

01.06.2022

Mr. Shahkar Khan, Advocate junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 to 5 present. Mr. Noor Muhammad Khattak, Advocate for private respondent No. 6 present.

Junior of learned counsel for the appellant is again seeking adjournment as learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. Last opportunity is granted. To come up for arguments on before the D.B on 08.08.2022.

(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

8-8-2022

Due to the Public holidays the case is adjourned to 8-11-22
Reader

08.11.2022

Nemo for appellant.

Naseer Ud Din Shah learned Assistant Advocate General for the respondents present.

Preceding date was adjourned through Reader note, therefore, both the parties be put on notice for the next date. To come up for arguments on 27.12.2022 before D.B.

SCANNED
KPST
KARACHI

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

27-12-22


Due to winter vacation the case is adjourned to 3-4-23
Before the same
Reader

27.01.2022

Appellant in person present. Jan Alam Law Officer alongwith Mr. Kabir Ullah Khattak learned Additional Advocate General for official respondents No.1 to 4 present. Learned counsel for private respondents No.5 to 7 also present.

Appellant requested for adjournment on the ground that his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 31.03.2022 before D.B.

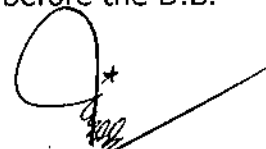

(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

31st March, 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. A.G alongwith Jan Alam, DFO for the respondents present.

Former seeks adjournment due to non-availability of learned senior counsel for the appellant. Adjourned. Last opportunity is granted. To come up for arguments on 01.06.2022 before the D.B.


(Mian Muhammad)
Member(Executive)


Chairman

SCANNED
KPST
Peshawar

15.09.2021

Appellant with counsel present.

Muhammad Adeel Butt learned Additional A.G for official respondents present. Noor Muhammad Khattak Advocate for private respondents present.

Request for adjournment was made on behalf of appellant; granted. To come up for arguments on 10.11.2021 before D.B.



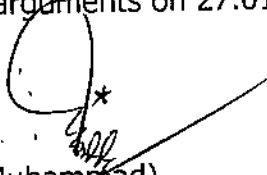
(Rozina Rehman)
Member (J)


Chairman

10.11.2021

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Waqas Khan, SDFO for official respondents and junior of learned counsel for private respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 27.01.2022 before D.B.


(Mian Muhammad)
Member(E)
(Rozina Rehman)
Member(J)

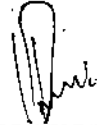
25.02.2021

Junior to counsel for the appellant and Addl. AG for the respondents present.

Due to general strike on the call of Pakistan Bar Council, learned counsel for the appellant is not available. To come up for arguments on 26.05.2021 for hearing before the D.B.



(Mian Muhammad)
Member(E)



Chairman

26.05.2021

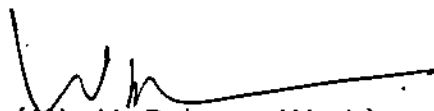
Junior to counsel for the appellant present.

Mr. Adeel But Additional Advocate General for official respondents No. 1 to 4 and counsel for private respondents No. 5 to 7 present.

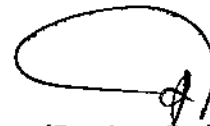
Former requests for adjournment as learned senior counsel for the appellant is busy before Hon'ble Peshawar High Court Peshawar.

Adjourned to 5/9/21 for arguments before D.B.

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Peshawar



(Atiq Ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

09.06.2020

Bench is incomplete as one learned Member (J) is on leave. Therefore, the case is adjourned. To come up for the same on 20.08.2020 before D.B.



Reader

20.08.2020

Due to summer vacation, the case is adjourned to 22.10.2020 before D.B.



Reader

22.10.2020

Appellant in person and Addl. AG for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 03.12.2020 for hearing before the D.B.



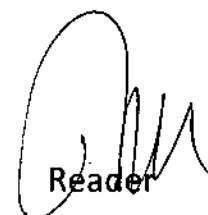
(Mian Muhammad)
Member



Chairman

03.12.2020

Due to pandemic of Covid-19, the case is adjourned to 25.02.2021 for the same as before.



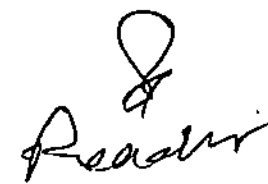
Reader

31.10.2019

Appellant in person present. Mr. Usman Ghani learned District Attorney for the official respondents and counsel for the private respondents present. Appellant requested for adjournment that his counsel is not in attendance. Adjourn. To come up for arguments on 06.12.2019 before D.B.



Member


Member

6.12.19 --- The Bench is incomplete
Therefore case is adjourned
to 12.2.2020

Reader

12.02.2020

Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Jan Alam, DFO for respondents present. Appellant seeks adjournment as his counsel was busy before the Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 24.03.2020 before D.B.


Member


Member

25.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 09.06.2020 before D.B.

SCANNED
KPST


Reader

Service Appeal No. 832/2015

19.07.2019

Syed Noman Ali Bukhari, Advocate for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for official respondents No. 1 to 4 and counsel for private respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 29.08.2019 for arguments before D.B.



(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

29.08.2019


Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General for official respondents present. Learned counsel for private respondents also present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 15.10.2019 before D.B



Member


Member

15.10.2019

Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney Jan Alam DFO present. Junior to counsel for private respondents also present. Adjournment requested. Adjourn. To come up for arguments on 31.10.2019 before D.B.


Member



Member

28.02.2019 Bench is incomplete, therefore the case is adjourned. To
come up on 8-4-2019


READER

08.04.2019 Appellant in person present. Asst: AG for respondents
present. Appellant seeks adjournment as his counsel was busy before
the Peshawar High Court, Peshawar. Adjourned. Case to come up
for arguments on 27.05.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

27.05.2019 Appellant in person and Mr. Usman Ghani learned
District Attorney alongwith Mr. Jan Alam DFO for the
respondents present. Due to general strike on the call of Bar
Council, learned counsel for the appellant is no in attendance.
Adjourned. To come up for arguments on 19.07.2019 before
D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

SCANNED
KPST
Peshawar

11.10.2018

Junior to counsel for appellant and Mr. Kabirullah Khattak learned Additional Advocate General present. Junior to counsel for appellant seeks adjournment as counsel for appellant is not in attendance. Adjourn. To come up for arguments on 21.11.2018 before D.B.


Member


Member

21.11.2018

Since 21.11.2018 has been declared as public holiday on account of 12th Rabi-ul-Awal. Therefore, the case is adjourn. To come on 10.01.2019 before D.B.


Reader

10.01.2019

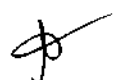
Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Adjournment requested. Adjourn. To come up for arguments on 24.01.2019 before D.B.


Member


Member

24.01.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. Jan e Alam, DFO-III for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 28.02.2019 before D.B.

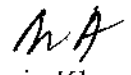

(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

20.04.2018

Counsel for the appellant and Addl:AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.06.2018 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

29.06.2018

Appellant in person present. Learned counsel for the appellant is absent. However, clerk of the counsel for appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Being one of the oldest case, last opportunity is granted for arguments. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Jan Alam, SDFO for the respondents present. Adjourned. To come up for arguments on 13.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

13.08.2018

Appellant Qabil Shah, in person present. Mr. Jan Alam, SDFO alongwith Mr. Muhammad Jan, DDA for respondents official present. Mr. Kamran Khan, Advocate counsel for private respondents no. 5,6 and 7 present. Appellant made a request for adjournment that his counsel was busy before the august Supreme Court of Pakistan. Granted. To come up for arguments on 11.10.2018 before D.B.

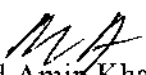

Member



Chairman

SCANNED
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Peshawar

05.09.2017


Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.12.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

07.12.2017


Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for official respondents No. 1 to 4 and junior counsel for private respondents No. 5 to 7 also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 26.01.2018 before D.B.

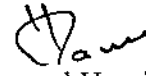

(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

26.01.2018


Appellant in person present. Mr. Riaz Pinda Kheil, learned Assistant Advocate General on behalf of official respondents present. Appellant seeks adjournment as his counsel is not available. Adjourned. To come up for arguments on 08.03.2018 before D.B.



(Ahmad Hassan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

08.03.2018

Junior to counsel for the appellant and Mr. Riaz Khan Pindakheil Assistant Advocate General for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourned. To come up for arguments on 20.04.2018 before D.B.


(M. Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

24.10.2016

Appellant with counsel and Mr. Zahid Ali, DFO alongwith Assistant AG for respondents present. Requested for adjournment. To come up for arguments on 28.02.2017 before D.B.


Member


Chairman

28.02.2017

Junior to counsel for the appellant and Mr. Ziaullah, GP alongwith Mr. Jan Alam, SDFO for respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel was busy before the Peshawar High Court, Peshawar. To come up for arguments on 25.05.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

25.05.2017

Appellant alongwith his counsel. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 05.09.2017 before D.B.

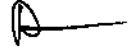

(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

SCANNED
KPST
Peshawar

24.02.2016

Appellant with counsel, Mr. Hazrat Mir, DFO alongwith Addl. A.G for official respondents No. 1 to 4 and agent of counsel for private respondents No. 5 to 7 present. Written reply by private respondents No. 5 to 7 submitted while request for adjournment was made on behalf of official respondents No. 1 to 4. To come up for written reply/comments on behalf of official respondents No. 1 to 4 on 28.4.2016 before S.B.



Member

28.4.2016

Agent of counsel for the appellant, Mr. Hazrat Mir DFO alongwith Addl. AG for the official respondents and private respondent No. 4 in person present. Written reply by official respondents No. 1 to 4 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 10.08.2016.




Chairman

10.08.2016

Appellant in person and Addl. AG respondents present. Rejoinder submitted which is placed on file. To come up for arguments on

24-10-16



Member



Member

30.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as Forester and his name was enlisted at Serial No. 1 in the previous seniority lists while in the final seniority list dated 28.2.2015 his name was erroneously placed at Serial No. 4 regarding which he preferred departmental appeal on 25.3.2015 which was not responded and hence the instant service appeal on 10.7.2015.

That the name of the appellant is to be placed at Serial No. 1 instead of Serial No. 4.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.10.2015 before S.B.


Chairman

28.10.2015

Appellant with counsel, Mr. Hazrat Mir, DFO alongwith Addl: A.G for official respondents No. 1 to 4, and private respondents No. 5 and 7 with counsel present. Wakalat Nama on behalf of private respondents No. 5 and 7 submitted. Private respondent No. 6 not served due to incomplete address. The same be submitted within a week where-after notice be issued to the said private respondent for written statement on behalf of all respondents for 24.02.2016 before S.B.


Chairman

SCANNED
KPST
Peshawar



Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 832 /2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24.07.2015	<p>The appeal of Mr. Qabil Shah resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2	28-7-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>30-7-15</u>.</p> <p> CHAIRMAN</p>

The appeal of Mr. Qabal Shah Forester Working Plan, unit III Peshawar received to-day i.e. on 10.07.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Page No. 13 of the appeal is illegible which may be replaced by legible/better one.
- 2- Addresses of respondent No. 5 to 7 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 1060 /S.T,

Dt. 10/7 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

Sir,

1. removed.
2. Addresses mentioned in memo of appeal are sufficient for information.

Re-submitted on

Amir Farid

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 839 /2015

Qabil Shah

V/S

Forest Deptt:

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3.	Copy of BA degree	B	7
4.	Copy of forester course certificate	C	8
5.	Copy of up-gradation 2002	D	9
6.	Copy of SRSC course	E	10
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8.	Copy of UNDP mobilization course	G	12
9.	Copy of seniority list 2010	H	13
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APPELLANT
THROUGH: *Asif Yousafzai*
(M. ASIF YOUSAFZAI)
& *Taimur Ali Khan*
(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR

28-10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

832

Appeal No. ____/2015

Qabil Shah, Forester,
Working Plan, Unit, III, Peshawar.

APPELLANT

VERSUS

1. The Secretary Environment, KPK, Peshawar.
2. The Chief Conservator of Forest-I, Peshawar.
3. The Conservator of Forests, FP&M Circle, Peshawar.
4. The Divisional Forest Officer, Working Plan-III, Peshawar.
5. Wahab Shah, Forester,
6. Muhammad Shafqat, Forester,
7. Baqir Hussain Shah, Forester, all O/O- DFO, Working Plan Unit-III, Peshawar.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE FINAL SENIORITY LIST ISSUED ON DATED 28.2.2015 IN WHICH THE APPELLANT WAS WRONGLY MENTIONED AT SERIAL NO.4 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

.....

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY BE DIRECTED TO PLACE THE APPELLANT AT SERIAL NO.1 IN THE FINAL SENIORITY LIST BEING SENIOR MOST IN CIRCLE AND ALSO THE APPELLANT WAS PREVIOUSLY PLACED AT SERIAL NO.1 IN THE SENIORITY LISTS SINCE 2010 UP TO 27.2.2015. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

.....

RESPECTFULLY SHEWETH:

1. That the appellant joined the respondent Deptt: as Forester vide order of the competent authority dated 19.10.1982 and allowed BPS-09 in the year 1997 and as such the appellant has more than 32 years service with good record at his credit. (Copy of the appointment order is attached as Annexure-A)
2. That the appellant has passed BA and also successfully completed the forester course in 1983, up graduation course in 2002. S.R.C.S Training in 1996 & 1999 and mobilization course conducted under UNDP in 2000. This proves the appellant is qualified and senior most forester. Copy of certificates are attached as Annexure-B,C,D,E,F&G)
3. That the respondent department issued a seniority list in the year 2010 in which the appellant mentioned at the serial No.1 and this seniority of the appellant was maintained by the respondent department since 2010 to 27.02.2015. (copy of seniority lists, are attached as Annexure-H&I)
4. That the respondent department issued a seniority list of forester on dated 28.02.2015, wherein the appellant was placed at serial No.4 in the seniority list and juniors were placed above the name of appellant. (Copy of the seniority list dated 28.2.2015 is attached as Annexure-J)
5. That against impugned seniority list dated 28.2.2015, the appellant filed department appeal on 25.3.2015, which was not responded by the department within the statutory period of ninety days. (copy of the departmental appeal is attached as Annexure-K)
6. That the appellant has no other remedy but constrained to file the instant appeal on the following grounds amongst others.

GROUND:

- A. That impugned seniority list dated 28.2.2015 and not taking action on the departmental appeal of the appellant within the statutory period is against the law, rules norms of justice and material on record, therefore, such inaction of the

respondents as well as the impugned seniority list is not tenable and liable to be set aside.

- B. That the appellant is senior most in his circle and was placed at the top of the seniority list up to 27.02. 2015 and placing him at serial No. 4 in the impugned seniority list is against the law and rules.
- C. That the appellant is discriminated as the appellant was appointed as forester in 2.11.1982, while the three other officials who are shown above the name of appellant in the impugned seniority list were appointed as forester on 18.11.1982, 1.10.1983 and 18.11.1982, which means that the all the three official are juniors to the appellant.
- D. That the appellant was initially appointed in Peshawar Circle while the officials who are placed above the name appellant in impugned seniority list was transferred from other circle to Peshawar and according the rules of Forest Deptt: they should be placed at the bottom of the seniority list, but these officials are placed above the name appellant, which is clear violation of the rules of Forest Deptt:.
- E. That the appellant has more than 32 years of service and senior most forester and placing him on serial No. 4 in the impugned seniority list is depriving him from his legal right of promotion, which will also affect his promotion chances in future.
- F. That the appellant has enjoyed S.No.1 of the seniority list which is now vested right of appellant and cannot be changed or modified as held by the superior courts in various judgments.
- G. That the appellant is not treated according to law and rules and will keep deprive from the benefits of promotion by the impugned seniority list.
- H. That the impugned seniority list is in violation of principles of seniority in a cadre, therefore liable to be set-aside.
- I. That the impugned seniority list date 28.2.2015 is based on discriminatory treatment for extending the benefits of promotion to the blue eyed person in an illegal manner.

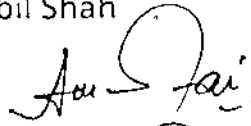
J. That the appellant not been treated according to law and rules governing the matter of seniority.

It is, therefore, most humbly prayed that the impugned seniority list dated 28.02.2015 may be set aside and the respondents may be directed to place the appellant on his right position at S.No.1 in the seniority list. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.



APPELLANT
Qabil Shah

THROUGH:



(M. ASIF YOUSAFZAI)

&



(TAIMUR ALI KHAN)

ADVOCATES, PESHWAR.

8e. A (6) (2)
OFFICE ORDER NO. 34 DATED PESHAWAR THE 19 OCTOBER 1982,
ISSUED BY MR. YAR MUHAMMAD KHAN PROJECT DIRECTOR/CONSERVATOR OF
FORESTS NWFP FORESTRY PREINVESTMENT CENTRE PESHAWAR.

On recommendations of the Departmental Selection Committee, the following Candidates for the Post of Foresters are hereby selected to undergo One Year's training at Sarhad Forest School Abbottabad (Thal) commencing from 1-11-1982, on the conditions given below:-

1. Mr. Qabil Shah S/O Abdullah Jan Village Zarki Nasrati P.C. Tukhte Nasrati Tehsil & District Karak.
 2. Mr. Abid Ali S/O Noor Ali Forest Guard Peshawar Forest Division Nowshera.
 3. Mr. Tilla Mohd S/O Jan Mohd Village Pirbala P.C. Mathra Tehsil & District Peshawar.
1. They will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar and also antecedent certificates duly verified from the Superintendent of Police.
 2. They will produce Surety Bonds on prescribed Form as required under the Rules duly attested by 1st Class Magistrate. (The Forms will be supplied from the office of the undersigned).
 3. They should produce original Certificate of their Educational qualifications and Domicile.
 4. During the period of Training they will be allowed stipend as admissible under the Rules.
 5. All the above documents are to be produced by 30-10-1982, positively, else the offer will be cancelled.
 6. NC.TA/DA will be paid.

After successful completion of the Course from Sarhad Forest School, they will be appointed Foresters in NPS No. 5 in Scale Rs. 290-10-350/12-470 on the following conditions:-

1. They will be as probationers for the period of One year extendable upto Two years subject to their work/conduct if found satisfactory.



UNIVERSITY OF PESHAWAR

(PAKISTAN)

PASSED/RE-APPEAR

09731

DETAILED MARKS CERTIFICATE

B. A. EXAMINATION, 1991 (ANNUAL)

Mr/Ms. *Aabid. Shah*

Roll Number *69731*

The candidate secured the following marks and is placed in *Second* Division.

SUBJECTS	MARKS	
	allotted	obtained
1. ENGLISH	150	50
2. Pashfo	150	62
3. Islamic Studies	150	99
4. ISLAMIC STUDIES (Compulsory)	60	42
5. PAKISTAN STUDIES.	40	19
Total ...	550	272

The examination was taken as a **WHOLE PAPERS**

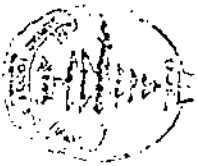
Result Declaration date *24/3/92*

Date 19..

CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF PESHAWAR,
PAKISTAN.

B 7

SARHAD FOREST SCHOOL



ABBOTTABAD

This is to certify that Mr. Qasim Shah

S/o Muhammad Jan Caste Pathan District Kohat

passed successfully through the course of training prescribed for the Forester class from Sarhad Forest School, Abbottabad in the Session

1982-83 and awarded Higher Standard certificate.

(9th Forester Course) His position in order of merit was 12th out of 38 trainees.

Abbotiabid the September 29th, 1983

Principal,
SARHAD FOREST SCHOOL,
ABBOTTABAD.

CONSERVATOR OF FORESTS,
ABBOTTABAD, P.W.D.

C(8)



PROGRESS REPORT



This is to certify that


MR. QABIL SHAH

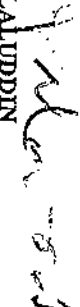
successfully completed

1ST UPGRADATION COURSE FOR FORESTERS

From 7.1.2002 to 31.5.2002

at Sarhad Forest School, Abbottabad, Thai


HAIDDER KHAN
PRINCIPAL
SARHAD FOREST SCHOOL
ABBOTTABAD, THAI


JALALUDDIN
DIRECTOR
HUMAN RESOURCE MANAGEMENT
PESHAWAR

29

Sarhad Rural Support Corporation

KOHAT REGION

THIS IS TO CERTIFY THAT

Miss/Mrs/Ms. QABIL SITTU Do./Mo./So. ABDULLAH TAN OF
Women / Community Organization ZAKI NARSATI II
Sub-Division: _____ District KARAK
has attended the training course in LEADER SHIP & MANAGEMENT
SKILL TRAINING from 18/5/1999 to 24/5/1999
and has successfully completed the course under the S.R.S.C. Training Program.

No. _____ Date 24/5/99

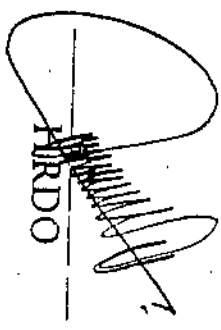
Sector Incharge
SRSC KOHAT

Regional Program Officer
SRSC Kohat.

11

LACHI POVERTY REDUCTION PROJECT

UNDER THE AUSPICES OF
UNITED NATIONS DEVELOPMENT PROGRAMME/DFID
PAK/99/004 LACHI


HRDO




PROGRAMME MANAGER

51
12

BETTER COPY

Annexure-H (Page-13)

Seniority List of Forester in Respect of FP & M Circle Peshawar as it stood on 31.12.2010.

S.No	Name	Name of Recruittee Division	Qualifi.	D/Birth	Name of District	Dt of 1 st Entry	Dt. Of Appt.	BPS	Division	Remarks
1	Qabul Shah	FP&M Circle	BA	01.09.1961	Karak	02.11.1992	02.11.1992	9	Unit-III, Peshawar	By Initial Recruitment
2	Mustafa Shah	FP&M Circle	FA	09.06.1994	Mardan	01.12.1985	01.12.1985	9	FP&M Circle	By Initial Recruitment
3	Shah Azam	Unit VI Swat	BA	05.4.66	Swat	2.12.85	2.12.1985	9	Unit-VI Swat	By Initial Recruitment
4	Muhammad Fayyaz	Unit V Mansehra	BA	21.2.67	M. Agency	2.12.1985	2.12.1985	9	Unit-VI Swat	By Initial Recruitment
5	Syed Younus Shah	Abbottabad	Matric	31.5.63	Mansehra	19.9.85	1.10.85	9	Unit V Mansehra	By Initial Recruitment
7	Nasir Sadiq	Demarcation Pesh.	F.Sc.	15.2.66	Abbottabad	30.06.1985	30.06.1985	9	Unit Abbottabad	By Initial Recruitment
8	Muhammad Ahmad	FP&M Circle	F.A.	15.5.60	Peshawar	3.2.90	3.2.90	9	FP&M Circle	By Initial Recruitment
9	Muhammad Ishaq	Unit-III Pesh	Matric	15.6.66	Mansehra	26.3.1979	19.6.90	9	Unit-V Mansehra	By Initial Recruitment
10	Muhammad Zaman	FP&M Circle	F.Sc.	18.11.68	Lakki	1.10.91	1.10.91	9	Unit-Peshawar	By Initial Recruitment
11	Muhammad Ahmad	Unit-III Pesh	Matric	1.2.72	Nalokand	1.10.91	1.10.91	9	Unit-VI Swat	By Initial Recruitment
12	Muhammad Zahid	Unit-V Mansehra	F.A.	15.5.90	Karak	1.10.91	1.10.91	9	Unit-III Peshawar	By Initial Recruitment
13	Muhammad Shah	W/P Unit-IV	Matric	3.2.61	Mansehra	26.3.79	19.6.90	9	Unit-V Mansehra	By Initial Recruitment
14	Abdul Samad	FP&M Circle	Matric	1.1.61	Abbottabad	22.9.82	2.11.94	9	Unit-V Abbottabad	By Initial Recruitment
15	Abdul Samad	Unit-V Mansehra	Matric	1.1.63	Abbottabad	9.5.85	20.2.95	9	Unit-V Mansehra	By Initial Recruitment
16	Anwar Hussain	Unit-IV A/Abad	Matric	4.4.63	Mansehra	15.8.82	5.12.96	9	Unit-IV Abbottabad	By Initial Recruitment

SENIORITY LIST OF FORESTERS IN RESPECT OF FP&M CIRCLE PESHAWAR
AS IT STOOD ON 31.5.2013

S #	Name	Place of present duty	Qualification	Date of Birth	Name of District	Date of 1 st entry into Govt Service	Date of Present Grade	Remark
1	Qabil Shah	Unit III, Peshawar	B.A	01-09-1961	Karak	2.11.1982	2.11.1982	By Initial Recruitment
2	Shah-e-Room	Baigram Forest Division	Metric	3.01.1955	Baigram	19.3.1975	1.10.1983	do
3	Wahab Shah	do	Metric	18.5.1959	Baigram	23.1.1979	1.10.1983	do
4	Baqir Hussain Shah	Mansehra	F.A	15.03.1963	Mansehra	18.11.1982	1.10.1983	do
5	Inayatullah	FP&M Circle	F.A	09-06-1964	Mardan	1-10-1985	1.10.1985	By Initial Recruitment
6	Musharat Shah	Unit-VI Swat	B.A	05-04-1966	Swat	2-12-1985	2-12-1985	do
7	Shah Room	Unit-VI Swat	B.A	21-02-1967	M Agency	2-12-1985	2-12-1985	do
8	Muhammad Faiz	Unit-V Mansehra	F.A	0-03-1963	Mansehra	19.9.1985	1.10.1986	By Initial Recruitment
9	Muhammad Riasal	Gall Division	Metric	25.3.1966	Acrotabadd	1.10.1986	1.10.1986	By Promotion
10	Muhammad Anwar	Lower Hazara Circle	F.A	15.06.1966	do	1.10.1986	1.10.1986	do
11	Bashir Ahmad	Lower Hazara Circle	M.A	11.03.1965	Mansehra	1.10.1988	1.10.1988	do
12	Amjid Khan	Lower Hazara Circle	F.A	6.5.1958	do	1.10.1988	1.10.1988	do
13	Sy. Ibrar Hussain Shah	Lower Hazara Circle	Metric	12.02.1965	Mansehra	1.10.1989	1.10.1989	By Promotion
14	Muhammad Javed	W/P Unit-V Mansehra	B.A	10.5.1960	Mansehra	1.10.1989	1.10.1989	do
15	Nasir Sohail	Demarcation psh	F.Sc	15.2.1966	Peshawar	3.2.1990	3.2.1990	By Initial Recruitment
16	Mushaq Ahmad	Unit-V Mansehra	F.A	15.5.1960	Mansehra	26.3.1979	19.6.1990	By Promotion
17	Alaudin	Unit-III Peshawar	Metric	15-06-1966	Karak	1-10-1991	1-10-1991	By Initial Recruitment
18	Muhammad Ishaq	FP&M Circle	Metric	18.11.1968	Mardan	1.10.1991	1.10.1991	By Promotion
19	Muhammad Zaman	Unit-III Peshawar	Metric	01-02-1972	Karak	1-10-1991	1.10.1991	By Initial Recruitment
20	Muhammad Zahid	W/P Unit-IV	do	3.02.1961	Mansehra	22.9.1982	2.11.1994	do
21	Abdus Sattar	Unit-V Mansehra	Metric	01-01-1963	Acrotabadd	09.05.1985	20.2.1995	By Promotion
22	Munawar Khan	Unit-IV A.Abad	Metric	14-06-1962	Acrotabadd	15-05-1985	20.2.1995	do
23	Ansar Iqbal	Unit-IV A.Abad	Metric	04-04-1963	Mansehra	15-08-1982	15.12.1996	do

T. 14

SENIORITY LIST OF FORESTERS IN RESPECT OF FP&M CIRCLE PESHAWAR AS IT STOOD ON 28-02-2015

S.No	Name	Place of present duty	Qualification	Date of Birth	Name of District	Date of entry int Govt Service	Date of Appointment in Present Grade	Remark
1	Wahab shah	Batagram Forest Division	Matric	03-01-1959	Batagram	19-03-1979	01-10-1983	By Initial Recruitment
2	Muhammad Shaifgat	Lower Hazara Circle	B.A	01-01-1960	Haripur	01-10-1983	01-10-1983	By Initial Recruitment
3	Bagir hussain Shah	Mansehra	F.A	15-03-1963	Mansehra	18-11-1982	01-10-1983	By Initial Recruitment
4	Qabil Shah	FP&M Circle	B.A	01-09-1961	Karak	02-11-1982	05-10-1983	By Initial Recruitment
5	Inayatullah	FP&M Circle	F.A	09-06-1964	Mardan	01-10-1985	01-10-1985	By Initial Recruitment
6	Musharaf Shah	Unit-VI Swat	B.A	05-04-1966	Swat	02-12-1985	02-12-1985	By Initial Recruitment
7	Shah Room	Unit-VI Swat	B.A	21-02-1967	M. Agency	02-12-1985	02-12-1985	By Initial Recruitment
8	Muhammad Faiz	Unit-V Mansehra	F.A	10-03-1963	Mansehra	19-09-1985	01-10-1986	By Initial Recruitment
9	Muhammad Riasat	Gali Division	Matric	25-03-1960	Abbottabad	01-10-1986	01-10-1986	By promotion
10	Muhammad Anwar	Lower Hazara Circle	F.A	15-06-1966	Abbottabad	01-10-1986	01-10-1986	By promotion
11	Naeem Gohar	Lower Hazara Circle	F.A	14-12-1963	Abbottabad	01-10-1988	01-10-1988	By Initial Recruitment
12	Bashir Ahmad	Lower Hazara Circle	M.A	11-03-1965	Mansehra	01-10-1988	01-10-1988	By promotion
13	Amyid Khan	Lower Hazara Circle	F.A	06-05-1968	Mansehra	01-10-1988	01-10-1988	By promotion
14	Syed Ibrar Hussain Shah	Lower Hazara Circle	Matric	12-02-1965	Mansehra	01-10-1989	01-10-1989	By promotion
15	Muhammad Javed	W/P Unit-V Mansehra	B.A	10-05-1960	Mansehra	01-10-1989	01-10-1989	By promotion
16	Nasir Sohail	Demarcation Peshawar	F.Sc	15-02-1966	Peshawar	03-02-1990	03-02-1990	By Initial Recruitment
17	Mushfaq Ahmad	Unit-V Mansehra	F.A	15-05-1960	Mansehra	26-03-1979	19-06-1990	By Promotion
18	Alaudin	Unit-III Peshawar	Matric	15-06-1966	Lakki	01-10-1991	01-10-1991	By Initial Recruitment
19	Muhammad Ishaq	FP&M Circle	Matric	18-11-1968	Malakand	01-10-1991	01-10-1991	By Initial Recruitment
20	Muhammad Zaman	Unit-III Peshawar	Matric	01-02-1972	Karak	01-10-1991	01-10-1991	By Initial Recruitment
21	Muhammad Zahid	Unit-IV Abbottabad	Matric	03-02-1961	Mansehra	22-09-1982	02-11-1994	By Promotion
22	Abdus Sattar	Unit-V Mansehra	Matric	01-01-1963	Abbottabad	09-05-1985	20-02-1995	By Promotion
23	Munawar Khan	Unit-IV Abbottabad	Matric	14-06-1962	Abbottabad	15-05-1985	20-02-1995	By Promotion
24	Ansar Iqbal	Unit-IV Abbottabad	Matric	04-04-1963	Mansehra	15-08-1982	16-12-1996	By Promotion
25	Aziz Ahmad	Unit-III Peshawar	Matric	01-01-1972	Peshawar	07-11-1990	06-03-1998	By Promotion
26	Magsood-ur-Rehman	FP&M Circle	F.A	06-01-1964	Abbottabad	03-04-1984	27-03-2002	By Promotion

Attested by
 District Forest Officer
 Working Plan Unit-III
 Peshawar

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27	Shaukat Hussain	FP&M Circle Peshawar	M.A	01-04-1968	Peshawar	01-08-1988	30-09-2002	By Promotion
28	Muhammad Saleem	Unit-IV Swat	Matric	01-04-1960	Swat	13-04-1985	28-02-2004	By Promotion
29	Niaz Muhammad	Unit-V Mansehra	Matric	06-04-1971	Mansehra	03-01-1990	01-09-2004	By Promotion
30	Zulfiqar Khan	Lower Hazara Circle	Matric	14-04-1969	Abbottabad	17-02-1991	01-09-2004	By Promotion
31	Sullian Abar	Unit-VI Swat	Matric	03-03-1966	Upper Dir	05-12-1989	31-01-2007	By Promotion
32	Ghaniur Rehman	Unit-VI Swat	Matric	16-02-1970	Lower Dir	09-12-1989	31-01-2007	By Promotion
33	Said Muhammad	Upper Dir	Matric	14-08-1969	Upper Dir	08-11-1990	08-04-2008	By Promotion
34	Dinar Khan	FP&M Circle	Matric	03-01-1980	Lakki	07-07-2008	07-07-2008	By Initial Recruitment
35	Shahzad Ahmad	Unit-IV Abbottabad	Matric	18-12-1977	Abbottabad	28-04-2009	29-04-2009	By Initial Recruitment
36	Muhammad Yasir	Unit-IV Abbottabad	Matric		Abbottabad	02-05-2009	11-05-2009	By Initial Recruitment
37	Gul Siraj	Unit-IV Abbottabad	F.A	03-03-1968	Abbottabad	17-10-1988	07-07-2009	By Promotion
38	Muhammad Irshad	FP&M Circle	Matric	03-03-1959	Swat	06-10-1987	23-04-2010	By Promotion
39	Muhammad Iqbal	Kalam Integrated Swat	F.A	16-04-1963	Swat	01-08-1988	23-04-2010	By Promotion
40	Mehboob-ur-Rehman	Unit-III Peshawar	F.A	29-04-1963	Dir	07-11-1990	31-12-2011	By Promotion
41	Muhammad Wahheed	Unit-V Mansehra	B.A	20-03-1969	M. Agency	20-03-1995	31-10-2012	By Promotion
42	Rahat Ullah Khan	Unit-III Peshawar	B.A	06-07-1976	Peshawar	21-05-2007	08-03-2013	By Promotion

(18)

The attached above Study list
has been reviewed, satisfactory
and found correct.

Tejinder
Conservator of Forests
Forestry Planning & Monitoring Circle
Peshawar

Divisional Forest Officer-I
Forestry Planning & Monitoring Circle
Peshawar

محمد علی
Muhammad Ali Hussain
Officer Assistant

Abdusshakir
Muhammad

To

The Chief Conservative,
Region I, KPK, Peshawar.

K (17)

**DEPARTMENTAL APPEAL AGAINST THE SENIORITY LIST ISSUED
ON 28.02.2015, WHICH WAS RECEIVED BY THE APPELLANT ON
04.03.2015**

RESPECTED SIR,

FACTS:

1. That the appellant joined the respondent Deptt: as Forester by the competent authority vide order dated 19.10.1982 and allowed BPS-09 in the year 1997 and as such the appellant has more than 32 years service with good record at his credit.
2. That the appellant has passed BA and also successfully completed the forester course in 1983, up graduation course in 2002. S.R.C.S Training in 1996 & 1999 and mobilization course conducted under UNDP in 2000. This [proves] the appellant is qualified and senior most forester.
3. That the appellant was at serial No. 1 of the seniority list since 2010. The respondent Deptt: issued the seniority list of the forester on 28.02.2015, wherein the appellant is placed at serial No. 4 in the seniority list and juniors are placed above than the appellant.
4. That now the appellant challenged the impugned seniority list dated 28.02.2015 on the following grounds.

GROUND:

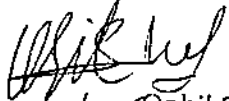
- A. That the appellant is senior most in his circle and was placed at the top of the seniority list up to 27.02. 2015 and placing him at serial No. 4 in the impugned seniority list is against the law and rules.
- B. That the appellant is discriminated as the appellant was appointed as forester in 2.11.1982, while the three other official which are above than the appellant in the impugned seniority list were appointed as forester on

18.11.1982, 1.10.1983 and 18.11.1982, which means that the all the three official are juniors to the appellant.

- C. That the appellant was initially appointed in Peshawar Circle while the officials which are placed above than the appellant in impugned seniority list was transferred from other circle to Peshawar and according the rules of Forest Deptt: they should be placed at the bottom of the seniority list, but these officials are placed above than the appellant. Which is clear violation of the rules.
- D. That the appellant has more than 32 years of service and senior most forester and placing him on serial No. 4 in the impugned seniority list is depriving him from his legal right of promotion.
- E. That the appellant has enjoyed S.No.1 of the seniority list which is now vested right of appellant and cannot be changed or modified as held by the superior courts in various judgments.
- F. That the appellant is not treated according to law and rules and will keep deprive from the benefits of promotion by the impugned seniority list

It is, therefore, most humbly prayed that the impugned seniority list dated 28.02.2015 may be set aside and place the appellant on his right position in the seniority list at S.No.01.

Dated. 25.03.2015


 25/03/2015 Qabil Shah,
 Forester, Working Plan, Unit III,
 Peshawar.

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2015

Qabil Shah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Forest Department

(RESPONDENT)
(DEFENDANT)

I/We Mahab Shah ① M. Shafiq ② Basir Hussain

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2015



CLIENT


ACCEPTED

**NOOR MOHAMMAD KHATTAK
(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

VAKALAT NAMA

NO. _____/20

①

IN THE COURT OF Service Tribunal Peshawar.

Qabil Shah

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Borsi Depu.

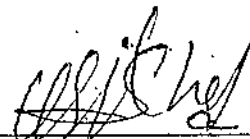
(Respondent)
(Defendant)

I/We Qabil Shah (Appellant).

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20



(CLIENT)

ACCEPTED



M. ASIF YOUSAFZAI

Advocate

M. ASIF YOUSAFZAI

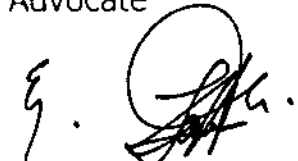
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.

Ph.091-2211391-

0333-9103240


TAIMUR ALI KHAN
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

832
Appeal No. ~~186~~/2015

Qabil Shah

VS

Forest Department

REPLY ON BEHALF OF PRIVATE RESPONDENTS
NO.5, 6 & 7 (Ms: Wahab Shah, Mohammad Shafqat
and Baqir Hussain) IN RESPONSE TO THE APPEAL
SUBMITTED BY APPELLANT

R/SHEWETH:

PRILIMINARY OBJECTIONS:

- 1- That the appellant has got no cause of action.
- 2- That appellant has got no locus standi to file the instant appeal.
- 3- That the instant appeal is badly time barred.
- 4- That the appeal is bad for mis- joinder and non- joinder of necessary parties.
- 5- That the appellant has concealed materials facts from this august Tribunal and has not come with clean hands.
- 6- That the present appeal of the appellant is not maintainable before this august Tribunal in light of Section 4(b)(i) of the Service Tribunal Act 1974.

ON FACTS:

- 1- Incorrect and misconceived. That initially the appellant along with private respondent No.5 were appointed as stipendiary students in the Forest Department. without the requisite training. That then after the private respondent No.5 along with appellant passed the requisite training and were offered the posts of Forester through appointment order dated 25.10.1983. That in response the private respondent No.5 submitted his arrival report on 1.10.21983 while the appellant submitted the same on 4.10.1983. Copies of the record is attached as annexure R.

- 2- Incorrect and misconceived. That according to the merit list the private respondent No.5 was placed at serial No.6 while the appellant was placed at serial No.12. Moreover the date of birth of the appellant is 1961 while that of the private respondent No.5 is 1959 so according to the above mentioned reason the private respondent was initially ranked senior than that of appellant.
- 3- Incorrect and misconceived. That private respondents are senior to that of appellant and as such the appellant can not claim seniority over the private respondents on the basis of contractual/ as stipendiary employment.
- 4- Incorrect and misconceived. That private respondents has rightly been ranked senior than appellant and as such the appellant has no right to claim seniority on the basis of stipendiary employment. Moreover according to Appointment, promotion and transfer Rules 1989 "the seniority shall always be reckoned from the date of first regular appointment". So in light of the above quoted Rules the replying respondents are much more senior than that of appellant.
- 5- Incorrect and misconceived. That according to section 4(b)(i) of the Service Tribunal Act 1974 the Departmental as well as service appeal of the appellant is not maintainable.
- 6- Incorrect and misconceived hence denied.

ON GROUNDS:

- A- Incorrect and misconceived. That the appellant has been treated by the competent authority in accordance with law and rules and as such no violation by any means has been made by the authority while issuing the seniority list dated 28.2.2015.
- B- Incorrect and misconceived. That as clear from the appointment orders of the replying respondents that the appellant is much more junior to the replying respondents; therefore the appellant can not claim seniority under the above mentioned circumstances.
- C- Incorrect and misconceived. That appellant along with private respondents were initially appointed as stipendiary students, therefore the appellant can not claim his seniority from the date of appointment as stipendiary student. That according to Appointment, promotion and transfer Rules 1989 "the seniority shall always be reckoned from the date

of first regular appointment". So in light of the above quoted Rules the replying respondents are much more senior than that of appellant.

- D- Incorrect and misconceived. That appellant and private respondents have been appointed in F&P and as such the Forest Department has rightly maintained the seniority of the private respondents over the appellant.
- E- Incorrect and misconceived hence denied.
- F- Incorrect and misconceived. That according to APT Rules 1989 the seniority shall always be reckoned from the date of first regular, therefore the appellant can not claim seniority over the private respondents.
- G- Incorrect and misconceived hence denied.
- H- Incorrect and misconceived. That the present appeal is not maintainable in light of section 4(b)(i) of the service Tribunal Act 1974.
- I- Incorrect and misconceived hence denied.
- J- Incorrect and misconceived hence denied.

It is therefore most humbly prayed that on acceptance of this reply the appeal of the appellant may be dismissed with cost.

RESPONDENTS NO.5, 6 & 7




Wahab Shah, Mohammad Shafqat & Baqir Hussain

THROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE**

717

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SARHAD FOREST SCHOOL



ABBOTTABAD

This is to certify that Mr. Wahab Shah
S/o Yunes Shah Caste Syed Distt. Manshure
passed successfully through the course of training prescribed for the
Forester class from Sarhad Forest School, Abbottabad in the Session

1982-83 and awarded Higher Standard certificate.

(9th Forester Course) out of 38 Trainees.

Abbottabad the September 29th, 1983

Principal
SARHAD FOREST SCHOOL,
ABBOTTABAD.

CONSERVATOR OF FORESTS,
ABBOTTABAD DISTRICT.

OFFICE ORDER NO. 3 DATED 3/11/82 BY S. KHURSHID ANWAR, DIVISIONAL FOREST OFFICER, WORKING PLAN FOREST DIVISION, UNIT NO. V, ABBOTTABAD.

.....
On recommendation of the Selection Committee, the following persons are hereby appointed as STIPENDIARY CANDIDATES FOR FORESTERS TRAINING:-

- 1) Mr. Mohammad Arif son of Sadiq Hussain, Khagan Forest Division, Balakot.
- 2) Mr. Fazalur Rehman son of Khani Zaman, Police Line, Abbottabad.
- 3) Mr. Mohammad Sarfraz son of Mohammad Yaqcob, R.O. Mandian Mirpur, Post Office Toba Camp, A'Abad.
- ✓ 4) Mr. S. Wahab Shah Forest Guard son of Mohammad Younis, Village Bilandkot, Tehsil Batagram and District, Mansehra.
- 5) Mr. Asif Ali son of Ghulam Rabbani, Village Jabori, Tehsil and District, Mansehra.
- 6) Mr. Mohammad Shafiq son of Mohammad Banaris, Village and Post Office Mong, Tehsil Haripur, District, Abbottabad.

The appointment is purely temporary and can be terminated in accordance with the Government of West Pakistan Services and General Administration Department Notification No. XVIII-8/65, dated 10.9.1968 at any time or on the payment of one month's salary in lieu of notice.

1. They have to join duty at their own expenses, within a week's time from the date of issue of this Office order.
2. In case they wish to resign at any time, one month's notice will be necessary or in lieu thereof one month's pay will be forfeited.
3. They will be Governed by such rule and orders relating to leave, travelling allowances, Medical attendance pay etc, as may be issued by Government for the category of Government Servants to which they will belong.
4. The appointment is subject to the production of Age and Health Certificate beside original Certificate of their qualification and Domicile.
5. The regular appointment Office order on successful completion of Foresters training course will be issued.
6. The offer will be cancelled if no reply is received upto 11.11.1982.

Sd/-
(S. Khurshid Anwar)
Divisional Forest Officer,
Working Plan Forest Division
Unit No. V, A'ABAD.

No. 2/128/WD-V

Memo:


Copy forwarded to the:

1. Project Director/C.F.MWP Forestry Pre-Investment Centre Peshawar for favour of information with reference to telephonic message dated 2.11.1982.

(P.T.O.)

Attested
[Signature]

- "
- 2) Divisional Forest Officer, Working Plan Forest Division, Unit No. VI, Pattan, for information.
 - 3) All concerned candidates for information and compliance.


(S. Khurshid)
Divisional Forest Officer
Working Plan Forest Division
24/11/82



OFFICE ORDER No. 7 DATED 25/10/83 ISSUED BY SYED -
KHURSHID ANWAR DIVISIONAL FOREST OFFICER WORKING PLAN FOREST
DIVISION UNIT-V ABBOTTABAD.

On successful completion of Foresters course at
Sarhad Forest School Thal (Abbottabad) the following Foresters
are hereby appointed as Foresters in Working Plan Unit No.V
Abbottabad w.e.f. 1.10.1983 in B.P.S No.5 (i.e Rs.520-18-880) on
the terms and conditions mentioned below :-

1. Mr Wahab Shah
2. Mr Shafqat Malik
3. Mr Asif Ali
4. Mr Baqir Hussain Shah

- 1) The post which is being offered to him is temporary and
therefore his employment in the Forest Department is purely
temporary and his services can be terminated in accordance
with Government of West Pakistan services and general Admini-
stration Department Notification No.SV-III-1-8/65-M dated
10.9.1968 dated at any time irrespective of the fact that
he is holding a post other than ~~xxxxxxx~~ the one to which
he was originally recruited or on the payment of one month
salary in lieu of the notice.
- 2) He has to join duty at his own expenses.
- 3) In case he wish to resign at any time, a month's notice will
be necessary or in lieu therefore a month's pay may be
forfeited.
- 4) He will be governed by such rules and orders relating to
leave travelling allowances, medical attendance, pay etc,
as may be issued by Government from time to time for the
category of Government servants to which they belong.

sd/-

(Syed Khurshid Anwar)
DIVISIONAL FOREST OFFICER
WORKING PLAN FOREST DIVISION
UNIT NO.V A'ABAD.

No. 128-137 /W-P-V, Dated Abbottabad the 25 /10/1983.

Copy forwarded to the :-

1. PD/Conservator of Forest W/FP Forestry Reinvestment
Centre Peshawar, for favour of information please.
2. ✓ Personal file of Forester concerned.
3. ✓ Foresters concerned.
4. Divisional Forest Officer W/Plan Unit-II, Abbottabad
for information.

Attested
[Signature]

[Signature]
DIVISIONAL FOREST OFFICER
WORKING PLAN FOREST DIVISION
UNIT NO.V A'ABAD.
25/10/83

SALIM ALD FORESTER SCHOOL
ABBOTTABAD

ABBOTTABAD

This is to certify that Mr. Muhammad Shehzad Malik
Muhammad Benor Das Gujjar District Abbottabad
passed successfully through the course of training prescribed for the
Forester class from Salim Al Forest School, Abbottabad in the Session

1982-83 and awarded Higher Standard certificate.
Lower Standard

(9th Forester Course)

His position in order of merit was 7th out of 38 trainees.

Abbottabad the 25th September 1983.

Principal
SALIM FORESTER SCHOOL
ABBOTTABAD

CONSULTANT OFFICER
ABBOTTABAD OFFICE

Attested

OFFICE ORDER NO. 52 DATED PESHAWAR THE 30 /03/2015 ISSUED BY
MR. SHAFQAT MUNIR DIVISIONAL FOREST OFFICER-I FORESTRY PLANNING &
MONITORING CIRCLE PESHAWAR

On the recommendation of Departmental Promotion Committee Syed Wahab Shah Forester (BPS-09) is hereby promoted as Deputy Ranger (BPS-11) on regular basis against the vacant post with immediate effect, with condition that he will serve in Forestry Planning & Monitoring Circle till promotion to the post of Forest Ranger.

This is purely temporary and will not constitute any right for continuity in case of abolition of the post. In such an eventually he will automatically stand reverted to original post without any notice.


He will remain on probation for a period of one year in terms of Section-6(2) for the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rules 15 (1) of the Khyber Pakhtunkhwa Servants (Appointment, Promotion and Transfer) Rules 1989.

Sd/
(Shafqat Munir)
Divisional Forest Officer-I
Forestry Planning & Monitoring Circle
Peshawar

No. 2831-34 /E

Copy forwarded for information and necessary action to the:

1. The Chief Conservator of Forests, Central Southern Region-1 for favour of information with reference to his letter No. 2807/E dated 28/03/2015,
2. Conservator of Forests, Forestry Planning & Monitoring Circle Peshawar.
3. Section Officer Establishment Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department with reference Minutes of the Departmental Committee meeting held on 20.3.2015.
- ✓ 4. Official Concerned


Divisional Forest Officer-I
Forestry Planning & Monitoring Circle
Peshawar

Attested

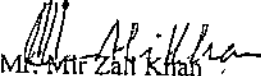

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 20.03.2015 AT 11:00 HOURS IN THE OFFICE OF CHIEF CONSERVATOR OF FORESTS CENTRAL SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA PESHAWAR


A meeting of Departmental Promotion Committee was held on 20.03.2015 at 11:00 hours under the chairmanship of Chief Conservator of Forests Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar. The following attended:-

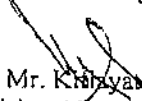
1. Mr. Hasham Ali Khan
Chief Conservator of Forests
Central Southern Forest Region-I
Peshawar Inchair
2. Mr. Mir Zali Khan
Section Officer (Establishment)
Government of Khyber Pakhtunkhwa
Forestry Environment & Wildlife Department
Peshawar Member
3. Dr. Faizul Bari
Conservator of Forests
FP & M Circle Peshawar Member
4. Mr. Kifayat Ullah
Divisional Forest Officer-I
Representative of CF
Forestry Planning & Monitoring Circle
Peshawar By invitation

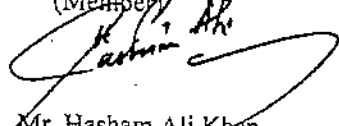
The DPC was informed that in Forestry Planning and Monitoring Circle there is one sanctioned post of Deputy Ranger (BPS-11). Against the above sanctioned post no Deputy Ranger is available at the moment.

In pursuance of the Notification No. SO(Estt)Env/1-4/2k11/1629-50 dated 5.10.2012 issued by Administrative Department and seniority list issued by Conservator of Forests FP & M Circle Peshawar stood on 28.02.2015. "The seniority list issued by the Conservator of Forests FP & M Circle Peshawar duly scrutinized by the DFO-I Forestry Planning & Monitoring Circle Peshawar and found correct" the DPC cleared Syed Wahab Shah Forester (BPS-09) for promotion to the rank of Deputy Ranger (BPS-11) on regular basis with the conditions that transfer of Syed Wahab Shah will be issued by the Chief Conservator of Forests Central Southern Forest Region-I Peshawar in the cadre of Forester before issuance of promotion order as Deputy Ranger and will serve in Forestry Planning & Monitoring Circle till promotion to the post of Forest Ranger which ever is earlier.


Mr. Mir Zali Khan
Section Officer (Establishment)
Government of Khyber Pakhtunkhwa
Forestry Environment & Wildlife Department
Peshawar
(Member)


Dr. Faizul Bari
Conservator of Forests
FP & M Circle Peshawar
(Member)


Mr. Kifayat Ullah
Divisional Forest Officer-I
Forestry Planning & Monitoring Circle
Peshawar
(Member)


Mr. Hasham Ali Khan
Chief Conservator of Forests
Central Southern Forest Region-I
Peshawar
(Chairman)

Attested


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

Appeal No. 832/2015

Qabil Shah

V/S

Forest Deptt:

.....

**APPLICATION FOR CORRECT ADDRESS OF RESPONDENT NO.6
(MUHAMMAD SHAFQAT, FORESTER)**

.....

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the impugned seniority list dated 28.2.2015.
2. That the instant appeal is in reply stage and the next date fixed for the case is 24.02.2016 before this Honourable KPK Service Tribunal.
3. That on 28.10.2015 the august tribunal directed the appellant to submit correct address of respondent No.6 for service of summons within three days.
4. That the full address of the respondent No. 6 is as under:

Malik Shafqat Forester, (Acting SDFO) Khanpur, C/O
Haripur Forest Division, Haripur.

It is, therefore, most humbly prayed that on acceptance of this application, correct address of the respondent No.6 may kindly be noted in the above Service Appeal and proper notice may also be issued for the purpose of further proceedings. Any

other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Appellant
Qabal Shah Shah

THROUGH:



(M. ASIF YOUSAFZAI)

&

(TAIMUR ALI KHAN)
ADVOCATE PESHAWAR.

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.

Deponent

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

Appeal No. 832/2015

Qabil Shah

V/S

Forest Deptt:

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(MUHAMMAD SHAFQAT, FORESTER)**

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It is, therefore, most humbly prayed that on acceptance of this application, correct address of the respondent No.6 may kindly be noted in the above Service Appeal and proper notice may also be issued for the purpose of further proceedings. Any

other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of the appellant.

Appellant
Qabal Shah Shah

THROUGH:



(M. ASIF YOUSAFZAI)
&
(TAIMUR ALI KHAN)
ADVOCATE PESHAWAR.

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.

Deponent

Before The Khyber Pakhtunkhwa Service Tribunal Peshawar
Service appeal No. 832/2015

Qabil Shah Forester,
Working Plan Unit-III Forestry Planning & Monitoring Circle Peshawar Appellant.

VERSUS

1. Divisional Forest Officer, Working Plan Unit-III Peshawar.
2. Conservator of Forests, Forestry Planning & Monitoring Circle Peshawar.
3. Chief Conservator of Forests, Central Sothern Forest Region-I Peshawar.
4. Secretary environment, Khyber Pakhtunkhwa Peshawar.
5. Wahab Shaha, Forester,
6. Muhammad Shafaqat, Forester
7. Baqir Hussain Shah, Forester, all O/O-DFO, Working Plan Unit-III, Peshawar.

Para-wise comments on behalf of Respondents No. 1, 2, 3 & 4 are furnished as under

PRELIMINARY OBJECTIONS.

1. That the appellant has got no locus standi;
2. That the Appeal is not maintainable in its present form.
3. That the Appeal is hit by principle of Laches;
4. That the instant appeal is bad for mis-joinder and non-joinder of necessary parties.
5. The appellant is estopped by his own conduct to file the instant Appeal.
6. That the Appeal is hit by the principle of Estoppel; .
7. The Appeal is time barred.

RESPECTFULLY SHEWETH

1. Incorrect and misconceived, Actually the appellant inter alia was selected to undergo one year forester s training course at Sarhad Thai School Abbottabad vide office order No 34 dated October 19,1982 which clearly mention that upon the successful completion of forester training they will be appointed as Foresters in NPS 5. The seniority of the appellant is not reckoned from the date of arrival at Sarhad Thai School Abbottabad, rather it takes effect from the date of his regular appointment. (office order No 34 dated 19-10-1982 attached as annex A)
2. To the extent of qualification it is true; but the same has no concerns with seniority. The seniority is determined in accordance with the rules on the subject.

3. Incorrect, actually the appellant stands at S No 4 in the latest issued seniority list of the Foresters in the Forestry planning & Monitoring Circle of KP Forest Department
4. As explained above, moreover, the seniority list issued on 28/2/2015 is properly signed and issued by the competent authority and hence its authenticity is beyond doubts.
5. Pertains to record.
6. In wake of the above exposition the Para -wise comments on Grounds of the appeal are furnished as under.

GROUNDS

- A. Incorrect. The respondents acted as per law and rules.
- B. Incorrect. The seniority of the Appellant has been fixed according to Law and Rules.
- C. Incorrect. The appellant was actually selected for the course of Forester vide office order No 34 dated 19-10-1982 as stipendiary student. On the completion of the said training the appellant joined Forest Department as Forester on 5-10-1983 whereas the respondents No 4, 5 and 6 have joined Forest Department after training on 1-10-1983. The record shows that respondents No 4, 5 and 6 were initially recruited on 19-3-1979, 1-10-1983 and 18-11-1982 respectively. Hence no discrimination has caused to the appellant.
- D. Incorrect. Actually the appellant along with respondents No 5,6 and 7 were initially recruited in the same circle and as per the existing Rules Seniority shall be reckoned from the date of regular appointment .(copy is annexed as B)
- E. Correct as far as the length of service is concerned, however, for the purpose of promotion inter seniority of the officials in the same cadre is to be considered, it is totally wrong that the seniority list of 28/2/2015 is depriving the appellant of promotion chance, he will be promoted on his turn as per rule as and when the vacancy of Deputy Ranger is accrued in the Circle of Forestry, Planning & Monitoring of KP Forests Department.
- F. Incorrect. Detail reply has been given in the above paras.
- G. Incorrect. As per record the appellant has been treated according to law and rules.

H. Incorrect. The seniority list of 28/2/2015 is based on facts and figures and no rules have been violated.


I. As per Paras above.

J. Incorrect. The appellant has been treated according to rules and norms of justice.

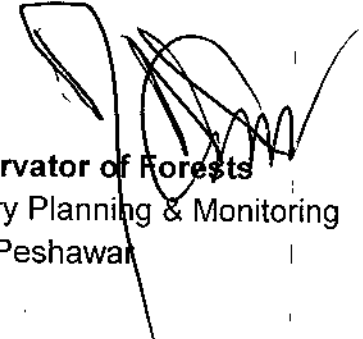
It is therefore, requested that appeal of the appellant may kindly be dismissed with cost.

Dated ___ / ___ / 2016.

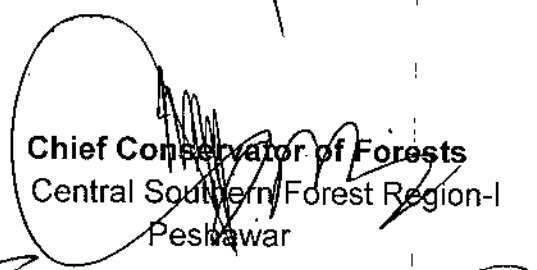
Respondent No. 1


Divisional Forest Officer
Working Plan Unit- III Peshawar

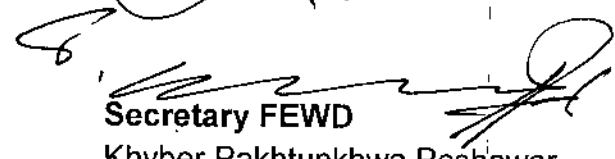
Respondent No. 2


Conservator of Forests
Forestry Planning & Monitoring
Circle Peshawar

Respondent No. 3


Chief Conservator of Forests
Central Southern Forest Region-I
Peshawar

Respondent No. 4


Secretary FEWD
Khyber Pakhtunkhwa Peshawar

AFFIDAVIT

I Khurshid Anwar Divisional Forest Officer Working Plan Unit-III Peshawar certify that the materials brought on record in connection with appeal No.832 of 2015, are correct to the best of my knowledge and nothing has been concealed from the honorable court.


Deponent

8e

Annex - A

6

OFFICE ORDER NO. 34 DATED PESHAWAR THE 19 OCTOBER 1982,
ISSUED BY MR. YAK HUSAIN KHAN PROJECT DIRECTOR/CONSERVATOR OF
FORESTS NWP FORESTRY PREINVESTMENT CENTRE PESHAWAR

On recommendations of the Departmental Selection Committee, the following Candidates for the Post of Foresters are hereby selected to undergo One Year's training at Sarhad Forest School Abbottabad (Thal) commencing from 1-11-1982, on conditions given below:-

1. Mr. Qabil Shah S/O Abullah Jan Village Zarki Nasrati P.O. Tukhte Nasrati Tehsil & District Karak.
2. Mr. Abid Ali S/O Noor Ali Forest Guard Peshawar Forest Division Nowshera.
3. Mr. Tila Mohd S/O Jan Mohd Village Pirbala P.O. Mathra Tehsil & District Peshawar.

1. They will have to produce Medical Fitness Certificate from Medical Superintendent Civil Hospital Peshawar and also antecedent certificates, duly verified from the Superintendent of Police.
2. They will produce Surety Bonds on prescribed Form as required under the Rules duly attested by 1st Class Magistrate. (The Forms will be supplied from the office of the undersigned).
3. They should produce original Certificate of their Educational qualifications and Domicile.
4. During the period of Training they will be allowed stipend as admissible under the Rules.
5. All the above documents are to be produced by 30-10-1982, positively, else the offer will be cancelled.
6. NC.TA/DA will be paid.

After successful completion of the Course from Sarhad Forest School, they will be appointed Foresters in NPS Scale Rs. 290-10-350/12-470 on the following conditions:-

1. They will be as probationers for the period of one year extendable upto Two years subject to their work/conduct if found satisfactory.

(7)

- 2. Their Services can be terminated at any time on fourteen days notice or payment of fourteen days pay in lieu thereof. This condition will be applicable on either side.
- 3. They will be Governed under the Rules and Regulations in respect of pay etc as allowed to other Govt-Servants in the category to which they will belong.

SD/---
 Project Director/
 Conservator of Forests,
 NWFP Forestry Development,
 Centre Peshawar.

dated Peshawar the 17 October 1962.
 Copy forwarded to:-

- The Chief Conservator of Forests NWFP Peshawar.
- The Divisional Forest Officer Working Plan Unit-III Peshawar.
- The Project Accountant/Project Disburser.
- M. Qasim Khan S/O Abdullah Jan Village Zarbi Kasrati P.O. Tukhta Kasrati Tehsil & District Karak.
- M. Abid Ali S/O Noor Ali Forest Guard Peshawar Forest Division Peshawar.
- M. Tala Mohd S/O Jan Mohd Village Pirbala P.O. Pirbala Tehsil & District Peshawar.

[Signature]
 Project Director/
 Conservator of Forests,
 NWFP Forestry Development,
 Centre Peshawar, 17-10-62

SENIORITY LIST OF FORESTERS IN RESPECT OF FP&M CIRCLE PESHAWAR AS IT STOOD ON 28-02-2015

Annex - B

15

S.No	Name	Place of present duty	Qualification	Date of Birth	Name of District	Date of 1 st entry int Govt Service	Date of Appointment in Present Grade	Remark
1	Wahab Shah	Batagram Forest Division	Matric	03-01-1959	Batagram	19-03-1979	01-10-1983	By Initial Recruitment
2	Muhammad Shafiq	Lower Hazara Circle	B.A	01-01-1960	Haripur	01-10-1983	01-10-1983	By Initial Recruitment
3	Baqir Hussain Shah	Mansehra	F.A	15-03-1963	Mansehra	18-11-1982	01-10-1983	By Initial Recruitment
4	Qabli Shah	FP&M Circle	B.A	01-09-1961	Karak	02-11-1982	05-10-1983	By Initial Recruitment
5	Inayatullah	FP&M Circle	F.A	09-06-1964	Mardan	01-10-1985	01-10-1985	By Initial Recruitment
6	Musharaf Shah	Unit-VI Swat	B.A	05-04-1966	Swat	02-12-1985	02-12-1985	By Initial Recruitment
7	Shah Roem	Unit-VI Swat	B.A	21-02-1967	M. Agency	02-12-1985	02-12-1985	By Initial Recruitment
8	Muhammad Faiz	Unit-V Mansehra	F.A	10-03-1963	Mansehra	19-09-1985	01-10-1986	By Initial Recruitment
9	Muhammad Riasat	Gali Division	Matric	25-03-1960	Abbottabad	01-10-1986	01-10-1986	By Initial Recruitment
10	Muhammad Anwar	Lower Hazara Circle	F.A	15-06-1966	Abbottabad	01-10-1986	01-10-1986	By Initial Recruitment
11	Naeem Gohar	Lower Hazara Circle	F.A	14-12-1963	Abbottabad	01-10-1988	01-10-1988	By Initial Recruitment
12	Bashir Ahmad	Lower Hazara Circle	M.A	11-03-1965	Mansehra	01-10-1988	01-10-1988	By Initial Recruitment
13	Arjund Khan	Lower Hazara Circle	F.A	06-05-1968	Mansehra	01-10-1988	01-10-1988	By Initial Recruitment
14	Syed Ibrar Hussain Shah	Lower Hazara Circle	Matric	12-02-1965	Mansehra	01-10-1989	01-10-1989	By Initial Recruitment
15	Muhammad Javed	Unit-V Mansehra	B.A	10-05-1960	Mansehra	01-10-1991	01-10-1991	By Initial Recruitment
16	Nasir Sohail	Sanaration Peshawar	F.Sc	15-02-1966	Peshawar	03-02-1990	03-02-1990	By Initial Recruitment
17	Mushiq Ahmad	Unit-V Mansehra	F.A	15-05-1960	Mansehra	26-03-1979	19-06-1990	By Initial Recruitment
18	Alauddin	Unit-III Peshawar	Matric	15-06-1966	Laki	01-10-1991	01-10-1991	By Initial Recruitment
19	Muhammad Ishaq	FP&M Circle	Matric	18-11-1968	Malakand	01-10-1991	01-10-1991	By Initial Recruitment
20	Muhammad Zaman	Unit-III Peshawar	Matric	01-02-1972	Karak	01-10-1991	01-10-1991	By Initial Recruitment
21	Muhammad Zahid	Unit-V Mansehra	Matric	03-02-1961	Mansehra	22-09-1982	02-11-1994	By Initial Recruitment
22	Abdus Sattar	Unit-IV Abbottabad	Matric	01-01-1963	Abbottabad	15-05-1985	20-02-1995	By Initial Recruitment
23	Munawar Khan	Unit-IV Abbottabad	Matric	14-06-1962	Abbottabad	15-08-1982	16-12-1996	By Initial Recruitment
24	Ansar Iqbal	Unit-III Peshawar	Matric	01-01-1972	Peshawar	07-11-1990	06-03-1998	By Initial Recruitment
25	Aziz Ahmad	FP&M Circle	F.A	06-01-1964	Abbottabad	03-04-1984	27-03-2002	By Promotion
26	Magsood-ur-Rehman							

Assistant Forest Officer
Working Plan Unit-III

27	Shaukat Hussain	FP&M Circle Peshawar	M.A	01-04-1968	Peshawar	01-08-1988	30-09-2002	By Promotion
28	Muhammad Saleem	Unit-IV Swat	Metric	01-04-1960	Swat	13-04-1985	28-02-2004	By Promotion
29	Niaz Muhammad	Unit-V Mansehra	Metric	06-04-1971	Mansehra	03-01-1990	01-09-2004	By Promotion
30	Zulfiqar Khan	Lower Hazara Circle	Metric	14-04-1969	Abbottabad	17-02-1991	01-09-2004	By Promotion
31	Sultan Abar	Unit-VI Swat	Metric	03-03-1966	Upper Dir	05-12-1989	31-01-2007	By Promotion
32	Ghaniur Rehman	Unit-IV Swat	Metric	16-02-1970	Lower Dir	09-12-1989	31-01-2007	By Promotion
33	Said Muhammad	Upper Dir	Metric	14-03-1969	Upper Dir	03-11-1990	08-04-2008	By Promotion
34	Durr Khan	FP&M Circle	Metric	03-01-1980	Lakki	07-07-2008	07-07-2008	By Initial Recruitment
35	Shahzad Ahmad	Unit-IV Abbottabad	Metric	18-12-1977	Abbottabad	28-04-2009	29-04-2009	By Initial Recruitment
36	Muhammad Yasir	Unit-IV Abbottabad	Metric		Abbottabad	02-05-2009	11-05-2009	By Initial Recruitment
37	Gul Siraj	Unit-IV Abbottabad	F.A	03-03-1968	Abbottabad	17-10-1988	07-07-2009	By Promotion
38	Muhammad Irshad	FP&M Circle	Metric	03-03-1959	Swat	06-10-1987	23-04-2010	By Promotion
39	Muhammad Iqbal	Kalam Integrated Swat	F.A	16-04-1963	Swat	01-08-1988	23-04-2010	By Promotion
40	Mehboob-ur-Rehman	Unit-III Peshawar	F.A	29-04-1963	Dir	07-11-1990	31-12-2011	By Promotion
41	Muhammad Wahneed	Unit-V Mansehra	B.A	20-03-1969	M. Agency	20-03-1995	31-10-2012	By Promotion
42	Rahat Ullah Khan	Unit-III Peshawar	B.A	06-07-1976	Peshawar	21-05-2007	08-03-2013	By Promotion

(16)

The attached above serial list
has been reviewed, scrutinized
and found correct

Divisional Forest Officer-I
Monitoring Circle
Forestry Planning & Monitoring
Peshawar

محمد حسین
Muhammad Hussain
Officer A Sub-Station

Abdus Salam
Mansoor

Conservator of Forests
Forestry Planning & Monitoring Circle
Peshawar

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 832/2015

Qabil shah

VS

Forest Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

- (1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Incorrect. The appellant was initially appointed as Forester on 2.11.1982 as in his service book as well as in seniority list, it is clearly mentioned that appellant 1st entry to Government is 2.11.1982 and if the department has any other date of appointment of the appellant, it can be bring to the notice of august Tribunal.
- 2 It is correct that qualification has no concerns with the seniority, but it is mentioned to show that the appellant is well qualified and senior most forester and eligible for promotion to the post of deputy ranger on the basis of seniority-cum-fitness. Moreover the appellant was initially appointed as forester in 1982, while the private respondent No.5 was initially appointed as forest guard in 1979 and then appointed as forester in 1983 and according to APT rules 1989 "the seniority is reckoned from the date of initial appointment" and as the appellant appointed as forester about one

year before the respondent No.5, therefore the appellant is marked senior than the private respondent No.5 and was placed at the top of seniority since 2010.

- 3 Incorrect. the appellant was initially appointed as forester in 1982, while the private respondent No.5 was initially appointed as forest guard in 1979 and then appointed as forester in 1983 and the seniority is reckoned from the date of initial appointment and as the appellant was appointed as forester about one year before the respondent No.5, therefore the appellant is marked senior than the private respondent No.5 and was placed at the top of seniority since 2010 till 27.2.2015.
- 4 Incorrect. the appellant was initially appointed as forester in 1982, while the private respondent No.5 was initially appointed as forest guard in 1979 and then appointed as forester in 1983 and the seniority is reckoned from the date of initial appointment and as the appellant appointed as forester about one year before the respondent No.5, therefore the appellant is marked senior than the private respondent No.5 and was placed at the top of seniority since 2010, but the respondent department issued the seniority list of forester on dated 28.2.2015, wherein the appellant was placed at serial No.4 in the seniority list and juniors were placed above the name of the appellant which is violation of rules on the subject of seniority.
- 5 Incorrect. The appellant has good cause of action, therefore he filed departmental for redressal of his grievances and his departmental as well as service appeal is maintainable under section 4 (b)(1) of the service Tribunal Act 1974.
- 6 Incorrect and misconceived. Hence denied.

GROUNDS:

- A. Incorrect. The appellant has not been treated in accordance with law & rules and violation has been made by the department on the subject of seniority

seniority

while issuing¹ listed dated 28.2.2015, therefore such action of the department as well as on seniority list is not tenable and liable to be set aside.

- B. Incorrect. the appellant was initially appointed as forester in 1982, while the private respondent No.5 was appointed as forester in 1983, therefore the appellant is marked senior than the private respondent No.5 and was placed at the top of seniority since 2010, but the respondent department issued the seniority list of forester on dated 28.2.2015 wherein the appellant was placed at serial No.4 in the seniority list and juniors were placed above the name of the appellant which is violation of rules on the subject of seniority.
- C. Incorrect. While para C of the appeal is correct.
- D. Incorrect. While para D of the appeal is correct.
- E. Incorrect. The seniority list dated 28.2.2015 has deprived the appellant from promotion as the appellant was on the top of seniority since 2010, but private respondent No.5 was transferred from Hazara Circle to Peshawar Circle and promote him on 30.3.2015 and then again transferred to Abbotabad (Hazara Circle), which shows that the department has did all this just to accommodate the blue eyed person.
- F. Incorrect. The appellant is senior from the private respondents and on the top of the seniority since 2010 which is now vested right of the appellant and cannot be changed or modified as held by the superior courts in various judgments.
- G. Incorrect. As per record the appellant has not been treated according to law and rule.
- H. Incorrect. While para H of the appeal is correct.
- I. Incorrect. As per paras above.
- J. Incorrect. The appellant has not been treated according to law and rules governing the matter of seniority.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT
Qabil Shah

Through:



(M. ASIF YOUSAFZAI)

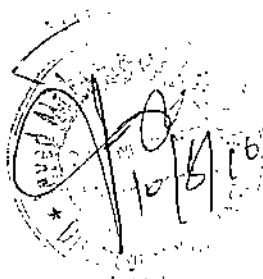
&



(TAIMUR ALI KHAN)
ADVOCATES, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



A.Pei

DEPONENT