and respondent No.5, AND
- ii. Declare that the petitioner was/ is entitled to be promoted to BS-20 and Direct the respondents to promote the petitioner to BS-20, AND/OR
- iii. Declare that the recommendations of PSB regarding promotion of respondent No.5 on regular basis to BS-20 are illegal and tainted with mala-fide.
- iv. Grant any other relief deemed appropriate in the circumstances.

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Peshawar High Court

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INTERIM RELIEF

The petitioner is sanguine about the success of the instant petition and the balance of convenience also lies in his favour, therefore, this Hon'ble Court may graciously be pleased to suspend the recommendations of the PSB dated 26/12/2018 and any consequential notifications/proceedings to the extent of the petitioner and respondent no.5, till the disposal of the instant petition.

Date: 09/01/2019


Petitioner
Through 
Barrister Waqar Ali
And 
Amir Ali Advocate

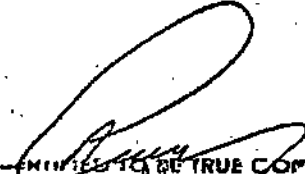
CERTIFICATE


It is certified that no such other petition on the same subject matter has earlier been filed by the petitioner before this Hon'ble Court.

LIST OF BOOKS


1. Constitution of the Islamic Republic of Pakistan 1973.
2. National Accountability Ordinance 1999.
3. Case Law on the Subject.

Petitioner

10/01/19


ADVOCATE
03 FEB 2022


Advocate
ATTESTED
EXAMINER
Peshawar High Court

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CONFIDENTIAL**

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Annex- B
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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

NO. SO(PSB)ED/1-7/2019/P-181
Dated Peshawar, the 07th of April 2019

Stamp: Govt. of Khyber Pakhtunkhwa
Section: No. 294
Dated: 2/5/19

To
The Secretary to Govt. of Khyber Pakhtunkhwa,
Environment Department

**SUBJECT: - MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD
HELD ON 19.04.2019**

**PROMOTION OF CONSERVATOR WILDLIFE BS-19 TO THE POST
OF CHIEF CONSERVATOR WILDLIFE BS-20.**

Dear Sir,

I am directed to refer to the subject and to forward herewith an extract of Additional item No (2) of the minutes/recommendations of the meeting of Provincial Selection Board held on 19.04.2019 as well as copy of approved summary wherein the Chief Minister being competent authority in terms of Rule 4 (1) (a) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989 has approved the recommendation of the PSB for further necessary action.

CONFIDENTIAL

Yours faithfully,

(Signature)
(Abdul Hameed)
SECTION OFFICER (PSB)

Encl: As Above

Section Officer (LI),
Environment Department
Govt. of Khyber Pakhtunkhwa

(Handwritten signatures and initials)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA

Subject: - APPROVAL OF RECOMMENDATIONS OF PROVINCIAL SELECTION BOARD ON PROMOTIONS.

The Provincial Selection Board met on 19.04.2019 at 0930 hours and considered promotion cases of civil servants of BS-17 and above. The PSB cleared and recommended cases of employees of Establishment, C&W, Food, Local Government, Home, PHE, Zakat, E&SE, Finance, Population Welfare, Irrigation, Minerals Development, Environment, Agriculture, Higher Education, Health & P&D Departments. Approved minutes are added as Flag "X"

2. The Chief Minister, Khyber Pakhtunkhwa being competent authority, may kindly approve recommendations of the PSB as detailed in its minutes placed below:

[Signature]
Section Officer (I.F.),
Environment Department
Govt of Khyber Pakhtunkhwa

[Signature]
(SYED JAMAL UD DIN SHAH)
Secretary Establishment
26.4.2019

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Endorsed

Home

[Signature]
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CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa

Approved

[Signature]
5-5-2019
Chief Minister

CS

1/2/19

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[Signature]
1208/2019

Office of the SGM
Diary No. 9
Dated 20/4/19
15/5/20
981
26-01-19

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Annex # 17

PSB meeting held on 19.04.2019

SECTIONAL ITEM NO (02)

FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

(Meeting of PSB held on 19.04.2019)

SUBJECT:- PROMOTION OF CONSERVATOR WILDLIFE BS-19 TO THE POST OF CHIEF CONSERVATOR WILDLIFE BS-20.

Secretary Forestry, Environment and Wildlife apprised the Board that the PSB in its meeting held on 26.12.2018 recommended to defer promotion of Mr. Safdar Ali Shah to the post of Chief Conservator Wildlife BS-20 due to his involvement in a VR case. The Board recommended Mr. Mohsin Farooq appearing at Sr. No. 2 of the panel for promotion to the post of Chief Conservator Wildlife BS-20 on regular basis. Mr. Safdar Ali Shah filed a Writ Petition in Peshawar High Court which in its judgment dated 08.04.2019 directed to place his case before the PSB for consideration within the rules at their own end. He further apprised the Board that the post of Chief Conservator Wildlife BS-20 is still vacant against which Mr. Safdar Ali Shah is working in his own pay & scale. Moreover, Mr. Mohsin Farooq promoted to BS-20 has been posted against the post of Director General in the Pakistan Forest Institute, Peshawar which is likely to be filled in the near future. Hence, the post of Chief Conservator Wildlife BS-20 is being vacant, against which Mr. Safdar Ali Shah can be appointed on acting charge.

2. According to service rules the post is required to be filled as under:-

"By promotion, on the basis of selection on merit, from amongst Conservators of Wildlife with at least seventeen years accumulative service in BPS-17 and above. Seniority being considered only in the case of officers of practically the same standard on merit"

3. The service record of the officers included in the panel was discussed as follows:-

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Mr. Safdar Ali Shah	His date of birth is 24.06.1965. He joined government service on 16.10.1993 in BS-17. He was promoted as Conservator Wildlife BS-19 on 13.02.2010. He has passed the prescribed departmental examination. The Secretary informed the Board that he has been exonerated in the VR case. It was brought into the notice of the Board that the Peshawar High Court, Mingora Bench in VR cases in Writ Petitions No. 1145-M of 2018 & 1247-M of 2018 dated 26.03.2019 directed that the respondents shall first finalize the enquiries if any against the petitioners and thereafter reconstitute Departmental Promotion Committees by placing the names of the petitioners in accordance with their seniority list in the working paper of the officials who are to be promoted or have been promoted out of turn against the seniority order. However, the promotion orders of the petitioners so passed shall be subject to final decision of the august Supreme Court of Pakistan in Suo Motu case No. 17 of 2016. No other enquiry is pending against him. He has been exonerated in the disciplinary proceedings in VR case. His PER for the year 2018(P) has not yet been countersigned. His service record upto 2018 is generally good. He has score

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Section Officer (L1),
Environment Department,
Govt of Khyber Pakhtunkhwa

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PSB meeting held on 19.04.2019

60 marks against the required threshold of 70.

The Board recommended the officer for appointment to the post of Chief Conservator Wildlife BS-20 on acting charge basis subject to final decision of the Supreme Court of Pakistan in Suo Motu case No. 17 of 2016.

Attested
[Signature]
Secretary
Government of Khyber Pakhtunkhwa

CONFIDENTIAL

Section Officer (L1),
Environment Department,
Govt of Khyber Pakhtunkhwa

[Signature]
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(57) **GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT.**

TRUE COPY

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Dated Peshawar, the May 16, 2019

Annexure

N/A

NOTIFICATION

NO.SO(E-I)E&AD/9-112/2019. On the recommendations of Provincial Selection Board, the competent authority is pleased to appoint Mr. Safdar Ali Shah, Conservator Wildlife (BPS-19) to the post of Chief Conservator Wildlife (BPS-20) on acting charge basis, with immediate effect, *subject to final decision of the August Supreme Court of Pakistan in Suo Motu Case No.17/2016.*

2. Consequent upon above Mr. Safdar Ali Shah (BPS-20 a c b.) is authorized to actualize his acting charge appointment against already occupied post of Chief Conservator Wildlife (BPS-20)

Sd/-
**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Endst No. & date even.

Copy forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Government of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department.
4. Divisional Commissioner, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa.
6. Director (B&A) Environment Department.
7. Managing Director, Forest Development Corporation, Peshawar.
8. Chief Conservator of Forests Malakand, Forest Region-III, Swat
9. Chief Conservator of Wildlife, Khyber Pakhtunkhwa.
10. Chief Conservator of Forests Region-I Central and Southern Forest-Region-I, Peshawar.
11. District Accounts Officer, Abbottabad. A
12. PS to Chief Secretary, Khyber Pakhtunkhwa.
13. PS to Secretary Establishment
14. Officer concerned
15. Manager, Govt. Printing Press Peshawar

Sd/-
**(ISHTIAQ AHMED)
SECTION OFFICER (ESTT.I)**

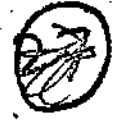
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IN THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No. 1692/2019

Dr. Mohsin Farooq,
Chief Conservator Wildlife, KPK,
Shami Road, Peshawar..... Petitioner

VERSUS

1. Govt of KPK through Chief Secretary,
Civil Secretariat, Peshawar
2. Govt of KPK through Secretary Forestry,
Environment and Wildlife Department,
Khyber Road, Peshawar
3. Govt of KPK through Secretary Establishment,
Civil Secretariat, Peshawar
4. Provincial Selection Board,
Through Secretary Establishment,
Civil Secretariat, Peshawar
5. Govt of KPK through Secretary Finance,
Civil Secretariat, Peshawar
6. Safdar Ali Shah,
Conservator Wildlife,
Presently working as Additional Director General,
Pakistan Forest Institute, Peshawar

..... Respondents

**WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973**

ATTESTED
EXAMINER
Peshawar High Court

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15/11/18

Respectfully Sheweth:

1. That the addresses mentioned above are sufficient for effecting service upon the respondents.
2. That initially, the petitioner filed a writ petition bearing No.4765-P of 2018 titled as "Dr. Mohsin Farooq and others Vs Govt of KPK and others" against respondent No.6, who was holding post of Chief Conservator Wildlife in his Own Pay Scale, which was lying vacant since long due to retirement of the incumbent. During pendency of said writ petition, the respondents were directed to place the case of petitioner alongwith respondent No.6 before the Provincial Selection Board. (Copies of order dated 29.11.2018 and writ petition are attached as Annexure "A").
3. That in compliance of the Court order dated 29.11.2018, the case of petitioner was placed and accordingly, he was recommended for promotion against the post of Chief Conservator Wildlife, KPK (BPS-20) on regular basis and thereafter, he was promoted from BPS-19 to BPS-20 as Chief Conservator Wildlife Department, KPK against the Single Cadre Post vide Notification dated 17.01.2019. (Copy of Notification dated 17.01.2019 is attached as Annexure "B").
4. That the respondent No.6 also filed a writ petition bearing No.317-P of 2019 titled "Safdar Ali Shah Vs Govt of KPK and others" against the Notification dated 17.01.2019, which came-up for hearing on

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EXAMINER
Peshawar High Court

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MP552-2019 Dr Mohsin Farooq VS GOVT KP/ FULL USB PG 42
Peshawar High Court
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7. That, feeling aggrieved from the Notification dated 16.05.2019, the petitioner preferred representation before the respondent No.1, which was disposed-off by the respondent No.2 with the advice to wait till final decision of the writ petitions No.4765-P of 2018

6. That it is pertinent to mention here that, the respondent No.2 (the then Secretary) misgided the Provincial Selection Board by sending the name of respondent No.6 for the post of Chief Conservator stating that the said post was lying vacant despite the fact that, the petitioner was already promoted as Chief Conservator Wildlife. (Copy of Minutes of PSB dated 19.04.2019 are attached as Annexure "E").

5. That in compliance of the order dated 08.04.2019 passed by this Honourable Court in writ petition No.317-P of 2019, the case of respondent No.6 was again placed before Provincial Selection Board (respondent No.4), in which the respondent No.6 was considered and was appointed as Chief Conservator Wildlife (BPS-20) on Acting Charge Basis subject to final decision of Supreme Court of Pakistan in suo Moto Case No.17 of 2016 vide Notification dated 16.05.2019. (Copy of Notification dated 16.05.2019 is attached as Annexure "D").

08.04.2019 and this Honourable Court issued a direction to place the case of respondent No.6 before the Provincial Selection Board (respondent No.4) but strictly in accordance with law. (Copy of writ petition and order dated 08.04.2019 is attached as Annexure "C").

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and W.P No.317-P of 2019 pending adjudication before this Honourable Court. (Copies of Representation and Decision thereon are attached as Annexure "F & G").

8. That feeling aggrieved from the Notification dated 16.05.2019, the petitioner having no adequate and efficacious remedy, is constrained to invoke the extraordinary constitutional jurisdiction of this Honourable Court, inter ali, on the following grounds:

GROUNDS:

- A. THAT the impugned Notification dated 16.05.2019, whereby the respondent No.6 was appointed as Chief Conservator Wildlife (BPS-20) on Acting Charge Basis against the Single Cadre Post on which the petitioner had already been promoted, is illegal, without lawful authority and jurisdiction, thus, liable to be set aside.
- B. THAT the post of Chief Conservator Wildlife, KPK (BPS-20) is a Single Cadre Post as per Budget Book, against which, the petitioner had already been promoted, therefore, other person can neither be promoted nor appointment, thus, in such circumstances, appointment of the respondent No.6 through Notification dated 16.05.2019, is illegal, without lawful authority and jurisdiction and is not sustainable in the eyes of law. (Copy of relevant extracts of Budget Book is attached as Annexure "H").

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EXAMINER
Peshawar High Court

C. That the respondent No.6 is drawing his monthly salary of BPS-20 for which he is legally not entitled, therefore, he is causing monetary loss to the government exchequer. (Copy of pay slip of respondent No.6 is attached as Annexure "I").

D. That respondent No.6 with the active connivance of the then respondent No.2, misguided the Provincial Selection Board that the post of Chief Conservator Wildlife was lying vacant and was recommended for appointment by the Provincial Selection Board. Such recommendation of the then respondent smacks malafide on the part of it, thus, were not binding in nature.

E. THAT any additional ground, with leave of this Honourable Court, will be raised at the final hearing of this writ petition.

IT IS, THEREFORE, respectfully prayed that on acceptance of writ petition, this Honourable Court is pleased to issue an appropriate writ by directing the respondents to:

1. Cancel/ set aside the Notification dated 16.05.2019, whereby respondent No.6 was appointed as Chief Conservator Wildlife (BPS-20) on Acting Charge Basis, is illegal, without lawful authority and jurisdiction, thus, ineffective upon the rights of the petitioner;

II. Proceed against respondent No.2 (the then Secretary namely Syed Nozar Hussain Shah) departmentally for misguiding the Provincial Selection Board;

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EXAMINER
Peshawar High Court

WP5692-2019 Dr Mohsin Farooq VS GOVT KPK FULL USB Pg 42

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iii. Recover salaries alongwith other perks and privileges drawn by respondent No.6 in BPS-20 since issuance of impugned notification dated 16.05.2019, to avoid monetary loss to the national/ government exchequer;

iv. Cost of the petition; and

v. Any other relief deemed appropriate according to facts and circumstances of the case, may also be granted in favour of the petitioner.

Through Petitioner

[Signature]
Amanullah Marwat
Advocate, Peshawar

Date: 21/12/2019

CERTIFICATE:

Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

[Signature]
ADVOCATE

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need

[Signature]
ADVOCATE

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EXAMINER
Peshawar High Court

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Annex "p"

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IN THE PESHAWAR HIGH COURT, PESHAWAR



Writ Petition No. 1816 /2020.

1. Dr. Mohsin Farooq,
Chief Conservator Wildlife, KPK,
Shami Road, Peshawar
2. Muhammad Arif Orakzai,
Project Director/ Conservator Wildlife, National Parks
Project, University Town, Peshawar
3. Muhammad Ali,
Conservator Wildlife Southern Circle
Forest Offices, Shami Road, Peshawar
4. Iftikhar Ur Zaman,
Project Director/ Conservator Peshawar Zoo,
Opposite PFI, Rahat Abad, Peshawar
5. Muhammad Hussain Safi,
Deputy Conservator Wildlife, Mardan Wildlife Division,
Bughdada Road, Mardan
6. Muhammad Israr,
Deputy Conservator Wildlife, Peshawar Wildlife Division,
Lala Kalay, Peshawar..... Petitioners

V E R S U S

1. Govt of KPK through Chief Secretary,
Civil Secretariat, Peshawar
2. Govt of KPK through Secretary Forestry,
Environment and Wildlife Department,
Khyber Road, Peshawar
3. Govt of KPK through Secretary Establishment,
Civil Secretariat, Peshawar
4. Govt of KPK through Secretary Finance,

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Peshawar High Court

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Civil Secretariat, Peshawar

5. Safdar Ali Shah,
Conservator Wildlife,
Presently working as Additional Director General,
Pakistan Forest Institute, Peshawar
6. Members of De-Novo Inquiry Committee
Through its Convener/ Secretary Forestry, Environment &
Wildlife Department, Peshawar
7. Members of the First Inquiry Committee
through its Convener/ Secretary Forestry, Environment &
Wildlife Department, Peshawar

.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973

Respectfully Sheweth:

1. That the addresses mentioned above are sufficient
for effecting service upon the respondents.
2. That respondent No.5 (Safdar Ali Shah) is employee
of Khyber Pakhtunkhwa Wildlife Department,
presently posted as Additional Director General
Pakistan Forest Institute Peshawar.
3. That the Director General NAB addressed a letter to
respondent No.2 by intimating him that respondent

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**EXAMINER,
Peshawar High Court**

WP1616-2020 Dr. Mohsin Farooq Vs Govt KP Full PG 83 498


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10/10/2020



(B) 35 73

No.5 had entered into Voluntary Return (VR) under section 25(a) of the NAB Ordinance, 1999 and paid entire liability of Rs.38,29,842/-. (Copy of letter dated 16.12.2015 is attached as Annexure "A").

4. That in pursuance of the letter addressed to respondent No.2, the competent authority / Chief Minister issued Charge Sheet to respondent No.5 on the basis of allegations mentioned therein, which are as under:

i. That an Inquiry was initiated by the National Accountability Bureau, Khyber Pakhtunkhwa against you, but you have not informed that Administrative Department in this behalf;

ii. That you entered into Voluntary Return (VR) with National Accountability Bureau, Khyber Pakhtunkhwa in the year 2013 on the allegations of accumulation of assets and disproportion to known sources of income and returned an amount worth Rs.3829842/- (thirty eight lac twenty nine thousand & eight hundred forty two), which means you were involved in corruption and corrupt practices;

iii. That entering into VR with NAB falls within the definition of "misconduct" under the service law;

iv. That you have kept the Administrative Department in darkness about entering into VR with NAB and concealed the facts of the case.

(Copy of the charge sheet is Annexure "B").

5. That competent authority constituted an Inquiry Committee comprising Mr. Kamran Rehman, Secretary Transport & Mass Transit (Convener) and Mr. Sher Nawaz, Chief Conservator Forest/ Managing Director FDC with the mandate to probe the

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EXAMINER
Peshawar High Court

WP1516-2020 Dr. Mohaln Farooq Vs Govt KP Full PG 63 USB

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allegation levelled against respondent No.5 vice
indury Notification dated 17.10.2017.

6. That inquiry committee conducted comprehensive
indury against respondent No.5 and submitted its
reports with the findings that all charges levelled
against the respondent No.5 stood proved. The
concluded para of the inquiry committee
reproduced herein below for ready reference:

"Accused was given fair chance to defend
himself and produce any defence witnesses
during the enquiry proceedings but he declined
to produce any witness. His statements were
recorded before the enquiry committee which
have been duly signed by the accused. The
enquiry committee concludes that all charges
against the accused stands proved."
Copy of inquiry report is Annexure "C".

7. That without any logical conclusion, departmental
action against respondent No.5 on the basis of report
of first inquiry, the respondent No.1 (Chief Secretary)
not being competent authority, issued another
charge sheet of the same allegations which was
previously served upon the respondent No.5 by the
competent authority. (Copy of second charge sheet
is Annexure "D").

8. That respondent No.1 constituted another inquiry
committee comprising of Syed Zafar Ali Shah,
Secretary Population & Welfare Department
(Convener) and Dr. Muhammad Bashir, Director

ATTESTED
EXAMINER
WP 1916-2020 Dr. Mohsin Farooq Vs Govt KP Fudl Pg 63 USSP
Dawar High Court

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General Environmental Protection Agency for De-novo inquiry. (Copy of Notification dated 11.04.2018 is Annexure "E").

9. That the inquiry committee conducted de-novo inquiry and submitted its reports with the findings that charges levelled against respondent No.5 stood not proved though respondent No.5 admitted in the inquiry proceedings having entered into V.R with NAB authorities by paying liability amount to the tune of Rs:38,29,842/-. (Copy of second inquiry report is Annexure "F").
10. That on the basis of de-novo inquiry report, the competent authority / Chief Minister served respondent No.5 through show cause notice stating therein that respondent No.5 as committed misconduct and corruption and decided to impose tentatively minor penalty withholding of two increments for two years. (Copy of the show cause notice is Annexure "G").
11. That with utmost surprise, the Section Officer (Establishment) Forestry Department, Peshawar issued another Notification dated 21.03.2019, whereby respondent No.5 had been exonerated from charges of corruption and gave him a clean chit to pave the way for corruption and corrupt practices. (Copy of Notification dated 21.03.2019 is Annexure "H").

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EXAMINER
Peshawar High Court

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12. That based on Notification dated 22.03.2019, the Respondent No. 5 was appointed as Chief conservator wild life (BPS-20) on acting charge basis vide Notification dated 16.05.2020 (Copy of Notification is Annexed "I").

13. That feeling aggrieved from the exoneration order of respondent No.5 by official respondents through order dated 21.03.2019, the petitioners having no other adequate remedy, are constrained to invoke extra constitutional jurisdiction of this Hon'ble Court; inter alia, on the following grounds:

GROUNDS:

A. THAT the impugned Notification dated 21.03.2019, whereby the respondent No.5 was exonerated from the charges of corruption and corrupt practices, is illegal, without lawful authority and without jurisdiction, thus, liable to be set aside/ cancelled.

B. That Honourable Supreme Court of Pakistan in a case titled "The State through Chairman NAB Vs Hanif Hyder and others" is already held therein that, option of Voluntary Return by a public servant or civil servant falls within the ambit of misconduct and needs to be departmentally proceeded. The operation para of the judgment is reproduced herein below.

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ATTESTED
EXAMINER
Peshawar High Court

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"The NAB Ordinance was introduced to eliminate the corruption of large magnitude. Provisions of Section 25(a) were not meant to allow corrupt "public servants" who mint money through corruption or corrupt practices to get a clean chit from the NAB authorities by paying portion of such alleged amount in terms of section 25(a) of the NAB Ordinance. What is more shocking for us is that no departmental proceedings are initiated against any of such accused, who entered into Voluntary Return. The option of Voluntary Return by a public servant and or a civil servant falls within the ambit of "misconduct" and needs to be departmentally proceeded against once he admits that he had earned money by corruption. After admitting this fact, he cannot hold any public office either in Federal or in Provincial Government or in any state owned organization."

Thus exoneration of the respondent No.5 by Chief Minister, is also violative of the above said judgment of Supreme Court of Pakistan. (Copy of judgment of Supreme Court is Annexure "J").

C. That charges against respondent No.5 had been proved in first inquiry, the competent authority should have been proceeded to impose major penalty on respondent No.5. By not doing so, respondent No.1 illegally ordered to conduct de-novo inquiry against respondent No.5, which was/ is illegal, against the established rules and procedure, thus, is liable to be set aside.

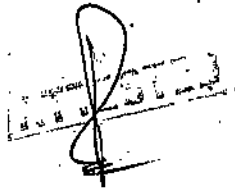
D. That respondent No.1, being not competent to order de-novo inquiry or issue charge sheet to defendant No.5, hence, the exoneration of respondent No.5 is based on malafide and illegal.

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EXAMINER
Cashier High Court

WP1816-2020 Dr. Mohsin Feroq Vs Govt KP Full PG 63 USB



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E. That the competent authority / Chief Minister imposed minor penalty withholding of increments for two years followed by another notification dated 21.03.2019, whereby respondent No.5 was exonerated from the charges, is the result of colourful exercise of power, which is arbitrary, based on malafide and amounts to attempt to defeat order dated 24.10.2016 and 06.12.2016 passed by the Supreme Court of Pakistan in Sua Moto Case No.17/2016. (Copy of orders of Supreme Court dated 24.10.2016 and 06.12.2016 in Sua Moto Case No.17/2016 is Annexure "K").

F. THAT any additional ground, with leave of this Honourable Court, will be raised at the final hearing of this writ petition.

IT IS, THEREFORE, respectfully prayed that on acceptance of writ petition, this Honourable Court is pleased to issue an appropriate writ by directing the respondents to:

- i. Cancel/ set aside the Notification dated 21.03.2019 and findings of De-novo Inquiry Committee, whereby respondent No.5 was exonerated from the charges of corruption and corrupt practices on the basis of Voluntary Return (VR), is illegal, without lawful authority and jurisdiction
- ii. Proceed against respondent No.5 in the light of first inquiry and be dismissed from service;

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EXAMINER
Rawalpindi High Court

WP1816-2020 Dr. Mahsin Farooq Vs Govt KP Full PG 83 MSB

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iii. Recover salaries alongwith other perks and privileges drawn by respondent No.5 having appointed on Acting Charge Basis since issuance of impugned notification dated 16.05.2019, to avoid monetary loss to the national/ government exchequer;

iv. Cost of the petition; and

v. Any other relief deemed appropriate according to facts and circumstances of the case, may also be granted in favour of the petitioner.

Through Petitioner

Amanullah Marwat
Advocate, Peshawar

Date: 29.02.2020

CERTIFICATE:

Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

ADVOCATE

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need

ADVOCATE

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EXAMINER
Peshawar High Court

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Annex "Q"

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.317-P/2019

Safdar Ali Shah

Vs.

**Government of Khyber Pakhtunkhwa through
its Chief Secretary Peshawar and others**

JUDGMENT

Date of hearing 26.11.2020

Muhammad Ijaz Khan Sabi, Advocate, for the petitioner.

Mr. Rab Nawaz Khan, AAG, for the official respondents.

M/s. Sardar Shaukat Hayat and Aman Ullah Marwat, Advocates, for the respondent No.S.



IJAZ ANWAR, J. Vide our detailed

judgment of even date recorded in Writ

Petition No.4765-P/2018, titled, "Dr.

Mohsin Farooq and others Vs.

Government of Khyber Pakhtunkhwa

through its Chief Secretary, Peshawar

and others", this writ petition stands

dismissed for the reasons recorded

therein.

Announced
Dt:26.11.2020

JUDGE

JUDGE

(2021) 10 P.H.C. Mr. Justice Ijaz Khan vs. Mr. Justice Rab Nawaz Khan

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Registered at the Peshawar High Court, Peshawar
under the provisions of the Registration Act, 1908
No. 100 of 1908 dated 10/11/2020

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P. No.4765-P/2018

Dr. Mohsin Farooq and 03 others

Vs.

**Government of Khyber Pakhtunkhwa through
its Chief Secretary Peshawar and others**



JUDGMENT

Date of hearing **26.11.2020**

**M/s. Sardar Shaukat Hayat and Aman Ullah
Marwat, Advocates, for the petitioners.**

**Mr. Rab Nawaz Khan, AAG, for the official
respondents.**

**Muhammad Ijaz Khan Sabi, Advocate, for the
respondent No.4.**

IJAZ ANWAR, J. Through this
judgment, we intend to decide the instant
writ petition and Writ Petitions, listed
below, since, same questions of law and
facts are involved in it.

- i. W.P. No.317-P/2019 titled "Safdar
Ali Shah Vs. The Government of
Khyber Pakhtunkhwa through the
Chief Secretary, Peshawar and
others".
- ii. W.P. No.5692-P/2019 titled "Dr.
Mohsin Farooq Vs. Government of
Khyber Pakhtunkhwa through
Chief Secretary, Peshawar and
others".
- iii. W.P. No.1816-P/2020 titled "Dr.
Mohsin Farooq and others Vs.

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EXAMINER
Peshawar High Court

Government of Khyber
Pakhtunkhwa through Chief
Secretary, Peshawar and others".

Facts of W.P No.4765-P/2018

2. In essence, petitioners are serving on different posts in the Forest, Environment and Wildlife Department-respondent and are aggrieved of the Notification dated 21.09.2017 issued by the Khyber Pakhtunkhwa Establishment Department, Peshawar, whereby, respondent No.4 (Safdar Ali Shah) was appointed as Chief Conservator Wildlife Khyber Pakhtunkhwa (BPS-20) on acting charge basis in his own pay and scale. It is further averred that respondent No.4 has entered into voluntary return with the NAB authorities in an inquiry for the allegations of accumulation of assets disproportionate to his known source of income; later, a departmental inquiry was conducted and accordingly, he was issued a Show Cause Notice and resultantly, minor penalty of withholding two increments was imposed upon him. As

M. J.
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EXAMINER
Peshawar High Court

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per the decision of the Hon'ble Supreme Court of Pakistan rendered in Suo Moto bearing No.17/2016, respondent No.4 was not eligible to be promoted to the questioned post and has, thus, deprived the petitioners and others of their promotions.

Facts of W.P.No.317-P/2019

3. In essence, petitioner who was appointed as Chief Conservator Wildlife (BPS-20) on acting charge basis in his own pay and scale, is aggrieved that despite standing at S.No.1 of the final seniority list, his case for promotion to the post of Chief Conservator Wildlife (BPS-20) was deferred, while respondent No.5, who was junior than him, was promoted to the questioned post vide Notification dated 17.01.2019.

Facts of W.P.No.5692-P/2019

4. In essence, petitioner is aggrieved of Notification dated 16.05.2019, whereby, respondent No.6 was appointed as Chief Conservator

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Wildlife (BPS-20) on acting charge basis with immediate effect subject to the decision of the Hon'ble Supreme Court of Pakistan in Suo Moto case No.17/2016; while petitioner has already been promoted to the questioned post; as such, same be declared illegal, without lawful authority and jurisdiction.

Facts of W.P No.1816-P/2020

5. In essence, petitioners are aggrieved of Notification dated 21.03.2019, whereby, respondent No.5 was exonerated from the charges of corruption and corrupt practices and on the basis of which, he was promoted as Chief Conservator Wildlife (BPS-20) on acting charge basis in his own pay and scale vide Notification dated 16.05.2019; as such, the aforesaid Notification dated 21.03.2019 be considered as illegal, without lawful authority and jurisdiction and is liable to be cancelled.

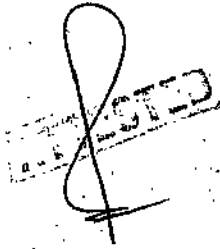
6. Keeping in view the averments made in the instant and connected writ

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Peshawar High Court

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petitions, comments were called from the respondents, who furnished the same accordingly. They, in their comments, strongly opposed the issuance of desired writ, as prayed for by the petitioners.

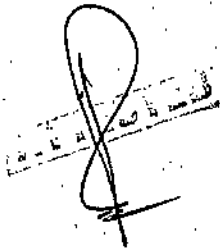
7. Arguments heard and record perused.

8. Almost in all these petitions, the main controversy is about the posting of respondent No.4 as Chief Conservator Wildlife (BPS-20) on acting charge basis in his own pay and scale vide Notification dated 21.09.2017.

9. W.P. No.4765-P/2018 is in the nature of quo-warranto with an additional prayer for promotion of the petitioner to the post of Chief Conservator Wildlife (BPS-20). Prayer No.III regarding the promotion of the petitioner has become infructuous, as the petitioner has already been promoted to the post of Chief Conservator Wildlife (BPS-20) vide Notification dated 17.01.2019.

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Peshawar High Court

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10. Similarly, in accordance with the seniority list, as it stood on 31.03.2016, respondent No.4 was the senior most Conservator Wildlife (BPS-19). In accordance with the recruitment rules, the next post in the channel of promotion to the post of Conservator wildlife (BPS-19) is the Chief Conservator Wildlife (BPS-20) which is to be filled "by promotion, on the basis of selection on merit, from amongst Conservators of Wildlife with at least seventeen years accumulative service in BPS-17 and above. Seniority being considered only in the case of Officers of practically the same standard of merit".

11. Earlier, on the retirement of the incumbent Chief Conservator Wildlife (BPS-20) on 19.05.2017, the case of respondent No.4, being the senior most officer, was considered and as such, was posted as Chief Conservator Wildlife (BPS-20) on acting charge basis in his own pay and scale vide Notification

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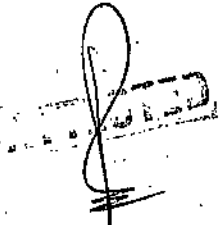
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dated 21.09.2017. His posting is however disputed on the ground that he has entered into voluntary return with the NAB authorities and thus, as per the judgment of the Hon'ble Supreme Court of Pakistan reported as 2016 SCMR 2031, he cannot be posted on the questioned post. During the pendency of writ petition, petitioner was duly considered by the Provincial Selection Board (PSB) and while recommending him for promotion to the post of Chief Conservator Wildlife (BPS-20) on regular basis, case of the respondent No.4 was deferred in view of the fact that he is involved in voluntary return with the NAB authorities and his ACR/PER for the year, 2017 is also not available. Similarly, vide Notification dated 08.08.2019, respondent No.4 has been transferred and posted as Additional Director General (Education), Pakistan Forest Institute, Peshawar.

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EXAMINER
Peshawar High Court

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12. In view of these developments, the controversy between the parties has now been narrowed down only to certain specific issues.

13. In W.P. No.1816-P/2020, petitioner is aggrieved of the exoneration of respondent No.5 from the departmental proceedings and his appointment as Chief Conservator Wildlife on acting charge basis in his own pay and scale vide Notification dated 16.05.2019. As stated above, when the said respondent No.5 has already been posted out vide Notification dated 08.08.2019, prayer of the petitioners in this petition to that extent has become infructuous. However, with regard to his challenge to the exoneration of the said respondent, we are of the view that on any such exoneration, no terms and conditions of the petitioners have affected nor in any manner, he can be considered as aggrieved person within the meaning of Article 199 of the Constitution.

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EXAMINER
Peshawar High Court

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Besides, we have noted that a regular inquiry was conducted against the aforesaid officer/respondent and whether the charges/allegations, leveled against him, stood proved or otherwise, require detailed scrutiny of record and resolution of factual controversy, which is outside the domain of this Court. The record further transpires that the matter of voluntary return of the respondent is still subjudice before the Hon'ble Supreme Court of Pakistan in Suo Moto No.17/2016; as such, this writ petition is misconceived. Even otherwise, this Court is not supposed to sit as Appellate Authority over the decisions of the Departmental Authorities when law has provided a forum to the aggrieved persons i.e. Service Tribunal. Moreover, the aggrieved person is the one who is awarded any punishment within the meaning of Efficiency & Discipline Rules but surely not the civil servants, who are neither associated with such

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EXAMINER
Peshawar High Court

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inquiry nor punished, thus, exoneration of the respondent No.5 would, in no manner, affect their terms and conditions of service; thus, in view of the above, we are of the view that this writ petition to the extent of first part has become infructuous, while rest is not maintainable.

14. Facts of W.P. No.5692-P/2019 are also beyond the scope of this Court when the prayer is for the proceedings against the respondent No.2, the then Secretary, who has allegedly misled the Provincial Selection Board (PSB). In the instant case, when the respondent No.6 has already been deferred on account of entering into voluntary return and missing some ACRs, how can it be said that the PSB is not properly appraised. Similarly, how can the petitioner justify filing of writ petition on such pretext. So far as the other prayer regarding the setting-aside of Notification dated 16.05.2019 is concerned, this Court has

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already discussed this issue in W.P. No.1816-P/2020, because, the said Notification was superseded by Notification dated 08.08.2019 when respondent No.6 was posted as Additional Director General (Education), Pakistan Forest Institute, Peshawar.

15. Apart from the above, petitioner has already been considered and recommended by the Provincial Selection Board (PSB) and is promoted to the post of Chief Conservator Wildlife (BPS-20) on regular basis vide Notification 18.02.2019, thus he has no locus standi left to further proceed with this petition.

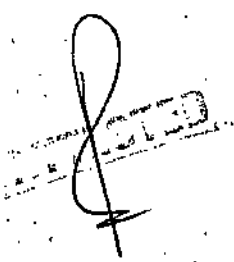
In view of the above developments and the above discussion about non-maintainability of this petition, we hold that it has partially become infructuous and the rest as non-maintainable.

16. W.P. No.317-P/2019 pertains to recommendation of the PSB, whereby, the respondent No.5 was promoted to the post of Chief Conservator Wildlife (BPS-

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Peshawar High Court

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20) on regular basis, while petitioner was deferred.

17. Promotion, being purely a term and condition of service, its grant or denial, can only be called in question by following the procedure as provided under the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. The jurisdiction of this Court is expressly barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973; thus, in view of the judgments reported as "2007 SCMR 57" and "2015 SCMR 456", such matters can only be dealt with by the Khyber Pakhtunkhwa Service Tribunal, constituted under the law.

18. In the matter of promotion whether petitioner has submitted any departmental representation before the authority or otherwise, albeit, since this Court has got no jurisdiction, as such, we dismiss this petition; however, allow the

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Peshawar High Court

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petitioner to seek his remedy from the proper forum in accordance with law.

19. The only issue left with this Court is regarding filling of the post of Chief Conservator Wildlife (BPS-20). In this regard, different orders were produced before the Court, which clearly suggest that the post in question is being filled throughout on stop gap arrangements; as such, we direct the respondent No.1 to fill the post of Chief Conservator Wildlife (BPS-20) strictly in accordance with law and rules providing criteria for the questioned post.

20. With these directions, this case is disposed of with no order as to costs.

Announced
Dt:26.11.2020

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(Dr. H. S. Mehta, Mr. Justice Ramesh Chandra Mehta and Hon'ble Mr. Justice H. S. Mehta)

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CIVIL JUDGE (J) TRIPURA

Electronic Petitioner
Subscribed Under Article 87 of
the Constitution of India Order 1988

03 FEB 2022

No. 23114
Date of Presentation 02/02/22
No of Pages 21/11
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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE SAJJAD ALI SHAH
MR. JUSTICE JAMAL KEAN MANDOKHAIL

Annexure

R

CIVIL PETITION NOS.3656 OF 2020 & 177-P OF 2021 & C.M.A.NO.306-P OF 2021

(On appeal against the judgment dated 26.11.2020 passed by the Peshawar High Court, Peshawar in W.P.No.4765-P of 2018)

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Dr. Mohsin Farooq & others (C.P.3656/20)
Government of KP thr. its Chief Secretary, Civil Secretariat, Peshawar & others (C.P.177-P & C.M.A.306-P/21) ...
Petitioners/Applicants

VERSUS

Government of KP thr. its Chief Secretary, Civil Secretariat, Peshawar & others (C.P.3656/20)
Dr. Mohsin Farooq & others (C.P.177-P & C.M.A.306-P/21) ...
Respondent(s)

For the Petitioner(s) : Mrs. Shireen Imran, ASC
(C.P.3656/20)
For the Petitioner(s) : Mr. Zahid Yousaf Qureshi, Addl. A.G., KP
(C.P.177-P/21)
For the Respondent(s) : Mr. Muhammad Asif Yousafzai, ASC
(respondent No.4 in C.P.3656/20 & respondent No.5 in C.P.177-P/21)
Date of Hearing : 12.04.2022

ORDER

SAJJAD ALI SHAH, J. The judgment of the learned Peshawar High Court, Peshawar dated 26.11.2020 in Writ Petition Nos.4765-P of 2018, 317-P of 2019, 5692-P of 2019 & 1816-P of 2020 has been impugned by the petitioner Dr. Mohsin Farooq as well as Government of Khyber Pakhtunkhwa on a limited issue. The grievance of the petitioner and the Government is to the extent that the petitioner

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Senior Court Associate
Peshawar High Court, Peshawar

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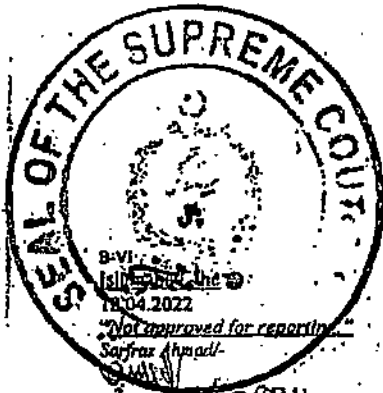
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was promoted to BPS-20 and has been posted as Chief Conservator Wildlife, Khyber Pakhtunkhwa vide notification dated 17.01.2019 as have been recorded in para.9 of the impugned judgment and to the contrary in para.19 the learned Peshawar High Court directed to fill the post of Chief Conservator (BPS-20) strictly in accordance with law and rules providing criteria for the questioned post. Learned counsel for the petitioner as well as learned Additional Advocate General submit that as the post has been filled by promotion, therefore, the direction to the extent of petitioner are redundant, However, it is submitted that the Government of Khyber Pakhtunkhwa has been and would appoint the Chief Conservator strictly in accordance with law. In view of the above statement and after attempting to reconcile both referred paras, we are also of the view that the observation in the concluding para refer to future appointments/promotions. In the circumstances, the disposal of these petitions is sought in above terms. Order accordingly. *AM*

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Sd/-J

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Senior Court Associate
Supreme Court of Pakistan
Islamabad



7587/22

Case No: _____ Civil/Criminal

Date of Presentation: 18.4.22

No of Words: _____

No of Folios: 6

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Court Fee Stamps: 8.28

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IN THE SUPREME COURT OF PAKISTAN
(Review Jurisdiction)

Annexure
"S"

PRESENT:

MR. JUSTICE SAJJAD ALI SHAH
MR. JUSTICE MUHAMMAD ALI MAZHAR

96

C.R.P.188/2022 IN C.P.3656/2020 and
C.R.P.189/2022 IN C.P.177-P/2021
Review of the order/judgment of this Court dated
12.04.2022

Safdar Ali Shah

...Petitioner

VERSUS

Dr. Mohsin Farooq and others
The Government of Khyber Pakhtunkhwa through
its Chief Secretary, Peshawar and others

in CRP.188/22

in CRP.189/22
...Respondents

For the Petitioner:

Mr. Muhammad Asif Yousafzai, ASC
Mr. Muhammad Sharif Janjua, AOR

For the Respondents:

N.R.

Date of Hearing:

28.07.2022

ORDER

SAJJAD ALI SHAH, J. — Learned counsel for the review petitioner states that the order impugned might affect his right to approach the Tribunal for redressal of his grievance in respect of his promotion. Having gone through the order under review, we find that the order sought to be reviewed does not determine the right or eligibility of any of the candidates appointed or to be appointed to the post in question. With this observation, these review petitions are dismissed as not pressed.

Sd/-J
Sd/-J

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Senior Court Associate
Supreme Court of Pakistan
Islamabad

Not approved for reporting

GR No: 13946/2022 Civil/Criminal I
Date of Presentation: 28-7-2022
No of Words: 300
No of Folios: 3
Requisition Fee Rs: 500
Copy Fee In: 1.86
Court Fee Stamp: 6.86
Date of Completion of Copy: 2/8/22
Date of Delivery of Copy: 5/8/22
Compared by/Prepared by: [Signature]

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	GOVERNMENT OF KHYBER PAKHTUNKHWA Forestry, Environment and Wildlife Department Pakistan Forest Institute, Peshawar Office of the Additional Director General (Education) Phone: 091-9221188, Fax: 091-9221233 E-mail: adgpf@gmail.com	
No. 221 /ADG-EDU/ (F.No. 01)/ 2022		Dated Peshawar the 25 th August, 2022

To

By Registered Mail

The Hon'ble Secretary,
 Forests, Environment and Wildlife Department
 Government of Khyber Pakhtunkhwa
 Peshawar

Annexure
 "T"


97

Subject: DEPARTMENT APPEAL AGAINST THE PSB DECISION DATED 26th DECEMBER 2018 AND SUBSEQUENT PROMOTION NOTIFICATION, DATED JANUARY 17, 2019, OF MOHSIN FAROOQUE

Reference: This office letter No. 220 /ADG-EDU 2022(01) dated the 25th August 2022.

Enclosed please find herewith a self-explanatory departmental appeal of the undersigned cited above, on the subject with the request to process the same for onward submission to the quarter concerned for decision on merit under intimation to the undersigned being time bound please.

Encl. As above



 Sajdar Ali Shah 25.8.22
 Chief Conservator Wildlife KP/
 Additional Director General
 (Education)

ENDST. OF EVEN NO. AND DATE

Copy forwarded for information and an appropriate action with reference to the above to the:



1. CSO to the Chief Secretary, Govt. of Khyber Pakhtunkhwa.
2. PS to Secretary FE&WD Govt. of Khyber Pakhtunkhwa.
- ✓ 3. APS to Director General, PFI Peshawar

MA
 25/8/22


 Sajdar Ali Shah 25.8.22
 Chief Conservator Wildlife KP/
 Additional Director General
 (Education)



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	<p>Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department Additional Director General (Education) Pakistan Forest Institute, Peshawar Ph: 091-9221188 Fax: 091-9221233 E-mail: adgpfii@gmail.com</p>	
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No. 220 /ADG-EDU 2022(01) Dated the 25th August 2022

To

By Registered Mail

The Honourable Chief Secretary,
Government of Khyber Pakhtunkhwa
Peshawar

98

Through Proper Channel

Subject: DEPARTMENT APPEAL AGAINST THE PSB DECISION DATED 26th DECEMBER 2018 AND SUBSEQUENT PROMOTION NOTIFICATION, DATED JANUARY 17, 2019, OF MOHSIN FAROOQUE

A. Facts

1. That subsequent to my selection on merit by Khyber Pakhtunkhwa Public Service Commission vide office No. 4254 dated 31-03-1991 as stipendiary candidate, the Government of Khyber Pakhtunkhwa after successful completion of the M.Sc. Forestry course from Pakistan Forest Institute, Peshawar as nominee of the Provincial Government, appointed me as Assistant Conservator of Wildlife (BS-17) vide Forest, Fisheries and Wildlife Department notification No. SO(FT-II)/AD/I-405/93/Vol:II dated 14-11-1993 w.e.f. 16th October 1993, in the KP Wildlife department.
2. Later on, Mr Mohsin Farooque was inducted as Assistant Conservator of Wildlife (BS-17) on 10-03-1996.
3. As per final seniority list of the Conservator Wildlife (BS-19) issued vide Government of Khyber Pakhtunkhwa Environment Department Notification No. SO(ESTT) FE&WD/II-26/2k15/3884-87 dated 30/06/2016, I stood at S. No. 1, followed by him at S.No. 2, which never remained disputed, nor challenged ever.
4. Being the senior most Conservator Wildlife (BS-19), upon transfer of Syed Mubarak Ali Shah, the then Chief Conservator Wildlife, KP as Managing Director Forest Development Corporation vide Government of Khyber Pakhtunkhwa Establishment Department Notification No. SO(E-I) E&AD/9-112/2015 dated 3rd April 2015, I was posted as Chief Conservator Wildlife KP (in OPS) and continued as such, till his repatriation back in the department, on February 02, 2016.
5. Later, upon retirement of the predecessor on 19th May 2017, I was again posted as Chief Conservator Wildlife KP (in OPS) vide Government of Khyber Pakhtunkhwa Establishment Department Notification No. SO(E-I) E&AD/9-112/2017 dated 21st September 2017 and continued as such till 13th June 2019, which testifies my unmatched seniority, abilities and experience. However, upon impugned promotion of Mohsin Farooque as Chief Conservator Wildlife KP, I was transferred and posted against the ex-cadre post of the Additional Director General (BS-20) at Pakistan Forest Institute, Peshawar (till date), to pave way for actualization of his unlawful promotion, in the department.

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6. During the period, while holding charge of the Chief Conservator Wildlife KP, the Government vide letter No. SO (Estt)/FE&WD/II-2/2k17 dated 31-07-2018, submitted case for promotion of the Conservator Wildlife (BS-19) to the rank of Chief Conservator Wildlife KP (BS-20). However, Establishment Department vide letter No. SO (PSB) ED/1-7/2018/P-112 dated 10-08-2018, returned the case by stating that "the case has been examined in the Regulation Wing and it is observed that an enquiry against the officer as S.No.1 of the panel is pending. According to the promotion policy, his promotion will be deferred and a post will be reserved for him. Hence there will be no post against which the officer at S.No. 2 (Mohsin Farooque) can be considered".

The observation was nevertheless, as per provisions of the prevailing promotion policy but later used against me adversely and in favour of the incumbent Mohsin Farooq. Yet the same was against constitutional provisions of the Constitution of Pakistan 1973 and hit by decisions of the apex court of the Country at under:

- i. Article- 4 of the Constitution of Pakistan 1973, guarantee the inalienable right of the individual to be dealt with in accordance with the law and article 25 of the Constitution regarding "equality of citizens", which were blatantly violated in my case, to favour the incumbent, Mohsin Farooque by all means.
- ii. The Supreme Court of Pakistan in a number of cases had ruled that promotion could neither be made on the basis of pick and choose nor could be held in abeyance due to pending enquiries, NAB references etc. until their final adverse outcomes, and even have asked for proforma promotion in such cases. Such verdicts of the apex courts are mentioned in the cases including H.R.C. No. 8340-G/2009 and reported as 2016 PLC (C.S) Page 569, and even in writ petition No. 4110-P/2016, Writ petition No. 975-P/2016 where it has been decided that the pending inquiries of NAB, etc. cannot be based to refuse the promotion of the incumbents. In Writ Petition No. 4970/2018 decided on 19.03.2019, Writ Petition No. 1475/2018 decided on 19.03.2019 and similar writ petitions have been allowed, wherein promotion were refused on the basis of pending NAB cases.

Therefore, the aforementioned opinion (referred to at para-A' sub para (6) above) may seems ultra vires in terms of those judgements cited above and much more there on the subject, yet instead of protecting my right of regular promotion, paved way in favour of the incumbent Mohsin Farooque.

- iii. Even in the reported Judgment 2006 PLC(CS) 1159 of the apex court in LUQMAN ZAREEN And Others Versus SECRETARY EDUCATION, N.-W.F.P. And Others, wherein the court has held under Para 15 that A bare perusal of these judgments would thus, show that this Court had always accepted the principle that a person who was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc. attaching to such a post for the period that he held the same; that he would also be entitled to any other benefits which may be associated with the said post and further that if a vacancy existed in a higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on the said post on officiating basis then on his regular promotion to the said post, he would be deemed to have been so promoted to the same from the date from which he was allowed to hold the said higher post unless justifiable reasons existed to hold otherwise.

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- (100)
- iv. Though the enquiry committee of the referred enquiry absolved me of all the charges levelled in the charge sheet and submitted their report vide office letter No. SOG(PWD)Misc/Inquiry/2018/3277-79 dated 30th May 2022.

Subsequently, the administrative department submitted the case for approval of the competent authority and notifying my exoneration as per Rule 14 sub-rule (3) but to the contrary, the process was purposely delayed, which not only paved way for framing of the aforementioned opinion of the Establishment Department but coupled with issuance of (as against rule 14 sub-rule (3)), a shows cause notice to me under rule 14 sub-rule (4) (a) of the E&D Rules, 2011, which I rebutted as per rule 14 sub-rule (4) (b), and requested for an opportunity of personal hearing in line with rule 14 sub-rule (4) (b) of the rules *ibid* with the competent authority, which was accepted under rule 15 of the rules *ibid*, by offering an opportunity of personal hearing through Secretary Primary and Elementary Education Government of Khyber Pakhtunkhwa on 24-10-2018 at 1600 Hrs.

- v. Consequently, on 24th October 2018, appeared before, Secretary Primary and Elementary Education and pleaded my innocence in terms of the constitutional provisions and rules *ibid*, which was accepted and recommended notifying my "Exoneration" as per rule 14 sub-rule (5) (i) of the rules *ibid*. Nonetheless, as per office record, the concerned file was submitted back to the competent authority on 26th October 2018, but in connivance with the gangsters of the department, it could not see the day light till 21st March 2019 (at least after 145 days) when my "Exoneration" was notified by Forests, Environment and Wildlife Department Government of Khyber Pakhtunkhwa vide notification No. SO(Est)FE&WD/II-2/2k15:2124-31 dated 21st March 2019, as against 15 days specified in rule 14 sub-rule (8) of the rules *ibid*.

- vi. This substantial delay on part of all concerned provided an opportunity to the gangsters of the department of indulging me in frivolous litigations and strengthened their efforts of intriguing with active connivance of all concerned for depriving me of my due right of promotion as follow:

- a. The Gangster of the department comprising of Muhammad Ali, Muhammad Hussain-II, Muhammad Israr, Muhammad Arif, Ifikhar-uz-Zaman, etc. lead by Mohsin Farooque, filed a frivolous Writ Petition No. 4765-P/2018 as Quo Warranto. Though, the W.P was not maintainable due to not fulling of the three laid down conditions and direct interests of Dr Mohsin Farooq in the matter. Even the government in its parawise comments before the Peshawar High Court endorsed seniority and posting of mine and resisted promotion of Mohsin Farooq.
- b. Yet under the garb of their Quo Warranto Writ Petition, they illegally reaped its benefit, first by obtaining the Court instructions dated 29-11-2018, for placing their cases before the PSB and subsequently deferring my promotion on the reasons that he is involved in VR with NAB and that his ACR for the year 2018 (partially) is missing and promoted Mohsin Farooque on regular basis against the single cadre post of the Chief Conservator Wildlife KP (BS-20).

However, while deferring my promotion on the frivolous reasons and promoting Mohsin Farooque on regular basis, the following facts and ground realities pertaining to the case, were blatantly ignored in toto, to favour him by all means:

- 1) The aforementioned opinion of the Establishment department dated 10-08-2018, regarding single cadre post, reservation of

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a post for me in case deferred and none availability of the post against which Mohsin Farooque could be considered for promotion;

- 2) Instructions of the Supreme Court of Pakistan for not holding in abeyance cases of promotion for wants of enquiry, etc.
 - 3) Violating provisions of the Promotion policy contained in Para-V, sub-para (a), which outline only two specific reasons for deferment i.e., pending enquiry and completion of PER dossier. VR was neither a reason for deferment in the past nor even today, but was portrayed in the minutes to pave way for promotion of the incumbent, Mohsin Farooque.
 - 4) None of the PER was missing, as is evident from Section Officer Establishment (FE&WD) letter No. SO(Estt)FE&WD/II-9/2k17 dated 11-04-2018 and No. SO(Estt)FE&WD/II-9/2017 dated 27-08-2018, besides duly acknowledged by the Government under Para-B (Grounds) of the parawise comments submitted in W.P. No. 317-P/2019 of mine, but even yet subjected to the injustices and adversaries till date.
- c. Being aggrieved of the PSB decision, the same was challenged through W.P. No. 317-P/2019 in Peshawar High Court. However, as an interim arrangement, the court issued similar instructions for placing my case of promotion before the PSB, which was complied with by the Government. However, in its meeting held on April 19, 2019, the PSB determined my suitability for promotion but recommended my promotion to the rank of Chief Conservator Wildlife KP (BS-20) on "Acting Charge Basis" as the, single cadre post of the Chief Conservator Wildlife KP (BS-20) was already occupied by Mohsin Farooque.
- d. Consequently, I preferred a department appeal against the said decision of the PSB, though vide Government of Khyber Pakhtunkhwa (FE&WD)" letter No.SO (Estt)FE&WD/II-2/2019 dated 3rd September 2019; it was conveyed that the competent authority is pleased to order the appellant may "wait for the outcome of court case).
- e. Yet through another writ petition No. 1816/2020 Mohsin Farooq, challenged order dated 21.03.2019, whereby I as Exonerated from the charges (after at least 145 days) upon recommendations of the Denovo Inquiry proceedings. The said writ petition was also not maintainable as the same was not in conflict with the terms & Conditions of him.
- f. Besides, Mohsin Farooq also filed yet another W.P. No. 5692/2019 against the order dated 16.05.2019, whereby I was promoted to BPS-20 on Acting Charge Basis after determination of all factual position on my appeal. That writ petition was also not maintainable as the case was directly related to me, not to him.
- g. However, Peshawar High Court, in a consolidated judgment vide Para-19, directed Respondent No. 1, (Chief Secretary) to fill the post of Chief Conservator Wildlife KP (BS-20) purely on merit as per rules.
- h. Yet, against the said decision of the PHC, Mohsin Farooque, immediately filed CPLA No. 3656/2020 in the Supreme Court of

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Pakistan, as he is not fulfilling the laid down criterion of merit, which was decided by the apex court on 12-04-2022 *inter alia* in the following terms:

"In view of the ----- and to reconcile both the referred paras, we are also of the view that the observation in the concluding para refer to future appointment/promotion".

- 1) Being aggrieved of the said decision of the court, I challenged the same through C.R.P.No. 188/2022 in C.P.No. 3656/2020 and C.R.P.No. 189/2022 in C.P.No. 177-P/2021, which was decided by the apex court on 28-06-2022, *inter alia* in the following terms.

"Having gone through the order under review, we find that the order sought to be reviewed does not determine the right or eligibility of any of the candidates appointed or to be appointed to the post in question"

- 2) Based on the above, not only right of my regular promotion is intact since laminae, but also the directions contained in Para 19 of the consolidated decision of the PHC for respondent No.1, is pending *mutatis mutandis* for implementation in letter and spirit.

Based on the above exposition and the administrative injustices, I have been subjected since 2018, the matter may please be placed before the PSB for an amicable solution by complying with the directives of the honourable Peshawar High Court in letter and spirit to connect the ends of awaited natural justice in the matter since long.

B. Prayer

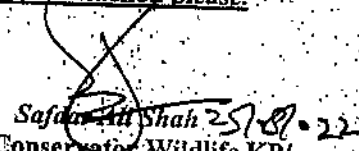
It is therefore humbly prayed that upon acceptance of this departmental appeal:

1. In line with the instructions of the Supreme Court of Pakistan, contained in the reported judgment 2006 PLC(CS) 1159 in case of LUQMAN ZAREEN and Others Versus SECRETARY EDUCATION, N.-W.F.P., my antedated promotion on regular basis w.e.f. the date, when the post fall vacant upon retirement of Syed Mubarak Ali Shah i.e., 19th May 2017, may be notified please.
2. Post me against the single cadre post of the Chief Conservator Wildlife KP (BS-20) w.e.f. my transfer and posting against the ex-cadre post of Additional Director General, Pakistan Forest Institute, Peshawar, by setting aside the impugned promotion notification No. SO(E-I) E&AD/9-112/2019 dated January 17, 2019 of Mohsin Farooq, being passed in violation of the promotion policy, superior courts judgments and establishment department opinion dated 10-08-2018.
3. Since, I have been subjected to unending administrative injustices for no fault of mine and duly sustained huge financial losses due to blatant violations of the rules and regulations pertaining to promotion and the provisions contained in the promotion policy and subsequent defense of the frivolous petitions in the Courts of law (PHC & SC), besides passing through mental torture and agony; an appropriate amount of compensation may be sanctioned in my favour to defray the expenses already incurred in litigations and as compensation for the torture sustained in the case so far.

- 3/2 (103)
4. To avoid such injustices in the future, proper disciplinary proceedings under E&D Rules, 2011, may be initiated against all the petitioners in W.P. No. 4765-P/2018, W.P. No. 5692-P/2019, W.P. No. 1816-P/2020, and CPLA No. 3656/2020, and other members of the gang for creating cartel and indulging in grouping within the department (already declared as Force), for their ulterior motives, vested interests and personal gain, at the cost of mine and the state to set an example for others to follow.
 5. Any other remedy, the Government may think appropriate to offset my unending losses and sufferings due to the reasons mentioned above.

I shall be highly obliged to you for this act of kindness please.

Encl. Since original copies of all the cited documents in the appeal as above, are readily available in the respective offices of the Secretary Forests, Environment & Wildlife Department and Secretary Establishment Government of Khyber Pakhtunkhwa for ready reference in the matter, therefore for the sake of austerity, economy and preservation of environment, copies of the same have not been attached please.


Safdar Ali Shah 29.8.22
Chief Conservator Wildlife KP/
Additional Director General
(FE & FPRD), PFI Peshawar

Endos. of even number and date

- Copy forwarded for information and an appropriate action with reference to the above to the
1. Secretary Forests, Environment and Wildlife Department, Govt. of Khyber Pakhtunkhwa.
 2. CSO to the Chief Secretary, Govt. of Khyber Pakhtunkhwa.
 3. APS to Director General, PFI Peshawar


Chief Conservator Wildlife KP/
Additional Director General
(FE & FPRD), PFI Peshawar
29.8.22

EXPRESS POST

Consolidate Report
Postmall Peshawar

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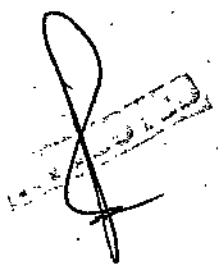
Clerk Name: Hammad Hussain

Sender Name: MR SAFDAR ALI
SHAH

25/8/2022
05:02:40 PM

Sr #	Article ID	Recipient Name	Recipient Address	City	Weight/Amount	Tariff/Comission	other	GST	GSTThroughSS	Total
1	RGL81878551	CSO OF THE CHIEF SECRETARY	GOVT KPK	Peshawar	40	68.00	0.00	0.00	0.00	68.00
2	RGL81878550	PS TO SECRETARY	FORESTRY ENVIRONMENT & WILDLIFE DEPARTT GOVT KPK	Peshawar	40	68.00	0.00	0.00	0.00	68.00
3	RGL81878549	THE SECRETARY	FORESTRY ENVIRONMENT & WILDLIFE DEPARTT OF KPK	Peshawar	40	68.00	0.00	0.00	0.00	68.00
Total					120	204	0	0	0	204

Total No Of Articles: 3



Clerk Signature:

بعدالت جہاں حسین کیتو کو اہل سروس ٹریبونل ہستاور



2023ء جناب ایڈیٹر

صندریک شہ بنام گورنمنٹ وغیرہ

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ ط
آن مقام ہستاور کیلئے عدنان امان ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر واضح منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانا تو ائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ مندر ہے۔

Attested & Accepted

20 _____ ماہ _____ الرقوم

_____ واہ العب _____
مقام کے لئے منظور ہے۔

09112622
Safdar Ali Shah
(Appellant)