

08.12.2022

Junior of learned counsel for the appellant present. Mr. Amad-ud-Din, DFO alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 31.01.2023 before D.B.

SCANNED
KCP&T
Peshawar



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

23.08.2022

Clerk of learned counsel for the appellant present. Mr. Imad-ud-Din, DFO alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 01.11.2022 before the D.B.



(Rozina Rehman)
Member (Judicial)



(Salah-Ud-Din)
Member (Judicial)

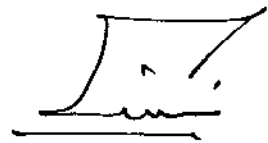
01.11.2022

Clerk of learned counsel for the appellant present. Mr. Hamd-ud-Din, DFO alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 08.12.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

Stipulated period passed reply not submitted.

29.07.2021


Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.



Chairman

08.11.2021

Clerk of learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 01.03.2022 before D.B.


(Mian Muhammad)
Member(E)


(Rozina-Rehman)
Member(J)

01.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 06.06.2022 for the same as before.


Reader.

6th June, 2022

Proper D.B is not available. Therefore, case is adjourned to 23.08.2022 for the same as before.


Reader

21.06.2021

Counsel for the appellant present. Preliminary arguments heard.

In term of normal procedure, the appeal appears to be time barred but in view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 08.11.2021 before the D.B.

Appellate Deposited
Security Process Fee

30/6/21

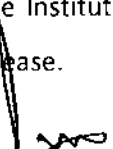


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4988 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/05/2021	<p>The appeal of Hafiz Amir Muhammad Khan resubmitted today by Mr. Zartaj Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on 21/06/21</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Hafiz Ameer Muhammad Khan SDWO Forestry, Environment and Wildlife department Peshawar received today i.e. on 15/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of service rules mentioned in para-8 of the memo of appeal (Annexure-E) is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 3- Page nos. 10, 11, 12, 19 and 20 of the appeal are illegible which may be replaced by legible/better one.
- 4- Sub-rule-4 of rule 6 of the Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect, shall also be shown as respondent.

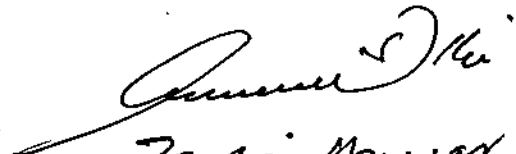
No. 736 /S.T,

Dt. 16/04 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zartaj Anwar Adv. Pesh.

The wrong rule is mentioned in Annexure E is attached, and all other documents are also in sequence according to appeal, and no one will effect for any order passed by the Tribunal as I am seeking place of PSC merit position.


Zartaj Anwar
Advocate

BEFORE THE KHYBER PAKHTUNKHWA
SERFVICE TRIBUNAL PESHAWAR

Appeal No. 4988 /2021

Hafiz Ameer Muhammad Khan SDWO ,Forestry, Environment
& Wildlife Department, Civil Secretariat Peshawar.

(Appellant)

VERSUS

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

(Respondents)

INDEX

S. No	Description of Documents	Annexure	Page No
1.	Memo of Appeal and Affidavit		1- 8
2.	Copy of the advertisement and recommendation letter dated 17.05.2015	A & B	9- 10
3.	Copy of the merit list	C	11
4.	Copy of the appointment order dated 14.06.2018	D	12
5.	Copy of the service rules	E	13- 14
6.	Copy of the departmental appeal	F	15- 18
7.	Other Documents		19- 23
8.	Vakalatnama		24

Applicant

Through

ZARTAJ ANWAR
Advocate High Court
Office FR, 3-4 Forth
Floor Bilour Plaza
Peshawar Cantt.

Cell: 0331-9399185

Email: Zartaj9@yahoo.com

BEFORE THE KHYBER PAKHTUNKHWA
SERFVICE TRIBUNAL PESHAWAR

Appeal No. ____/2021

Hafiz Ameer Muhammad Khan SDWO ,Forestry,
Environment & Wildlife Department, Civil Secretariat
Peshawar.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
2. Secretary to the Govt of Khyber Pakhtunkhwa Forestry,
Environment & Wildlife Department, Civil Secretariat Peshawar.
3. Director General, Pakistan Forest institute, Khyber Pakhtunkhwa
Peshawar.

(Respondents)

Appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, For correction of Final seniority list of Sub Divisional Wildlife Officers (SDWO) BPS-17 dated 31.11.2020 as per Merit Assigned by Khyber Pakhtunkhwa Public Service Commission, against which the Departmental Appeal dated 22.12.2020, has not been responded despite the lapse of 90 days statutory period.

Prayer in Appeal:

On acceptance of this appeal, the seniority list of the SDWO's BPS-17, may please be corrected and the appellant may be placed at proper place of the seniority list According to the merit Assigned by the Khyber Pakhtunkhwa Public Service Commission by bringing his name at par with his batch mates, being ignored and discriminated by the respondent department in violation of Law & Rules and against the secured fundamental rights of the appellant, the appellant may also be allowed

all back/consequential benefits.

OR any remedy deems just and proper may also be allowed in favor of the appellant.

Respectfully Submitted:

- 1) That the appellant is serving as Divisional Wildlife Officer BPS-17 in Forestry, Environment and Wildlife Department Khyber Pakhtunkhwa.
- 2) That the respondent department advertise the Posts of SDWOs through open Advertisement vide advertisement No 01/2014, the appellant having all the required eligibility applied for the Post of SDWO after fulfilling all the legal and codal formalities, the appellant was selected and recommended for the post SDWO BPS-17 on the recommendation of Khyber Pakhtunkhwa Public Service Commission vide recommendation letter dated 17.05.2015. *(Copy of the advertisement and recommendation letter dated 17.05.2015 are attached as annexure A & B).*
- 3) That merit list of the recommended candidates for the post of Sub Division Wildlife Officer BPS-17 was issued by the Khyber Pakhtunkhwa Public Service Commission, in which the name of the appellant was at the top of merit list. *(Copy of the merit list is attached as annexure C).*
- 4) That thereafter the appellant was sent for the mandatory training related to the post of Sub Division Wildlife Officer BPS-17, which successfully completed by the appellant.
- 5) That the respondent department issued appointment order of the appellant vide office order dated 14.06.2018. *(Copy of the appointment order dated 14.06.2018 is attached as annexure D)*
- 6) That the respondent department issued a tentative seniority list in the year of 2019, with a notice that if any person having query/objection regarding the seniority position, he may submit his objection, the appellant submitted his objection that the appellant is wrongly placed in the seniority list as the appellant was recommended in the year of 2015 and then sent of mandatory training which is part and parcel of the post.
- 7) That the respondent department issued the Final Seniority list vide seniority list dated 31.11.2020, in which the appellant was again wrongly placed at serial no 23 in the final seniority list the

training period of the appellant was not included in the service of the appellant which is against the rules and law.

- 8) That the qualification and method of recruitment of the SDWO BPS-17 according to service rules of Khyber Pakhtunkhwa wildlife department are the following :

S.NO	Post	Minimum Qualification for appointment by initial recruitment.	Age	Method of Recruitment.
4	Sub-Divisional Wildlife officer/Assistant Conservator Wildlife (BPS-17)	<p>Master degree in wildlife, forestry or National Park Management from recognized University/Institute, or (ii) MSc Zoology or Botany in 2nd Division from a recognized University; or</p> <p>(iii) BSc Wildlife/Forestry or Bachelor of Veterinary Science/BSc Animal Husbandry or Doctor of Veterinary Medicine from a recognized University/Institute</p> <p>Note: Qualifications at S.No(ii) & (iii) will only be considered when no suitable candidate with the qualification at S.No (i) is available.</p>	21 to 32	<p>a) Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Range Officers with at least five years' Service as such and</p> <p>b) Eighty percent by initial recruitment.</p> <p>Note: Appointment of candidates selected for the posts by the public Service Commission shall be made subject to the following conditions:-</p> <p>1) The Selected candidates shall undergo and successfully complete the training at the Pakistan Forest Institute leading to MSc Forestry Degree. Those</p>

				<p>already having MSc Forestry Degree from Pakistan Forest Institute shall be exempted from such training.</p> <p>2) The selected candidates shall produce certificate from the standing medical board at Peshawar, regarding their physical and mental fitness for performing the duties required of them.</p> <p>3) The selected candidates undergoing training at Pakistan Forest Institute shall execute a bond with the wildlife department to the effect that on successful completion of the training they shall serve the government for at least five years or in default shall refund all the expenses incurred in connection with their training and education.</p>
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(Copy of the service rules are attached as annexure E)

- 9) That the period spent in training is a part of the service and it is also mentioned in the rules/law for the purpose of inter se seniority as to be reckoned according to the merit position.
- 10) That being aggrieved from the act and omission of the respondent department by wrongly placing the name of the appellant at serial no 23 the appellant filed a departmental appeal vide dated 22.12.2020, which is not yet responded even after lapse of statutory period of 90 days. *(Copy of the departmental appeal is attached as annexure F).*
- 11) That the appellant prays for the acceptance of the instant appeal inter alia on the following grounds:

GROUND OF APPEAL:

- A. That the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.
- B. That the impugned seniority list is against the law and rules on the subject, the department have never taken into consideration the settled principles governing seniority/promotion before issuance of the final seniority list.
- C. That all those employees who are serving in a project and later on through Khyber Pakhtunkhwa employees (regularization of services) acts 2018 regularized their services through the said act shall be deemed to have been validly appointed on regular basis from the date of commencement of this act and their inter-se-seniority will be reckoned under section 6 of the said act, the employees whose services are regularized on the commencement of this act shall also rank junior to such other person/civil servant belong to the same service of cadre who are in service on regular basis on the commencement of this act.
- D. That after recommendation of the appellant the respondent department sent him for the mandatory training related to the post of Sub Division Wildlife Officer BPS-17, which successfully completed by the appellant which is part and parcel of the post.
- E. That the appellant was never conveyed any reason due to which he was not placed at his due seniority according to the merit

position assigned by the provincial public service for the purpose of inter se seniority.

- F. That under section of the Civil Servant, Act, 1973 read with Civil Servant (Seniority) Rules, 1993 seniority is reckoned from the date of regular/initial appointment however in the instant provisional seniority list attempt has been made to draw a list violative of law.
- G. That according to the term and conditions of the appointment order(viii) "their inter-se-seniority shall be determined in the light of the merit order drawn by the Khyber Pakhtunkhwa public service commission.
- H. That the appellant has been greatly discriminated as his batch mates, even juniors to him were place up at the seniority list.
- I. That not placing his seniority at par with his batch mates is illegal unlawful violative upon the rights of the appellant and is highly discriminatory.
- J. That the appellant is also senior to his Batch mates as per the date of 1st entry to service, however the respondents have never taken this fact into consideration while finalizing the seniority list.
- K. That the respondents are not acting in accordance with law and not treating the appellant alike.
- L. That the conduct of the respondents is apparently tainted with malice, malafide and bias, similarly favoritism, nepotism & political interference prevailed in the process of seniority, thus the seniority list so prepared is illegal unlawful violative upon the rights of the appellant..
- M. That not considering appellant on his due place of seniority from his due date/initial and delay/inaction on the part of respondents is against the law, facts, norms of justice and material on record and also against the principle fair play and equity.
- N. That the appellant has not been treated as per notified gazetted rules by the respondents which deprived the appellant from his due right of seniority according to the rules.

- O. That the state is bound to ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principles. It is also the duties of the state to remove disparity in the income and earning of individuals under Article 37 & 38 of the Constitution.
- P. That under Article 25 of the Constitution of the Islamic Republic of Pakistan 1973, all citizen are equal before law, and that no discrimination is permitted in the similarly placed citizens, thus the discrimination meted out to the appellant in the grant of regularization is illegal, highly discriminatory and not sustainable.
- Q. That inaction on the part of respondents is adversely affecting the Appellants service career; hence the proprietary demands that the Appellants should be place his due place of seniority.
- R. That the Appellant while posted in the respondents department performing his duties with honesty great zeal and devotion to the entire satisfaction of the superiors without any complaint what so ever.
- S. That the Superior Courts have repeatedly held that where a point of law is decided by the Superior Courts that cover the cases of all those civil servants who have not litigated than the good governance require that the benefit of such judgment should also be given to those who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum. Reference can be made to case reported as SCMR 1996Page 1185, 2009 SCMR Page 1, the appellant being similarly placed is also entitled to similar treatment meted out to their counter parts.
- T. That the appellant seeks the permission of this honourable Court to rely on additional grounds at the hearing of this petition.

It is, therefore, prayed that On acceptance of this appeal, the seniority list of the SDWO's BPS-17, may please be corrected and the appellant may be placed at proper place of the seniority list According to the merit Assigned by the Khyber Pakhtunkhwa Public Service Commission by bringing his name at par with his batch mates, being ignored and discriminated by the respondent department in violation of Law & Rules and

against the secured fundamental rights of the appellant, the appellant may also be allowed all back/consequential benefits. OR any remedy deems just and proper may also be allowed in favor of the appellant.

Appellant

Through



ZARTAJ ANWAR

Advocate Peshawar

&

IMRAN KHAN

Advocate Peshawar

NOTE:

Certified that no appeal on the same subject and between the same parties has been filed previously or concurrently.

Appellant

AFFIDAVIT

I, Hafiz Ameer Muhammad Khan SWFO Forestry, Environment & Wildlife Department Haripur, do hereby solemnly affirm and declare on oath that the contents of the above appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent

Approved A
Approved 9

**KHYBER PAKHTUNKHWA PUBLIC SERVICE
COMMISSION**

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tel: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 27.01.2014

ADVERTISEMENT No. 01 / 2014.

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by **28.02.2014** (candidates applying from abroad by 14.03.2014). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected.

ENVIRONMENT DEPARTMENT	
10.	<p>FOUR (04) POSTS OF SUB DIVISIONAL WILDLIFE OFFICER IN OFFICE OF CHIEF CONSERVATOR OF WILDLIFE</p> <p>QUALIFICATION: i) Master Degree in Wildlife, Forestry or National Park Management from a recognized University/ Institute; or (ii) M.Sc Zoology or Botany in 2nd Division from a recognized University; or (iii) B.Sc Wildlife/ Forestry or Bachelor of Veterinary Science/ B.Sc Animal Husbandry or Doctor of Veterinary Medicine from a recognized University/ Institute.</p> <p>Note: - Qualification at S.No. (ii) and (iii) will only be considered when no suitable candidate with qualification at S.No. (i) is available.</p> <p>AGE LIMIT: 21 to 32 years. PAY SCALE: BPS-17 ELIGIBILITY: Both Sexes ALLOCATION: One each to Merit, Zone-2, 3 & 4.</p>

10

Annex B

Ann (C)

REGISTERED

Computerized Process

Phone: 991-92-3759 9243903
Fax: 991-92-3754
Website: www.kpsc.gov.pk

KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
2-Fort Road, Peshawar Cantt.

No. PSC/SR-IV

Date: 17/1/2015



17/1/2015

0991923759

Mrs. Noor Muhammad Sultana Usman
House No. 10, Sakson Mea Teh Road Dist. Battagram.

RECRUITMENT OF FOUR (04) POSTS OF SUB-DIVISIONAL WILDLIFE OFFICER (BPS-17) IN THE OFFICE OF CHIEF CONSERVATOR OF WILDLIFE ENVIRONMENT DEPARTMENT, ADVT. NO. 01/2014 S. NO. 10

The Commission has recommended you to the Government for appointment provisionally against the subject-cited post. Please do not treat this as a letter of appointment for which Government is the final authority. The Commission cannot entertain any correspondence from you in this regard.

Superintendent

Better Copy

**KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
2-FORT ROAD, PESHAWAR CANTT**

**NO.PSC SR-IV
Dated 178/2015**

To

**Hafiz Amir Muhammad S/o Hazrat Usman
Banara P.O Sadeen Mera Tehsil & District Battagram**

**Subject: RECRUITMENT OF FOUR (04) POSTS OF SUB DIVISIONAL WILDLIFE
OFFICER (BPS-17) IN THE OFFICE OF CHIEF CONSERVATOR OF
WILDLIFE ENVIRONMENT DEPARTMENT ADVT. NO.01/2014
S.NO.10**

The commission has recommended you to the Government for appointment provincially against the subject cited post. Please do not treat this as a letter of appointment for which Government is the final authority. The commission cannot entertain any correspondence from you in this regard.

**Sd/-
Superintendent**

11

Approved C And (2)

BEST COPY OF MERIT LIST OF RECOMMENDED CANDIDATES FOR THE POST OF
SUB-DIVISIONAL ANTI-DUI OFFICER (DPS-17) IN THE OFFICE OF CHIEF
CONSERVATOR OF WILD LIFE, ADVE/NO.1/2015,NO.10


S.No	Name/ Domicile	Father name	Merit Order
01	Hafiz Amir Muhammad Khan (Batagram Zone-3)	Darat Khan	01
02	Syed Taimur Ali Shah (Swat Zone-3)	Muhammad Akbar Shah	02
03	Maqabil Wahab (D.Khan Zone-4)	Hafiz Abul Wahab	04
04	Kiramat Shah (Peshawar Zone-2)	Tarab Khan	08

Muhammad Arshad
Assistant Director
Khyber Pakhtunkhwa
Public Service Commission

Li

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	<p style="text-align: center;">GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT</p> <p style="text-align: center;">Dated Peshawar the, 1-3rd June, 2018</p>
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NOTIFICATION

No. SOLESI/PE/AYD/2-50(59)/PE- The Competent Authority, on the recommendation of Khyber Pakhtunkhwa Public Service Commission is pleased to appoint **Hafeez Ameer Muhammad Khan S/o Hazrat Usman** resident of Banara Post Office Sada Mera, Tehsil & District Battagram as Sub Divisional Wildlife Officer (BPS-17) (Rs. 16600-1700-10000), in Wildlife Department, Khyber Pakhtunkhwa subject to the following Terms and Conditions:-

TERMS AND CONDITIONS

- (i) He will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy;
- (ii) He will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, and other laws applicable to the Civil Servants and the rules made thereunder;
- (iii) He will be on probation initially for a period of one year extendable for further one year;
- (iv) In case he wants to resign at any time, fourteen days notice shall be necessary or in lieu thereof fourteen days pay shall be forfeited;
- (v) He will produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Peshawar and character certificate from any gazetted officer;
- (vi) His retention in service will be subject to verification of his domicile testimonials and antecedents etc from the concerned authorities/offices;
- (vii) His appointment will be liable to be terminated at any time without assigning any reasons before the expiry of the period of probation or extended period of probation, if their performance during this period is not found satisfactory;
- (viii) His seniority will be determined in the light of the Merit Order drawn by the Khyber Pakhtunkhwa Public Service Commission.

2. If the above Terms and Conditions are acceptable to him, he should submit annual report to the Chief Conservator Wildlife, Khyber Pakhtunkhwa for July, within 30-days of issuance of this notification, under intimation to this department

3. Consequent upon above, the competent authority is further pleased to order his attachment with Divisional Wildlife Officer, Abbottabad Wildlife Division for field training for a period of year. He will draw his salary and allowances against the post of Sub Divisional Wildlife Officer, Abbottabad Wildlife Sub Division of Abbottabad Wildlife Division during the training period.

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

	GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT Dated Peshawar the, 14 th June, 2018
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NOTIFICATION

No.SO(Estt)FE&WD/2-50(59)/PF: The competent authority, on the recommendation of Khyber Pakhtunkhwa Public Service Commission is pleased to appoint Hafiz Ameer Muhammad Khan S/o Harat Usman resident of Banara Post Office Sadin Mera, Tehsil & District Battagram as Sub Divisional Wildlife Officer (BPS-17) (Rs.16000-1200-40000), in wildlife Department, Khyber Pakhtunkhwa subject to the following Terms and condition:

TERMS AND CONDITION

- i. He will get any at the minimum of BPS-17 including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
- ii. He will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, and other laws applicable to the Civil Servants and the rules made there-under;
- iii. He will be on probation initially for a period of one year extendable for further one year.
- iv. In case he wants to resign at any time, fourteen days notice shall be recovery or in lieu thereof fourteen days pay shall be forfeited.
- v. He will produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Peshawar and character certificate from any gazette office;
- vi. His retention in service will be subject to verification of his domicile testimonials and antecedents etc from the concerned authorities/office
- vii. His appointment will be liable to be terminated at any time without mentioning any reason, before the expiry of the period of probation/extended period of probation if their performance during this period not found satisfactory
- viii. His seniority will be determined in the light of the Merit order down by the Khyber Pakhtunkhwa Public Service Commission

2. If the above terms and condition are acceptable to him, he should submit arrival, report to the Chief Conservator wildlife, Khyber Pakhtunkhwa for duty, within 30 days of issuance of this notification, under intimation to this department.

3. Consequent upon above, the competent authority is further pleased to order his attachment with Divisional Wildlife Office, Abbottabad wildlife Division for field training for a period of year, he will draw his salary and allowances against the post of Sub Divisional wildlife sub Division of Abbottabad Wildlife Division during the training period.

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

13

Amended E
Amended

PART-VI

SENIORITY

17. Seniority :- (1) the seniority inter se of civil servants ⁴⁷(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ⁴⁸[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

⁴⁹(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

⁵⁰(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the

⁴⁷ Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

⁴⁸ The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

⁴⁹ Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4 1/80/IV, dated 28-5-2002.

⁵⁰ Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19-11-2003.

To,

The Worthy Chief Secretary
Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel

Subject: Departmental Representation against final seniority list of SDWO (Bps-17) KPK Wildlife Department as stood on 31-12-2019

Worthy Sir,

With due reverence, the undersigned submits that he joined the service as Sub Divisional Wildlife Officer BS-17 upon recommendation of KP Public Service Commission. Later on, the undersigned was communicated with tentative seniority list 2019 and in response thereof, the undersigned submitted his objections, however the same were turned down by the competent authority in its letter No.SO (Estt)/FE&WD/2-50(59)/2K18/4443-44 dated 29/04/2019. (Annexure X). Therefore, the undersigned filed objections/ departmental appeal in response to the no objection certificate circulated vide Endst: No.1538-43/WL (E), which was rejected by the competent authority vide letter No. SO (Estt)/FE&WD/2-50(59)/PF Dated 21 October 2020. (Annexure Y).

The undersigned remained persistently aggrieved since the ground relied upon in the aforesaid letters/rejections (Annexure X & Y) is inapplicable in the existing case. The final seniority (Annexure Z) fixed by the department transpires that the undersigned is at serial No.23, which depicts the explicit non-observance and compliance of certain rules, therefore, the undersigned after exhausting his previous remedial forums, is presenting the matter before your good self, seeking the necessary rectifications on the grounds as adumbrated below:

That the undersigned applied for the post ibid vide advertisement No.01/2014 Serial No.01 (Annexure-A) by Khyber Pakhtunkhwa Public Service Commission ('KPPSC') and through mode of initial recruitment joined the current service. The undersigned was recommended for appointment vide KPPSC letter dated 17/08/2015 (Annexure-B) and subsequent merit list was sought from the worthy commission (Annexure-C) vide which the undersigned was ranked at serial No.01 of the said merit list.

- (a) PART IV seniority rules section 17 (a) of Govt. of KP Civil Servants Act 1973 is reproduced here for ready reference:- (Annexure-D)
"In the case of persons appointed by initial recruitment in accordance with the order of merit assigned by the commission. Provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in later selection.
 The above quoted clause clearly transpires that the seniority amongst the candidates shall be determined in the order of merit as fixed by the KPPSC. Furthermore, officials later

recruited shall rank at lower position to those hired earlier. Therefore, the current tentative seniority list needs to be reviewed.

(b) The initial application for revision of seniority list was turned down by the competent authority vide letter No.SO(Estt)/FE&WD/2-50(59)/2K18/4443-44 dated 29/04/2019. In the said letter, the ground for declining the application was the clause VIII of terms of service in its notification bearing No. SO(Estt)/FE&WD/2-50(59)/PF dated 14/06/2018, which is actually favoring the stance of the undersigned. By virtue whereof, *the interse seniority will be determined in the light of merit order drawn by KPK Public Service Commission.* (Annexure-E)

(c) There exist few incumbents in the tentative seniority list who were appointed on project basis, however they are ranked senior than the undersigned. Whereas, The Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 transformed their service status to regular. Section 6 of the aforesaid rules pertaining to seniority, ranks the personnel junior than the undersigned and the same is reproduced for ready reference. (Annexure-F)

6. Seniority.---(1) *Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.*

(d) It shall be advantageous to quote the Service Rules of Khyber Pakhtunkhwa Wildlife Department for professional post at serial No.04:-

S.No.	Nomenclature of the Post	Minimum Qualification for Appointment by Initial Recruitment.	Age Limit for Initial Recruitment	Method of Recruitment
4	Sub-Divisional Wildlife Officer/Assistant Conservator Wildlife (BPS-17).	(i) Master degree in Wildlife, Forestry or National Park Management from a recognized University/Institute; or (ii) M.Sc Zoology or Botany in 2nd Division from a recognized University; or (iii) B.Sc Wildlife/Forestry or Bachelor of Veterinary	21 to 32 years	(a) Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Range Officers with at least five years' service as such; and (b) Eighty percent by initial recruitment. Note: Appointment of candidates selected for the posts by the Public Service Commission shall be made

		<p>Science/B.Sc, Animal Husbandry or Doctor of Veterinary Medicine from a recognized University/Institute:</p> <p><u>Note:</u> Qualifications at S.No.ii & iii will only be considered when no suitable candidate with the qualification at S.No. (i), is available.</p>	<p>subject to the following conditions:-</p> <p>(1) The selected candidates shall undergo and successfully complete the training at the Pakistan Forest Institute leading to M.Sc Forestry Degree. Those already having M.Sc Forestry Degree from Pakistan Forest Institute shall be exempted from such training.</p> <p>(2) The selected candidates shall produce certificate from the Standing Medical Board at Peshawar, regarding their physical and mental fitness for performing the duties required of them.</p> <p>(3) The selected candidates undergoing training at Pakistan Forest Institute shall execute a bond with the Wildlife Department to the effect that on successful completion of the training, they shall serve the Government for at least five years or in default shall refund all the expenses incurred in connection with their training and education.</p>
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(e) According to the service rule of Khyber Pakhtunkhwa Wildlife Department for professional posts, the undersigned fulfill the criteria of minimum qualification for appointment by initial recruitment as required or mentioned in the service nomenclature. In the advertisement of the KPPSC and KP Wildlife Sub Divisional Wildlife Officer qualification for the said post is MSc Forestry, whereas the undersigned exactly met the criteria and was **selected** recommended for recruitment. The further training was part of the post selection training, but not the qualification or training required which bars the undersigned to be abstained from claiming his seniority in light of his length of service through initial recruitment, therefore, the undersigned must be considered a civil servant

who received remuneration, increments and met the criteria of selection, initial recruitment as well as seniority should be decided as per the equitable principles.

By virtue of column V, Serial No (01) & (3) of service nomenclature, it is crystal clear that after the appointment, the candidate is deemed to undergo relevant training and is supposed to successfully fulfil the same, hence the period undergone by the undersigned in Pakistan Institute of Forestry was part of his pre-service training and it was a condition which undersigned was deemed to fulfil after his selection, therefore, the said tenure must be considered while calculating the length of service.

Whilst referring to the aforementioned documented facts and rules, the undersigned hereby admits his reliance upon the plea undertaken hereinabove as well as in the applications already preferred before the quarter concerned and submits that the subject matter may kindly be decided after consideration of the same, please.

Submitted, please.

Dated: December 22, 2020.



Hafiz Ameer Muhammad Khan

Sub Divisional Wildlife Officer

**Ghazi Wildlife Sub Division,
Ghazi Haripur.**



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)/FE&WD/2-50(59)/2K18/11045
Dated Pesh: 29th April, 2019

19

The Chief Conservator Wildlife,
Khyber Pakhtunkhwa,
Peshawar.

6031/WL
16/5/2019

SUBJECT: APPLICATION FOR DETERMINATION OF SENIORITY AS PER SENIORITY RULES/APPOINTMENT ORDER IN FINAL SENIORITY LIST

I am directed to refer to your letter No. 7495-WL(B-XII-2)), dated 04.04.2019 on the subject cited above and to say that on recommendations of Public Service Commission to the post of SDWO (BS-17), the applicant was sent to Pakistan Forest Institute, Peshawar for leading M.Sc Forestry Degree, *as a stipendary candidate of the department* vide this department letter No.SO(Estt)/FESWD/II-2K15/4280-82 dated 17.12.2015. He completed his degree in 2018 and relieved by a PFI w.e.f. 27.3.2018 vide Director Forest Education Division letter No.152/F.Ed(12)18 dated 27.3.2018 and his appointment order was issued on 14.6.2018.

In terms of Rule-17(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 that the seniority in various cadres of Civil Servants appointed by initial recruitment viz-a-viz those appointed or otherwise shall be determined with reference to the dates their *regular appointment to a post in that cadre*. Therefore, his seniority will be counted from the date of his regular appointment i.e. 14.6.2018.

It is therefore, requested that the applicant may be informed accordingly.

(Hafiz Abdul Jalil)
SECTION OFFICER (ESTT)

Endst: No. & Date even.

Copy is forwarded for information to PS to Secretary Forestry, Environment & Wildlife Department.

No. 8906-97AWL (E) Dated Peshawar the 02/05/2019

Copy forwarded to Conservator Wildlife Southern Circle, Peshawar and Divisional Forest Officer Wildlife Abbottabad for information and necessary action.

Copy to sons
Ghazi w.r. + his
application

16/5/19

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

	GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT No.SO(Estt)/FE&WD/2-50(59)/2K18/4443-44 Dated Pesh: 29 th April, 2019
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The Chief Conservator wildlife,
Khyber Pakhtunkhwa
Peshawar

Subject: **APPLICATION FOR DETERMINATION OF SENIORITY AS PER SONORITY
RULES/APPOINTMENT ORDER IN FINAL SENIORITY LIST**

I am directed to refer to your letter No.7496-WL(B-XII-2)), dated 04.04.2019 on the subject cited above and to say that on recommendation of Public Service Commission to the post of SDWO (BS-17), the applicant was sent to Pakistan Forest Institute, Peshawar for leading M.Sc Forestry Degree, as a stipendry candidate of the department vide this department letter No.SO(Estt)FE&WD/II-2K15/4280-82 dated 17.12.2015. he completed his degree in 2018 and relieved by the PFI w.e.f 27.03.2018 vide Director Forest Education Division letter No.152/F.Ed(12)18 dated 27.03.2018 and his appointment order was issued on 14.06.2018.

In terms of Rule-17 (2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 that the seniority in various cadres of Civil Servants appointed by initial recruitment viz-a-viz those appointed or otherwise shall be determined with reference to the dates their regular appointment to a post in that cadre. Therefore, his seniority will be counted from the date of his regular appointment i.e. 14.6.2018.

It is therefore, requested that the applicant may be informed accordingly.

Sd/-
Hafiz Abud Jalil
Section Officer (ESTT)

Endst No. & date even


Copy is forwarded for information to Police Station to Secretary Forestry, Environment & Wildlife Department

No.8296-97/WL (E)

dated Peshawar the 02/05/2019

Copy forwarded to Conservator Wildlife Southern Circle, Peshawar and Divisional Forest Officer Wildlife Abbottabad for information and necessary action.

Sd/-
Hafiz Abud Jalil
Section Officer (ESTT)

	GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
	NO.50(ESTT)/FE&W/7-50 (59)/PF
	Dated Peshawar the 21st October, 2020

To
 The Chief Conservator Wildlife,
 Khyber Pakhtunkhwa,
 Peshawar.


Subject: **PREPARATION/ISSUANCE OF FINAL SENIORITY LIST OF DFO WILDLIFE IN WILDLIFE DEPARTMENT**

I am directed to refer to your letter No: 1919/WL (B-XII-02), dated 16th September, 2020 on the subject captioned above and to inform that the request of the applicant Hafiz Ameer Muhammad, Sub Divisional Wildlife Officer (BS-17) being not covered under the rules is hereby rejected, please.


 (ZIA-UR-RAHMAN)
 SECTION OFFICER (ESTT)

Encls: No: & date even

Copy is forwarded for information to PS to Secretary, FE&W department, Khyber Pakhtunkhwa. *2-11/2020*
No. 3144-46/WL (B-XII-2)
It is done to know briefly


 SECTION OFFICER (ESTT)

No. 3144-46/WL (B-XII-2) Dated Peshawar the 26/10/2020

Copy forwarded for information and necessary action to the :

1. Conservator Wildlife Southern Circle Peshawar with reference his letter no 2497/WL(SC) dated 16-09-2020.
2. Divisional Wildlife Officer Abbottabad with reference to his letter No 263-64/WL-Atd dated 08-09-2020 and this office letter No1917/WL (B-XII-02) dated 16-09-2020.
3. Hafiz Ameer Muhammad Khan (SDWO) C/O DFO Wildlife Abbottabad.


 Chief Conservator Wildlife

No. 10780 WL (SC) dated Peshawar the 29-10-2020

NOTIFICATION

GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT

NO. SO (ESTT) E&W/D/II-26/2019. In pursuance of Section 3(1) of the Khyber Pakhtunkhwa Civil Service Act, 1973, read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Competent Authority is pleased to notify/circulate final seniority list of Sub Divisional Wildlife Officer (BPS-17) Khyber Pakhtunkhwa, Wildlife Department (as stood on 31-12-2019) for general information.

FINAL SENIORITY LIST OF SUB DIVISIONAL WILDLIFE OFFICERS (BPS-17) KHYBER PAKHTUNKHWA WILDLIFE DEPARTMENT AS STOOD ON 31-12-2019

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		Method of recruitment	Departmental examination	Remarks
				Date	BPS			
1.	Mr. Ejaz Ahmad M.Sc Forestry	08-02-1983 Malakand	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Malekand
2.	Mrs. Haseena Ambarin M.Sc Forestry M. Phil	17-02-1984 Bannu	20-11-2008 BPS-16	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife E. tansion Peshawar.
3.	Mr. Salah-ud-Din Ayubi M.Sc Forestry	25-04-1980 Peshawar	20-11-2008 BPS-16	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Abbottabad.
4.	Mr. Muhammad Abulhas M.Sc Forestry	29-01-1986 F.R.Bannu	20-11-2008 BPS-16	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Kohat
5.	Mr. Niamat Ullah Khan M.Sc Forestry	13-04-1987 North Waziristan Agency	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Chitral Gol National Park
6.	Mr. Muhammad Idress M.Sc Forestry	10-04-1982 Shandala	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Chitral
7.	Mr. Ishlaq Ullah M.Sc Forestry	05-03-1986 Kohat	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Not Passed	Deputy Director Peshawar Zoo (OPS)

8.	Miss Maria Merjan IA Sc Forestry	10-03-1993 Karak	14-10-2014 BPS-17	14-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Coordination National Park Project
9.	Mr. Refmatullah, F.A.	15-10-1963 Bannu	02-06-1982 BPS-05	17-11-2014	17	By promotion	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Larki Marwat
10.	Mr. Muhammad Ayez, B.A	07-04-1951 Mardan	13-06-1982 BPS-05	17-11-2014	17	By promotion	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife
11.	Syed Taimur Ali Shah M. Sc Forestry	20-12-1985 Swat	31-12-2015 BPS-17	31-12-2015	17	Direct Recruitment	Passed	DFO Wildlife Mansehra (OPS)
12.	Miss Anasitil Wahab M. Sc Forestry	18-01-1992 D.I.Khan	31-12-2015 BPS-17	31-12-2015	17	Direct Recruitment	Passed	Instructor Thai Forest School Abbottabad
13.	Mr. Kiramat Shah M. Sc Forestry	02-01-1991 Peshawar	31-12-2015 BPS-17	31-12-2015	17	Direct Recruitment	Passed	DFO Wildlife Kohistan (OPS)
14.	Mr. Munseer Ali, M.Sc Forestry	13-05-1989 Okraizal Agency (FATA)	31-05-2016 BPS-17	31-05-2016	17	Direct Recruitment	Passed	DFO Wildlife Kohat (OPS)
15.	Syed Sarmad Hussain Shah, M.Sc Forestry	18-08-1993 Mansehra	31-05-2016 BPS-17	31-05-2016	17	Direct Recruitment	Passed	SDFO Wildlife Abbottabad
16.	Mr Naveed-Ul-Haq, M. Sc Forestry	15-05-1958 Dir (Lower)	20-11-2008 E-S-15	21-08-2016	17	By promotion	Passed	DFO Wildlife Bannu (OPS)
17.	Mr. Niaz Muhammad Mafric (Arts)	01-02-1964 Mansehra	15-05-1993 BPS-05	25-05-2017	17	By promotion	Passed	DFO Wildlife Torghar (OPS)
18.	Miss Rubina Noor M.Sc Forestry, M.Phil Biotechnology	07-01-1982 Mardan	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife National Park Project, Peshawar
19.	Mr. Imad ud Din, M.Sc Forestry,	15-03-1990 Shangla	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife National Park Project Peshawar
20.	Mr. Rizwan Ullah, M. Sc Forestry	06-08-1990 Dir (Lower)	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife National Park D.I.Khan
21.	Mr. Fahim Ullah Khan, M.Sc Forestry	24-04-1992 FR Bannu	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife Sheikh Badin National Park D.I.Khan
22.	Mr. Farcoq Nabl, M.Sc Forestry	14-01-1992 Dir (Lower)	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife Baroghil National Park Chitral
23.	Hafiz Ameer Muhammad Khan, M.Sc Forestry	04-06-1988 Battagram	14-06-2018 BPS-17	14-06-2018	17	Direct Recruitment	Passed	SDFO Wildlife Abbottabad

24.	Mr. Usman Karim M.Sc Forestry	01-04-1992 Swabi	10-07-2016 PBS-17	10/07/2016	17	Direct Recruitment	Not Passed	SDFO Wildlife Mardan
25.	Mr. Fayaz Ali Khan M.Sc Forestry	02-06-1989 Swat	06-04-2016 BPS-16	10/07/2016	17	Direct Recruitment	Not Passed	Admin Officer/SDFO Wildlife Peshawar Zoo
26.	Mr. Zia-ur-Rehman M.Sc Forestry	15-02-1990 Shangla	27-05-2016 BPS-16	10/07/2016	17	Direct Recruitment	Not Passed	SDFO Wildlife Abbottabad
27.	Mr. Luqman Ullah Khan M.Sc Forestry	09-02-1989 Lakki Marawar	10-07-2018 PBS-17	10-07/2018	17	Direct Recruitment	Not Passed	SDFO Wildlife Peshawar
28.	Mr. Farhad Khan F.Sc (Pre-Engineering)	01-10-1963 Mardan	13-10-1993 BPS-05	13-12/2018	17	By Promotion	Passed	SDFO Wildlife Mardan
29.	Mr. Muhammad Khurshid Abbasi, M.A. M.A. (Science)	01-01-1962 Abbottabad	02-07-1986 BPS-05	21-02/2018	17	By Promotion	Passed	SDFO Wildlife Mansehra
30.	Mr. Naveed Ahmad Seyyed Ghayoor Ali Shah	20-08-1991 Swabi/2 14-01-1993 Kurram District/1	01-04-2019 BPS-17 01-04-2019 BPS-17	01-04-2019	17	Direct Recruitment	Not Passed	SDFO Wildlife Peshawar
31.				01-04-2019	17	Direct Recruitment	Not Passed	SDFO Wildlife Peshawar

23

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

ENDST No. 50 (EST) FESRW/II-26/2020

Dated Peshawar the 30th November, 2020

Copy is forwarded to:-

1. Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
2. All Conservators Wildlife in Khyber Pakhtunkhwa. *2/6 CCW/L*
3. Director Budget and Accounts Cell, FESRW department, Khyber Pakhtunkhwa.
4. All Officers concerned.

[Signature]
(ZIA-UR-RAHMAN)
SECTION OFFICER (ESTT)

EXTRAORDINARY
GOVERNMENT



24
REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 7th MARCH, 2018.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 7th March, 2018.

No. PA/Khyber Pakhtunkhwa/Bills/2018/5031.—The Khyber Pakhtunkhwa Employees (Regularization of Services) Bill, 2018 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 26th February, 2018 and assented to by the Governor of the Khyber Pakhtunkhwa on 2nd March, 2018 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2018

(KHYBER PAKHTUNKHWA ACT NO. X OF 2018)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 7th March, 2018).

AN
ACT

to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of certain employees appointed on adhoc basis against civil posts and contract basis against project posts in the Province of the Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. **Short title, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018.

(2) It shall apply to all the employees as defined in clause (e) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once.

2. **Definitions.**--- (1) In this Act, unless the context otherwise requires;

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means the appointment of a duly qualified person, for a specific period, made against project posts, in a prescribed manner;

(c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;

(d) "Government" means the Government of the Khyber Pakhtunkhwa;

(e) "employees" mean duly qualified,-

(i) one hundred and fifty-eight (158) District Specialists of Health Department, who are appointed on adhoc basis against civil posts w.e.f. 4th July, 2017 and holding such civil posts till the commencement of this Act; and

(ii) persons, who are appointed in the projects on contract basis in accordance with the project policy;

(f) "Government Department" means a Government Department, as defined in the Khyber Pakhtunkhwa Government Rules of Business, 1985;

(g) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of civil servants;

(h) "project" means a perpetual nature project, the continuation on which and conversion to regular budget is essential for service delivery duly identified by the Departments and reflected in the Schedule;

(i) "civil post" means a civil post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission;

(j)

"project post" means a post in the project; and

(k) "Schedule" means a Schedule appended to this Act.

(2) The expression "ad hoc appointment" shall have the same meaning as is assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of ad hoc employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (i) of clause (c) of sub-section (1) of section 2 of this Act, appointed on ad hoc basis against civil posts and holding such civil posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis, from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department.

4. Regularization of services of project employees.---Notwithstanding anything contained in any law or rules, the employees at sub-clause (ii) of clause (c) of sub-section (1) of section 2 of this Act, appointed on contract basis against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the concerned Government Department:

Provided that the terms and conditions of services of employees reflected at S.No.5 of the Schedule shall further be governed under the National Disaster Management Authority Act, 2010 (Act No. XXIV of 2010) and Regulations made thereunder; and the terms and conditions of services of employees reflected at S.No.6 & 7 of the Schedule shall be governed under the Khyber Pakhtunkhwa Emergency Rescue Services Act, 2012 (Khyber Pakhtunkhwa Act No. XV of 2012).

5. General conditions for regularization.---For the purpose of regularization of the employees under this Act, the following general conditions shall be observed:

- (i) the service promotion quota of all service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as required for a regular post;
- (iii) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and

- (iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

6. **Seniority.**---(1) Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

7. **Removal of difficulties.**---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty;

Provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

8. **Overriding effect.**---Notwithstanding anything to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

SCHEDULE
See section 2(1)(h)(k)

1. Capacity Building of Planning and Development Department.
2. Establishment of M&E System in Khyber Pakhtunkhwa.
3. Sustainable Development Unit, Planning and Development Department.
4. Urban Policy Unit, Planning and Development Department.
5. Provincial Reconstruction, Rehabilitation & Settlement Authority under Provincial Disaster Management Authority. *DRS RR RSA
execution of
project*
6. Establishment of Emergency Rescue Services (Rescue 1122) in 16 Districts.
7. Establishment of Planning, Monitoring & Evaluation Wing in ERS (Rescue 1122) Headquarter.
8. Roll Back Malaria Control Program.
9. Prime Minister's Program for prevention and control of Hepatitis.
10. Establishment of Financial Management Cell in Health Department.
11. Establishment of Safe Blood transfusion.
12. Strengthening of TB Control Program Khyber Pakhtunkhwa.
13. Establishment of Procurement Cell in office of DG Health Services, Peshawar.
14. Mother, Neonatal and Child Health (MNCH) Program in Khyber Pakhtunkhwa.
15. Social Health Protection Initiative for Khyber Pakhtunkhwa.
16. Establishment of Bacha Khan Medical College Mardan.
17. Integrated HIV, Hepatitis and Thalassemia Control Program.
18. Construction of Shaheed Mohtarama Benazir Bhutto Children Hospital Mardan.
19. Higher Education Management Information System (HEMIS) Cell.

200 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 7th MARCH, 2018

20. Project Management Unit (PMU) for implementation of BS Program and Special Initiatives.
21. Computerization of Arms License.
22. Prison Management Information System.
23. Development of Common Application for Government Departments.
24. ICT Infrastructure for Government of Khyber Pakhtunkhwa.
- 24A. IT Support for improvement of Health Service Delivery.
- 24B. IT Professional Training Centre.
25. Strengthening of Planning Cell at Elementary & Secondary Education Department.
26. Provision of free text book to all students of Khyber Pakhtunkhwa upto Intermediate level (Phase-XIV).
27. Strengthening of Planning Cell at Industries Department.
28. Establishment of Special Media Cell in the Directorate of Information.
29. Strengthening of Information Department.
30. Establishment of three FM Stations at Kohat, Swat and Abbottabad.
31. Establishment of Planning Cell at Local Government and Rural Development Department.
32. Retirement Benefit and Death Compensation Cell.
33. Automation of Pension Payment System (APPS).
34. Energy Monitoring Unit.
35. Establishment of Planning Cell in Food Department.
36. Automation of Food Department.
37. Operationalization of Redesigned Energy and Power Department.

38. Establishment of Planning Cell in Energy and Power Department.
39. Computerization of Land Record.
40. Creation of MRS Cell in C&W Department.
41. Enhancement of existing facilities in MIS/GIS for C&W Department.
42. Strengthening of Planning Cell and Monitoring of Developmental Projects of Agriculture Department.
43. Project Coordination Unit (PCU) for implementation of Law and Order Initiative in Khyber Pakhtunkhwa.
44. Afghan Management and Repatriation Cell at Home Department.
45. Traffic Control Management System and FM Radio 693-120173.
46. Strengthening of Prosecution Directorate, PCMC and Planning Cell at Home Department.
47. Establishment of 100 Family Welfare Centers.
48. Establishment of Population and Research Training Institute and Social Mobilization.
49. Value Addition/Research and Development works on Ore Minerals in Khyber Pakhtunkhwa.
50. Establishment of Model Coal Mine at Shahkot District Nowshera.
51. Establishment of Zoo for Peshawar Division.
52. Development and Management of National Park in Khyber Pakhtunkhwa.
53. Conservation and Management of Wildlife in Central and Northern Division.
54. Establishment of Monitoring, Evaluation, Grievance and Inquiry Cell in Administrative Department.
55. Establishment of Climate Change Cell for Multilateral Environmental Agreements.
56. Carbon Stock Assessment in Khyber Pakhtunkhwa.

57. Introduction of Range Management Initiatives in Khyber Pakhtunkhwa.
58. Establishment of Engineering Wing in Sports, Tourism, Archeology, Youth Affairs and Museums Department.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(NASRULLAH KHAN KHATTAI)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

POWER OF ATTORNEY

In the Court of Khyber Pakhtun Khwa Social Tribunal
Hafiz Anees Muhammad

} For Risho
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of KPIC and others

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W. the undersigned, do hereby nominate and appoint

ZARTAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at Risho to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants H. Anwar
Accepted subject to the terms regarding fee _____

Imran Khan
IMRAN KHAN
Advocate High Court
Mob: 0345-9090618

Zartaj Anwar
ZARTAJ ANWAR
Advocate High Courts

ADVOCATES, LLGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
Flr-3, Fourth Floor, Bilqar Plaza, Saddar Road, Peshawar Cantt
Mobile-0331-9399185
BC-10-9851
CNIC: 17301-1610454-5

“B”

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

No.

Appeal No. 4983 of 2021

Hazir Ameer Muhammad Khan Appellant/Petitioner
Versus

through chief Sarg Pesh Respondent

Respondent No. 3

Notice to:

Director General, Pakistan Forest insl
KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the given in the appeal/petition will be deemed to be your correct address, and further notice to this address by registered post will be deemed sufficient for the purpose of this notice.

Copy of appeal has already been sent to you vide this notice dated 1 July 2021

- Note:
1. The hours of attendance in the court are the same as in the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While appearing in the court.

M. J. Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

of the High Court except Sunday and Gazetted Holidays.

Handwritten text, possibly a list or notes, including the word "ENT" on the left side.

making any correspondence

"B"

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

SB

No.

Appeal No. 41938 of 20²¹

Hafiz Ameer Mahmood Khan Appellant/Petitioner

through chief Secy Pesh Respondent

Respondent No. 2

Notice to:

Secretary to The Govt. of KPK Forestry,
Environment & Wildlife Deptt. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 8/11/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

8/11

Given under my hand and the seal of this Court, at Peshawar this.....

Day of July 20²¹

(for reply)
12/7/21
6:17 PM

M. J.
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.4988/2021

Hafiz Ameer Muhammad Khan SDWO
Forestry, Environment and Wildlife
Department Peshawar

..... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through
Chief Secretary, Civil Secretariat, Peshawar
2. The Secretary to Government of Khyber Pakhtunkhwa
Forestry, Environment and Wildlife Department,
Peshawar.
3. The Director General,
Pakistan Forest Institute, Peshawar (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO1,2 & 3

Respectfully Sheweth;
Parawise comments on behalf of Respondents are as under:

PRELIMINARY OBJECTIONS

1. The appeal is not maintainable in the present form.
2. The Appellant has no locus standi and cause of action to bring the present appeal.
3. The appeal is time barred and barred by law.
4. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
5. The Honorable Tribunal has no jurisdiction to adjudicate upon the matter.

3 to 5: In reply to Paras 3 to 5, it is submitted that:

Khyber Pakhtunkhwa Public Service Commission (KPPSC) recommended four candidates for appointment to the Government as Sub Divisional Wildlife Officer (BPS-17) in Wildlife Department (**annex-A**). As per the merit order issued by the KPPSC, the appellant was standing at the top. In

light of approval of the competent authority, the notification regarding appointment of three candidates namely Syed Taimur Ali Shah, Miss Manahil Wahab and Mr. Kiramat Shah, being "M.Sc Forestry degree holders" were issued on 17th December 2015 (**annex-B**) whereas the appellant being "M.Sc in Wildlife Management" was referred to Pakistan Forest Institute (PFI) as a stipendry candidate for successful completion of training leading to M.Sc Forestry degree from PFI (**annex-C**) as per the existing service rules of Wildlife Department (**annex-D**) which states that appointment of candidates selected for the post of SDWO by the KPPSC shall be made subject to the condition, inter-alia, that the selected candidates shall undergo and successfully complete the training at PFI leading to M.Sc Forestry degree. Those already having M.Sc Forestry degree from PFI shall be exempted from such training. After completion of his training leading to M.Sc Forestry degree from PFI, the appellant was appointed as Sub-Divisional Wildlife Officer (SDWO BS-17) in Wildlife Department vide notification dated 14th June, 2018 (**Annex-E**) and his seniority in the cadre of SDWO has been fixed with effect from the date of his appointment as SDWO i.e. 14th June, 2018. In terms of Rule-17 (2) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the seniority in various cadres of Civil Servants appointed by initial recruitment viz-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre. The seniority list of SDWO issued by the approval of the competent authority, being in line with the above rules is in order; therefore, the instant appeal having no merit is liable to be rejected.

Reply on Facts:-

1. Correct. The appellant is serving as Sub-Divisional Wildlife Officer (SDWO) BPS-17 in Khyber Pakhtunkhwa Wildlife Department.
2. Correct. The appellant was selected and recommended by the Khyber Pakhtunkhwa Public Service Commission.
6. Correct. The tentative seniority list was issued in the year 2019 (**annex-F**). The appellant preferred appeal (**annex-G**) which was rejected by the competent authority vide letter No.SO(Estt)/FE&WD/2-50(59)/2k18/4443-44, dated 29-04-2019 (**annex-H**). The appellant again preferred an appeal (**annex-I**) which was again rejected by the competent authority and communicated to the appellant vide letter No.SO(Estt)FE&WD/2-50(59)/PF, dated 21-10-2020 (**annex-J**), on the ground mentioned above.

7. Since appeal of the incumbent SDWO was rejected on merit keeping in view of the grounds explained above, therefore final seniority list issued by the competent authority is in order and his date of appointment has been properly mentioned. (Copy of final seniority list is **(annex-K)**)
8. Qualification of the appellant could only fulfill the criteria for induction as SDWO BPS-17 which has properly been considered by the Public Service Commission. The requisite M.Sc Forestry training at Pakistan Forest Institute is pre-requisite for appointment in such cases as per the existing Service Rules of Wildlife Department. The seniority list of each cadre post is issued in all the government departments with effect from the date of appointment and not from the date of recommendation for appointment of the candidates under Rule-17 (2) of Appointment, Promotion and Transfer Rules, 1989. Detail reply already given in Para 3 to 5 *ibid*.
9. Incorrect. The requisite training at Pakistan Forest Institute is pre-requisite for appointment as SDWO as per rules and the seniority list of SDWOs was accordingly issued by the competent authority which is in order and the appeal is liable to be rejected.
10. The departmental appeal of the appellant has already been rejected by the competent authority vide letter No.SO(Estt)/FE&WD/2-50(59)/2k18/4443-44, dated 29-04-2019 (**annex-H**).
11. After recommendations of the candidate by the Public Service Commission, nomination for training leading to M.Sc Forestry degree from PFI is required under the rules. Acceptance of appeal will open a Pandora box for the department as there are many employees in the department having cases of the same nature, therefore the honorable court may dismiss the service appeal having no merit and against the law/rules. Proper preliminary objections have already been raised.

REPLY ON GROUNDS:-

- A. In-correct, the appellant has rightly been treated in accordance with law and rules.
- B. In-correct, the final seniority list has rightly been issued keeping in view the settled principles governing seniority/promotion.

- C. In-correct, appointment of the appellant has been made after issuance of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 w.e.f. 07-03-2018. Moreover, the completion date of the requisite mandatory training is 27-03-2018 which is also late from the date of promulgation of the said Act, 2018.
- D. After recommendation by the Public service Commission, the appellant was sent for mandatory training related to the post of SDWO (BPS-17) and upon successful completion of the training, seniority list has been maintained with effect from the date of appointment of the appellant under Rule-17 (2) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
- E. As per prevailing practice, tentative seniority list is always issued and circulated amongst all concerned and then final seniority list is issued on yearly basis.
- F. In terms of Rule-17 (2) of the Khyber Pakhtunkhwa Civil servants (Appointment, Promotion and Transfer) Rules, 1989 "the seniority in various cadres of Civil Servants appointed by initial recruitment viz-a-viz those appointed otherwise shall be determined with reference to the dates of their **regular appointment** to a post in that cadre". As per Service Rules of the Wildlife Department, the appointment of candidates selected for the posts by the Public Service Commission shall be subject to the condition that : ***"The selected candidates shall undergo and successfully complete the training at the Pakistan Forest Institute leading to M.Sc Forestry Degree. Those already having M.Sc Forestry degree from Pakistan Forest Institute shall be exempted from such training.*** Therefore, after successful completion of the training, his appointment order was issued on 14-06-2018 (Annex-E).
- G. After successful completion of the mandatory training, appointment order of the appellant was issued on 14-06-2018 and he was rightly placed at the seniority list.
- H to K The appellant was a single candidate of the department for the mandatory training at that time and his batch mates recommended by Public Service Commission for appointment as SDWO were already in possession of requisite mandatory training of M.Sc Forestry degree, therefore their appointment order was issued earlier. The appellant has been dealt in accordance with law/rules.

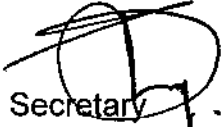
L to N Incorrect. The seniority of the appellant has rightly been determined as per prevailing law/rules. Detail reply has already been given in Paras ibid.


O. Correct.

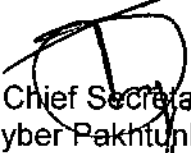
P to S : As stated, does not elaborate real facts. Appellant has been treated in accordance with prevailing law/rules. No discrimination with appellant or violation of any article of the Constitution of Pakistan 1973 have been done by the department. Detail reply with record have been given in Facts and Grounds.

T. Respondents seek permission to raise additional grounds during the course of arguments.

In view of the above exposition, it is most humbly prayed that the instant service appeal may kindly be dismissed being devoid of merit, please.


Secretary
Government of Khyber Pakhtunkhwa
Forestry, Environment and Wildlife
Department
(Respondent No.2)


Director General
Pakistan Forest Institute
Peshawar
(Respondent No.3)


Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1)

"A"

130
29

CONFIDENTIAL

Phone : 091-9213551
Fax : 091-9211795
Website : www.kppsc.gov.pk

**KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
2-Fort Road, Peshawar Cantt.**



No. 035005

Dated: 7/8-2015

To,

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

Subject:- **RECRUITMENT OF FOUR (04) POSTS OF SUB DIVISIONAL WILDLIFE OFFICER (BPS-17) IN THE OFFICE OF CHIEF CONSERVATOR OF WILDLIFE ENVIRONMENT DEPARTMENT. ADVT:01/2014,S.NO.10**

Dear Sir,

I am directed to refer to your letter No.SO(Estt)Envt/II-6/2k9/356-59 dated 10.06.2015 on the subject noted above and to state that the Commission recommends the following to the Government for appointment:-

1st Block:

Vacancy Rotation	Allocation	Merit Order	Name with father's Name	District / Zone
10 th vacancy	Zone-2	08	Kiramat Shah S/O Turab Khan	Peshawar/2
11 th	Zone-3	01	Hafiz Amir Muhammad Khan S/O Hazrat <i>U.S. M. G. J.</i>	Battagram/3
12 th	Zone-4	04	Manahil Wahab S/O Hafiz Abdul Wahab	Daf Khan/4
13 th	Merit	02	Syed Taimur Ali Shah S/O Muhammad Akbar Shah	Swat

02. Recommendation in favour of the recommendees is provisional subject to their medical fitness and verification of all documents / testimonials by the department.
03. Original applications (*with enclosures*) of the above recommendees are enclosed herewith for your record.
04. Kindly acknowledge receipt the same.

Encl: As above

Yours faithfully,

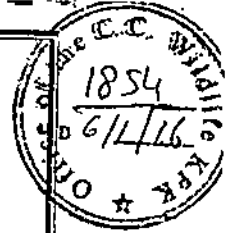
1318
21 8-20

(GHULAM DASTAGIR AHMAD)
Director Recruitment



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Pesh: 17th December, 2015



NOTIFICATION

No.S0(Est)FE&WD/II-6/PSC/2k14: The Competent Authority, on the recommendation of Khyber Pakhtunkhwa Public Service Commission, is pleased to appoint the following Sub Divisional Wildlife Officer BS-17 (Rs.16000-1200-40000), in Wildlife Department, Khyber Pakhtunkhwa, subject to the Terms and Conditions mentioned hereunder:-

#	NAME AND PARENTAGE	DOMICILE/ZONE
1	Mr. Kiramat Shah S/O Turab Khan	Peshawar/2
2	Mr. Manahil Wahab S/O Hafiz Abdul Wahab	D.I.Khan/4
3	Syed Taimur Ali Shah S/O Syed Muhammad Akbar Shah	Swat

TERMS AND CONTIONS

- They will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. They will also be entitled to annual increment as per existing policy;
- They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, and other laws applicable to the Civil Servants and the rules made there-under;
- They shall be on probation initially for a period of one year extendable for further one year;
- In case of resign at any time, fourteen days notice shall be necessary or in lieu thereof fourteen days pay shall be forfeited;
- They shall produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Peshawar and character certificate from any gazetted officer;
- Their retention in service shall be subject to verification of their domicile testimonials and antecedents etc. from the concerned authorities/offices;
- Their appointment is liable to be terminated at any time without assigning any reasons before the expiry of the period of probation/extended period of probation, if their performance during this period is not found satisfactory;
- They will join duty at their own expenses as no TA/DA shall be admissible there-for;
- Their inter-se-seniority should be determined in the light of the Merit Order drawn by the Khyber Pakhtunkhwa Public Service Commission.

P.T.O.

2. If the above Terms and Conditions are acceptable to them, they should submit the arrival report to the Chief Conservator Wildlife Khyber Pakhtunkhwa, for duty, within 30-days of issuance of this Notification, under intimation to this department.


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

Endst:No.SO(Estt)FE&WD/II-6/PSC/2k14

Dated Pesh: the 17th December, 2015

Copy is forwarded to:-

1. PS to Secretary Forestry, Environment & Wildlife Department.
2. Chief Conservator Wildlife Khyber Pakhtunkhwa.
3. Director Recruitment, Khyber Pakhtunkhwa Public Service Commission w/r to his letter No.095093 dated 07/08/2015.
4. Director Budget & Accounts Cell, Environment Department.
5. Kramat Shah S/O Turab Khan, Mohallah Daud Zai, Tehkal Payan University Road, Pesnawar.
6. Manahil Wahab D/O Hafiz Abdul Wahab, Gillani Town, P/O GPO, Dera Ismail Khan.
7. Syed Taimur Ali Shah S/O Muhammad Akbar Shah, Mohallah Lalagulzar, Village Post Office Rehimabad, District Swat.
8. Personal file of the officer.
9. Master file.
10. Office order file.


(SYED KAZIM HUSSAIN SHAH)
SECTION OFFICER (Estt)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)/FE&WD/II-6 /2K15 /12 80 82
Dated Pesh: 17th December 2015



The Director General,
Pakistan Forest Institute, Peshawar.

SUBJECT: ALLOCATION OF SEAT FOR M.Sc FORESTRY COURSE 2015-17.

I am directed to refer to the Chief Conservator Wildlife Khyber Pakhtunkhwa letter No.3394/WL(E) dated 4/12/2015 on the subject cited above and to nominate Hafiz Ameer Muhammad Khan S/O Hazarat Usman of District Batagram, newly recommendee by the Khyber Pakhtunkhwa, Public Service Commission for the subject course, as a stipendry candidate of this department.

(SYED KAZIM HUSSAIN SHAW)
SECTION OFFICER (ESTT)

Endst:No.and date even.

Copy is forwarded to :-

- 1) PS to Secretary, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.
- 2) Budget and Accounts Cell, Forestry, Environment & Wildlife Department; with the direction that for allocation of funds, in the relevant Head, for M. Sc course the case may be taken-up with the Finance Department.
- 3) Hafiz Ameer Muhammad Khan S/O Hazarat Usman of District Batagram with the direction to immediately report to PFI for MSC course 2015-17.

4) Chief Conservator Wildlife Khyber Pakhtunkhwa

S. U.
SECTION OFFICER (ESTT)

Seen
cc'd to S/O 11/16



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 10TH OCTOBER, 2018.

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE ENVIRONMENT DEPARTMENT

NOTIFICATION.

Peshawar dated the 08/10/2007

NO.SO(Estt) /Envt/II-465 /2K5: In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Environment Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in the Forestry, Fisheries and Wildlife Department Notification No. SO (FT:II) AD/I-465/88/Vol-IV, dated 26/01/1993, the following further amendments shall be made, namely:

AMENDMENT

In the Appendix, under the heading "WILDLIFE WING PART-I, PROFESSIONAL POSTS" for the existing entries in columns 2 to 5 against S.No.2,3 & 4, the following entries respectively be substituted namely:-

1.	2.	3.	4.	5.
2)	Deputy Conservator Wildlife/Divisional Wildlife Officer (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst holders of posts of Sub Divisional Wildlife Officers (BPS-17) with five years' service as such, who have successfully completed such training or passed such Departmental Examination as prescribed by Government for this purpose.
3)	Sub Divisional Wildlife Officer (BPS-17)	(i) Master degree in Wildlife, Forestry or National Park Management from a recognized University/ Institute; or (ii) M.Sc. Zoology or Botany in 2nd Division from a recognized University; or (iii) B.Sc. Wildlife/ Forestry or Bachelor of Veterinary Science/ B.Sc. Animal Husbandry or Doctor of Veterinary Medicine, from a recognized University/institute.	21-32 Years	(a) Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Range Officers with at least five years service as such; and (b) Eighty percent by initial recruitment. NOTE: Appointment of candidates selected for the posts by the Public Service Commission shall be made subject to the following conditions:- 1) The selected candidates shall undergo and successfully complete the

		<p>Note: Qualifications at S.No. ii & iii will only be considered when no suitable candidate with the qualification at S.No. i is available.</p>	<p>training at the Pakistan Forest Institute leading to M.Sc Forestry Degree. Those already having MSc Forestry Degree from Pakistan Forest Institute shall be exempted from such training.</p> <p>2) The selected candidates shall produce certificate from the Standing Medical Board at Peshawar, regarding their physical and mental fitness for performing the duties required of them.</p> <p>3) The selected candidates undergoing training at Pakistan Forest Institute shall execute a bond with the Wildlife Department to the effect, that on successful completion of the training, they shall serve the Government for at - least five years or in default shall refund all the expenses incurred in connection with their training and education.</p>
4)	Ranger Officer (BPS-16)	<p>(i) B.Sc. in Wildlife Management/Wildlife Ecology/Wildlife Biology from a recognized University or institute with at least 2nd Division; or</p> <p>(ii) B.Sc Forestry from Pakistan Forest Institute, Peshawar in 2nd Division; or</p> <p>(iii) B.Sc from a recognized university in Zoology/ Botany as one of the subject in 2nd Division. NOTE: Qualifications at serial No. iii will only be considered when no suitable candidate with qualification at serial No. i and ii, is available.</p>	<p>(a) Sixty-seven percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Deputy Rangers with at least four years service as such; and</p> <p>(b) Thirty-three percent by initial recruitment.</p> <p>NOTE: Appointment of candidates selected for the posts by the Public Service Commission shall be subject to the following conditions;-</p> <p>(1) The selected candidates shall undergo and successfully complete the training at the Pakistan Forest Institute leading to B.Sc Forestry Degree. Those already having BSc Forestry Degree from Pakistan Forest Institute shall be exempted from such training.</p> <p>(2) The selected candidates shall produce certificate from the Standing Medical Board at Peshawar for physical and mental fitness for performing the duties required of them.</p> <p>(3) The selected candidates shall execute a bond with the Wildlife Department, to the.</p>

				effect that on successful completion of the training, they shall serve the Government for at least five years or, in default shall refund all the expenses incurred in connection with their training and education
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-Sd -

Secretary to Govt. of NWFP
Environment Department.

Printed and published by the Manager,
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the, 14th June, 2018

NOTIFICATION

No.SO(Estt)FER&WD/2-50(59)/PF:- The Competent Authority, on the recommendation of Khyber Pakhtunkhwa Public Service Commission is pleased to appoint Hafiz Ameer Muhammad Khan S/o Hazrat Usman resident of Banara Post Office Sadin Mera, Tehsil & District Battagram as Sub Divisional Wildlife Officer (BPS-17) (Rs.16000-1200-40000), in Wildlife Department, Khyber Pakhtunkhwa subject to the following Terms and Conditions:-

TERMS AND CONDITIONS

- (i) He will get pay at the minimum of BPS-17 including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy;
- (ii) He will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, and other laws applicable to the Civil Servants and the rules made thereunder;
- (iii) He will be on probation initially for a period of one year extendable for further one year;
- (iv) In case he wants to resign at any time, fourteen days notice shall be necessary or in lieu thereof fourteen days pay shall be forfeited;
- (v) He will produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Peshawar and character certificate from any gazetted officer;
- (vi) His retention in service will be subject to verification of his domicile testimonials and antecedents etc. from the concerned authorities/offices;
- (vii) His appointment will be liable to be terminated at any time without assigning any reasons before the expiry of the period of probation/extended period of probation, if their performance during this period is not found satisfactory;
- (viii) His inter-se-seniority will be determined in the light of the Merit Order drawn by the Khyber Pakhtunkhwa Public Service Commission.

2. If the above Terms and Conditions are acceptable to him, he should submit arrival report to the Chief Conservator Wildlife, Khyber Pakhtunkhwa for duty, within 30-days of issuance of this Notification, under intimation to this department.

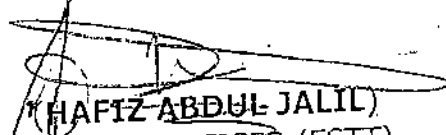
3. Consequent upon above, the competent authority is further pleased to order his attachment with Divisional Wildlife Officer, Abbottabad Wildlife Division for field training for a period of year. He will draw his salary and allowances against the post of Sub Divisional Wildlife Officer, Abbottabad Wildlife Sub Division of Abbottabad Wildlife Division during the training period.

Endst: No: SO (Estt)FE&WD/2-50 (59)/PF

1020-27
Dated Pesh: the 14th June, 2018

Copy is forwarded to:-

- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 2) Divisional Wildlife Officer, Abbottabad Wildlife Division, Abbottabad.
- 3) Director Recruitment, Khyber Pakhtunkhwa Public Service Commission.
- 4) Director Budget & Accounts Cell, Forestry, Environment & Wildlife Department.
- 5) Hafiz Ameer Muhammad Khan S/o Hazrat Usman, House No: NE-338 Jinnah Colony Tipu Road Sir Syed Chowk, Rawalpindi.
- 6) Personal file of the officer.
- 7) Master file.
- 8) Office order file.

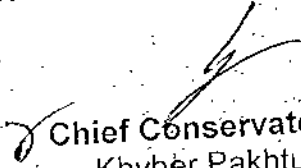

(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)

No 9312-14 ML (E)

Dated

Peshawar the 25-6-2018.

Copy forwarded to Conservators Wildlife Southern, Northern Circles and Divisional Forest Officers Wildlife Peshawar and Abbottabad for information and necessary action.


Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

(Handwritten mark)

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 BPS	Method of recruitment	Departmental examination	Remarks
				Date					
1	2	3	4	5	6	7	8	9	
25.	Mr Fayaz Ali Khan M.Sc Forestry	02-06-1989 Swat	06-04-2016 BPS-19	10-07-2018	17	Direct Recruitment	Not Passed		
26.	Mr. Zia-ur-Rehman M.Sc Forestry	15-02-1990 Shangla	27-05-2016 BPS-16	10-07-2018	17	Direct Recruitment	Not Passed		
27.	Mr. Luqman Lillah Khan M.Sc Forestry	09-02-1989 Lakki Marawat	10-07-2018 BPS-17	10-07-2018	17	Direct Recruitment	Not Passed		
28.	Mr. Farhad Khan, F.Sc (Pre-Engineering)	01-10-1963 Mardan	13-10-1983 BPS-05	13-12-2018	17	By Promotion	Passed		
29.	Mr. Irshad Ahmad Matic, F.A.	16-03-1960 Chitral	22-04-1982 BPS-05	21-02-2019	17	By Promotion	Not Passed		
30.	Mr. Muhammad Khurshid Abbasi, Matic (Science) M.A.	01-01-1962 Abbottabad	02-07-1986 BPS-05	21-02-2019	17	By Promotion	Passed		
31.	Mr. Naveed Ahmad	20-08-1991 Swabi/2	01-04-2019 BPS-17	01-04-2019	17	Direct Recruitment	Not Passed		
32.	Sayed Ghayoor Ali Shah	14-01-1993 Kurram District/1	01-04-2019 BPS-17	01-04-2019	17	Direct Recruitment	Not Passed		

Endst No. SO (Est)FE&WD/II-26/2K15

dated Peshawar the _____ / _____ /2020

SECRETARY
TO GOVT: OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

- Copy is forwarded to:-
1. Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
 2. Director Budget and Account Govt. Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department.
 3. All Conservators Wildlife in Khyber Pakhtunkhwa.
 4. All Officers concerned.

SECTION OFFICER (ESTT)

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

NOTIFICATION

No. SO (Estt)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, 1969, the Competent Authority is pleased to notify/circulate final seniority list of Sub Divisional Wildlife Officer (BPS-17) Khyber Pakhtunkhwa, Wildlife Department (as stood on 31-12-2019) for general information.

**TENTATIVE SENIORITY LIST OF SUB DIVISIONAL WILDLIFE OFFICERS (BPS-17) KHYBER PAKHTUNKHWA WILDLIFE DEPARTMENT AS STOOD
ON 31-12-2019**

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		Departmental examination	Remarks	
				Date	BPS			Method of recruitment
1	2	3	4	5	6	7	8	9
1.	Mr. Ejaz Ahmad M.Sc Forestry	08-02-1983 Malakand	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis.
2.	Miss Haseena Ambarin M.Sc Forestry	17-02-1984 Bannu	20-11-2008 BPS-16	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis.
3.	Mr. Salah-ud-Din Ayubi M.Sc Forestry	25-04-1980 Peshawar	20-11-2008 BPS-16	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis.
4.	Mr. Muhammad Abdus Samad M.Sc Forestry	28-01-1986 F.R Bannu	20-11-2008 BPS-16	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis.
5.	Mr. Niamat Ullah Khan M.Sc Forestry	13-04-1987 North Waziristan Agency	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis.
6.	Mr. Muhammad Idress M.Sc Forestry	10-04-1982 Shangla	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis.
7.	Mr. Ishtiaq Ullah M.Sc Forestry	05-03-1986 Kohat	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Not Passed	
8.	Miss Maria Marjan M.Sc Forestry	10-03-1985 Karak	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis.
9.	Mr. Rehmatullah, F.A.	15-10-1963 Bannu	02-06-1982 BPS-05	12-03-2015	17	By promotion	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis.

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		Departmental examination	Remarks	
				Date	BPS			
1	2	3	4	5	6	7	8	9
10.	Mr. Muhammad Ayaz, B.A.	07-04-1961 Mardan	13-06-1982 BPS-05	15-05-2019	17	By promotion	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis.
11.	Syed Taimur Ali Shah M. Sc Forestry	20-12-1985 Swat	31-12-2015 BPS-17	31-12-2015	17	Direct Recruitment	Passed	
12.	Miss Manahil Wahab M. Sc Forestry M.Phil Wildlife Management	18-01-1992 D.I.Khan	31-12-2015 BPS-17	31-12-2015	17	Direct Recruitment	Passed	
13.	Mr. Kiramat Shah M. Sc Forestry	02-01-1991 Peshawar	31-12-2015 BPS-17	31-12-2015	17	Direct Recruitment	Passed	
14.	Mr. Munsef Ali, M.Sc Forestry	13-05-1989 Orkzai Agency (FATA)	31-05-2016 BPS-17	31-05-2016	17	Direct Recruitment	Passed	
15.	Syed Sarmad Hussain Shah, M.Sc Forestry	18-08-1993 Mansehra	31-05-2016 BPS-17	31-05-2016	17	Direct Recruitment	Passed	
16.	Mr. Naveed-Ul-Haq, M. Sc Forestry	15-05-1988 Dir (Lower)	20-11-2008 BPS-16	21-06-2016	17	By promotion	Passed	
17.	Mr. Niaz Muhammad Matric (Arts)	01-02-1964 Mansehra	15-05-1983 BPS-05	25-05-2017	17	By promotion	Passed	
18.	Miss Rubina Noor M.Sc Forestry, M.Phil Biotechnology	07-01-1982 Mardan	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	
19.	Mr. Imad ud Din, M.Sc Forestry,	15-03-1990 Shangla	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	
20.	Mr. Rizwan Ullah, M.Sc Forestry	06-08-1990 Dir (Lower)	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	
21.	Mr. Fahim Ullah Khan, M.Sc Forestry	24-04-1992 FR Bannu	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	
22.	Mr. Farooq Nabi, M.Sc Forestry	14-01-1992 Dir (Lower)	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	
23.	Hafiz Ameer Muhammad Khan, M.Sc Forestry	04-06-1988 Battagram	14-06-2018 BPS-17	14-06-2018	17	Direct Recruitment	Passed	
24.	Mr. Usman Kamal M.Sc Forestry	01-04-1992 Swabi	10-07-2018 PBS-17	10-07-2018	17	Direct Recruitment	Not Passed	

To,

The Honorable Secretary,
Forestry, Environment and Wildlife Department
Government of Khyber Pakhtunkhwa
Peshawar.

Through proper channel

Subject: APPLICATION FOR DETERMINATION OF SENIORITY AS PER
SENIORITY RULES/APPOINTMENT ORDER IN FINAL SENIORITY LIST

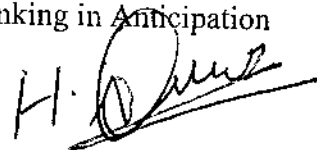
Sir,

It is submitted that the applicant has been recommended by KPPSC for the post of SDWO (BS-17) in August 2015. The applicant has been deputed to PFI for Post Selection Training. After successful completion of training the applicant joined Wildlife Department on 14th June 2018. Provisional seniority list is issued by the department.

The name of applicant in provisional seniority list is not placed in correct position as per seniority rules and appointment order Rule 17 (1) (A) of APT rules 1989 states that "The seniority inter-se of civil servant shall be determined in the case of persons appointed by initial recruitment in accordance with the order of merit assigned by the commission. Clause 8 of appointment order states that "His inter-se seniority will be determined in light of merit order drawn by Khyber Pakhtunkhwa Public Service Commission.

It is humbly requested that the name of applicant be placed in proper position in final seniority list.

Thanking in Anticipation



Hafiz Ameer Muhammad Khan
Sub-Divisional Wildlife Officer
(Attached with DFO Wildlife Abbottabad)

Dated: 28-03-2019



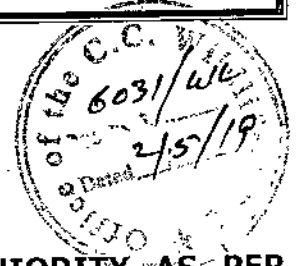
GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NO.SO(Estt)/FE&WD/2-50(59)/2K18 /4443-44

Dated Pesh: 29th April, 2019

To

The Chief Conservator Wildlife,
Khyber Pakhtunkhwa,
Peshawar.



SUBJECT: **APPLICATION FOR DETERMINATION OF SENIORITY AS PER SENIORITY RULES/APPOINTMENT ORDER IN FINAL SENIORITY LIST**

I am directed to refer to your letter No. 7496-WL(B-XII-2)), dated 04.04.2019 on the subject cited above and to say that on recommendations of Public Service Commission to the post of SDWO (BS-17), the applicant was sent to Pakistan Forest Institute, Peshawar for leading M.Sc Forestry Degree, **as a stipendry candidate of the department** vide this department letter No.SO(Estt)FE&WD/II-6/2k15/4280-82 dated 17.12.2015. He completed his degree in 2018 and relieved by the PFI w.e.f. 27.3.2018 vide Director Forest Education Division letter No.152/F.Ed(12)18 dated 27.3.2018 and his appointment order was issued on 14.6.2018.

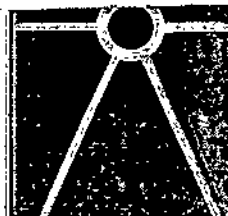
In terms of Rule-17(2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 that the seniority in various cadres of Civil Servants appointed by initial recruitment viz-a-viz those appointed or otherwise shall be determined with reference to the dates their **regular appointment to a post in that cadre**. Therefore, his seniority will be counted from the date of his regular appointment i.e. 14.6.2018.

It is therefore, requested that the applicant may be informed accordingly.


(Hafiz Abdul Jalil)-
SECTION OFFICER (ESTT)

Endst: No. & Date even.

Copy is forwarded for information to PS to Secretary Forestry,
Environment & Wildlife Department.



To.

The Chief Conservator
Wildlife Department
Khyber Pakhtunkhwa, Peshawar.

Through Proper Channel.

Subject: PREPARATION / ISSUANCE OF FINAL SENIORITY LIST OF
DIVISIONAL WILDLIFE OFFICERS (BPS-18) IN WILDLIFE
DEPARTMENT

Worthy Sir,

With reference to the subject letter circulated vide Endst: No.237-38/WL(Atd), the undersigned humbly submits that no objection certificate in favor of tentative seniority list has been requisitioned, however the undersigned has earlier raised the objections against the tentative seniority list for the year 2019, which was turned down by the competent authority in its letter No.SO(Est)/FE&WD/2-50(59)/2K18/4443-44 dated 29/04/2019. The undersigned was persistently aggrieved since the ground relied upon in the said letter is inapplicable in the existing case. Moreover, no final seniority list was communicated to the undersigned, therefore, the undersigned filed the departmental appeal wherein grounds for objection were quoted and referred in detail. However, the response to the departmental appeal was received vide letter No.9141/WL(SC) dated 11/02/2020, wherein forwarding of the departmental appeal to the administrative departmental was declined.

The tentative seniority fixed by the department transpires that the undersigned is at serial No.23 which depicts the explicit irregularities, therefore, the undersigned is hereby seeking the necessary rectifications on the grounds adumbrated below:

That the undersigned applied for the post ibid vide advertisement No.01/2014 Serial No.01 (Annexure-A) by Khyber Pakhtunkhwa Public Service Commission ('KPPSC') and through mode of initial recruitment joined the current service. The undersigned was recommended for appointment vide KPPSC letter dated 17/08/2015 (Annexure-B) and subsequent merit list was sought from the worthy commission (Annexure-C) vide which the undersigned was ranked at serial No.01 of the said merit list.

- (a) PART VI seniority rules section 17 (a) of Govt. of KPK Civil Servants (Appointment, Promotion and Transfer) Rules is reproduced here for ready reference (Annexure-D):-

"In the case of persons appointed by initial recruitment in accordance with the order of merit assigned by the commission. Provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in later selection.

The above quoted clause clearly transpires that the seniority amongst the candidates shall be determined in the order of merit as fixed by the KPPSC. Furthermore, officials later

recruited shall rank at lower position to those hired earlier. Therefore, the current tentative seniority list needs to be reviewed.

(b) The initial application for revision of tentative seniority list was turned down by the competent authority vide letter No.SO (Estt)/FE&WD/2-50(59)/2K18/4443-44 dated 29/04/2019. In the said application, the ground for seeking the remedy was the above quoted rule (17 a) the clause VIII of terms of service in its notification bearing No. SO(Estt)/FE&WD/2-50(59)/PF dated 14/06/2018, which is actually favoring the stance of the undersigned. By virtue whereof, *the interse seniority will be determined in the light of merit order drawn by KPK Public Service Commission. (Annexure-E)*

(c) There exist few incumbents in the tentative seniority list who were appointed on project basis, however they are ranked senior than the undersigned. Whereas, The Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2018 transformed their service status to regular. Section 6 of the aforesaid rules pertaining to seniority, ranks the personnel junior than the undersigned and the same is reproduced for ready reference.

6. Seniority.---(1) *Except the employees mentioned in the proviso to section 4 of this Act, whose services are to be regulated by their respective laws and rules, all other employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment. (Annexure-F)*

(d) It shall be advantageous to quote the Service Rules of Khyber Pakhtunkhwa Wildlife Department for professional post at serial No.04:-

S.No.	Nomenclature of the Post	Minimum Qualification for Appointment by Initial Recruitment.	Age Limit for Initial Recruitment	Method of Recruitment
4	Sub-Divisional Wildlife Officer/Assistant Conservator Wildlife (BPS-17).	(i) Master degree in Wildlife, Forestry or National Park Management from a recognized University/Institute; or (ii) M.Sc Zoology or Botany in 2nd Division from a recognized University; or (iii) B.Sc Wildlife/Forestry or Bachelor of Veterinary Science/B.Sc, Animal Husbandry or Doctor of Veterinary Medicine	21 to 32 years	(a) Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Range Officers with at least five years service as such; and (b) Eighty percent by initial recruitment. Note: Appointment of candidates selected for the posts by the Public Service Commission shall be made subject to the following conditions:-

		<p>from a recognized University/Institute:</p> <p><u>Note:</u> Qualifications at S.No.ii & iii will only be considered when no suitable candidate with the qualification at S.No. (i), is available.</p>	<p>(1) The selected candidates shall undergo and successfully complete the training at the Pakistan Forest Institute leading to M.Sc Forestry Degree. Those already having M.Sc Forestry Degree from Pakistan Forest Institute shall be exempted from such training.</p> <p>(2) The selected candidates shall produce certificate from the Standing Medical Board at Peshawar, regarding their physical and mental fitness for performing the duties required of them.</p> <p>(3) The selected candidates undergoing training at Pakistan Forest Institute shall execute a bond with the Wildlife Department to the effect that on successful completion of the training, they shall serve the Government for at least five years or in default shall refund all the expenses incurred in connection with their training and education.</p>
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(e) According to the service rule of Khyber Pakhtunkhwa Wildlife department for professional posts, the undersigned fulfill the criteria of minimum qualification for appointment by initial recruitment as required or mentioned in the service nomenclature. In the advertisement of the KPPSC and KP Wildlife Sub Divisional Wildlife Officer qualification for the said post is MSc degree in Wildlife, whereas the undersigned exactly met the criteria and was recommended by the commission for appointment. The further training was part of the post selection training, but not the qualification or training required which bars the undersigned to be abstained from claiming his seniority in light of his length of service through initial recruitment, therefore, the undersigned must be considered a civil servant who received remuneration, and met the criteria of initial recruitment as well as seniority should be decided as per the equitable principles.

By virtue of column V; Serial No (01) & (3) of service nomenclature, it is crystal clear that after the appointment, the candidate is deemed to undergo relevant training and is supposed to successfully fulfil the same, hence the period undergone by the undersigned in Pakistan Forest Institute was part of his pre-service training and it was a condition which

613

undersigned was deemed to fulfil after his selection, therefore, the said tenure must be considered while calculating the length of service.

Whilst referring to the aforementioned documented facts, the undersigned hereby admits his reliance upon the plea undertaken hereinabove as well as in the departmental appeal already preferred before the quarter concerned and submits that the subject matter may kindly be decided after consideration of the same, please.

Submitted, please.

Dated: September 08, 2020.

H. 

Hafiz Ameer Muhammad Khan
Sub Divisional Wildlife Officer
Ghazi Wildlife Sub Division,
Ghazi

(B-XII-02)

J

651



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

**NO.SO(ESTT)/FE&WD/2-50 (59)/PF
Dated Peshawar the, 21st October, 2020**

To

The Chief Conservator Wildlife,
Khyber Pakhtunkhwa,
Peshawar.



Subject: **PREPARATION/ISSUANCE OF FINAL SENIORITY LIST OF DFO
WILDLIFE IN WILDLIFE DEPARTMENT**

-9-631

I am directed to refer to your letter No: 1919/WL (B-XII-02), dated 16th September, 2020 on the subject captioned above and to inform that the request of the applicant Hafiz Ameer Muhammad, Sub Divisional Wildlife Officer (BS-17) being not covered under the rules is hereby rejected, please.

**(ZIA-UR-RAHMAN)
SECTION OFFICER (ESTT)**

Endst: No: & date even

Copy is forwarded for information to PS to Secretary, FE&W department, Khyber Pakhtunkhwa.

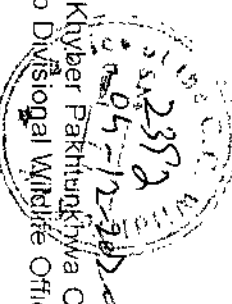
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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT**

K 51

2392
05-12-2019

NOTIFICATION
No. SO (Estt)EE&WD/II-26/2020. In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Competent Authority is pleased to notify/circulate final seniority list of Sub Divisional Wildlife Officer (BPS-17) Khyber Pakhtunkhwa, Wildlife Department (as stood on 31-12-2019) for general information.



FINAL SENIORITY LIST OF SUB DIVISIONAL WILDLIFE OFFICERS (BPS-17) KHYBER PAKHTUNKHWA WILDLIFE DEPARTMENT AS STOOD ON 31-12-2019

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		BPS	Method of recruitment	Departmental examination	Remarks
				Date					
1	2	3	4	5	6	7	8	9	
1.	Mr. Ejaz Ahmad M.Sc Forestry	08-02-1983 Malakand	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Malakand	
2.	Miss Haseena Ambarin M.Sc Forestry M. Phil	17-02-1984 Bannu	20-11-2008 BPS-16	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Extension Peshawar.	
3.	Mr. Salah-ud-Din Ayubi M.Sc Forestry	25-04-1980 Peshawar	20-11-2008 BPS-16	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Abbottabad.	
4.	Mr. Muhammad Abdus Samad M.Sc Forestry	28-01-1986 F.R Bannu	20-11-2008 BPS-16	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Kohat	
5.	Mr. Niamat Ullah Khan M.Sc Forestry	13-04-1987 North Waziristan Agency	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Chitral Gol National Park.	
6.	Mr. Muhammad Idress M.Sc Forestry	10-04-1982 Shangla	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Chitral	
7.	Mr. Ishtiq Ullah M.Sc Forestry	05-03-1986 Kohat	13-10-2014 BPS-17	13-10-2014	17	Direct Recruitment	Not Passed	Deputy Director Peshawar Zoo (OPS)	

8.	Miss Maria Marjan M.Sc Forestry	10-03-1985 Karak	13.10.2014 BPS-17	13.10.2014	17	Direct Recruitment	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Coordination National Park Project
9.	Mr. Rehmatalah, F.A.	15-10-1963 Bannu	02-06-1982 BPS-05	17.03.2015	17	By promotion	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Lakki Marwat
10.	Mr. Muhammad Ayaz, B.A.	07-04-1961 Mardan	13-06-1982 BPS-05	17-11-2015	17	By promotion	Passed	Already appointed as Deputy Conservator Wildlife (BS-18) on acting charge basis. DFO Wildlife Buner (OPS)
11.	Syed Taimur Ali Shah M. Sc Forestry	20-12-1985 Swat	31-12-2015 BPS-17	31-12-2015	17	Direct Recruitment	Passed	DFO Wildlife Mansehra (OPS)
12.	Miss Manahil Wahab M. Sc Forestry	18-01-1992 D.I.Khan	31-12-2015 BPS-17	31-12-2015	17	Direct Recruitment	Passed	Instructor Thal Forest School Abbottabad
13.	Mr. Kiramat Shah M. Sc Forestry	02-01-1991 Peshawar	31-12-2015 BPS-17	31-12-2015	17	Direct Recruitment	Passed	DFO Wildlife Kohistan (OPS)
14.	Mr. Munsef Ali, M. Sc Forestry	13-05-1989 Orkazai Agency (FATA)	31-05-2016 BPS-17	31-05-2016	17	Direct Recruitment	Passed	DFO Wildlife Kohat (OPS)
15.	Syed Sarmad Hussain Shah, M.Sc Forestry	18-08-1993 Mansehra	31-05-2016 BPS-17	31-05-2016	17	Direct Recruitment	Passed	SDFO Wildlife Abbottabad
16.	Mr. Naveed-Ul-Haq, M. Sc Forestry	15-05-1988 Dir (Lower)	20-11-2008 BPS-16	21-06-2016	17	By promotion	Passed	DFO Wildlife Bannu (OPS)
17.	Mr. Niaz Muhammad Matric (Arts)	01-02-1964 Mansehra	15-05-1983 BPS-05	25-05-2017	17	By promotion	Passed	DFO Wildlife Torghar (OPS)
18.	Miss Rubina Noor M.Sc Forestry, M.Phil Biotechnology	07-01-1982 Mardan	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife National Park Project Peshawar
19.	Mr. Imad ud Din, M.Sc Forestry,	15-03-1990 Shangla	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife National Park Project Peshawar
20.	Mr. Rizwan Ullah, M.Sc Forestry	06-08-1990 Dir (Lower)	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife National Park D.I.Khan
21.	Mr. Fahim Ullah Khan, M.Sc Forestry	24-04-1992 FR Bannu	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife Sheikh Badin National Park D.I.Khan
22.	Mr. Farooq Nabi, M.Sc Forestry	14-01-1992 Dir (Lower)	07-03-2018 BPS-17	07-03-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife Baroghli National Park Chitral
23.	Hafiz Armeer Muhammad Khan, M.Sc Forestry	04-06-1988 Battagram	14-06-2018 BPS-17	14-06-2018	17	Direct Recruitment	Passed	SDFO Wildlife Abbottabad

24.	Mr. Usman Kamal M.Sc Forestry	01-04-1992 Swabi	10-07-2018 PBS-17	10-07-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife Mardan
25.	Mr. Fayaz Ali Khan M.Sc Forestry	02-06-1989 Swat	06-04-2016 BPS-16	10-07-2018	17	Direct Recruitment	Not Passed	Admin Officer/SDFO Wildlife Peshawar Zoo
26.	Mr. Zia-ur-Rehman M.Sc Forestry	15-02-1990 Shangla	27-05-2016 BPS-16	10-07-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife Abbottabad
27.	Mr. Luqman Ullah Khan M.Sc Forestry	09-02-1989 Lakki Marawat	10-07-2018 PBS-17	10-07-2018	17	Direct Recruitment	Not Passed	SDFO Wildlife Peshawar
28.	Mr. Farhad Khan, F.Sc (Pre-Engineering)	01-10-1963 Mardan	13-10-1983 BPS-05	13-12-2018	17	By Promotion	Passed	SDFO Wildlife Mardan
29.	Mr. Muhammad Khurshid Abbasi, Matic (Science) M.A.	01-01-1962 Abbottabad	02-07-1986 BPS-05	21-02-2019	17	By Promotion	Passed	SDFO Wildlife Mansehra
30.	Mr. Naveed Ahmad	20-08-1991 Swabi/2	01-04-2019 BPS-17	01-04-2019	17	Direct Recruitment	Not Passed	SDFO Wildlife Peshawar
31.	Sayed Ghayoor Ali Shah	14-01-1993 Kurram District/1	01-04-2019 BPS-17	01-04-2019	17	Direct Recruitment	Not Passed	SDFO Wildlife Peshawar

Endst No. SO (Estt)F&W/D/II-26/2020

Copy is forwarded to:-

1. Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
2. All Conservators Wildlife in Khyber Pakhtunkhwa.
3. Director Budget and Accounts Cell, F&W department, Khyber Pakhtunkhwa.
4. All Officers concerned.

--- SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the 30th November, 2020

Zia-ur-Rahman
(ZIA-UR-RAHMAN)
SECTION OFFICER (ESTT)