

05.10.2020

Nemo for the appellant.

It is already past 03.15 P.M while the case has been called several times but no one appeared on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record.



Chairman

ANNOUNCED

05.10.2020

04.08.2020




Counsel for the appellant Mr. Muhammad Isa Khan Khalil, Advocate is present. Preliminary arguments heard. Learned counsel for the appellant argued that the appellant was appointed as Khalasi/Naib Qasid (BPS-03) in Pakistan Forest Institute vide order dated 02.10.2003. It was further argued that 33% quota on the basis of seniority-cum-fitness was reserved for promotion to the post of Junior Clerk (BPS-11) from amongst the Daftari (BS-04), Naib Qasid (BS-03) and Khalasi (BS-03) including the holders of other equivalent posts with seven years service as such and who passed Secondary School Certificate Examination, as prescribed under serial No. 93 of Pakistan Forest Institute Recruitment and Promotion Rules, 2019. It was added that respondents were going to fill the vacancies of Junior Clerk by making promotion from amongst all those who possess Secondary School Certificate irrespective of their category and for that purpose joint tentative seniority list was prepared on 06.03.2019, therefore, the appellant assailed the matter before the hon'ble Peshawar High Court, Peshawar in Writ Petition No. 4280-P/2019 but during the pendency of that Writ Petition the respondent promoted private respondents No. 4 & 5 vide order dated 01.08.2019 therefore, the appellant filed departmental appeal on 21.08.2019 but the same was not responded within the stipulated statutory period of 90 days, hence, the instant service appeal on 19.12.2019. Learned counsel for the appellant further contended that tentative seniority list has no legal value under the law and it is issued for the purpose to ask objection (s) thereon and to be finalized and later on circulated to all concerned under Section-8 of the Civil Servants Act 1973. That private respondents No. 4 & 5 were promoted from other category (appearing at serial No. 130 of the rules ibid) in utter disregard to rules and policy on the subject which needs rectification.

The contentions raised by learned counsel for the appellant need consideration. The instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 05.10.2020.


(MIAN MUHAMMAD)
MEMBER (E)

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 1779 /2020


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16.03.2020	<p>The present appeal—re-submitted today by Mr. Muhammad Issa Khan Advocate, may be entered in the institution register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR 16/3/2020</p>
2	09/03/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on 29/04/2020</p> <p> MEMBER</p>
	29.04.2020	<p>Due to COVID-19, the case is adjourned to 04.08.2020 for the same, before S.B.</p> <p> Reader</p>

The present appeal was returned to the counsel for the appellant on 20.12.2020 for removing the deficiencies. Today i.e. on 13.01.2020 he resubmitted the same without removing the objections which is returned again to the counsel for the appellant for removing the following deficiencies, within 15 days.

- 1- Copy of tentative seniority list mentioned in para-7 of the memo of appeal (Annexure-E) is not attached with the appeal which may be placed on it.
- 2- Copy of Writ Petition No.4280-P/2019 mentioned in para-9 of the memo of appeal (Annexure-G) is not attached with the appeal which may be placed on it.
- 3- In the heading of appeal there are only three respondents but in para-9 of the memo of appeal respondent no. 4&5 have also be shown the same may be rectified.
- 4- Annexure-A of the appeal is not in sequence.

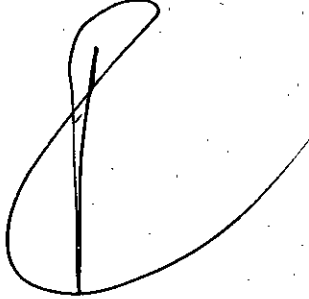
No. 60 S.T,

Dt. 13-1- /2020.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

Muhammad Issa Khan Adv. Peshawar.

*As per respondent's memo of the appeal
Kindly put before court*




The appeal of Mr. Shafiullah Naib Qasid Pakistan Forest Institute Peshawar received today i.e. on 19.12.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of appointment order, service rules, application dated 26.2.2019, seniority list, application dated 15.7.2019 in respect of appellant, letter dated 22.7.2019, W.P No. 4280-P/2019 and promotion order dated 01.08.2019 mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 2- In the heading of appeal there are only three respondents but in para-9 of the memo of appeal five respondents have been shown the same be rectified.
- 3- Wakalat nama in favour of appellant be placed on file.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2932 /S.T,

Dt. 20/12 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Issa Khan Adv. Pesh.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1779/2019

Shafi UllahAppellant

Versus

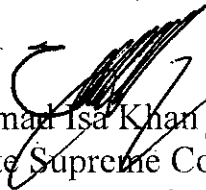
Director General Pakistan Forest Institute, Peshawar & others
.....Respondents

INDEX

S.No.	Description of documents.	Annexure	Pages.
1.	Service Appeal		1-4
2.	Addresses of parties		5
3.	Copy of appointed on 02.10.2003	A-A/1	6-6/1
4.	Copy of Pakistan Forest Institute Service Rules, 2019 notified on 16 th April, 2019	B	7-21
5.	Copy of application collectively on 26.02.2019	C	22
6.	Copy of joint tentative seniority list	D	23-25
7.	Copy of joint application dated 15.07.2019	E	26
8.	Copy of joint tentative seniority list was supplied to the appellant with covering letter dated 22.07.2019	F	27
9.	Copy of WP No.4280-P/2019	G	28-32
10.	Copy of promotion order dated 01.08.2019	H	33-34
11.	Copy of departmental appeal dated 21.08.2019	I	35
12.	Wakalatnama		36


Appellant

Through


Muhammad Isa Khan Khalil
Advocate Supreme Court

Off: 6-B, Haroon Manstion
Khyber Bazar Peshawar
Cell: 0300-5949173

(A)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1779/2019-20

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 2068

Dated 19/12/2019

Shafi Ullah, Naib Qasid
appointed on 02.10.2003
Pakistan Forest Institute, (PFI)
University Campus, Peshawar.Appellant

Versus

- 1) Director General Pakistan Forest Institute, Peshawar
- 2) Govt. of Khyber Pakhtunkhwa through Secretary Forest, Civil Secretariat, Peshawar.
- 3) Secretary Finance Department, Government of Khyber Pakhtunkhwa Peshawar.
- 4) Aziz ur rehman Pakistan forest institute Respondents
- 5) Nadeem Anjum Pakistan forest institute

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE ORDER DATED
01.08.2019, WHEREBY RESPONDENTS NO.4
AND 5 HAVE BEEN PROMOTED**

~~Filed to~~

Registrar

Sheweth;

1) That the appellant was appointed on 02.10.2003 (Annex "A") in prescribed manner as Khalasi/ Naib Qasid (BPS-03) in the respondent-department and as such, has rendered services of more than decade in one and the same scale.

2) That the services of the employees in the respondent-department are regulated by the Pakistan Forest Institute Service Rules, 2019 notified on 16th April, 2019 (Annex "B"), hereinafter referred to as the Rules.

3) That the next post in the hierarchy to which the appellant can be promoted is that of Junior Clerk (BPS-11), and 33% quota is reserved by the Rules for the promotions amongst the Daftari

Re-submitted to ~~day~~
and filed.

Registrar

16/3/2020

②

(BPS-04), Naib Qasid (BPS-03) and Khalasi (BS-03) with 07 years' experience as such.

- 4) That numerous vacant posts of Junior Clerk were available in the respondent-department since long, but the respondents were taking no steps to fill the same and to afford a chance of promotion to the appellant. The said indifference of the respondents prompted the appellant and other similarly placed employees to make an application collectively on 26.02.2019 (**Annex "C"**) requesting for their promotion in their own hierarchy.
- 5) That it was learnt that the respondents were going to fill the vacancies of Junior Clerk by making promotions from amongst all those who possess the matric certificate, irrespective of their category, and for that purpose **joint tentative** seniority list (**Annex "D"**) was prepared on 06.03.2019.
- 6) That it led the appellant to file application dated 11.06.2019, requesting for preparation of a separate seniority list of the Daftari, Naib Qasid & Khalasi, as required by the Rules; its relevant portion reads as follows:

"NOTE: For the purpose of promotion, there shall be maintained a common seniority list of Daftaris, Naib Qasids & Khalasi, with reference to the date of their acquiring the Secondary School Certificate"
- 7) That as the seniority was purposely not disclosed to Employees including the appellant, they moved a joint application dated 15.07.2019 (**Annex "E"**) under RTI, whereafter the aforesaid joint tentative seniority list was supplied to the appellant with covering letter dated 22.07.2019 (**Annex "F"**)
- 8) That up till now, no final seniority list of the appellant's category, as per Rules has been issued and the respondents were bent upon to promote employees of other categories, like Mali, Driver, Cleaner, Arm Guard etc against the vacant positions of Junior Clerk.
- 9) That the matter was assailed in WP No.4280-P/2019 (**Annex "G"**), but during the pendency of the stated writ petition, the promotion order dated 01.08.2019 (**Annex "H"**) was issued whereby respondents No.4 & 5 have been promoted from the other category; against which the appellant filed

(B)

departmental appeal dated 21.08.2019 (Annex "I"), which has not been responded within the statutory period, hence the instant appeal, inter alia, on the following grounds:-

GROUND:

- a. That as tentative seniority list has no legal value under the law, therefore, it cannot be depended upon for promotion purposes.
- b. That for promotion of the employees the final determination of their seniority inter se is essential and that is possible only after issuance of the final seniority list in accordance with the law and rules on the subject.
- c. That in the instant matter, no such exercise has been taken and the employees' final seniority is yet to be determined.
- d. That it is apart that the final seniority list has not been prepared/ issued, the tentative list supplied to the petitioners is violently offending against the Rules, *ibid*, because the Rules provide for maintaining a common seniority list of Daftaris, Nabi Qasids and Khalasi only and none else, whereas, the list supplied is joint one and it includes other categories, such as Malis, Arms Guards, etc.
- e. That the promotions being made against the posts of Junior Clerks from amongst all the categories is a clear violation of the right conferred on the appellant by law.
- f. That the other employees, such as Mali, Driver, Cleaner and Armed Guard, who are wrongly included in the joint seniority list, have their own hierarchy and line of promotion under the Rules, *ibid*.
- g. That the appellant has not been dealt with in accordance with law, rather he has been meted out with gross discrimination without any plausible reason and justification.
- h. That the conduct/ act of the respondents is in direct conflict with the law and rules on the subject and it is bound to land the appellant in unnecessary litigation, hence it needs interference by this hon'ble Tribunal.
- i. That the respondents Nos.4 & 5 have been promoted from the other category in utter disregard of rules and policy on the subject, hence it needs rectification.

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j. That the appellant seeks leave of the Tribunal to urge additional grounds at the time of arguments.

Prayer


in this view of the matter, it is, therefore, prayed that on acceptance of this appeal, this hon'ble tribunal may graciously be pleased;

- i. *to set aside the impugned promotion order of respondent Nos.4 & 5 dated 01.08.2019;*
- ii. *to direct the respondents to prepare a separate seniority list of the Daftaris, Naib Qasids and Khalasi as mandated by the Rules and to consider only those named categories for promotion against the vacancies of Junior Clerk including the appellant; and*
- iii. *to grant any other remedy to which the appellant is found fit in law, justice and equity.*



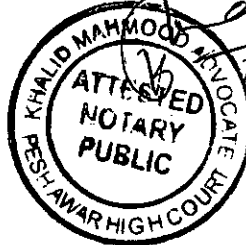
Appellant

Through


Muhammad Isa Khan Khalil
Advocate Supreme Court

AFFIDAVIT

I, Shafi Ullah, Naib Qasid, appointed on 02.10.2003 Pakistan Forest Institute, (PFI) University Campus, Peshawar, do hereby solemnly affirm and declare on Oath that the contents of accompanying Appeal are true and correct to the best to my knowledge and nothing has been concealed from this hon'ble court.



DEPONENT

5

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2019

Shafi UllahAppellant

Versus

Director General Pakistan Forest Institute, Peshawar & others
.....Respondents

ADDRESSES OF PARTIES

APPELLANT

Shafi Ullah, Naib Qasid
appointed on 02.10.2003
Pakistan Forest Institute, (PFI)
University Campus, Peshawar

RESPONDENTS

- 1) Director General Pakistan Forest Institute, Peshawar
- 2) Govt. of Khyber Pakhtunkhwa through Secretary Forest, Civil Secretariat, Peshawar.
- 3) Secretary Finance Department, Government of Khyber Pakhtunkhwa Peshawar.
- 4) Aziz ur rehman Pakistan forest institute.
- 5) Nadeem Anjum Pakistan forest institute.

Appellant

Through


Muhammad Isa Khan Khalil
Advocate Supreme Court



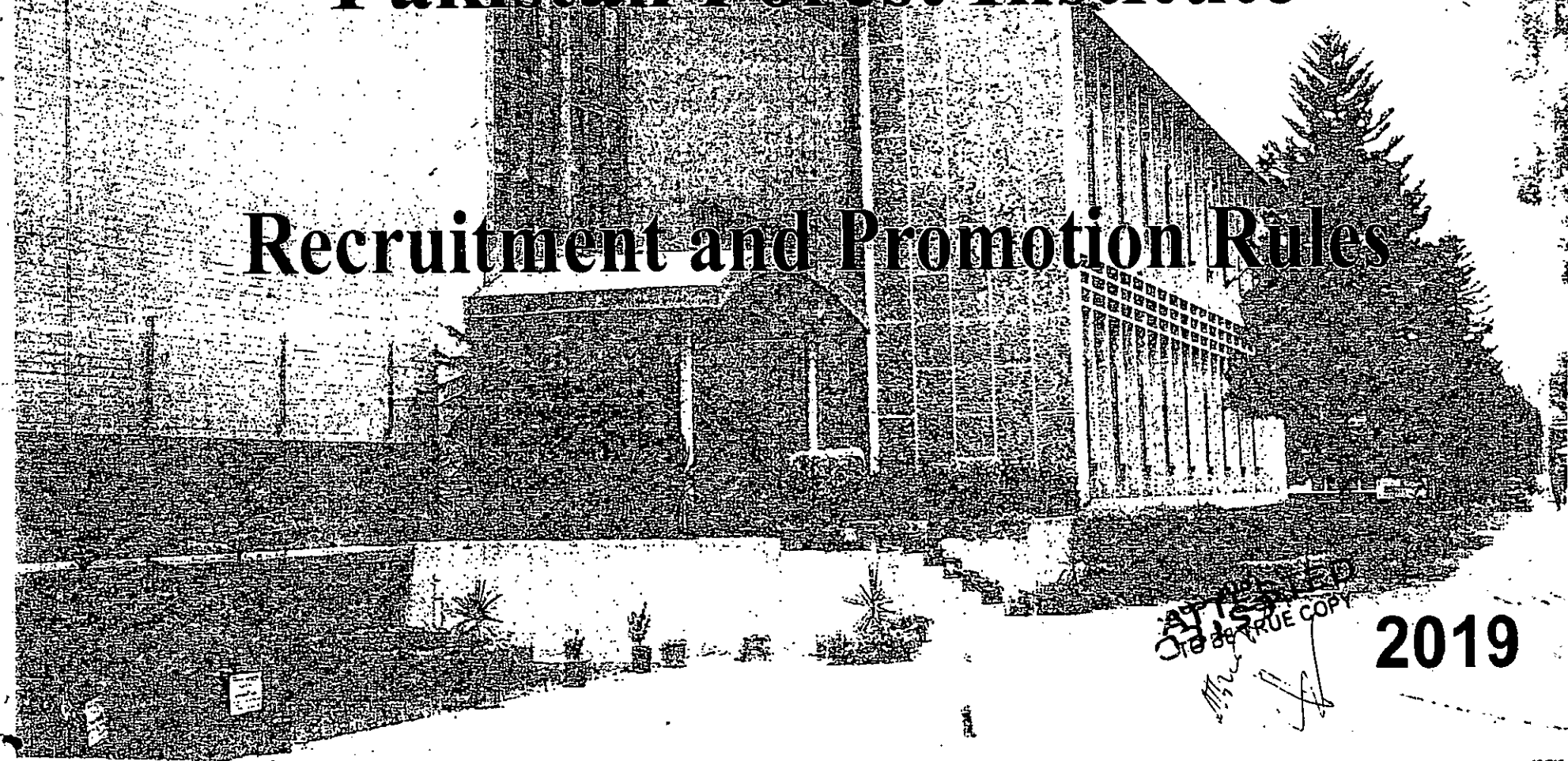
Government of Khyber Pakhtunkhwa
Forestry, Environment and Wildlife Department



ANNEX A / 8

Pakistan Forest Institute


Recruitment and Promotion Rules



APPROVED
TRUE COPY

2019

- 7) Registrar Peshawar High Court/Service Tribunal, Khyber Pakhtunkhwa.
- 8) Secretary, Khyber Pakhtunkhwa Public Service Commission.
- 9) Director Budget & Accounts Cell, FE&W Department.
- 10) Librarian, Government of Khyber Pakhtunkhwa, Establishment Department.
- 11) Manager Government Printing Press, Khyber Pakhtunkhwa, Peshawar for publication in the Official Gazette with the request that twenty printed copies of the notification, as & when published may be furnished to this department.
- 12) PS to Secretary, FE&W Department Khyber Pakhtunkhwa.
- 13) Master file.
- 14) Concerned file.


(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)

16/4/2019

ABDUL JALIL
Section Officer (Estab.)
Forestry, Environment
& Wildlife Department

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66)	Administrative Officer(BPS-17)	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the Superintendent (BPS-17) with three (03)years service as such.
67)	Superintendent (BPS-17)	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the Assistant (BPS-16) with five (05) years service as such.
68)	Assistant Wood Working Officer (BPS-16)	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the Foremen (Wood Workshop) (BPS-12) with seven (07)years service as such having Post-Matric three (03) years Diploma in Wood Working Technology.
69)	Computer Gr-1 (BPS-16)	At least Second Class Bachelor's Degree in Statistics, Mathematics or equivalent qualification from a Higher Education Commission recognized University.	22 to 32 years.	By initial recruitment.
70)	Forest Ranger (Watershed) (BPS-16)	At least Second Class Bachelor's Degree in Forestry or equivalent qualification from a Higher Education Commission recognized University.	22 to 32 years.	By initial recruitment.
71)	Forest Ranger (Mensuration) (BPS-16)	At least Second Class Bachelor's Degree in Forestry or equivalent qualification from a Higher Education Commission recognized University.	22 to 32 years.	By initial recruitment.
72)	Forest Ranger (Silva)(BPS-16)	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the Foresters(BPS-08) with seven (07) years services as such.
73)	Forest Ranger (Range)(BPS-16)	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the Field Assistant (BPS-08) with seven (07)years experience as such.

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[Handwritten signature]
APRIL 14/11
Section Officer (Estab.)
Forestry, Environment
& Wildlife Department

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74)	Research Assistant (BPS-16)	At least Second Class Bachelor's Degree in Forestry, Biological Sciences or equivalent qualification from a Higher Education Commission recognized University	22 to 32 years.	(i) Sixty seven percent (67%) by promotion on the basis of seniority-cum-fitness, from amongst the Lab. Technicians (BPS-11) with seven (07) years service as such; and (ii) thirty three percent (33%) by initial recruitment.
75)	Technical Assistant (BPS-16)	At least Second Class Bachelor's Degree in Forestry, Biological Sciences or equivalent qualification from a Higher Education Commission recognized university	22 to 32 years.	(i) Thirty three percent (33%) by promotion on the basis of seniority-cum-fitness, from amongst the Ropeway Operator (BPS-12), Technician (BPS-12) and Technical Assistant (BPS-12) with seven (07) years service as such; and (ii) Sixty seven percent (67%) by initial recruitment. Note:- A joint seniority list of Ropeway Operator (BPS-12), Technician (BPS-12) and Technical Assistant (BPS-12) shall be maintained for the purpose of promotion.
76)	Assistant Librarian (BPS-16)	At least Second Class Master or Bachelor of Science four (04) years Degree in Library and Information Sciences or equivalent qualification from a Higher Education Commission recognized University or Degree Awarding Institution.	22 to 32 years.	By initial recruitment.
77)	Assistant (BPS-16)	(i) At least Second Class Bachelor's Degree or equivalent qualification from a Higher Education Commission recognized University. (ii) A speed of thirty (30) words per minute in typing; and (iii) Knowledge of computer in using MS Word and MS Excel.	22 to 32 years.	(i) Seventy five percent (75%) by promotion on the basis of seniority-cum-fitness, from amongst the Senior Clerks (BPS-14) with seven (07) years service as Junior and Senior Clerk as such with basic knowledge of Computer and typing speed of thirty (30) words per minute; and (ii) Twenty five (25%) by initial recruitment.

[Signature]
 Director (BPS-16)
 Forestry, Environment
 & Wildlife Department

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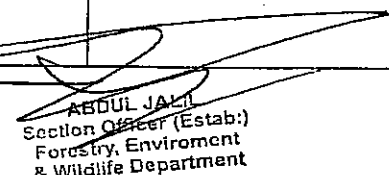
78)	Assistant Private Secretary (BPS-16)	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the Steno Typist (BPS-14) with five (05) years service as such with basic knowledge of Computer and typing speed of thirty (30) words per minute.
79)	Male Nurse (BPS-16)	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the Clinical Technician Pharmacy (BPS-07) with seven (07) years service as such.
80)	Female Nurse (BPS-16)	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the PHC Technician (BPS-07) with seven (07) years service as such.
81)	Steno typist (BPS-14)	(iv) At least Second Division in Intermediate or equivalent qualification from a recognized Board; and (v) A speed of fifty (50) words per minute in shorthand in English and thirty five (35) words per minute in typing; and (vi) Knowledge of computer in using MS Word and MS Excel.	18 to 30 years.	By initial recruitment.
82)	Senior Clerk (BPS-14)	-	-	By promotion on the basis of seniority-cum-fitness, from amongst the Junior Clerks (BPS-11) with at least five (05) years service as such.
83)	Technician (BPS-12)	Three (03) years Post Matric Diploma of Telecommunication or three (03) years Post Matric Diploma in Associate Engineering (Civil and Electrical).	18 to 30 years.	By initial recruitment.
84)	Technical Assistant (BPS-12)	At least Second Class Bachelor Degree in Science from a Higher Education Commission recognized University.	18 to 30 years.	By initial recruitment.

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PFI Service Rules

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 ABDUL JALIL
 Section Officer (Estab.)
 Forestry, Environment
 & Wildlife Department

85)	Foreman (Vehicle Workshop) (BPS-12)	At least Second Division in Matric or equivalent qualification with three (03) years Diploma in Associate Engineering (Automobile) from a recognized Board of Technical Education.	18 to 30 years.	(i) Fifty percent (50%) by promotion on the basis of seniority-cum-fitness from amongst the Motor Mechanic (BPS-07) and Mechanic (BPS-07) having Secondary School Certificate from recognized Board with seven (07) years service as such; and (ii) fifty percent (50%) by initial recruitment. Note:- A joint seniority list of Motor Mechanic (BPS-07) and Mechanic (BPS-07) shall be maintained for the purpose of promotion.
86)	Foreman (Wood Workshop) (BPS-12)	At least Second Division Intermediate in Science with two (02) years Diploma in Woodworks from a Government Recognized Vocational Training Institute.	18 to 30 years.	(i) Fifty percent (50%) by promotion on the basis of seniority-cum-fitness from amongst the Sawyer (BPS-07), Polisher (BS-07) and Carpenter (BPS-07) having Diploma in Wood Workshop with seven (07) years service as such; and (ii) fifty percent (50%) by initial recruitment. Note:- A joint seniority list of Sawyer (BPS-07), Polisher (BS-07) and Carpenter (BPS-07) shall be maintained for the purpose of promotion.
87)	Museum Assistant (BPS-12)			By promotion on the basis of seniority-cum-fitness, from amongst the Herbarium Keeper (BS-07) having Intermediate in Science with seven (07) years service as such.
88)	Ropeway Operator (BPS-12)	Three (03) years Post Matric Diploma of Associate Engineering (Automobile) from a recognized Board of Technical Education.	18 to 30 years.	By initial recruitment.
89)	Senior Store Keeper (BPS-12)			By promotion on the basis of seniority-cum-fitness, from amongst the Store Keepers (BS-07) having Secondary School Certificate from a recognized Board with seven (07) years service as such.

PFI Service Rules

Page 18 of 2

ATTESTED
Section Officer (Forest)
Forestry, Environment
& Wildlife Department

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90)	Pesh Imam (BPS-11)	(i) At least Second Class Shahadat-e-Alaalamia from Wafaq-ul-Madaress or Master Degree in Arabic or Islamiyat or equivalent qualification from a Higher Education Commission recognized University or Degree Awarding Institution. (ii) Preference will be given to Hafiz-e-Quran with proficiency in Qirat.	21 to 30 years.	By initial recruitment.
91)	Lab. Technician (BPS-11)	At least Second Class Bachelor Degree in Science or equivalent qualification from a Higher Education Commission recognized University.	18 to 30 years.	(i) Fifty percent (50%) by promotion on the basis of seniority-cum-fitness, from amongst the holder of the post of Lab. Assistant (BS-08) having Intermediate in Science with seven (07) years service as such; and (ii) Fifty percent (50%) by initial recruitment.
92)	Photographer (BPS-11)	(i) At least Second Class Intermediate or equivalent qualification from a recognized Board. (ii) Two (02) years experience in still and movie photography and operation of Movies and Slide Projectors.	18 to 30 years.	By initial recruitment.
93)	Junior Clerk (BPS-11)	(i) At least Second Division Secondary School Certificate or equivalent qualification from a recognized Board. (ii) A speed of thirty (30) words per minute in typing	18 to 30 years.	(i) Thirty three percent (33%) by promotion on the basis of seniority-cum-fitness, amongst the Daftari (BS-04), Naib Qasid (BS-03) and Khalasi (BS-03) including holders of other equivalent posts with seven (07) years service as such, and who have passed Secondary School Certificate examination; and (ii) sixty seven percent (67%) by initial recruitment. Note:- For the purpose of promotion, there shall be maintained a common seniority list of Daftari's, Naib Qasids and Khalasi, with reference to the date of their acquiring the Secondary School Certificate.

				<p>(a) If two or more officials have acquired the Secondary School Certificate in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and</p> <p>(b) Where a senior official does not possess the requisite qualification at the time of filling up a vacancy the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials</p>
94)	Accountant (BPS-10)	At least Second Class Bachelors Degree in Business Administration or Bachelor of Commerce or equivalent qualification from a recognized University with basic knowledge of Computer in using MS Word and MS Excel.	18 to 30 years.	<p>By initial recruitment.</p> <p>Note:- Their promotion line will be fixed in Ministerial Staff according to upgradation made by the Government.</p>
95)	Field Assistant (BPS-08)	At least Second Class Intermediate in Science or equivalent qualification from a recognized Board	18 to 30 years.	<p>(i) Five percent (05%) by promotion on the basis of seniority-cum-fitness, from amongst the Garden Supervisor (BPS-07) having Secondary School Certificate from a recognized Board with Forester Course and five (05)years service as such; and</p> <p>(ii) ninety five percent (95%) by initial recruitment.</p> <p>Note:- The selected candidates shall undergo and successfully complete training at Forest School That leading to training two (02) years Forester's Course. Those already having two (02) years Forester's Course from Forest School, That shall be exempted from such training.</p>
96)	Forester (BPS-08)	(i) At least Second Class Bachelor's Degree with Intermediate in Science or equivalent qualification from a Higher Education Commission recognized University.	18 to 30 years.	<p>(i) Twenty percent (20%) by promotion on the basis of seniority-cum-fitness, from amongst the Forest Guards (BPS-07) having Secondary School Certificate from a recognized Board with five (05)years service as such; and</p>

PFI Service Rules

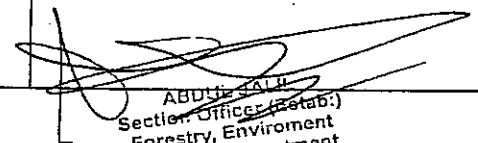
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ABDUL WAHED
Section Officer (Estab.)
Forestry, Environment
& Wildlife Department

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		(ii) Physical fitness: (a) Height (5-6ft minimum) (b) Chest size (34-36 inches minimum) Note: The candidates shall qualify Marathon race of two (02) km within 20 minutes.		(ii) eighty percent (80%) by initial recruitment. Note:-The selected candidates shall undergo and successfully complete training at Forest School Thai leading to training two (02) years Forester's Course. Those already having two (02) years Forester's Course from Forest School Thai shall be exempted from such training.
97)	Laboratory Assistant (BPS-08)	At least Second Class Intermediate in Science or equivalent qualification from a recognized Board.	18 to 30 years.	(i) Fifty percent (50%) by promotion on the basis of seniority-cum-fitness, from amongst the Lab. Attendants (BPS-04) with seven(07)years service as such; and (ii) Fifty percent (50%) by initial recruitment.
98)	Plant Operator (BPS-08)	At least Second Class Intermediate Certificate in Science or equivalent qualification from a recognized Board.	18 to 30 years.	By initial recruitment.
99)	Masson (BPS-08)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with five (05) years practical experience in the line.	18 to 30 years.	By initial recruitment.
100)	Driver-cum Mechanic (BPS-08)			By promotion on the basis of seniority-cum-fitness, from amongst the Drivers/Tractor Driver (BPS-06) with five (05) years service as such.
101)	Foreman (Civil)(BPS-08)	At least Second Class post Matric three (03) years Diploma in Associate Engineering (Civil) or equivalent qualification from recognized Board of Technical Education.	18 to 30 years.	By initial recruitment.


 ABDUL SALAM
 Section Officer (Estab.)
 Forestry, Environment
 & Wildlife Department

	(BPS-08)	(05) years post Matric three years Diploma in Associate Engineering (Electrical) or equivalent qualification from recognized Board of Technical Education.	18 to 30 years.	By initial recruitment.
103)	Storekeeper (BPS-07)			By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Store Keepers (BPS-07) and Assistant Curators (BPS-07) with five (05) years service as such.
104)	PHC Technician (BPS-07)	At least Second Class Secondary School Certificate with Science or equivalent qualification from a recognized Board and two (02) years Diploma in LHV or Midwifery from recognized Nursing Board or Medical Faculty.	18 to 30 years.	Note:-A joint seniority list of Assistant Store Keepers (BPS-07) and Assistant Curators (BPS-07) shall be maintained for the purpose of promotion. By initial recruitment.
105)	Clinical Technician Pharmacy (BPS-07)	At least Second Class Secondary School Certificate with science or equivalent qualification with two (02) years Diploma in Paramedical Technology from a recognized nursing Board or Medical Faculty.	18 to 30 years.	By initial recruitment.
	Physical Training Instructor (BPS-07)	Ex-Army man with at least Second Class Intermediate Certificate from a recognized Board.	18 to 30 years.	By initial recruitment.
107)	Mechanic (BPS-7)			
108)	Mot. Mechanic (BPS-7)	Certificate in the relevant field from recognized Institution with seven (07) years practical experience preferably in a Government workshop.	18 to 30 years.	By promotion on the basis of seniority-cum-fitness, from amongst the Fitters (BPS-05) with five (05) years service as such. By initial recruitment.

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Signature of an official, likely from the Public Service Commission or a related department.

Public Service Commission
Ministry of Environment
& Wildlife Department

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109)	Garden Supervisor (BPS-07)		18 to 30 years.	By promotion on the basis of seniority-cum-fitness, from amongst the Head Malis (BPS-04) with ten (10) years service as such who possess Secondary School Certificate.
110)	Assistant Storekeeper (BPS-07)	At least Second Class Intermediate Certificate in Science or equivalent qualification from a recognized Board.	18 to 30 years.	By initial recruitment.
111)	Assistant Curator (BPS-07)	At least Second Class Intermediate Certificate in Science or equivalent qualification from a recognized Board.	18 to 30 years.	By initial recruitment.
112)	Carpenter(BPS-07)	At least Second Class Matric Certificate or equivalent qualification from a recognized Board with one (01) year Diploma from a Government Vocational Training Center or Institute.	18 to 30 years.	By initial recruitment.
113)	Electrician (BPS-07)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one (01) year Diploma from a Government Vocational Training Center or Institute	18 to 30 years.	(i) Sixty seven percent (67%) by promotion on the basis of seniority-cum-fitness, from amongst the Lineman (BPS-06) and Pump Operator (BPS-06) with five (05) years service as such; and (ii) thirty three percent (33%) by initial recruitment. Note:-A joint seniority list of Lineman (BPS-06)and Pump Operator (BPS-06) shall be maintained for the purpose of promotion.
114)	Forest Guard (BPS-07)	At least Second Class in Intermediate with Secondary School Certificate in Science from a recognized Board. Physical fitness: (a) Height (5-6 ft minimum) (b) Chest size (34-36 inches minimum) Note: The candidates shall qualify Marathon race of two (02)km within twenty (20) minutes.	18 to 30 years.	By initial recruitment. Note:- The candidate who has been recruited shall have to undergo one year training course of Forest Guards at Khyber Pakhtunkhwa Forest School Thai Abbottabad. Those already having one (01) year Forest Guard Course from Forest School Thai shall be exempted from such training.

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PFI Service Rules

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ABDUL JALIL
Section Officer (Estab.)
Forestry, Environment
& Wildlife Department

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12
18

	(BPS-07)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one (01) year Diploma in Mechanical from a Government Vocational Training Center or Institute.	18 to 30 years.	By initial recruitment.
116)	Herbarium keeper (BPS-07)	At least Second Class Intermediate (Pre-Medical) in Science from a recognized Board.	18 to 30 years.	By initial recruitment.
117)	Polisher (BPS-07)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one (01) year Diploma from a Government Vocational Training Center or Institution.	18 to 30 years.	(i) Fifty percent (50%) by promotion on the basis of seniority-cum-fitness, from amongst the Workshop Attendant (BPS-03) with ten (10) years service as such; and (ii) fifty (50%) percent by Initial recruitment.
118)	Sawyer (BPS-07)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one (01) year Diploma in the trade from a Government Vocational Training Center or Institution.	18 to 30 years.	By initial recruitment.
119)	Welder (BPS-07)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one (01) year Diploma in the trade from Government Vocational Training Center.	18 to 30 years.	By initial recruitment.
120)	Lineman (LT) (BPS-06)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one (01) year Diploma in Electrician from Government Vocational Training Center.	18 to 30 years.	By initial recruitment.
121)	Driver/Tractor Driver (BPS-06)	Literate having LTV/HTV driving license issued by the competent authority.	18 to 30 years.	(i) Twenty five percent (25%) by promotion on the basis of seniority-cum-fitness, from amongst the Cleaners (BPS-03) having ten (10) years experience with LTV/HTV license; and

PFI Service Rules

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Section Officer (Estab.)
Forestry, Environment
& Wildlife Department

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		Note:-Preference will be given to those who have sufficient experience in driving, repair and maintenance of vehicles.		(ii) seventy five (75%) by initial recruitment.
122)	Pump Operator (BPS-06)	At least Second Class Secondary School Certificate from a recognized Board with one (01) year Diploma in the trade from a Governmental Vocational Training Center.	18 to 30 years.	By initial recruitment.
123)	Fitter (BPS-05)	At least Second Class Secondary School Certificate from a recognized Board with one (01) year Diploma in the trade from a Governmental Vocational Training Center.	18 to 30 years.	By initial recruitment.
124)	Assistant Photographer (BPS-05)		-	By Promotion on the basis of seniority-cum-fitness, from amongst the holders of the post of Museum Attendant (BPS-3) and Library Attendant (BPS-3) with five (05) years service as such. Note:-A joint seniority list of Museum Attendant (BPS-3) and Library Attendant (BPS-3) shall be maintained for the purpose of promotion.
125)	Tennis Marker (BPS-05)		-	By promotion on the basis of seniority-cum-fitness, from amongst the Sports Attendant (BPS-03) with five (05) years service as such.
126)	Daftari (BPS-04)		-	By promotion on the basis of seniority-cum-fitness, from amongst the Naib Qasids with two years service as such.
127)	Havildar Armed Guard (BPS-04)		-	By promotion on the basis of seniority-cum-fitness, from amongst the holders of the post of Armed Guard (BPS-03) with five (05) years service as such.
128)	Jamadar Armed Guard (BPS-04)		-	By promotion on the basis of seniority-cum-fitness, from amongst the Armed Guards (BPS-03) with five (05) years service as such.

ASDU
 Senior Officer (Secretary)
 Forestry, Environment
 & Wildlife Department

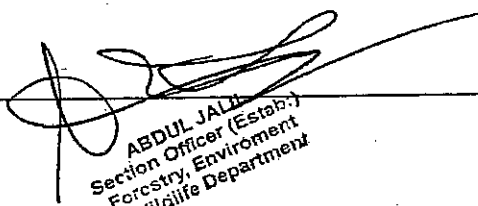
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129)	Laboratory Attendant (BPS-04)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board	18 to 40 years.	(i) Twenty five percent (25%) by promotion on the basis of seniority-cum-fitness, from amongst the Plant Collectors (BPS-03) and Plant Mounters (BPS-03) with five (05) years service as such; and (ii) Seventy five percent (75%) by initial recruitment. Note: -A joint seniority list of Plant Collectors (BPS-03) and Plant Mounters (BPS-03) shall be maintained for the purpose of promotion.
130)	Head Mali (BPS-04)			By promotion on the basis of seniority-cum-fitness, from amongst the Malis (BPS-03) with seven (07) years service as such.
131)	Jamadar Sanitary Worker (BPS-04)			By promotion on the basis of seniority-cum-fitness from amongst the Sanitary Workers (BPS-03) with five (05) years service as such.
132)	Armed Guard (BPS-03)	Ex-Army Man with at least Second Class Secondary School Certificate from a recognized Board.	18 to 40 years.	By initial recruitment.
133)	Bearer (BPS-03)	Literate with two years practical experience in any Hotel or Guest House as Waiter or Bearer.	18 to 40 years.	By initial recruitment.
134)	Butler (BPS-03)	Literate with two years practical experience in any Hotel or Guest House as Waiter or Bearer.	18 to 40 years.	By initial recruitment.
135)	Cleaner (BPS-03)	Literate having LTV Driving license issued by the competent authority. Preference will be given to those who have sufficient experience in driving and maintenance of vehicles.	18 to 40 years.	By initial recruitment.
136)	Cook (BPS-03)	Literate with three years practical experience in any Hotel or Guest House as Cook	18 to 40 years.	By initial recruitment.

137)	Cook for Guest House(BPS-03)	Literate with three years practical experience in any Hotel or Guest House as Cook.	18 to 40 years.	By initial recruitment.
138)	Dai (BPS-03)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one (01) year Midwife Certificate from recognized Nursing Board or Medical Faculty.	18 to 40 years.	By initial recruitment.
139)	Khalasi (BPS-03)	Preferably literate.	18 to 40 years.	By initial recruitment.
140)	Library Attendant (BPS-03)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 years.	By initial recruitment.
141)	Mali (BPS-03)	Literate with two years working experience in gardening.	18 to 40 years.	By initial recruitment.
142)	Dishwasher/ Masaalchi (BPS-03)	Literate with three years practical experience in any Hotel or Guest House as Cook.	18 to 40 years.	By initial recruitment.
143)	Museum Attendant (BPS-03)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with two years experience in the trade.	18 to 40 years.	By initial recruitment.
144)	Naib Qasid (BPS-03)	Literate.	18 to 40 years.	By initial recruitment.
145)	Plant Collector (BPS-03)	At least Second Class Secondary School Certificate or equivalent qualification in Science from a recognized Board.	18 to 40 years.	By initial recruitment.
146)	Plant Mounter (BPS-03)	At least Second Class Secondary School Certificate or equivalent qualification in Science from a recognized Board.	18 to 40 years.	By initial recruitment.

PFI Service Rules

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Section Officer (Estab.)
Forestry, Environment
& Wildlife Department

147)	Sweeper (BPS-03)	Literate.	18 to 40 years.	By initial recruitment.
148)	Sanitary Worker (BPS-03)	Literate.	18 to 40 years.	By initial recruitment.
149)	Sports Attendant (BPS-03)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 years.	By initial recruitment.
150)	Workshop Attendant (BPS-03)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 years.	By initial recruitment.

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

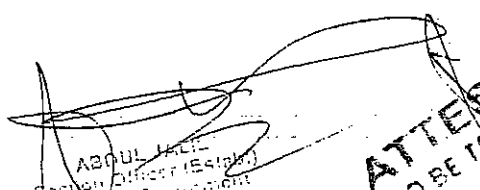
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Peshawar Dated the 16th April, 2019

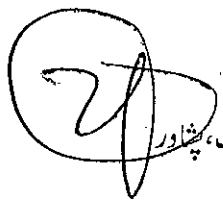
Copy is forwarded for information to: -

- 1) All Administrative Secretaries, Govt: of Khyber Pakhtunkhwa.
- 2) Accountant General, Khyber Pakhtunkhwa.
- 3) Secretary to Ministry of Climate Change, Government of Pakistan, Islamabad.
- 4) Director General, Pakistan Forest Institute, Peshawar.
- 5) Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar.
- 6) Chief Conservator Wildlife Khyber Pakhtunkhwa.

PFI Service Rules


 ABUL HAQ
 Section Officer (Estt)
 Forestry, Environment
 & Wildlife Department

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بخدمت جناب ڈائریکٹر جنرل صاحب، پاکستان فارسٹ انسٹیٹیوٹ، پشاور

عنوان: 100 فیصد پرموشن کوٹہ

جناب عالی!

مودبانہ گزارش کہ پاکستان فارسٹ انسٹیٹیوٹ، پشاور آٹھارویں آئینی ترمیم کے تحت وفاقی حکومت سے خیبر پختونخوا کو منتقل ہو چکا ہے۔ انسٹیٹیوٹ ہذا میں درجہ چہارم ملازمین خیبر پختونخوا بھرتی، پرموشن اور ٹرانسفر رولز کے مطابق جوئیر کلرک کی آسامی پر ترقی پانے کے مستحق ہیں لیکن آپ صاحبان سے گزارش ہے کہ پی ایف آئی میں ایسی بہت سی آسامیاں خالی ہیں جن پر پی ایف آئی درجہ چہارم کو پرموشن دی جاسکتی ہے جو کہ وفاقی حکومت سے لیکر خیبر پختونخوا میں بھی درجہ چہارم ملازمین کو اگلے جائز حق سے محروم رکھا گیا نیز چیف سیکرٹری، خیبر پختونخوا اور سیکرٹری، فارسٹری، انوائزمنٹ اینڈ وائلڈ لائف ڈیپارٹمنٹ کے واضح احکامات ہونے کے باوجود درجہ چہارم ملازمین کو ترقی نہیں دی جا رہی ہے احکامات کے حوالے مندرجہ ذیل ہیں:

i. No.SOE.IV(E&AD)/1-35/2012 dated 6-12-2012

ii. No.PS/Secy:FE&WD/2016/4810-33 dated 5-9-2016

iii. No.PSO/CS/KPK/I-1/2017 dated 3-10-2017

iv. Office of the DG, PFI No.1283/FV(GS)/Directives/Estt. dated 10-10-2017

آپ جناب سے گزارش ہے کہ درجہ چہارم ملازمین تمام تعلیم یافتہ ہیں جن میں اکثریت عمر و دراز سے اپنی متعلقہ برانچوں میں جوئیر کلرک کی آسامیوں پر کام کر رہے ہیں لیکن آج تک ان کو کوئی بھی مراعات نہیں دئے گئے ہیں۔ مزید برآں اکثر ملازمین اعلیٰ تعلیم یافتہ ہیں۔

آپ صاحبان سے گزارش ہے درجہ چہارم ملازمین کو 100 فیصد پرموشن کوٹہ دیا جائے کیونکہ جملہ درجہ چہارم ملازمین نے اپنی منتظرہ پرموشن کی مدت پوری کر دی ہے۔

لہذا آپ صاحبان سے التماس ہے کہ جملہ درجہ چہارم ملازمین کی پرموشن کا مسئلہ ترجیحی بنیاد پر حل کرنے کے احکامات صادر فرما کر مشکور فرمائیں تاکہ حق دار ملازمین کو ان کا حق مل سکے۔ جملہ کلاس فور ملازمین تاحیات آپ صاحبان کے لئے دعا گو ہیں گے۔

(ملازمین کی لسٹ درخواست کے ساتھ منسلک ہیں)

مورخہ 26-2-2019

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پشاور ۱۱/۱۱/۱۹
۱۹۷۱۹
بخدمت جناب ڈپٹی ڈائریکٹر (ٹیکنیکل) آرٹی آئی (RTI)، پاکستان فارسٹ انسٹی ٹیوٹ، پشاور

جناب عالی

عنوان: درخواست برائے سینئر ٹی لسٹ نائب قاصد، خلاصی و دفتری برائے ترقی جو نوسٹریکلر

گزارش ہے کہ جملہ نائب قاصدان ادفتری/خلاصی ترقی کیلئے تیار کی گئی سینئر ٹی لسٹ کے طلبگار ہیں جو کہ نئے قوانین برائے ترقی پاکستان فارسٹ انسٹی ٹیوٹ کیلئے تیار کی گئی ہے مہربانی فرما کر جاری کی جائے تاکہ مذکورہ بالا ترقی پانے والے افراد کی سینئر ٹی کو جان سکیں۔

ہم سینئر ٹی لسٹ مہیا کرنے پر آپ کے تجرہ دل سے مشکور ہونگے۔

عین نوازش ہوگی

العارض

- ۲۔ فصل معبود، نائب قاصد
- ۳۔ فصل کریم، نائب قاصد
- ۶۔ شہزاد خان، خلاصی
- ۸۔ زاہد حسین، نائب قاصد
- ۱۰۔ ذوالفقار خان، نائب قاصد
- ۱۲۔ امجد خان، نائب قاصد
- ۱۳۔ فیاض خان، خلاصی
- ۱۶۔ شفیع اللہ، نائب قاصد
- ۱۸۔ ناصر حسین، نائب قاصد

- ۱۔ حمید اللہ، خلاصی
- ۳۔ مڈر خان، خلاصی
- ۵۔ محمد افتخار علی خان، خلاصی
- ۷۔ محمد طارق خان، نائب قاصد
- ۹۔ عابد علی، نائب قاصد
- ۱۱۔ شریف اللہ، نائب قاصد
- ۱۳۔ نوید علی، نائب قاصد
- ۱۵۔ عثمان خان، نائب قاصد
- ۱۷۔ لیاقت خٹک، نائب قاصد
- ۱۹۔ میر عزیز خان، نائب قاصد

۵/۷

پی ایف آئی، پشاور

مورخہ: ۱۵ جولائی ۲۰۱۹ء

نقل برائے اطلاع:

۱۔ ڈائریکٹر جنرل، پاکستان فارسٹ انسٹی ٹیوٹ، پشاور
۲۔ ایس ڈی ایچ، فارسٹری، ماحولیات اور جنگلی حیات، حکومت خیبر پختونخوا، پشاور

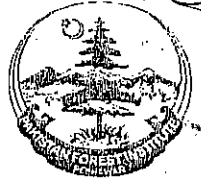
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ANNEX-F 40

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR**
Ph: +92 91 9221224, 9216995, Fax: +92 91 9221233



(SAY NO TO CORRUPTION)

No. 1053 /F.V(03)-Estt

Dated 27-1-7-1 2019

To

- ✓ 1. All Directors
2. Medical Officer
3. Extension Specialist
4. Executive Officer
5. Administrative Officer (B&A)
Pakistan Forest Institute,
Peshawar

Subject: **TENTATIVE SENIORITY LIST OF MATRICULATE CLASS-IV
EMPLOYEES OF PFI**

Dear Sir,


Refer to the above cited subject and sent herewith tentative seniority list of matriculate Class-IV employees of Pakistan Forest Institute (PFI), Peshawar, for further circulation to the concerned officials working under your supervision to check and sign against their particulars and returned to this office alongwith the errors if any (with documentary proofs) on prescribed proforma (**copy attached**) to this office two days positively.

Yours sincerely,


Deputy Director (Tech)

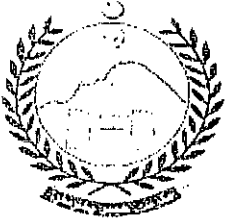
Cc:

1. APS to DG, PFI, Peshawar.
2. Notice Boards.


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Annex-G
41



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

Ph: +92 91 9221224, 9216995, Fax: +92 91 9221233



Dated 01 / 08 / 2019

OFFICE ORDER

No. 153 /F.VDPC(10)-Estt. As recommended by the Departmental Promotion Committee (DPC) in its meeting held on 28-06-2019 under the chairmanship of Director General, Pakistan Forest Institute (PFI), Peshawar, the following Class-IV officials (BPS-04), Pakistan Forest Institute (PFI), Peshawar are hereby promoted to the post of Junior Clerk (BPS-11) (Rs. 12,570-880-38,970) on regular basis with immediate effect subject to the qualifying typing test of 30 words per minute within six (06) months:

1. Mr. Aziz-ur-Rehman (Mali)
2. Mr. Abdul Jalil, Naib Qasid
3. Mr. Shah Rehman, Naib Qasid
4. Mr. Muhammad Shaukat S/o Abdul Qayyum, Naib Qasid
5. Mr. Attaullah Khan, Naib Qasid
6. Mr. Naseer Ahmed, Naib Qasid
7. Mr. Nadeem Anjum (Mali)

The official who does not qualify the typing test within the stipulated period will be reverted to his original post in class-IV. Test will be conducted during the month of January, 2020. Test will be conducted at the level of Administrative Department.

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

Director General

dated 01/08/2019

No. 1159 /F.VDPC(10)-Estt.

A copy is forwarded to:-

1. All Additional Director Generals, PFI, Peshawar
2. All Directors, PFI, Peshawar.
3. Section Officer (Estt), Forestry, Environment & Wildlife Department, Government of Khyber Pakhtunkhwa, Peshawar
4. Administrative Officer (B&A), PFI, Peshawar
5. Concerned officials.

Asst. Dir. (Ops)

all BOS
D

Received
GIS

Director General
Peshawar

C.S.

Sheweth;

- 1) That the petitioners-were appointed in prescribed manner in the capacity of Khalasi/ Naib Qasid (BPS-03) in the respondent-department on the dates mentioned against their respective names, and each of them has rendered service of more than a decade in one and the same scale.
- 2) That the services of employees in the respondent-department are regulated by the Pakistan Forest Institute Service Rules, 2019 notified on 16th April, 2019 (**Annex "A"**), hereinafter referred to as the Rules.
- 3) That the next post in the hierarchy to which petitioners can be promoted is that of Junior Clerk (BPS-11), and 33% quota is reserved by the Rules for the promotion amongst the Daftari (BS-04), Naib Qasid (BS-03) and Khalasi (BS-03) with 07 years' experience as such.
- 4) That numerous vacant posts of junior clerk were/ are available in the respondent-department since long, but the respondents were taking no steps to fill the same and afford a chance of promotion to the petitioners. The said indifference of the respondents prompted the petitioners to make an application collectively on 26.02.2019 (**Annex "B"**) requesting for their promotion in their own hierarchy.
- 5) That it was learnt that the respondents were going to fill the vacancies of junior clerk by promotion from amongst all those who possess the Matric Certificate, irrespective of their category, and for that purpose joint tentative seniority list (**Annex "C"**) was prepared on 06.03.2019.
- 6) That it led the petitioners to file individual applications dated 11.06.2019 (**Annex "D"**), requesting for preparation of a

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Annex - G/1

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4280-P /2019

1. Hameed Ullah, Khalasi, appointed on 03.05.2003.
 2. Abid Ali, Naib Qasid, appointed on 19.02.2004.
 3. Mudasar Khan, Khalasi, appointed on 25.06.2003.
 4. Fazli Mabood, Naib Qasid, appointed on 24.06.2003.
 5. Muhammad Iftikhar Ali Khan, Khalasi, appointed on 25.06.2003
 6. Shehzad Khan, Kalasi, appointed on 25.06.2003
 7. Muhammad Tariq Khan, Naib Qasid, appointed on 18.09.2003.
 8. Zahid Hussain, Naib Qasid, appointed on 03.03.2004
 9. Sharif Ullah, Naib Qasid, appointed on 19.02.2004
 10. Amjid Khan, Naib Qasid, appointed on 19.02.2004
 11. Naveed Ali, Naib Qasid, appointed on 11.08.2008
 12. Usman Khan, Naib Qasid, appointed on
 13. Shafi Ullah, Naib Qasid, appointed on 02.10.2003
 14. Nasir Hussain, Naib Qasid, appointed on 25.06.2003
 15. Fazli Kareem, Naib Qasid, appointed on 25.06.2003
 16. Pervez Khan, Naib Qasid, appointed on 06.02.2003.
- All employees of Pakistan Forest Institute, Peshawar

.....Petitioners

Versus

1. Director General Pakistan Forest Institute, Peshawar
2. Govt. of Khyber Pakhtunkhwa through Secretary Forest, Civil Secretariat, Peshawar.
3. Secretary Finance Department, Government of Khyber Pakhtunkhwa Peshawar.

.....Respondents

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

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separate seniority list of the Daftari, Naib Qasid & Khalasi, as required by the Rules; its relevant portion reads as follows:-

"Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaris, Naib Qasids and Khalasi, with reference to the date of their acquiring the secondary school certificate"

- 7) That as the seniority list was purposely not disclosed to the petitioners, they moved a joint application dated 15.07.2019 (Annex "E") under RTI, whereafter the aforesaid joint tentative seniority list was supplied to the petitioners with a covering letter dated 22.07.2019 (Annex "F")
- 8) That upto now, no final and separate seniority list of the petitioners' category, as per the Rules, ^{has} ~~has been~~ issued and the respondents ^{were} ~~are~~ bent upon to promote employees of other categories, like Mali, Driver, Cleaner, Arm Guard, etc, against the vacant positions of Junior Clerk.
- 9) That feeling aggrieved and having no other adequate and efficacious remedy, the petitioners do seek indulgence of this hon'ble Court for redress, inter alia, on the following:-

GROUND:

- A. That as tentative seniority list has no legal value under the law, therefore, it cannot be depended upon for promotion purposes.
- B. That for promotion of the employees the final determination of their seniority inter se is essential and that is possible only after issuance of the final seniority list in accordance with the law and rules on the subject.

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- C. That in the instant matter, no such exercise has been taken and the employees' final seniority is yet to determined.
- D. That it is apart that the final seniority list has not been prepared/ issued, the tentative list supplied to the petitioners is violently offending against the Rules, *ibid*, because the Rules provide for maintaining a common seniority list of Daftaris, Nabi Qasids and Khalasi only and none else, whereas, the list supplied is joint one and it includes other categories, such as Malis, Arms Guards, etc.
- E. That the intending promotions being made against the posts of Junior Clerks from amongst all the categories is a clear violation of the right conferred on the petitioners by law.
- F. That the other employees, such as Mali, Driver, Cleaner and Armed Guard, who are wrongly included in the joint seniority list, have their own hierarchy and line of promotion under the Rules, *ibid*.
- G. That petitioners have not been dealt with in accordance with law, rather they have been meted out with gross discrimination without any plausible reason and justification.
- H. That the conduct/ act of the respondents is in direct conflict with the law and rules on the subject and it is bound to land the petitioners in unnecessary litigation, hence it needs interference by this hon'ble Court.
- I. That the petitioners seek leave of the Court to urge additional grounds, after the stance of the respondents becomes known to them.

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In this view of the matter, it is, therefore, prayed that on acceptance of this ^{appeal} petition, this hon'ble ^{tribunal} Court may be pleased:

- i. to declare the impugned action/ commission and conduct of the respondents as illegal, void ab initio, against the Rules, without lawful authority and of no legal effect;
- ii. to direct the respondents to prepare a separate seniority list of the Daftaris, Naib Qasids and Khalasi as mandated by the Rules and to consider only these named categories for promotion against the vacancies of Junior Clerk;
- iii. to prohibit and restrain the respondents from considering any category of employees other than Daftaris, Naib Qasids and Khalasi for promotion against the posts of Junior Clerk; and
- iv. to grant any other relief to which the petitioners are found fit in law, justice and equity.

INTERIM RELIEF

Graciously, the respondents may be restrained from making promotion on the posts of Junior Clerk on the basis of the joint tentative list till final disposal of the instant writ petition.

Petitioner
Through

Muhammad Isa Khan Khalil
Advocate Supreme Court

CERTIFICATE:

It is certified that no such writ petition on the subject issue has earlier been filed by the petitioners before this Hon'ble Court.


Advocate

LIST OF BOOKS:

- 1) Constitution of Pakistan, 1973.
- 2) Case law according to need.

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~~Annex - H~~ (42)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
PAKISTAN FOREST INSTITUTE, PESHAWAR

Ph: +92 91 9221224, 9216995, Fax: +92 91 9221233



Dated 01 / 08 / 2019

OFFICE ORDER

No. 147 IF.VDPC(10)-Estt. As recommended by the Departmental Promotion Committee (DPC) in its meeting held on 28-06-2019 under the chairmanship of Director General, Pakistan Forest Institute (PFI), Peshawar, Mr. Gul Rehman, Mali (BPS-04), Pakistan Forest Institute (PFI), Peshawar is hereby promoted to the post of Head Mali (BPS-04) (Rs. 9,900-440-23,100) on regular basis with immediate effect.

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

Director General

A copy is forwarded to:-

1. Section Officer (Estt), Forestry, Environment & Wildlife Department, Government of Khyber Pakhtunkhwa, Peshawar
2. Executive Officer, PFI, Peshawar
3. Administrative Officer (B&A), PFI, Peshawar
4. Concerned official

Director General

Alteer
D

To

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Annex 1

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The Honourable Secretary,
Forestry, Environment and Wildlife Department,
Government of Khyber Pakhunkhwa,
Peshawar.

Through: Proper Channel

Subject: **Appeal against the promotion order dated 01.08.2019, whereby some irrelevant employees (Malis) have been promoted on posts of Junior Clerk**

Sir,

With due respect and reverence, it is submitted.

1. That the impugned order is illegal and unlawful for the following reasons:
 - i. Only tentative seniority list has been prepared, which was not circulated to the employees according to law;
 - ii. The appellant obtained its copy under RTA.
 - iii. The list transpired that it was not only tentative but also employees of other categories were joined therein in violation of serial No.93 of the PFI Rules, 2019, according to which for the purpose of promotion to the post of Junior Clerk a common seniority list of only Khalasis, Daftaries and Naib Qasids has to be maintained.
 - iv. No promotion could be made on the basis of a tentative seniority list.
 - v. Objections of the appellant filed against the tentative seniority list have not been answered.
 - vi. The other categories of employees included in the joint tentative seniority list, like Mali, Cleaner, Driver, Armed Guard, Workshop Attendant, Plant Collector, Plant Mounter etc have their own hierarchy of promotion.
 - vii. The writ petition against the subject issue was already pending in High Court, copy whereof was already provided to the worthy Director General, PFI, therefore, he was obliged under the law to have waited for the decision of the writ petition.
2. That the appellant has not been treated in accord with Rules, ibid, and has wrongly been left out from promotion, though eligible and qualified on all respects.

Therefore, it is humbly requested that the impugned promotion order dated 01.08.2019 may kindly be set aside to the extent of Serial Nos.1 & 7, the Malis and direction may be made for considering the appellant for promotion against the post of Junior Clerk (BPS-11).

Yours faithfully,

Signature: [Signature]

Name: Shafiqullah

Designation: Naib Qasids

Forwarded to DG, DFI M.

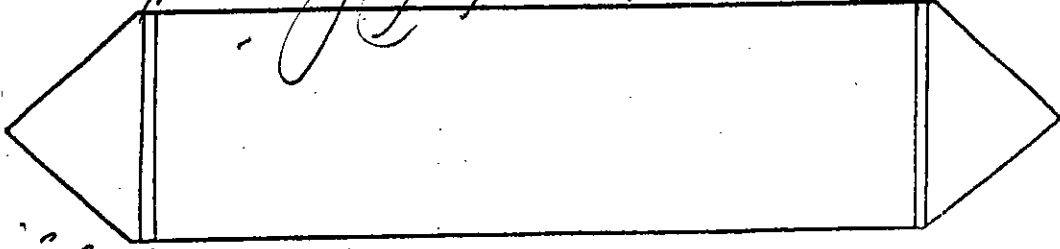
[Signature] 22/8

Dated: 21-8-19

No. 900/DNTRD (Dn) 19, dt. 22/8/19

3244

بعدالت سرورس کیسوں پر لکھنے



موزخہ
مقدمہ
دعویٰ
جرم

2 بجانب سے
شہادت
بجانب
نہ
کے

3244 باعث تحریر آنکے

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مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم _____ ماہ _____ 20

_____ واہ العب _____

بمقام کے لئے منظور ہے۔

بمقام