



01.03.2023

Nemo for the appellant. Mr. Muhammad Jan, District Attorney
for the respondents present. [

Lawyers are on strike. To come up for arguments on
14.03.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

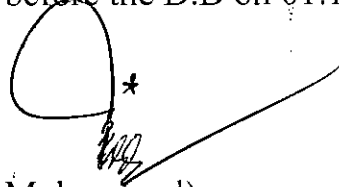

(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

25.10.2022

Nemo for the appellant. Mr. Asif Masood Ali Shah,
Deputy District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore,
notice for prosecution of the appeal be issued to the appellant as
well as his counsel through registered post and to come for
arguments before the D.B on 01.12.2022.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

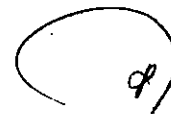
01st Dec. 2022

Appellant present in person. Mr. Naseerud Din Shah,
Assistant Advocate General for the respondents present.

Appellant requested for adjournment due to engagement
of his learned counsel in Hon'ble Peshawar High Court.
Last opportunity is granted. To come up for arguments on
01.03.2023 before the D.B.



(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member(J)

*Counsel was
informed
telephonically on
29/11/22*

**SCANNED
KPST
Peshawar**

31.03.2022

Appellant alongwith his counsel present. Mr. Farhan Ahmed, Superintendent alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 09.05.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

09th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court. Allowed. To come up for arguments on 08.07.2022 before the D.B.



(Fareeha Paul)
Member(E)



Chairman

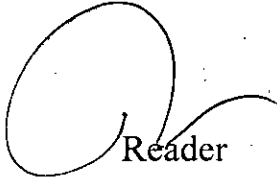
8-7-2022

Due to Holidays of Eid-Ul-Azha the case is adjourned to 25-10-2022

Reader

12.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 26.07.2021 for the same as before.


Reader

26.07.2021

Nemo for appellant.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Appellant/counsel be put on notice for 14.12.2021 for hearing before D.B.


(Rozina Rehman)
Member (J)


Chairman

14-12-21



DB is on Tour case to come up
For the same on Dated. 31-3-22


Reader

30.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.



Reader

06.08.2020

Due to summer vacation case to come up for the same on 26.10.2020 before D.B.

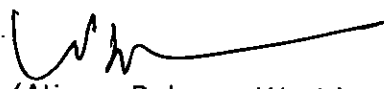


Reader

26.10.2020

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

The Bar is observing general strike, therefore, the matter is adjourned to 31.12.2020 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)
Member



Chairman

31.12.2020

Due to summer vacation, case is adjourned to 12.04.2021 for the same as before.



Reader

08.01.2020

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

Learned AAG seeks time to contact the respondents and procure written reply/comments. Adjourned to 18.02.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman

18.02.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Last chance is given to the respondents to furnish written reply/comments. Adjourned to 12.03.2020 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Farhan Ahmad, Superintendent for the respondents present. Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 3. The same is placed on record. To come up for rejoinder, if any, and arguments on 29.04.2020 before D.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.09.2019.

Counsel for the appellant present.

Contends that the appellant while in BPS-16, was required to look-after the post of Superintendent BPS-17 in Pakistan Forest Institute, Peshawar through order dated 06.04.2017. The availability of post and eligibility of appellant to the post in BPS-17 stood established through the said order. However, in the PSB meeting dated 27.05.2019 the appellant was not recommended for promotion on the ground* that the Service Rules of PFI were notified on 16.04.2019 while the appellant had retired on 17.01.2019 on superannuation, therefore, the rules ~~are~~^{were} not applicable to his case. His departmental appeal was not allowed through order dated 01.07.2019.

In view of arguments of learned counsel and the available record, instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents. To come up for written reply/comments on 26.11.2019 before S.B.

Appellant Deposited
Security Process Fee

26.11.2019

Junior to counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Atta Ur Rehman, Administrative Officer for respondents present.

Written reply/comments on behalf of the respondents not submitted. Learned District Attorney seeks time to submit the same.

Adjourned to 08.01.2020 before S.B.



Chairman

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2019	<p>The appeal of Mr. Akhtar Hussain resubmitted today by Mr. Saifullah Khalil Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>25-9-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		


P-24

The appeal of Akhtar Hussain s/o Abdul Khaliq Ex-Look After Superintendent at Pakistan Forest Institute Peshawar received to-day i.e. on 16-07-2019 is incomplete on the following score, which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of appeal may be properly flagged.
- 2- Copy of promotion order (Annex-I) mentioned in para-1 of the grounds of appeal is not attached which may be placed on it.
- 3- Memorandum of appeal should be signed by counsel.
- 4- Affidavt should be attested by Oath Commissioner.
- 5- Copy of Final Seniority List dated 03-07-2018 mentioned in para-2 of the Facts of appeal is not attached which may be placed on it.


No. 1226 /S.T,

Dt. 18-7-2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saif Ullah Khalil.
Adv, Peshawar.

Sir, The file is corrected &
Re-submitted again please.


Saif Ullah Khalil.

BEFORE THE SERVICES TRIBUNAL PESHAWAR

Service Appeal No 946 /2019

Akhtar Hussain
VERSU
Govt .KPK . and others

INDEX

S.No	Description	Annexure	Pages
1.	Service Appeal		1-4
2	Affidavit & Address of The Parties.		5-6
3	Copy of office order dated 25/01/2011 a A annexure A.)	A	7
4	Copy of office order dated 28/07/2016 annexure B)	B	8
5	Copy of office order dated 13/10/2016 is annexure C	C	9
6	Copy of office order dated 6/4/2017 annexure D) and	D	10
7	Copy of Writ Petition and order is Annexure as E,E1and applications	E, E1 F	11-18 19-20
8	Copy of the orders dated 15/5/19 and 01/07/19 are annexure G,H	G,H	21-25 26-28
9	Copies are annexure I.		26-28
10	Wakalt nama		29

Date 11/7/2019


Appellant

Through

SAIF ULLAH KHALIL (senior)
Advocate, High Court Peshawar
Cell No. 0313 5941431
Off: Zabeel Palece G.T Road
Peshawar

Appellant Deposited
Security & Process Fee
25/7/19
Rs. 500/- (Five hundred only)

①

BEFORE THE SERVICES TRIBUNAL PESHAWAR

Service Appeal No: 946 2019

1. Akhtar Hussain s/o Abdul Khaliq Khan R/O Regi Aftizai,
Peshawar Ex-Look After Superintendent at Pakistan Forest
Institute Peshawar.

Appellant

VERSUS

1. Government of K.P.K through Secretary Environment Peshawar.
2. Secretary to Govt of K.P,K Establishment Department Civil
Secretariat Peshawar
3. Director General Pakistan Forests institute Peshawar.

Respondents

19.5.19

APPEAL UNDER SECTION 22 OF SERVICE TRIBUNAL ACT AGAINST
THE ORIGINAL ORDER DATED 30/05/2019 VIDE WHICH THE
APPELLANT HAS NOT BEEN CONSIDERED FOR PROMOTION TO B.P.S
17 BY THE RESPONDENTS AND AGAINST THE JUDGMENT /ORDER
DATED 01/07/2019 OF THE APPELLATE AUTHORITY VIDE WHICH
THE APPEAL OF THE APPELLANT HAS BEEN DISMISSED.

PRAYER

ON ACCEPTANCE OF THIS SERVICE APPEAL BOTH THE IMPUGENED
ORDERS MENTIONED ABOVE MAY VERY KINDLY BE SET ASIDE AND
THE APPELLANT MAY VERY KINDLY BE ORDERD TO BE PROMOTED
TO THE POST OF SUPERINTENDENT BPS 17 FROM JAN, 2015 ALONG
WITH ALL BACK BENEFITS TILL 19/01/2019.(DATE OF HIS
RETIREMENT)

Respectfully Sheweth:

The Appellant submits as under: -

1. That the Appellant joined the Department of the Respondents as Lower
Division Clerk on ~~12/08/1998~~ and thereafter the appellant was promoted
from time to time and on 25/01/2001 the appellant was promoted on the

2

post of Assistant on BPS 14. (Copy of office order dated 25/01/2011 as annexure A.)

2. That vide office order date 28/09/2016 the appellant was upgrade from BPS-14 to BPS-16. (Copy of office order dated 28/09/2016 is annexure B)
3. That vide office order date 13/10/2016 pay of the appellant was fixed in BPS-16. (Copy of office order dated 13/10/2016 is annexure C)
4. That there after vide office order dated 6/4/2017 the appellant was given Look after charge of the post of superintendent BPS-17 and since the appellant Was serving on the said post and performing the duties of superintendent on BPS-17 but draw the pay of BPS-16. (Copy of office order dated 6/4/2017 is annexure D)
5. That before on his retirement on 17/1/2019 the appellant filed a Writ Petition no 3982-P/2018 against the Respondents to place his case for promotion before the DPC, which was accepted by the Honourable High Court Peshawar vide order dated 11/12/18. (Copy of Writ Petition and order is Annexure as E, E1 Respectively.
6. That two posts of superintendent BPS- 17 were Lying vacant with the Respondents since 2014 and the appellant was eligible to be promoted to the said post after performing 5 years' service on BPS -16 as such the appellant, was entitled to be promoted on the said post in the year 2015 but the Respondents Delayed the matter on one or the other pretext.
7. That in this respect the appellant filed a numbers of applications to the Respondents but in vain (Copy of office order dated 6/4/2017 is annexure F)
8. That on the Direction of the High Court case of the appellant was put before the DPC who rejected the same vide order dated 15/5/19 against which the appellant filed a departmental appeal on 30/05/19 which was dismissed vide order dated 01/07/19. Copy of the orders dated 15/5/19 and 01/07/19 are annexure G, H)
9. That having no other alternate remedy the Appellant impugns both the judgments/ Orders before this Honourable Court on the following grounds
inter alia:


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GROUNDS

- A. That the act of the Respondents by not promoting the appellant to BPS-17 and their refusal is against the Law and Rules hence untenable.
- B. That the appellant has a vested right to be promoted to the post of BPS-17 from the year 2015 as the appellant is the post senior in the seniority List for the said promotion.
- C. That the appellant is already performing duties at Look after duty on the post of superintendent BPS-17 and has also fulfilled the entire criteria for promotion as such entitled to be promoted to the said post.
- D. That the Respondents are bound to act in accordance with Law and Rules and cannot refuse the rights of the appellant guaranteed by the Law and Rules.
- E. That if the appellant is not promoted to the said post the appellant will suffer irreparable Loss as the said post is laying vacant since 2014.
- F. That the appellant has already retired from service on 17/01/19 as such he is entitled for promotion since 2015 till the date of retirement along with all back benefits.
- G. That Framing of Rules was the responsibility of the Respondents on this practice the appellant cannot be deprived from his vested of promotion.
- H. That even if the entire department of the appellant was on deputation to the provincial Govt which is there after absorbed by it promotion to the appellant cannot be refused keeping in waive the rule of estopple and principle of Locus ponetentia.
- I. That during the absorption period the Respondents have promoted their employees. (Copies are annexure I.)
- J. That any other points/ Grounds would be raised at the time of arguments with the prior permission of this Honourable Court.

It, is there for most humbly prayed that on acceptance of this service appeal both the impugned orders mentioned above may very kindly be set aside and the appellant may very kindly be orderd to be promoted to the post of superintendent bps- 17 from jan,2015 along with all back benefits.

Date: 11 /07/2019


appellant

Through

Saif Ullah Khalil (Senior)
Advocate, High Court Peshawar

CERTIFICATE:

Certified that no such like service appeal has earlier been filed before this Honourable Court for the same petitioners.

Advocate

LIST OF BOOKS:

1. Book of Services Law
2. Any other Book as per Need.

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BEFORE THE SERVICES TRIBUNAL PESHAWAR

AKHTAR HUSSAIN

VERSUS

GOVT OF K.PK

AFFIDAVIT

I, Akhtar Hussain s/o Abdul Khaliq Khan R/O Regi Aftizai, Peshawar Look After Superintendent at Pakistan Forest Institute Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying Writ petition are true and correct to the best of my knowledge and belief and nothing have been concealed from this Honourable Court.


Deponent

Identified by:

Saif Ullah Khalil
Advocate, High Court Peshawar

BEFORE THE SERVICES TRIBUNAL PESHAWAR

AKHTAR HUSSAIN
VERSUS
GOVT OF K.PK

ADDRESS OF THE PARTIES

1. Akhtar Hussain s/o Abdul Khaliq Khan R/O Regi Aftizai,
Peshawar Look After Superintendent at Pakistan Forest
Institute Peshawar.

Appellant

1. Government of K.P.K through Secretary Environment Peshawar.
2. Secretary to Govt of K.P,K Establishment Department Civil
Secretariat Peshawar
3. Director General Pakistan Forests institute Peshawar.

Respondents

A. Khalil

SAIF ULLAH KHALIL (SENIOR)
Advocate, High Court Peshawar

"7" §

ANEX - A



Government of Pakistan
Ministry of Environment
Pakistan Forest Institute, Peshawar



Ph: +92 91 9216123, Fax: +92 91 9216203


No. 25

Dated 25-1-2011

OFFICE ORDER

On the recommendation of Departmental Promotion Committee in its meeting held on 18-01-2011, the following Accountants (BS-09) are, hereby, promoted to the post of Assistant (BS-14), at Pakistan Forest Institute, Peshawar with immediate effect. They are placed on probation, as prescribed.

- | S.No | Name & Designation |
|------|--|
| 1. | Mr. Fazli Subhan, Accountant (BS-09) |
| ✓ 2. | Mr. Akhtar Hussain, Accountant (BS-09) |


Director General
Pakistan Forest Institute

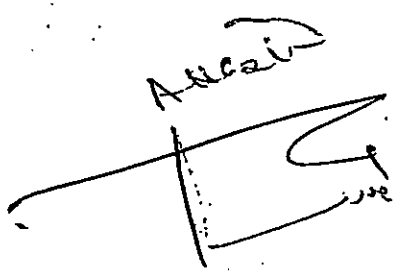
No. 164 /F. V (17)-Estt

dated 25-1-2011

A copy is forwarded to:-

1. Director, Forestry Research Division, PFI, Peshawar.
2. Director, Forest Product Research Division, PFI, Peshawar.
3. The Administrative Officer (B&A) Pakistan Forest Institute, Peshawar.
- ✓ The above named officials.


Director General
Pakistan Forest Institute





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

Ph: +92 91 9216123, 9216995, Fax: +92 91 9216203



Dated 28th September, 2016

OFFICE ORDER

No. 225 /F.VI(237)-Estt. In pursuance of Government of Pakistan, Cabinet Secretariat, Establishment Division's office memorandum No.1/13/96-R-6, dated 10th August, 2016, the competent authority has been pleased to order the upgradation of following incumbents working against the post of Assistant w.e.f. 01-07-2016:

S.No.	Name of the Employees	Designation	Existing Scale	Upgraded Scale
1.	Mr. Lakhkar Khan	Assistant	BS-14	BS-16
2.	Mr. Farhan Ahmad	Assistant	BS-14	BS-16
3.	Mr. Akhtar Hussain	Assistant	BS-14	BS-16

Director General

No. 1459 /F.VI (237) - Estt.

Dated 28th September 2016

A copy is forwarded to:

1. All Directors / Coordinator Sericulture, PFI, Peshawar.
2. The Administrative Officer (B&A) PFI, Peshawar.
3. Concerned officers.

Director General
Atta

Attest
[Signature]



9
ANNEX C
78926

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

Ph: +92 91 9216123, Fax: +92 91 9216203



Dated 13 / 10 / 2016

OFFICE ORDER

No. 232 /F.VI(45)-Estt. Consequent upon, the up-gradation of the post of Assistant from BPS-14 to BPS-16 vide this office order No. 225, dated 28-09-2016, the pay of the following officers are hereby fixed in the upgraded pay scale of the post of Assistant (BPS-16), w.e.f. 01-07-2016 as under:

Sr. No.	Name & Designation of official	Pay in the existing pay scale on 01-07-2016	Pay fixed in the upgraded BPS after allowing one pre-mature increment on 01-07-2016
		BPS-14 (12,720-980-42,120)	BPS-16 (15,880-1280-54,280)
1.	Mr. Lakhkar Khan, Assistant	Rs. 33,300/-	Rs. 35,080/-
2.	Mr. Farhan Ahmed, Assistant	Rs. 18,600/-	Rs. 21,000/-
3.	Mr. Akhtar Hussain, Assistant	Rs. 33,300/-	Rs. 35,080/-

Any over payment if detected as wrong fixation of pay by the Audit Office will be recovered.

Director General

No. 1824 /F.VI (45)-Estt.

Dated 13 / 10 / 2016

A copy is forwarded to:

1. The Director (Budget & Accounts), Forestry, Environment & Wildlife Department, Government of Khyber Pakhtunkhwa, Peshawar.
2. The Administrative Officer (B&A), PFI, Peshawar.
3. The officers concerned, PFI, Peshawar.

Director General
Atee J. Ahmad

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ANX - D_v



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

Ph: +92 91 9216123, 9216995, Fax: +92 91 9216203



(SAY NO TO CORRUPTION)

Dated 6/4/2017

OFFICE ORDER

No. 443 /F.VI(02)-Estt: Mr. Akhtar Hussain, Assistant (BS-16), Pakistan Forest Institute (PFI), Peshawar, is hereby assigned ~~to~~ the lookafter duties of the post of Superintendent (BS-17) and his services are ~~tran~~ferred from Forestry Research Division to Forest Education Division with immediate effect in public interest and until further orders.

Director General

No 443 /F.VI(02)-Estt

dated 6/4/2017

A copy is forwarded to:

1. The Director, Forestry Research Division, PFI, Peshawar.
2. The Director Forest Education Division, PFI, Peshawar.
3. The Administrative Officer (B&A) PFI, Peshawar.
4. Concerned Officer

Habibullah
Director General
Alex of Ahmad

Accepted
[Signature]



BEFORE THE HONOURABLE PESHAWAR HIGH COURT

PESHAWAR

W.P. No. 39877/2018

Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar at
Look after superintendent at Pakistan Forest Institute, Peshawar.

... PETITIONER

VERSUS

1. Government of KPK through Secretary Environment, Peshawar.
2. Secretary to Govt of KPK establishment department Civil Secretariat Peshawar.
3. Director General Pakistan Forests Institute, Peshawar.

... RESPONDENTS

FILED TODAY
Deputy Registrar
06 AUG 2018

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

PRAYER IN WRIT: -

On acceptance of this writ petition an appropriate writ may very kindly
be issued through which the respondents may very kindly be directed
to place case of the petitioner for promotion to the post of
superintendent BPS-17 in accordance with law and rules, the delay in
processing the case of petitioner for promotion is adversely affecting
not only his right but also his career as the petitioner is going to retire
on 17/01/2019 while the post of superintendent is vacant since Feb
2014 and the petitioner is entitled for promotion to the said post from
the above date and also entitled to all back benefits and arrears or any
other remedy deemed proper may also be allowed

ATTESTED
[Signature]

RESPECTFULLY SHEWETH,

The petitioner humbly submit as under: -

1. That the petitioner joined the department of the respondents as Lower Division Clerk on 15/09/1998 and thereafter the petitioner was promoted from time to time and on 25/01/2001 the petitioner was promoted to the post of Assistant BS-14. (Copy of office order dated 25/01/2001 is annexure A).
2. That vide office order dated 28/09/2016 the petitioner was upgraded From BPS-14 to BPS-16 w.e.f 01/07/2016. (Copy of order dated 28/09/2016 is annexure B).
3. That vide order dated 13/10/2016 pay of the petitioner was fixed in BPS-16. (Copy of order dated 13/10/2016 is annexure C).
4. That thereafter vide office order dated 06/04/2017 the petitioner was given Look after charge of the post of superintendent BS-17 and since then the petitioner is serving on the said post performing the duty of superintendent in BS-17 but draws the pay of BS-16. (Copy of order dated 06/04/2017 is annexure D).
5. That the petitioner is going to retire from his service on 17/01/2019 and in this respect office order dated 02/08/2017 has already been issued by the respondents. (Copy of order dated 02/08/2017 is annexure E).

FILED
D. M. Registrar
06 AUG 2018

ATTESTED
EXAMINED
12 DEC 2018

6. That two posts of superintendent BS-17 are lying vacant with the respondents since 2014 and the petitioner is eligible to be promoted to the said post after performing 5 years service in BS-16 as such the petitioner is entitled to be promoted to the said post in the year 2015, but the respondent delayed the matter on one or the other pretext.
7. That in this respect the petitioner filed a number of applications to the respondents but in vain. (Copy of applications are annexure F).
8. That having no other alternate remedy available the petitioner now approaches this Honourable court in constitutional jurisdiction on the following grounds inter alia:

Grounds: -

- A. That the act of the respondent by not promoting the petitioner to BPS-17 and their refusal is against the law and rules, hence untenable.
- B. That the petitioner has a vested right to be promoted to the post of BS-17 from the Year 2015 as the petitioner is the most senior in the sonority list and legally fit for the said promotion.
- C. That the petitioner is already performing duties as look after duty on the post of Superintendent BS-17 and has also fulfilled the entire criteria for promotion as such entitled to be promoted to the said post.

FILED
06 AUG 2018

12/08/2018

14

D. That the respondents are bound to act in accordance with law and rules and cannot refuse the rights of the petitioner guaranteed by the law and rules.

E. That if the petitioner is not promoted to the said post the petitioner will suffer irreparable loss as the said post is lying vacant since 2014.

F. That the petitioner is going to retire on 17/01/2019, but he is still deprived of his promotion on account of inaction of the respondents.

G. That previously writ petition no. 248-p/2017 titled "Lakhar Khan VS Govt of KPK and others" has already been disposed off by this Honourable Court vide order dated 25/01/2017. (Copy of writ petition no. 248-P/2017 and order dated 25/01/2017 are annexure G).

H. That if during the pendency of this writ petition the petitioner is retired from service the petitioner shall be entitled for proforma promotion along with all back benefits.

I. That other points / grounds would be raised at the time of arguments with the prior permission of this Honourable Court.

Interim relief: -

By way of interim relief it is prayed that the respondents may kindly be directed to expedite the matter and place case of the petitioner for promotion before the DPC prior to the decision of this writ petition.

FILED TODAY
Deputy Registrar
06 AUG 2018

ATTESTED
EXAMINER
Punjab High Court

12 DEC 2018

15

Prayer: -

It is, therefore, most humbly prayed that on acceptance of this writ petition an appropriate writ may very kindly be issued through which the respondents may very kindly be directed to place case of the petitioner for promotion to the post of superintendent BPS-17 in accordance with law and rules, the delay in processing the case of petitioner for promotion is adversely effecting not only his right but also his career as the petitioner is going to retire on 17/01/2019 while the post of superintendent is vacant since Feb 2014 and the petitioner is entitled for promotion to the said post from the above date and also entitled to all back benefits and arrears or any other remedy deemed proper may also be allowed

Any other relief which this Honourable Court deem proper and fit may also be granted in favour of the petitioners and against the respondents.

Dated: 04/08/2018

FILED TODAY
Deputy Registrar
06 AUG 2018

Petitioner
Through
SAIF ULLAH KHALIL (SENIOR)
Advocate, High Court Peshawar

CERTIFICATE:

Certified that no such like writ petition has earlier been filed before this Honourable Court for the same petitioner.

Advocate

LIST OF BOOKS: -

1. Constitution of Islamic Republic of Pakistan 1973.
2. Any other book as per need.

ATTESTED
EXAMINER
Peshawar High Court
12 DEC 2018
Advocate

BEFORE THE HONOURABLE PESHAWAR HIGH COURT

PESHAWAR

W.P No. 39877 /2018

Akhtar Hussain
Versus
Govt. Of KPK etc

AFFIDAVIT

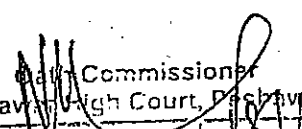
I, Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar at Look after superintendent at Pakistan Forest Institute, Peshawar, do hereby solemnly affirm and declare on oath that all the contents of the instant writ petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


DEPONENT

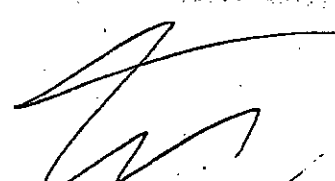
Identified by:



Saif Ullah Khalil (Senior),
Advocate, High Court Peshawar

No:..... <u>4844</u> Certified that the above was verified on solemnly affirmation before me in office, this..... <u>12th</u> day of..... <u>Aug</u> 20 <u>18</u> by..... <u>Akhtar Hussain</u> s/o..... <u>Abul-Khaliq</u> r/o..... <u>Peshawar</u> who was identified by..... <u>Saif Ullah Khalil</u> Who is personally known to me:  Examiner Peshawar High Court, Peshawar
--

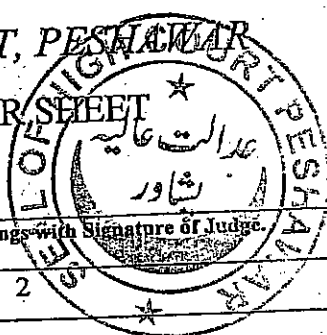
FILED TODAY
No. 1
Deputy Registrar
06 AUG 2018


CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1984
12 DEC 2018

17

ANX "E 1"

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET



Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
11.12.2018	<p><u>W.P.No.3987-P/2018</u></p> <p>Present: Mr. Saif Ullah Khalil (Senior), Advocate for petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG for the respondents.</p> <p><u>IKRAMULLAH KHAN, J:-</u> Through the instant writ petition,, under Article 199 of the Constitution of Islamic Republic of Pakistan, the petitioner has prayed for the following relief:-</p> <p>It is, therefore, most humbly prayed that on acceptance of this writ petition an appropriate writ may very kindly be issued through which the respondents may very kindly be directed to place case of the petitioner for promotion to the post of Superintendent BPS-17 in accordance with law and rules, the delay in processing the case of petitioner for promotion is adversely effecting not only his right but also his career as the petitioner is going to retire on 17.01.2019 while the post of Superintendent is vacant since February, 2014 and the petitioner is entitled for promotion to the said post from the above date and also entitled to all back benefits and arrears or any other remedy deemed proper may also be allowed.</p> <p>Any other relief which this Hon'ble Court deem proper and fit may also be granted in favour of the petitioner and against the respondents.</p>

ATTESTED
EXAMINER
Peshawar High Court
42 DEC 2018

Learned counsel for the petitioner stated at the bar that petitioner is going to be retired in January, 2019 while his case is matured for due promotion but the DPC has not been scheduled according to law. Keeping in view the peculiar facts and circumstances of the case when the petitioner is going to be retired soon so propriety and justice demand that his case be placed for promotion before the Departmental Promotion Committee, if he otherwise deserved to be promoted.

The writ petition is disposed of accordingly.

JUDGE

JUDGE

18138
 No.
 Date of Presentation of Application
 No of Pages
 Copying Fee
 Urgent Fee
 Total
 Date of Preparation of Copy 12/12/18
 Date of Delivery of Copy 12/12/18
 Received By

CERTIFIED TO BE TRUE COPY
 EXAMINER
 Peshawar High Court, Peshawar
 Authorised Under Article 87 of
 The Constitution of Pakistan
 12 DEC 2018

بخدمت جناب ڈائریکٹر جنرل صاحب پی ایف آئی پشاور

عنوان: اپیل برخلاف، برخلاف فیصلہ مورخہ 19-05-2019 جسکی روح سے سائل کو پر موشن بروئے

حکم عدالت عالیہ پشاور مورخہ 11-12-2018 نہیں دی گئی

جناب عالی:

مودبانہ گزارش ہے کہ فدوی کو عدالتی فیصلے کے مطابق سپرٹنڈنٹ کی پوسٹ پر پر موشن نہیں دی گئی۔

سپرٹنڈنٹ کی پوسٹ پرانے اور نئے رولز میں 100 فیصد پر موشن کوٹے پر ہے۔ لہذا آپ سے گزارش ہے مہربانی کر کے

فدوی کے کیس پر نظر ثانی کر کے مجھے قانون کے مطابق پر موشن دی جائے۔

شکریہ

30/5/19
اختر حسین خلیل

اسٹنٹ (سابقہ)

پی ایف آئی پشاور

مورخہ:

No more applications on this subject

25/6/19
AA

28/6/19
AA

بخدمت جناب ڈائریکٹر جنرل صاحب، پاکستان فاسٹ انسٹی ٹیوٹ، پشاور

بوساطت: ڈائریکٹر، فاسٹری ریسرچ ڈویژن

عنوان: Promotion (درخواست بمراد ترقی)

جناب عالی!

گزارش ہے کہ مورخہ 27-2-2017 کو سپرنٹنڈنٹ (بی پی ایس-17) کی آسامی خالی ہونے کے بعد فدوی مورخہ 2-6-2017 سے سپرنٹنڈنٹ (بی پی ایس-17) کی آسامی پر عارضی طور پر ڈیوٹی سرانجام دے رہا ہے۔ پی ایف آئی رولز کے مطابق فدوی سپرنٹنڈنٹ (بی پی ایس-17) کی آسامی پر ترقی کے لئے Eligible ہے۔

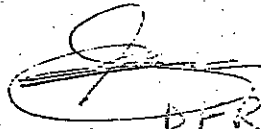
آپ سے ہمدردانہ التماس کی جاتی ہے کہ مذکورہ آسامی کے خالی ہونے کی تاریخ سے فدوی کارنگولر ترقی کا آرڈر جاری کرنے کے احکامات صادر فرما کر مشکور فرمادیں۔

العارض


26/4/2018
اختر حسین خلیل

Forwarded to DG (PFI) for
Sympathetic Consideration

اسٹنٹ / سپرنٹنڈنٹ


26/4/18

DDT


30/04/18

جناب ڈائریکٹر جنرل صاحب پاکستان فاسٹ انسٹی ٹیوٹ پشاور

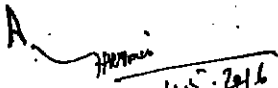
بواسطت: ڈائریکٹر فاسٹری ریسرچ ڈویژن

عنوان! درخواست برائے کرنٹ چارج

جناب عالی!

مودبانہ گزارش ہے کہ فدوی اسٹنٹ (BS-14) کی کیڈر میں سب سے سنیئر مونسٹ ہے۔ اور حال ہی میں سپرنٹنڈنٹ کی پوسٹ خالی ہو چکی ہے۔ برائے مہربانی فدوی کو فی الحال سپرنٹنڈنٹ کے پوسٹ پر کرنٹ چارج کی تعیناتی فرما کر مشکور فرمادیں۔ فدوی تاحیات دعا گورہے گا۔

العارض

A. 
4.5.2016
انور حسین

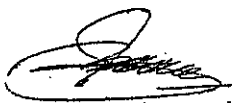
اسٹنٹ

فاسٹری ریسرچ ڈویژن

Forwarded for sympathetic
Consideration.

مورخہ: 4.5.2016

PFI


DFRD
10/5/16

(20) (K)

Dt: 15/5/19

ANX-9

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE

A meeting of the Departmental Promotion Committee was held on 27th May, 2019 at 1100 hours, chaired by the Special Secretary, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa on behalf of Secretary, FE&W to discuss and consider the promotion cases in respect of the officers/officials of Forest Department, Wildlife Department, Environmental Protection Agency and Pakistan Forest Institute, Peshawar. The following attended:-

- (i) Mr. Zarif-Ul Maani, Special Secretary, Forestry, Environment & Wildlife Deptt: In chair
- (ii) Mr. Niaz Ali Khan, Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar. Member
- (iii) Sheikh Amjad Ali, Director General, Pakistan Forest Institute, Peshawar. Member
- (iv) Muhammad Niaz, Deputy Conservator Wildlife, Head Office, Peshawar Member
- (v) Dr. Muhammad Bashir Khan, Director General, Environmental Protection Agency, Khyber Pakhtunkhwa. Member
- (vi) Mr. Abdullah, Deputy Secretary-I, Forestry Environment & Wildlife Deptt: Member/Secretary
- (vii) Mr. Barkat Khun Section Officer (SR.I), Finance Department. Member
- (viii) Mr. Khalil-Ur-Rehman, Section Officer (Reg-III) Establishment Department. Member

2) The Departmental Promotion Committee examined/scrutinized all the documents required for promotion as per the relevant rules/policy and took decisions as reflected hereunder against each case:-

(I) PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDENT (BPS-17) ON REGULAR BASIS IN FORESTS DEPARTMENT

The Departmental Promotion Committee was informed that there are total nine (09) sanctioned posts of Superintendents (BPS-17) in Forest Department, Khyber Pakhtunkhwa. At present, only Five (05) Superintendents are working in the Department while Four (04) posts are lying vacant due to retirement of Mr. Abdur Rashid, Sahib Zada, Sardar Khan and Muhammad Zubair, Superintendents (BS-17) w.e.f. 03rd June, 2018, 10th February, 2019, 04th January, 2019 and 24th April, 2019 respectively.

According to the existing service rules, the method of recruitment to the post of Superintendent is 100% by promotion. The official at Serial No: 01 has opted to forgo his promotion forever. The committee considered the senior most Assistants (BS-16) for promotion to the post of Superintendents (BS-17) in Forest Department, Khyber Pakhtunkhwa and took decisions as under:-

S.#	Name of officials	Recommendation of DPC
1	Muhammad Daud, Assistant (BS-16)	The official has opted to forgo his promotion forever. The Committee accepted his option under rule-7(5) of the APT Rules, 1989. The committee was further informed that the said official previously deferred by the DPC in its meeting held on 8.8.2017 and 02.10.2018. Decision: The Committee deferred him for promotion to the post of Superintendent (BPS-17) for a period of four years.

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S.#	Name of officials	Recommendation of DPC
1	Muhammad Ajmal, Ropeway Operator (BS-12)	His date of birth is 18-10-1962. He joined the Govt. service on 25-02-1984 as Ropeway Operator. He has completed seven years length of service. His service record is generally good. His ACR's were found satisfactory. No inquiry is pending against him, or any penalty awarded to him. Decision: The Committee cleared him for promotion to the post of Technical Assistant (BPS-16) on regular basis. The official will remain on probation for a period of one year as per the rules.

(XVIII) PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDANT (BPS-17) ON REGULAR/POTENTIAL POSTS IN PFI, PESHAWAR

The Departmental Promotion Committee (DPC) was informed that Mr. Lakhkar Khan, ex-Assistant and Mr. Akhtar Hussain, ex-Assistant filed writ petition No. 248/2017 & 3987/2018 in the Hon'ble Peshawar High Court, Peshawar, with the prayer that they may be promoted against the available vacant post of Superintendent (BPS-17). The Hon'ble PHC in its judgments dated 25-01-2017 and 12-12-2018 well before the petitioners retiring dates, directed the respondents to place the working papers of the petitioners before the first available Departmental Promotion Committee for consideration.

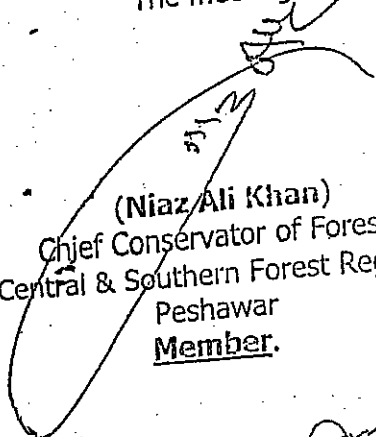
As per the Budget Book, there are total four (04) sanctioned posts of Superintendent (BPS-17) in Pakistan Forest Institute (PFI), Peshawar, against which only two (02) Superintendents were working at that time while two (02) posts were lying vacant due to retirement of Mr. Tehmas Khan, Superintendent w.e.f. 4th February, 2014 and Mr. Shamshad Khan, Superintendent w.e.f. 18th April, 2016.

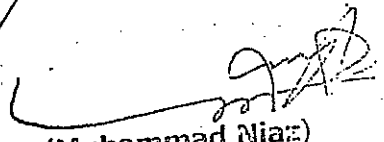
According to the existing service rules notified on 16th April, 2019, the method of recruitment to the post of Superintendent (BPS-17) is 100% by promotion among Office Assistant with at least five years length of service.


The committee examined and considered the case minutely and took decision as under:-

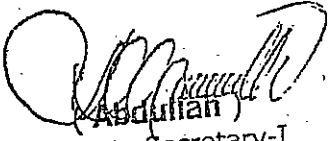
S.#	Name of officials	Recommendation of DPC
1	Mr. Lakhkar Khan, Assistant (BS-16)	Decision: In compliance of PHC, order in W.P 248-P/2017, dated 25/01/2017, the Committee considered his case for promotion and it was observed that all the employees of PFI, including petitioner, were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act 1973. The official retired from service as Federal Government employee on 27/02/2017 on superannuation, whereas service rules of PFI were notified on 16/04/2019 and these rules are not applicable to employees who were retired before notification of the service rules of PFI. Therefore, the DPC did not find him fit for promotion at this belated stage.
2	Mr. Akhtar Hussain, Assistant (BS-16)	Decision: In compliance of PHC, order in W.P 3987-P/2018, dated 11/12/2018, the Committee considered his case for promotion and it was observed that all the employees of PFI, including petitioner, were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act 1973. The official retired on 17/01/2019 on superannuation, whereas service rules of PFI were notified on 16/04/2019 and these rules are not applicable to employees who retired before notification of the service rules of PFI. Therefore, the DPC did not find him fit for promotion at this belated stage.

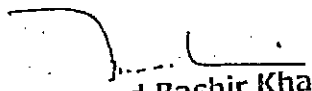
The meeting concluded with a note of thanks by the Chair.

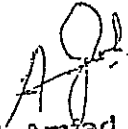

(Niaz Ali Khan)
Chief Conservator of Forests,
Central & Southern Forest Region-I,
Peshawar
Member.

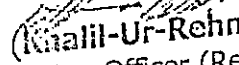

(Muhammad Niaz)
Deputy Conservator Wildlife,
Head Office, Peshawar
Member

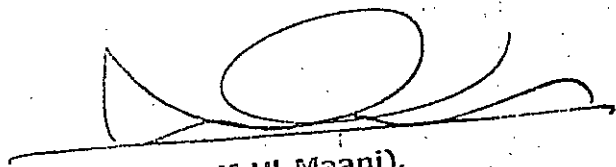

(Barkat Khan)
Section Officer (SR-I)
Finance Department
Member.


(Abdulhannan)
Deputy Secretary-I
Forestry Env't: & Wildlife
Department
Member/Secretary


(Dr. Muhammad Bashir Khan)
Director General,
Environmental Protection Agency,
Khyber Pakhtunkhwa,
Member


(Sheikh Amjad Ali)
Director General,
Pakistan Forest Institute,
Peshawar, Member


(Khalil-Ur-Rehman)
Section Officer (Reg-III)
Establishment Department.
Member.


(Zarif-Ul-Maani),
Special Secretary,
Forestry, Environment & Wildlife
Department,
Chairman



24

ANX - "H" 33

**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. 935 /F.II(Per)-Estt

Dated 17/1/2019

To

Mr. Akhtar Hussain,
Ex-Assistant Pakistan Forest Institute,
Peshawar

Subject: **APPLICATION / APPEAL FOR PROMOTION TO THE POST OF
SUPERINTENDENT (BPS-17)**

I am directed to refer to your application / appeal dated nil and state that in compliance of Hon'ble Peshawar High Court (PHC), Peshawar order / judgment dated 11-12-2018 in writ petition No. 3987/-P/2018, your promotion case against the post of Superintendent (BPS-17) had been placed before Departmental Promotion Committee (DPC) on 27-05-2019. The committee considered your case and after thorough examination did not find you fit for promotion on the following grounds:

"All the employees of Pakistan Forest Institute (PFI), Peshawar including the petitioner / applicant, were on deputation to the Government of Khyber Pakhtunkhwa under Section-10 of the Civil Servant Act, 1973 and these rules are not applicable to employees who were retired before notification of the service rules of PFI"

A copy of the relevant portion of minutes of the DPC committee is sent herewith for information.

Administrative Officer (G)

Cc:

APS to Director General, PFI, Peshawar.

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~~111~~ - 111



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. 1268/F.II(Per)-Estt

Dated 26/7/2018

To

✓ Mr. Akhtar Hussain,
Assistant (BPS-16),
Pakistan Forest Institute,
Peshawar

Subject: REQUEST FOR PROMOTION AGAINST THE POST OF SUPERINTENDENT
(BPS-17)

I am directed to refer to your application dated Nil, on the above cited subject and to inform you that due to devolution of Pakistan Forest Institute (PFI) from Federal to Provincial Government of Khyber Pakhtunkhwa w.e.f. 01-07-2017, all the appointment, promotion and transfer rules are dysfunctional to the extent of PFI, whereas fresh service rules of the Institute are under process. As and when these rules are passed by the competent authority, all the promotion cases including yours shall be processed accordingly.

Administrative Officer (G)

Cc:

APS to Director General, PFI, Peshawar

Akhtar

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248



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)

Dated 21/6/2017

OFFICE ORDER

No. 75 / F.VI (02)-Estt: The services of Mr. Akhtar Hussain, Assistant (BS-16), Pakistan Forest Institute (PFI), Peshawar, are hereby transferred from Forest Education Division to Forestry Research Division, PFI, Peshawar, with immediate effect in public interest. He shall also continue the look after charge of the post of Superintendent (BS-17) in Forestry Research Division, PFI, Peshawar.

Director General

No. 728 / F.VI (02)-Estt

Dated 21/6/2017

A copy is forwarded to:

1. Director, Forestry Research Division, PFI, Peshawar.
2. Director, Forest Education Division, PFI, Peshawar.
3. The Administrative Officer (B&A), PFI, Peshawar.
4. Officer concerned.

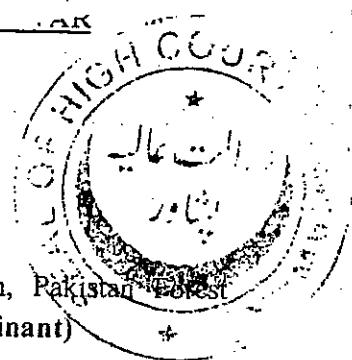
Habibullah

Director General

Acad. J. Ahmed

(27)

IN THE PESHAWAR HIGH COURT P.



COC NO. 285 /2015
In W.P No. 3456-P/2014

Hakim Shah, Director Forestry Research Division, Pakistan Forest Institute, Peshawar (Complainant)

VERSUS

1. Federation of Pakistan through Secretary Inter Provincial Coordination Division, Islamabad.
2. Amjad Ali Khan, Chief Secretary, Civil Secretariat, Peshawar.
3. Syed Nazar Hussain Shah, Secretary to the Govt of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department, Civil Secretariat Peshawar.

(Respondents)

Application for initiation of Contempt proceedings against the respondents for willfully violating/not complying and flouting the judgment & order dated 21.4.2015 of this Honourable Court

Respectfully Submitted:

1. That the complainant has filed Writ Petition No. 3456-P/2014 in this Honourable Court with the following prayer: -

“On acceptance of this Writ Petition an appropriate Writ may please be issued directing the respondents to fill the post of Director General BPS-20, PFI, in accordance with the notification No. SRO 911(I)/84 dated 11.10.1984, the petitioner being the senior most Director PFI, perfectly fit and eligible to be promoted and posted as Director General BPS-20 PFI, besides the additional Charge given to the respondent No. 3 of the post of Director General PFI is liable to be struck down.

or

EXAMINER
Peshawar High Court
27/05/2015

28

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge.
<u>20/10/2015.</u>	<p><u>COC No. 285-P/2015 in WP No. 3456-P/2014 (D).</u></p> <p><u>Present:</u> Mr. Ijaz Anwar, Advocate, for the petitioner. Mr. Mujahid Ali, Assistant A.G. for the respondents.</p> <p>====</p> <p>In view of judgment dated 1.10.2015 of the Apex Court, placed on file, whereby although the relief has been refused to the respondents but three months time have been granted to implement judgment, therefore, the case is adjourned to 12.1.2016.</p> <p><i>g. Z. - Ijaz Anwar</i> <i>Mr. Mujahid Ali</i></p> <p><u>JUDGE</u> <u>JUDGE</u></p> <p>2571 5P 10.50 27-11-15 27-11-15 27-11-15</p> <p>EXAMINED TO BE TRUE Peshawar High Court, Peshawar Authorized Under Article 87 of the Constitution of Pakistan Order 1984 27 NOV 2015</p>

Nawab Shah.
 Date of Entry of Order
 Received By

(28) a
GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

ANX - I

Other employees

Dated Peshawar, the January 15, 2016

CORRIGENDUM

NO. SO (E-I)E&AD/9-112/2016. Government of Khyber Pakhtunkhwa is pleased to transfer Mr. Hakim Shah (BS-20), Additional Director General (Forestry Research, Pakistan Forest Institute and post him as Director General (BS-20), Pakistan Forest Institute (relieving Syed Nazar Hussain Shah PCS SG BS-20 of the additional charge), with effect from 14.1.2016.

The notification of even No. dated 14.1.2016 may be treated as withdrawn.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Encl. No. & date even:

Duly forwarded to the:-


1. Registrar, Peshawar High Court, Peshawar.
2. Additional Chief Secretary, P&D Department.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
5. Secretary to Government of Khyber Pakhtunkhwa, Law & Parliamentary Affairs Department.
6. Secretary to Government of Khyber Pakhtunkhwa, Forestry, Environment & Wildlife Department.
7. Accountant General, Khyber Pakhtunkhwa.
8. Director General, Pakistan Forest Institute, Peshawar.
9. Director Information, Khyber Pakhtunkhwa Peshawar.
10. PS to Chief Secretary, Khyber Pakhtunkhwa.
11. PS to Secretary Establishment/PS to SS(E)/PA AS(E), AS(HRD)/D.S(A)/D.S(E)/ SO(S)/ SO(E.II)/S.O. (HRD) I/S.O.(E.IV)/E.O/ACSO Cypher D.D. IT and Director Protocol E&AD, Khyber Pakhtunkhwa.
12. Officers concerned.
13. Manager, Govt. Printing Press Peshawar.

(KASHIF IQBAL JILANI)
SECTION OFFICER (ESTT. I)
PH: & FAX NO. 091-9210529


286




Seniority
18/4

GRADATION LIST OF THE OFFICERS OF THE PAKISTAN FOREST INSTITUTE, PESHAWAR, AFGHANISTAN
12/2017

S.No.	Name, Designation and qualification	Date of Birth	Date of Entry into Govt. Service	Date of Entry into Govt. Service (16&nb00)	Remarks	Signature
1	BS-20 Director General Hakim Shah M.Sc. (Forestry) M.Sc. Economics, M.Phil (Economics)	1-04-1959	30-05-1985	30-05-1985 (BS-17) 18-09-1990 (BS-18) 25-02-2000 (BS-19)		
1	BS-19 Director Biological Sciences Research Division Dr. Nasar Iqbal, Ph.D. Horticulture (Agriculture)	01-03-1966	16-01-1990	16-01-1990 (BS-17)	On long leave until 18-06-2011, and absent from duty since 19-06-2011. The disciplinary proceeding against him is under process in Cabinet Division, Islamabad.	
2	Director Forestry Research Division Mr. Ali Gohar,				On deputation from Forest Department	
3	Director, Biodiversity				On deputation from Wildlife Department	
4	Director Forest Product Research Division Post Vacant					
5	Director Forest Education Division Post Vacant					
6.	Director, NTFP Post Vacant					
1	BS-18 Medical Officer Dr. Ainul Hussain, M.B.B.S	1-03-1962	01-10-1991	1-10-1991 (BS-17)		

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S.No.	Name, Designation and qualification	Date of Birth	Date of Entry into Govt. Service	Date of Entry in Govt. Service (16&above)	Date of regular appointment to present post	Remarks	Signature
13	<u>Assistant Private Secretary</u> Vacant						
14	<u>Technical Assistant</u> 02 Post Vacant						
15	<u>Forest Ranger</u> 06 Post Vacant						
16	<u>Research Assistant</u> 02 Post Vacant						
17	<u>Computer</u> 03 Post Vacant						
18	<u>Assistant Private Secretary</u> Post Vacant						
19.	<u>Assistant</u> Farhan Ahmad, M.Sc	02-01-1984	17-05-2010	20-05-2014	20-05-2014		
20.	<u>Assistant</u> Mr. Akhtar Hussain	18-01-1959	12-08-1978	20-05-2014 ✓	20-05-2014 ✓		
21.	<u>Assistant</u> Wahiba Iqbal M.Sc Botany B.Ed	16-04-1989	02-09-2014	02-09-2014	02-09-2014		
22.	<u>Male Nurse</u> Mr. Khair-ul-Hassan	07-06-1977	19-02-2004	01-07-2016	01-07-2016		

تاریخ: 50 روز	21585	 	
ایڈوکیٹ: سیف اللہ حلیل	بار کونسل/ایسوسی ایشن نمبر: 10-7499		
رابطہ نمبر: 0313 5941431	پشاور بار ایسوسی ایشن، خیبر پختونخواہ		

بعدالت جناب: سرسوں ٹریبونل جسٹس پشاور

منجانب:	دعویٰ: سرسوں اسل
اختیار حسین	علت نمبر:
بنام	مورخہ:
گورنمنٹ KPK وٹمنہ	جرم:
	تھانہ:

باعث تحریر آتکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام لیسٹاور کیلئے ایف اللہ حلیل کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ 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 وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے
 المرقوم:

مقام لیسٹاور کے لیے منظور ہے۔

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 946/2019

Mr. Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar Ex-Look After
Superintendent at Pakistan Forest Institute Peshawar

.....**APPELLANT**

VERSUS

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

.....**RESPONDENTS**

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**Service Appeal No. 946/2019**

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3. Director General, Pakistan Forest Institute, Peshawar

.....**RESPONDENTS**

PARAWISE COMMENTS ON BEHALF OF RESPONDENT No. 1,2 & 3

Respectfully Sheweth:

Preliminary Objections:

1. That the appellant has no legitimate cause of action.
2. That the appellant has no locus standi to file instant appeal.
3. That the appellant has not come to the Hon'ble Khyber Pakhtunkhwa Service Tribunal, with clean hands.
4. That the appellant has not exhausted the available remedies before approaching the Tribunal i.e. Departmental Appeal.
5. That the appeal is not maintainable due to mis-joinder and non-joinder of necessary parties.

FACTS

1. Pertains to record hence needs no comments.
2. Pertains to record hence needs no comments.
3. Pertains to record hence needs no comments
4. Correct to the extent that Pakistan Forest Institute (PFI), Peshawar was an Attached Department of Ministry of Environment, Islamabad till 30-06-2011. Consequent upon the 18th Constitutional Amendment, Ministry of Environment, Islamabad ceased to exist w.e.f. 01-07-2011 (**Annex-A**), therefore, PFI, Peshawar was devolved to the Government of Khyber Pakhtunkhwa and all its employees including the appellant were transferred to government of Khyber Pakhtunkhwa on deputation basis in their own

basic pay of scales under the Civil Servant Act, 1973. Subsequently, the Provincial Government of Khyber Pakhtunkhwa declared PFI as an Attached Department of Environment (now Forestry, Environment & Wildlife) Department. On 09-01-2018. All employees of PFI, including the appellant, were provincialized under section 11 (B) of Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2015. It is further added that due to devolution of PFI, all the Appointment, Promotion and Transfer Rules had become dysfunctional to the extent of PFI and therefore, promotion cases of the PFI employees (including the appellant) could not be made. However, in order to ensure smooth functioning of the office work, the appellant was assigned the look-after-charge of the post of Superintendent. The appellant got retired from government service on attaining the age of superannuation w.e.f. 17-01-2019, and the fresh service rules of PFI were notified on 16-04-2019 i.e. after retirement of appellant. Moreover, the appellant while he was in service, filed writ petition No. 3987/2018 in Peshawar High Court for promotion to the post of Superintendent.

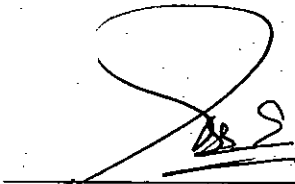
5. That Hon'ble Peshawar High Court in its judgment dated 11-12-2018, directed the respondents to place his case for promotion before the Departmental Promotion Committee (DPC), if he otherwise deserved to be promoted (**Annex-B**). In compliance his promotion case was placed before the DPC on 27-05-2019, wherein the committee considered his case and observed that all the employees of PFI including the appellant were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act, 1973. The official retired from service as federal government employees w.e.f. 17-01-2019 on superannuation, whereas the service rules of PFI were notified on 16-04-2019. Therefore, these service rules are not applicable to those employees who retired from service before notification of service rules of PFI. Therefore, the DPC did not find him fit for promotion as Superintendent (BS-17) (**Annex-C**).
6. As explained in para-4 & 5 above.
7. As explained in para-4&5 above.
8. As explained in para-4&5 above.
9. No comments

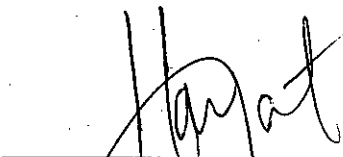
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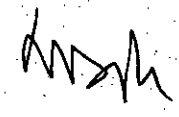
- A. Incorrect. As explained in para-4 & 5 of the facts.
- B. Incorrect. As explained in para-4 & 5 of the facts.
- C. Incorrect. As explained in para-4 & 5 of the facts.
- D. As replied above.
- E. Incorrect. As explained in para-4 & 5 of the facts.
- F. Incorrect. As explained in para-4 & 5 of the facts.
- G. Incorrect. As explained in para-4 & 5 of the facts.

- H. Incorrect. As explained in para-4 & 5 of the facts.
- I. Incorrect. As explained in para-5 of the facts. It is clarified in compliance of Hon'ble Peshawar High Court order dated 21-4-2015 in writ petition No.2456/2014 and on the recommendation of the Provincial Selection Board, Mr. Hakim Shah, then Director, Forestry Research Division (BS-19), was promoted to the post of BPS-20 on regular basis and subsequently posted as Additional Director General (Forestry Research) (BPS-20), PFI vide notification dated 09-01-2016, during his service in PFI (**Annex-D**).
- J. The respondents seek leave to raise additional grounds at the time of arguments.

In view of the above, it is humbly prayed that instant service appeal, being devoid of merit, may please be dismissed in limine, with cost.


Secretary,
Govt. of Khyber Pakhtunkhwa
FE & W Department
Respondent No.1


Secretary,
Govt. of Khyber Pakhtunkhwa
Establishment Department
Respondent No.2


Director General
Pakistan Forest Institute
Peshawar
Respondent No. 3

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TO BE PUBLISHED IN THE GAZETTE OF PAKISTAN, EXTRAORDINARY

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
CABINET DIVISION

Islamabad; the 29th June, 2011

NOTIFICATION

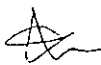
No. 4-9/2011-Min.I: Consequent upon the deliberations / decisions of the Implementation Commission, constituted under clause (9) of Article 270AA of the Constitution and with the approval of the Cabinet, the following Federal Ministries, alongwith all their Divisions / components, shall cease to exist with effect from 1st July 2011:

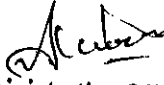
- i. Ministry of Environment;
- ii. Ministry of Food and Agriculture;
- iii. Ministry of Health;
- iv. Ministry of Labour and Manpower;
- v. Ministry of Minorities Affairs;
- vi. Ministry of Sports; and
- vii. Ministry of Women Development.

2. The following functions, earlier allocated to these Ministries/Divisions shall stand devolved to the Provinces or relocated, to the Ministries / Divisions mentioned against each, w.e.f. 1st July 2011:

MINISTRY OF ENVIRONMENT

SUBJECTS/ENTRIES		DECISION
1.	National policy, plans, strategies and programmes regarding: a) Environmental pollution, ecology, forestry, wildlife, biodiversity, climate change and desertification; b) Improvement in environmental conditions of air, water and land; c) Incorporation of environmental concerns in development schemes; and d) energy conservations	Assigned to the Planning and Development Division Devolved Devolved Devolved
2.	Coordination, monitoring and implementation of environmental agreements with other countries, international agencies and forums	Assigned to the Planning and Development Division
3.	Forestry training, education and research	Devolved
4.	Survey and research in flora and fauna.	Devolved
5.	Secretariat of Pakistan Environmental Protection Council established under the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997)	Assigned to the IPC Division
6.	Pakistan Environmental Planning and Architectural Consultants Limited (PEPAC)	Assigned to the Planning and Development Division for winding up



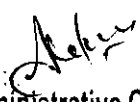

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7.	Quaid-e-Azam Mazar Management Board (QMMB) and Quaid-e-Azam Memorial Fund	Assigned to the IPC Division
Attached Departments/Organizations of Ministry of Environment		
1.	Pakistan Environmental Protection Agency	Assigned to Capital A&D Division
2.	National Council for Conservation of Wildlife in Pakistan	Devolved (Hunting areas for foreign dignitaries assigned to the Ministry of Foreign Affairs through the concerned provinces)
3.	Pakistan Forest Institute	Devolved to Khyber Pakhtunkhwa
4.	Zoological Survey of Pakistan	Assigned to the Ministry of Science & Technology
5.	National Energy Conservation Centre (ENERCON)	Assigned to the Ministry of Water and Power
6.	Marine Biological Research Laboratory, Karachi	Assigned to the Ministry of Ports & Shipping
7.	Global Environment Impact Study Centre, Islamabad	Assigned to the Planning & Development Division

MINISTRY OF FOOD AND AGRICULTURE

1.	Economic Coordination and planning in respect of food	Clubbed with Sr. No. 11, reworded as "Economic Coordination and planning in respect of food, Economic Planning and policy making in respect of agriculture", and assigned to the Planning & Development Division.
2.	Keeping a watch over the food supplies (including storage) position in the country	Assigned to the Federal Bureau of Statistics
3.	Procurement of foodgrains, including sugar:- a) from abroad; b) for Federal requirement; c) for Inter-Provincial supplies; and d) for export and storage at ports	Assigned to the Ministry of Commerce.
4.	Import and export control on foodgrains and foodstuffs.	Clubbed with Sr. No. 5, reworded as "Import and export control on foodgrains and foodstuffs. Inspection, grading analysis of food grains and foodstuffs, maintenance of standards of quality for import and export, and inspection, handling, storage and shipment of rice for export", and assigned to the Ministry of Commerce
5.	Inspection, grading, analysis of foodgrains and foodstuffs and maintenance of standards of quality for import and export. <i>Note: "Inspection, handling, storage and shipment of rice for export" is the concern of Commerce Division.</i>	Clubbed with Sr. No. 4
6.	Preparation of basic plan for bulk allocation of food grains and foodstuffs.	Assigned to the IPC Division for consideration of the CCI
7.	Price stabilization by fixing procurement and issue prices including keeping a watch over the price of food grains and foodstuffs imported from abroad or required for export and those required for inter-Provincial supplies.	Assigned to the IPC Division for consideration of the CCI


Administrative Officer (G)
Pakistan Forest Institute
Peshawar

8.	Collection of statistics regarding production, consumption, prices, imports and exports of foodgrains.	Assigned to the Federal Bureau of Statistics
9.	Food and Agriculture Organization of the United Nations in respect of food	Clubbed with Sr. Nos. 10, 13, 14 and 33, reworded as "Food and Agriculture Organization of the United Nations in respect of food; Coordination of work relating to aid/assistance being received from aid-giving agencies in respect of food sector; Food and Agricultural Organization of the United Nations in respect of agriculture; Coordination of aid /assistance from international aid-giving agencies in respect of agriculture sector, Coordination of aid /assistance from international aid-giving agencies and FAO in respect of agricultural research, including manpower training for research", and assigned to the Economic Affairs Division
10.	Coordination of work relating to aid/assistance being received from aid-giving agencies in respect of food sector	Clubbed with Sr. No. 9
11.	Economic Planning and policy making in respect of agriculture	Clubbed with Sr. No. 1
12.	Agricultural Research Council; Agricultural commodities research;	Clubbed with Sr. Nos. 32, 34 and 37, reworded as "Agricultural Research Council; Agricultural commodities research; Federal Agriculture Research Organizations; Research for the introduction of improved germ plasma both of plant and animal origin; Inter-provincial coordination and coordination between the centre and provinces in respect of agricultural research, including training of high level agriculture scientists", and assigned to Pakistan Agricultural Research Council with the Ministry of Science & Technology.
13.	Food and Agricultural Organization of the United Nations in respect of agriculture;	Clubbed with Sr. No. 9
14.	Coordination of work relating to aid / assistance being received from aid giving agencies in respect of agriculture sector	Clubbed with Sr. No. 9
15.	Plant protection:- a) standardization and import of pesticides; b) aerial spray; c) plant quarantine; and d) locust control in its international aspect and maintenance of locust warning organizations	Assigned to the Ministry of Commerce
16.	Economic studies for framing agricultural policy.	Devolved

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17.	Farm management research for planning project formulating and evaluation.	Devolved
18.	Seed testing and seed certification; Crops forecast and estimation; crop insurance	Assigned to the Ministry of Science & Technology. Devolved
19.	Collection and compilation of agricultural statistics	Assigned to the Federal Bureau of Statistics
20.	Marketing intelligence.	Devolved
21.	Grading of agricultural commodities other than foodgrains, for exports.	Assigned to the Ministry of Commerce
22.	Agricultural commodity research (marketing research and laboratory research for laying down national grades)	Devolved
23.	Soil survey, comprehensive inventory of the soil resources of the country and their proper utilization.	Devolved
24.	Standardization and import of fertilizers for meeting Provincial requirements.	Assigned to the Ministry of Commerce
25.	Introduction of special crops like jute, tea, olive etc.	Devolved
26.	Standardization of agricultural machinery	Devolved
27.	Under-developed Areas:- a) Identification of Under-developed Areas. b) Identification of the fields in which an area is under-developed. c) Measures necessary to remove the causes of under-development in different areas.	Devolved
28.	Economic planning and coordination with regard to cooperatives	Devolved
29.	Administrative control of the PASSCO	Assigned to the Ministry of Commerce
30.	Sugar Board	Deleted
31.	Socio-economic studies for framing agricultural research policies	Deleted
32.	Agricultural commodities research; Federal Agricultural Research Organizations;	Clubbed with Sr. No. 12
33.	Coordination of aid /assistance from international aid-giving agencies and FAO in respect of agricultural research, including manpower training for research	Clubbed with Sr. No. 9
34.	Research for the introduction of improved germ plasma of plant origin	Clubbed with Sr. No. 12
35.	Collection of statistics on agricultural research.	Assigned to the Federal Bureau of Statistics
36.	High level manpower training for agricultural research.	Devolved
37.	Inter-provincial coordination and coordination between the centre and provinces in respect of agricultural research, including training of high level agriculture scientists	Clubbed with Sr. No. 12
38.	Administrative control of Pakistan Central Cotton Committee with participation and inputs of Textile Industry Division	Assigned to the Ministry of Textile Industry

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Administrative Officer (G)
Pakistan Forest Institute
Peshawar

Attached Departments/Organisations of Ministry of Food & Agriculture		
1.	Agricultural & Livestock Products Marketing and Grading Department, Islamabad	Wound up
2.	Department of Plant Protection, Karachi	Assigned to the Ministry of Commerce
3.	Agricultural Policy Institute, Islamabad	Assigned to the Ministry of Science & Technology
4.	Directorate General of Food, Karachi	Wound up
5.	Federal Seed Certification & Registration, Islamabad	Assigned to the Ministry of Science & Technology
6.	Soil Survey of Pakistan, Lahore	Devolved to the Government of the Punjab
7.	Pakistan Agricultural Research Council	Assigned to the Ministry of Science & Technology
8.	Pakistan Central Cotton Committee, Multan	Assigned to the Ministry of Textile Industry
9.	Directorate of Food Accounts, Islamabad	Wound up
10.	Pakistan Oilseed Development Board, Islamabad	Wound up
11.	PASSCO, Lahore	Assigned to the Ministry of Commerce
12.	Pakistan Dairy Development Company (PDCC)	Assigned to the Cabinet Division for winding up

MINISTRY OF HEALTH

1.	National Planning and Coordination in the field of health.	Assigned to the Planning and Development Division
2.	Dealings and agreements with other countries and international organisations in the fields of health, drug and medical facilities abroad	Assigned to the Economic Affairs Division
3.	International aspects of medical facilities and public health; International Health Regulations; Port health; health and medical facilities abroad	Assigned to the Economic Affairs Division
4.	Scholarships/fellowships, training courses in health from International Agencies such as W.H.O. and UNICEF	Assigned to the Economic Affairs Division
5.	Medical, nursing, dental, pharmaceutical, para-medical and allied subjects:- a) maintenance of educational standards; b) education abroad and c) educational facilities for backward areas and for foreign nationals, except the nomination of candidates from Federally Administered Tribal Areas for admission to Medical College	a) Devolved, except to the extent of Federal areas b) Assigned to the IPC Division c) Assigned to the IPC Division
6.	Standardization and manufacture of biological and pharmaceutical products.	Assigned to the proposed Drug Regulatory Agency
7.	Vital health statistics	Assigned to the Federal Bureau of Statistics
8.	Medical and health services for Federal Government employees.	Assigned to Capital A&D Division
9.	National Associations in medical and allied fields such as the Red Crescent Society and T.B. Association.	Assigned to the IPC Division

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10.	Coordinating medical arrangements and health delivery systems for the Afghan refugees.	Assigned to the States and Frontier Regions Division
11.	i) Legislation pertaining to drugs and medicines, including narcotics and psychotropic, but excluding functions assigned to the Pakistan Narcotics Control Board; ii) Administration of Drugs Act, 1976; and iii) Poisons and dangerous drugs	Assigned to the proposed Drug Regulatory Agency Assigned to the proposed Drug Regulatory Agency Assigned to the proposed Drug Regulatory Agency
12.	Prevention of the extension from one Province to another of infectious and contagious diseases.	Devolved
13.	Lunacy and Mental deficiency.	Devolved
14.	Administrative control of the Pakistan Medical Research Council.	Assigned to the IPC Division
15.	Administrative control of the National Institute of Handicapped, Islamabad.	Assigned to Capital A&D Division
Attached Departments/Organizations of Ministry of Health		
1.	Pakistan Medical and Dental Council	Assigned to IPC Division
2.	Pakistan Nursing Council	Assigned to IPC Division
3.	College of Physicians and Surgeons	Assigned to IPC Division
4.	National Council for Tibb	Assigned to IPC Division
5.	National Council for Homeopathy	Assigned to IPC Division
6.	Pharmacy Council of Pakistan	Assigned to IPC Division
7.	National Institute of Health	Assigned to Cabinet Division
8.	Proposed Drug Regulatory Agency	Assigned to Cabinet Division
9.	PIMS	Assigned to Capital A&D Division
10.	Federal Government Services Hospital, Isl.	Assigned to Capital A&D Division
11.	Directorate of Malaria Control, Islamabad	Wound up
12.	National Health Information Resource Centre, Islamabad	Merged with National Institute of Health
13.	Health Services Academy, Islamabad	Assigned to IPC Division
14.	Federal Dental and Medical College, Islamabad	Assigned to Capital A&D Division
15.	Jinnah Postgraduate Medical Centre, Karachi	Devolved to Government of Sindh
16.	National Institute of Child Health, Karachi	Devolved to Government of Sindh
17.	Directorate of Central Health Establishment, Karachi	Assigned to IPC Division
18.	National Institute of Cardiovascular Diseases, Karachi	Devolved to Government of Sindh
19.	Sheikh Khalifa Bin Zaid Hospital, Quetta	Devolved to Government of Balochistan
20.	Tobacco Control Cell	Merged with Health Services Academy
21.	Vertical Programmes	Devolved to the Provinces
22.	National Health Emergency Preparedness and Response Network	Assigned to Cabinet Division

MINISTRY OF LABOUR & MANPOWER

1.	National policy regarding a) Employees Social Security Schemes; b) War Injuries Scheme and War Injuries Compensation Insurance; and c) The Employment (Record of services) Act, 1951 (XIX of 1952).	Devolved
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Adnan
Administrative Officer (G)
Pakistan Forest Institute
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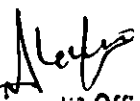
2.	a) Legislation relating to welfare of labour; conditions of labour, provident fund; employers liability and workmen's compensations; health insurance, including invalidity pensions; old-age pensions; workers' children education; un-employment insurance; trade unions; industrial relations and labour disputes. b) the Industrial Relations ordinance, 2002(XCI of 2002).	Devolved Devolved <i>Industrial Relations Act, 2011, assigned to the IPC Division along with the Industrial Relations Commission</i>
3.	Compilations of labour statistics for national and international consumption.	Assigned to the Federal Bureau of Statistics
4.	Dealing and agreements with international organizations in the fields of labour and social security.	Assigned to the Economic Affairs Division
5.	Keeping a watch on labour legislation from international angle	Clubbed with Sr. No. 10, reworded as "Administration of the Industrial Relations Act, 2011, keeping a watch on labour legislation from international angle, and coordination of labour legislation in Pakistan", and assigned to the IPC Division
6.	Federal Labour Conference; the Pakistan Tripartite Labour Conference; Standing Labour Committee; Bonus Commission	Devolved
7.	Administration of :- i) The Workers Welfare Fund Ordinance, 1971 (XXXVI of 1971). ii) The Companies Profits (Workers participation Act, 1968 (XII of 1968); iii) the Employees, old Age Benefits Act, 1976 (XIV of 1976, including super vision and control of the Employees' Old Age Benefit Institution; and iv) Newspapers Employees (Conditions of Service) Act, 1973 (LVIII of 1973).	Assigned to IPC Division Assigned to IPC Division Assigned to IPC Division Assigned to Ministry of Information & Broadcasting
8.	Regulation of labour and safety in mines and oil-fields	Devolved, <i>except for radioactive materials (assigned to the Ministry of Defence)</i>
9.	Administrative control of the National Institute of Labour Administration Training.	Devolved
10.	Coordination of labour legislation in Pakistan	Clubbed with Sr. No. 5
11.	Education of workers in the essentials of trade unions, including education in respect of their rights and obligations.	Devolved
12.	National policy, Planning and coordination regarding manpower development and employment promotion.	Devolved

Administrative Officer (G)
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Peshawar

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13.	Foreign employment and emigration.	Assigned to the Ministry of Overseas Pakistanis
14.	National policy regarding- a) Resettlement and employment of demobilized personnel; and b) Registration of essential personnel under the Essential Personnel (Registration) Ordinance, 1948 (X of 1948)	Devolved
15.	Compilation of manpower and employment statistics for national and international consumption.	Assigned to the Federal Bureau of Statistics
16.	Administration of - a) the Emigration Ordinance, 1979 (XVIII of 1979) and b) the Control of Employment Ordinance, 1965 (XXXII of 1965)	a) Assigned to Ministry of Overseas Pakistanis b) Assigned to Ministry of Overseas Pakistanis
17.	Policy and programme regarding setting up and development of employment exchanges; employment information bureaux; vocational guidance and youth employment offices.	Deleted
18.	Welfare of Seamen	Assigned to Ministry of Ports & Shipping, along with Seamen Hostel, Karachi
19.	Periodic assessment, review and analysis of manpower resources and requirements with reference to the employment situation in the country	Assigned to Federal Bureau of Statistics
20.	Preparation of short and long-term Programmes for manpower development and employment promotion.	Devolved
21.	Stock taking of highly qualified and skilled personnel National Talent Register.	Assigned to IPC Division
22.	Training in manpower planning and research.	Assigned to IPC Division
23.	Technical Training, Federal Training Board apprenticeship training and other training programme for workers	Devolved, except to the extent of Federal Territories
24.	Schemes of regular visits to Pakistan of qualified Pakistani experts stationed abroad excluding scheme for "Transfer of Technology".	Deleted
25.	Administrative control of - (a) Overseas Employment Corporation; and (b) Bureau of Emigration and Overseas Employment.	a) Assigned to Ministry of Overseas Pakistanis b) Assigned to Ministry of Overseas Pakistanis
Attached Departments/Organizations of Ministry of Labour & Manpower		
1.	National Talent Pool, Islamabad	Assigned to IPC Division
2.	Directorate of Dock Workers' Safety, Karachi	Assigned to Ministry of Ports and Shipping
3.	National Training Centre, Islamabad	Assigned to Capital A&D Division
4.	Chief Inspector of Mines, Islamabad	Assigned to Ministry of Petroleum & Natural Resources
5.	Pakistan Manpower Institute, Islamabad	Assigned to IPC Division
6.	Directorate of Workers' Education	Devolved


 Administrative Officer (G)
 Administrative Officer (PG)
 Pakistan Forest Institute
 Peshawar

7.	National Institute of Labour Administration Training, Karachi	Devolved to Government of Sindh
8.	National Industrial Relations Commission	Assigned to the IPC Division
9.	Implementation Tribunal for Newspaper Employees.	Assigned to Ministry of Information & Broadcasting
10.	Workers' Welfare Fund	Assigned to IPC Division
11.	Employees Old-Age Benefits Institution	Assigned to IPC Division

MINISTRY OF MINORITIES AFFAIRS

1.	Safeguarding the rights of minorities	Devolved
2.	Promotion of welfare of minorities	Devolved
3.	Protection of minorities against discrimination	Assigned to Ministry of Human Rights
4.	Representation of Pakistan in international bodies and conferences relating to minorities, including U.N. Sub-Commission on Prevention of Discrimination to Minorities.	Assigned to the Ministry of Human Rights
5.	International Agreements and commitments in respect of minorities and their implementation.	Assigned to the Ministry of Human Rights
6.	All other matters relating to minorities	Devolved
7.	Evacuee Trust Property Board.	Assigned to the Ministry of Human Rights
8.	Policy and legislation with regard to Evacuee Trust Property.	Reworded as "Policy and legislation with regard to Evacuee Trust Property, Minorities Welfare Fund, and National Commission for Minorities" and assigned to the Ministry of Human Rights

MINISTRY OF SPORTS

1.	Legislation covering all aspects of sports affairs and matters ancillary thereto	Assigned to Pakistan Sports Board
2.	Design, develop and implement Sports Policy in conformity with national objectives and laws	Assigned to Pakistan Sports Board
3.	Monitoring of the implementation of policies on all aspects of sports	Assigned to Pakistan Sports Board
4.	Administrative control of Board established for the promotion development of sports under the Sports (Development and Control) Ordinance 1962. (XVI of 1962)	Assigned to IPC Division
5.	National Sports Awards, including Pride of performance Awards in the field of sports	Assigned to Pakistan Sports Board
6.	Develop sports infrastructure, including the establishment of sports stadium and facilities.	Assigned to Pakistan Sports Board
7.	International exchange of sports persons, experts and teams with foreign countries.	Assigned to Pakistan Sports Board
8.	All International aspects of sports including negotiations for bilateral and multilateral agreements for mutual assistance and cooperation in the sports field.	Assigned to Pakistan Sports Board
9.	Regulation of administrative, budgetary and other matters of organizations dealing in sports.	Assigned to Pakistan Sports Board
10.	Sports matters relating to all the federating units	Assigned to Pakistan Sports Board
11.	Financial assistance to sports organizations, sportsmen and their bereaved families.	Assigned to Pakistan Sports Board

Administrative Officer (G)
Pakistan Forest Institute
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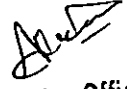
12.	Pakistan Sports Trust	Assigned to Pakistan Sports Board
13.	Matters relating to the Pakistan Olympic Association and national sports federations.	Assigned to Pakistan Sports Board
14.	Management of Fund set up for promotion of sports.	Assigned to Pakistan Sports Board
Attached Departments/Organizations of Ministry of Sports		
1.	Pakistan Sports Board	Assigned to IPC Division
2.	Pakistan Cricket Board	Assigned to IPC Division
3.	Islamabad Club	Assigned to Capital A&D Division
4.	Gun and Country Club	Assigned to Capital A&D Division

MINISTRY OF WOMEN DEVELOPMENT

1.	Matters relating to formulation of public policies and laws to meet their special needs of women, ensuring that women's interests and needs are adequately represented in public policy formulation by various organs and agencies of Government.	Devolved
2.	Assistance to women's organizations.	Devolved
3.	Promotion and undertaking of projects for providing special facilities for women.	Devolved
4.	Promotion and undertaking of training and research on the conditions and problems of women.	Devolved
5.	Representing Pakistan at International and bilateral level involving all gender related matters.	Assigned to Ministry of Human Rights
6.	Matters relating to equality of opportunity in education and employment and the fuller participation of women in all spheres of national life.	Devolved
Attached Departments/Organizations of Ministry of Women Development		
1.	National Commission on the Status of Women	Renamed as National Commission for Women and assigned to the Ministry of Human Rights
2.	Ombudsperson	Assigned to Ministry of Law, Justice and Parliamentary Affairs


3. The following principles shall be followed in the context of the Devolution Process:

- a. Employees working in various field organizations under the Ministries indicated in paragraph 1 shall be transferred to the respective administrations of the provinces and federal areas (Islamabad Capital Territory, Gilgit-Baltistan and FATA) under Section 10 of the Civil Servants Act 1973, pending enactment of a new enabling law on the subject.
- b. Employees working in any Ministry being abolished shall be adjusted in other Ministries/Divisions.
- c. Development projects of these Ministries will also be transferred to the Provinces/Federal Territories along with Project employees.
- d. None of the employees of the devolved Ministries and their organizations shall be retrenched/laid-off.
- e. Office buildings, furniture, fixtures, equipment and transport in use of devolved establishments located in the Provinces shall also stand transferred to the respective Provinces.


 Administrative Officer (G)
 Pakistan Forest Institute
 Peshawar

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4. 1st July 2011 shall be observed as "Provincial Autonomy Day" in Pakistan.


5. Amendments in the Rules of Business, 1973, wherever necessary, are being issued subsequently.



(Syed Fayyaz Hussain)
Joint Secretary to the
Government of Pakistan

The Manager,
Printing Corporation of Pakistan Press
Islamabad.

Copy forwarded to:

1. Chairman, Deputy Chairman and Members of the Implementation Commission
2. Secretary General to the President
3. Principal Secretary to the Prime Minister
4. Secretaries/Additional Secretaries in-charge of Ministries/Divisions
5. Secretaries Senate/National Assembly Secretariats
6. Chief Secretaries of the Provincial Governments
7. Accountant General Pakistan Revenues, Islamabad
8. PIO, PID, Islamabad


(Syed Fayyaz Hussain)
Joint Secretary to the
Government of Pakistan
Ph: 9202918


Administrative Officer (G)
Pakistan Forest Institute
Peshawar

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Annex B

BEFORE THE HONOURABLE PESHAWAR HIGH COURT
PESHAWAR

W.P. No. 39877/2018

Akhtar Hussain S/o Abdul Khaliq Khan R/o Regi Aftizai, Peshawar at
Look after superintendent at Pakistan Forest Institute, Peshawar.
... PETITIONER

VERSUS

1. Government of KPK through Secretary Environment, Peshawar.
 2. Secretary to Govt of KPK establishment department Civil Secretariat Peshawar.
 3. Director General Pakistan Forests Institute, Peshawar.
- ... RESPONDENTS

FILED TODAY
Deputy Registrar
06 AUG 2018
WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN 1973

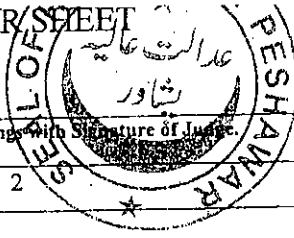
PRAYER IN WRIT: -

On acceptance of this writ petition an appropriate writ may very kindly be issued through which the respondents may very kindly be directed to place case of the petitioner for promotion to the post of superintendent BPS-17 in accordance with law and rules, the delay in processing the case of petitioner for promotion is adversely effecting not only his right but also his career as the petitioner is going to retire on 17/01/2019 while the post of superintendent is vacant since Feb 2014 and the petitioner is entitled for promotion to the said post from the above date and also entitled to all back benefits and arrears or any other remedy deemed proper may also be allowed

Administrative Officer (G)
Pakistan Forest Institute
Peshawar

ATTESTED
EXAMINER
12 DEC 2018

FORM OF ORDER SHEET



Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
<p>11.12.2018</p>	<p><u>W.P.No.3987-P/2018</u></p> <p>Present: Mr. Saif Ullah Khalil (Senior), Advocate for petitioner.</p> <p>Mr. Rab Nawaz Khan, AAG for the respondents.</p> <p><u>IKRAMULLAH KHAN, J:-</u> Through the instant writ petition,, under Article 199 of the Constitution of Islamic Republic of Pakistan, the petitioner has prayed for the following relief:-</p> <p>It is, therefore, most humbly prayed that on acceptance of this writ petition an appropriate writ may very kindly be issued through which the respondents may very kindly be directed to place case of the petitioner for promotion to the post of Superintendent BPS-17 in accordance with law and rules, the delay in processing the case of petitioner for promotion is adversely effecting not only his right but also his career as the petitioner is going to retire on 17.01.2019 while the post of Superintendent is vacant since February, 2014 and the petitioner is entitled for promotion to the said post from the above date and also entitled to all back benefits and arrears or any other remedy deemed proper may also be allowed.</p> <p>Any other relief which this Hon'ble Court deem proper and fit may also be granted in favour of the petitioner and against the respondents.</p>

ATTESTED

EXAMINER
Peshawar High Court

42 DEC 2018

[Signature]
Administrative Officer (G)
Pakistan Forest Institute
Peshawar

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that petitioner is going to be retired in January, 2019 while his case is matured for due promotion but the DPC has not been scheduled according to law. Keeping in view the peculiar facts and circumstances of the case when the petitioner is going to be retired soon so propriety and justice demand that his case be placed for promotion before the Departmental Promotion Committee, if he otherwise deserved to be promoted.

The writ petition is disposed of accordingly.

JUDGE

JUDGE

18138

No.

Date of Presentation of Application 11/12/18

No of Pages 1

Copying Fee

Urgent Fee

Total

Date of Preparation of Copy 12/12/18

Date of Delivery of Copy 12/12/18

Received By [Signature]

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984

12 DEC 2018

(Shahid Ali) (D.B.) Hon'ble Mr. Justice Ikrumullah Khan and Hon'ble Justice Musarrat Hali

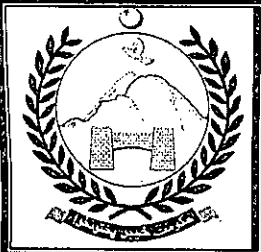
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Administrative Officer (G)
Pakistan Forest Institute
Peshawar

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

No.SO(Estt)FE&WD/I-3/2019

Dated Pesh: 30th May, 2019

To

- 1) The Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
- 2) The Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.

Subject: **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE**

Dear Sir,

I am directed to refer to the subject cited above and to enclose herewith a copy of the approved minutes of Departmental Promotion Committee meeting, held on 27th May, 2019, chaired by Special Secretary, Forestry Environment & Wildlife Department, Khyber Pakhtunkhwa, on behalf of Secretary for information and office record, please.

Encl: as above

Yours faithfully,

(Hafiz Abdul Jalil)
SECTION OFFICER (ESTT)

Endst: No.& date even

Copy alongwith a copy of the minutes of the subject meeting is forwarded to:-

1. Chief Conservator of Forests, Central Southern Forest, Region-I, Peshawar.
2. Director General, Environmental Protection Agency, Khyber Pakhtunkhwa.
3. Chief Conservator Wildlife, Khyber Pakhtunkhwa.
4. Director General, Pakistan Forest Institute, Peshawar.

They are requested that necessary orders on item No.I, III, V, IX, XV, XVI and XVII may kindly be issued in your respective departments, being competent authority as per Rule-4 of the APT Rules, 1989, please.

SECTION OFFICER (ESTT)

Endst: No.& date even

Copy is forwarded to:-

1. PS to Secretary FE&W Department, Khyber Pakhtunkhwa for information.
2. PS to Special Secretary FE&W Department, Khyber Pakhtunkhwa for information.
3. PA to Deputy Secretary-I, FE&W Department for information.

DDT/AO (G)
Ar 30/5/19.

Administrative Officer (G)
Pakistan Forest Institute
Peshawar

SECTION OFFICER (ESTT)

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE

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A meeting of the Departmental Promotion Committee was held on **27th May, 2019 at 1100 hours**, chaired by the Special Secretary, Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa on behalf of Secretary, FE&W to discuss and consider the promotion cases in respect of the officers/officials of Forest Department, Wildlife Department, Environmental Protection Agency and Pakistan Forest Institute, Peshawar. The following attended:-

- (i) Mr. Zarif-Ul Maani, In chair
Special Secretary,
Forestry, Environment & Wildlife Deptt:
- (ii) Mr. Niaz Ali Khan, Member
Chief Conservator of Forests,
Central & Southern Forest Region-I,
Peshawar.
- (iii) Sheikh Amjad Ali, Member
Director General,
Pakistan Forest Institute, Peshawar.
- (iv) Muhammad Niaz, Member
Deputy Conservator Wildlife,
Head Office, Peshawar
- (v) Dr. Muhammad Bashir Khan, Member
Director General,
Environmental Protection Agency,
Khyber Pakhtunkhwa.
- (vi) Mr. Abdullah, Member/Secretary
Deputy Secretary-I,
Forestry Environment & Wildlife Deptt:
- (vii) Mr. Barkat Khan Member
Section Officer (SR.I),
Finance Department.
- (viii) Mr. Khalil-Ur-Rehman, Member
Section Officer (Reg-III)
Establishment Department.

2) The Departmental Promotion Committee examined/scrutinized all the documents required for promotion as per the relevant rules/policy and took decisions as reflected hereunder against each case:-

(I) PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDENT (BPS-17) ON REGULAR BASIS IN FORESTS DEPARTMENT

The Departmental Promotion Committee was informed that there are total nine (09) sanctioned posts of Superintendents (BPS-17) in Forest Department, Khyber Pakhtunkhwa. At present, only Five (05) Superintendents are working in the Department while Four (04) posts are lying vacant due to retirement of Mr. Abdur Rashid, Sahib Zada, Sardar Khan and Muhammad Zubair, Superintendents (BS-17) w.e.f. 03rd June, 2018, 10th February, 2019, 04th January, 2019 and 24th April, 2019 respectively.

According to the existing service rules, the method of recruitment to the post of Superintendent is 100% by promotion. The official at Serial No: 01 has opted to forgo his promotion forever. The committee considered the senior most Assistants (BS-16) for promotion to the post of Superintendents (BS-17) in Forest Department, Khyber Pakhtunkhwa and took decisions as under:-

S.#	Name of officials	Recommendation of DPC
1	Muhammad Daud, Assistant (BS-16)	The official has opted to forgo his promotion forever. The Committee accepted his option under rule-7(5) of the APT Rules, 1989. The committee was further informed that the said official previously deferred by the DPC in its meeting held on 8.8.2017 and 02.10.2018.

[Signature]

Decision: The Committee **deferred him** for promotion to Administrative Officer (A.O) Superintendent (BPS-17) for a period of four years.
Pakistan Forest Institute
Peshawar

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S.#	Name of officials	Recommendation of DPC
1	Muhammad Ajmal, Ropeway Operator (BS-12)	His date of birth is 18-10-1962. He joined the Govt: service on 25-02-1984 as Ropeway Operator. He has completed seven years length of service. His service record is generally good. His ACR's were found satisfactory. No inquiry is pending against him, nor any penalty awarded to him. Decision: The Committee cleared him for promotion to the post of Technical Assistant (BPS-16) on regular basis. The official will remain on probation for a period of one year as per the rules.

(XVIII) PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDANT (BPS-17) ON REGULAR/NOTIONAL BASIS IN PFI, PESHAWAR

The Departmental Promotion Committee (DPC) was informed that Mr. Lakhkar Khan, ex-Assistant and Mr. Akhtar Hussain, ex-Assistant filed writ petition No. 248/2017 & 3987/2018 in the Hon'ble Peshawar High Court, Peshawar, with the prayer that they may be promoted against the available vacant post of Superintendent (BPS-17). The Hon'ble PHC in its judgments dated 25-01-2017 and 12-12-2018 well before the petitioners retiring dates, directed the respondents to place the working papers of the petitioners before the first available Departmental Promotion Committee for consideration.

As per the Budget Book, there are total four (04) sanctioned posts of Superintendent (BPS-17) in Pakistan Forest Institute (PFI), Peshawar, against which only two (02) Superintendents were working at that time while two (02) posts were lying vacant due to retirement of Mr. Tehmas Khan, Superintendent w.e.f. 4th February, 2014 and Mr. Shamshad Khan, Superintendent w.e.f. 18th April, 2016.

According to the existing service rules notified on 16th April, 2019, the method of recruitment to the post of Superintendent (BPS-17) is 100% by promotion among Office Assistant with at least five years length of service.

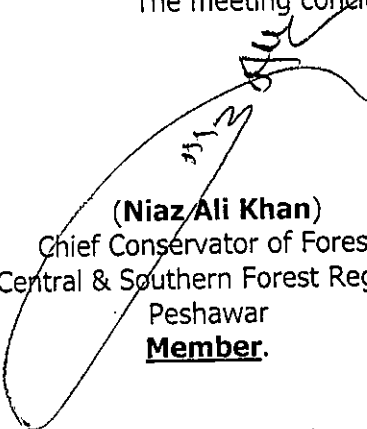
The committee examined and considered the case minutely and took decision as under:-

S.#	Name of officials	Recommendation of DPC
1	Mr. Lakhkar Khan, Assistant (BS-16)	Decision: In compliance of PHC, order in W.P 248-P/2017, dated 25/01/2017, the Committee considered his case for promotion and it was observed that all the employees of PFI, including petitioner, were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act 1973. The official retired from service as Federal Government employee on 27/02/2017 on superannuation, whereas service rules of PFI were notified on 16/04/2019 and these rules are not applicable to employees who were retired before notification of the service rules of PFI. Therefore, the DPC did not find him fit for promotion at this belated stage.
2	Mr. Akhtar Hussain, Assistant (BS-16)	Decision: In compliance of PHC, order in W.P 3987-P/2018, dated 11/12/2018, the Committee considered his case for promotion and it was observed that all the employees of PFI, including petitioner, were on deputation to Khyber Pakhtunkhwa province under Section-10 of Civil Servant Act 1973. The official retired on 17/01/2019 on superannuation, whereas service rules of PFI were notified on 16/04/2019 and these rules are not applicable to employees who retired before notification of the service rules of PFI. Therefore, the DPC did not find him fit for promotion at this belated stage.


[Handwritten signatures and initials on the left margin]

[Signature]
Administrative Officer (DPC)
Pakistan Forest Institute
Peshawar


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Annex - c
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The meeting concluded with a note of thanks by the Chair.




(Niaz Ali Khan)
Chief Conservator of Forests,
Central & Southern Forest Region-I,
Peshawar
Member.




(Muhammad Niaz)
Deputy Conservator Wildlife,
Head Office, Peshawar
Member




(Barkat Khan.)
Section Officer (SR-I)
Finance Department
Member.



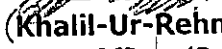
(Abdulrahman)
Deputy Secretary-I
Forestry Env't: & Wildlife
Department
Member/Secretary



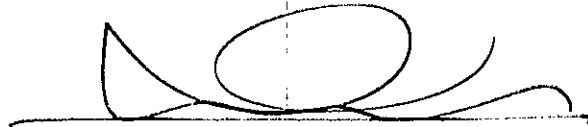
(Dr. Muhammad Bashir Khan)
Director General,
Environmental Protection Agency,
Khyber Pakhtunkhwa,
Member



(Sheikh Amjad Ali)
Director General,
Pakistan Forest Institute,
Peshawar, **Member**



(Khalil-Ur-Rehman)
Section Officer (Reg-III)
Establishment Department.
Member.



(Zarif-Ul-Maani),
Special Secretary,
Forestry, Environment & Wildlife
Department,
Chairman



Administrative Officer (G)
Pakistan Forest Institute
Peshawar



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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar, the January 9, 2016

NOTIFICATION

NC.SO(E-I)E&AD/9-112/2016. The competent authority, on recommendations of the Provincial Selection Board, is pleased to promote Mr. Hakim Shah (officer of Pakistan Forest Institute BS-19) to (BS-20) on regular basis, with immediate effect.

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

3. Consequent upon above, Mr. Hakim Shah (BS-20 officer of Pakistan Forest Institute) is transferred from the post of Director Forestry Research Division, Pakistan Forest Institute and post him as Additional Director General (Forestry Research) (BS-20) Pakistan Forest Institute, against the vacant post.

**CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Ends: No. & date even.

Copy forwarded to the:-

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

[Signature]
**Administrative Officer (G)
Pakistan Forest Institute
Peshawar**

[Signature]
**(KASHIF IQBAL JILANI)
SECTION OFFICER (ESTT. I)
PH: & FAX NO. 091-9210529**

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Syed Munir Ali Shah
Mr. Justice Sayyed Muzahar Ali Akbar Khan

CIVIL PETITION NO. 538-J OF 2020

[Against the judgment dated 16.9.2020, passed by the Peshawar High Court, Peshawar, in W.P. No. 4429-P of 2019]

*Government of Khyber Pakhtunkhwa
through Secretary Establishment &
Administration Department, Civil
Secretariat, Peshawar and others*

...Petitioners

Versus

Lakhkar Khan and another

...Respondents

For the Petitioners : Mr. Shumayal Aziz,
Additional Advocate General,
Khyber Pakhtunkhwa,
Atta Rehman,
Administrator Officer

Respondents : N.R.

Date of Hearing : 18.05.2021

ORDER

GULZAR AHMED, CJ. The learned Additional Advocate General, Khyber Pakhtunkhwa (AAG), contends that the very writ petition before the Peshawar High Court, Peshawar (the High Court), was not maintainable for the reason that respondent No. 1 (the respondent) being a civil servant could not have sought direction from the High Court for granting him promotion. Further contends that the respondent has retired on 27.02.2017, while the meeting of the Departmental Promotion Committee (DPC) was held on 27.05.2019, after his retirement and such meeting of DPC was

ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

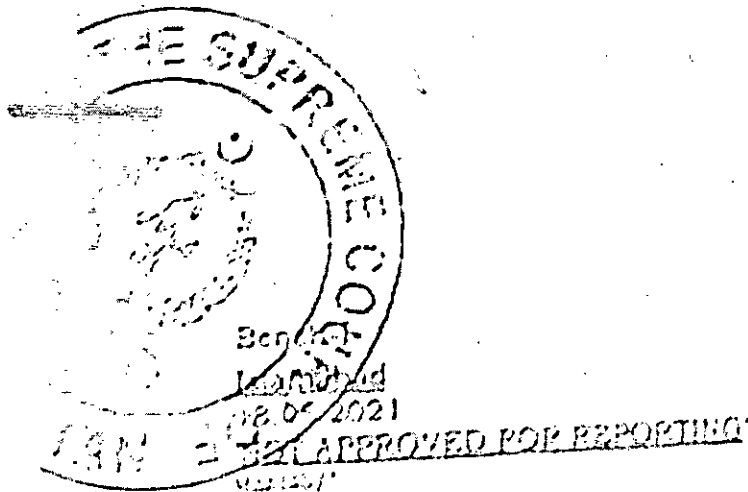
CMA No. 1029

held according to the newly promulgated rules on 16.01.2021 pursuant to which the respondent did not qualify to be promoted.

2. The submissions made by the learned AAG require consideration. Leave to appeal is granted to consider, inter alia, the same. The appeal stage paper-books be prepared from the available record with liberty to the parties to file additional documents, if any, within a period of one month. As the matter relates to service, the Office is directed to fix the appeal expeditiously, preferably after three months.

CMA No. 1029-P of 2020:

3. In the meantime, the operation of the impugned judgment is suspended.



Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

GR No. 8418/21 Legal Council
Date of Presentation: 10-05-21