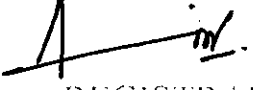


FORM OF ORDER SHEET

Court of _____

Appeal No. 1445/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/07/2023	<p>The appeal of Mr. Saleem Khan presented today by Mr. Fazal Haq Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service appeal no. 1445/2023

Saleem Khan

VERSUS

Government of Khyber Pakhtunkhwa & Others

APPLICATION FOR URGENT BASIS THE SERVICE APPEAL
TRANSFER AND POSTING

1. That the appellant is transferred in charge Komaila Forest Sub-Division of Upper Kohistan Forest Division to in charge herban Forest Sub Division of Upper Kohistan Forest Division without law, without proposal of the concern authority
2. That the transfer/posting of appellant to Pre-mature stage e.i illegal against the Departmental Policy, without rules and regulation.
3. That the matter is in hand urgent and the application of urgency to integral part of the service appeal.

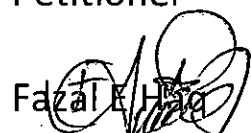
Prayers:

It is therefore humbly prayed that on acceptance of this application, and to listen this service appeal today in hand.

Dated: 10/07/2023

Through


Petitioner


Fazal E. H. H.
Advocate High Court
Peshawar

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 1445 of 2023

Salccm Khan.....Appellant


VERSUS

The Govt. of KPK through Secretary Forest
Peshawar etc.....Respondents

APPEAL
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S#	Description of documents	Annexure	Page#
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4.	Correct address of Parties	-	10
5.	Copy of posting transfer order dated 23.12.2022.	"A"	11
6.	Copy of transfer order no.38 dated 23.5.2023.	"B"	12
7.	Copy of departmental appeal.	"C"	13-14
8.	Cop of rejection order dated 07.07.2023.	"D"	15
9.	Wakalt Nama	-	16

Dated 07.07.2023


Saleem Khan
(Appellant)

Through:-


FAZAL HAQ

ADVOCATE HIGH COURT

Kohistan

(03462728625)

03009556731

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 144 of 2023

Saleem Khan son of Zareen Khan, R/o
Dassu Kohistan Presently Incharge Kamila
Forest Sub Division Of Upper Kohistan forest
Division.....**Appellant**

VERSUS

- 1) Government of Khyber Pakhtunkhwa
through Sectary Forest Peshawar.
- 2) Chief Conservator Forest Region-II,
Abbottabad.
- 3) Conservator of Forest Upper Hazara
Forest Circle Mansehra.
- 4) Division Forest Officer Upper Kohistan
Forest Division Dassu.
- 5) Jameer Khan, son of Ahmed Present
Incharge Herband Forest Sub Division
of Upper Kohistan Forest Division.

.....**Respondents**

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER NO.38 DATED

23.5.2023, PASSED BY RESPONDENT NO.3
WHEREBY APPELLANT IS TRANSFERED
FROM IN-CHARGE KOMILA FOREST
SUBDIVISION OF UPPER KOHISTAN
FOREST DIVISION TO IN-CHARGE
HERBAN FOREST SUBDIVISION OF UPPER
KOHISTAN FOREST DIVISION, WHEREBY
THE RESPONDENT NO.5 IS ADJUSTED TO
BE INCHARGE KOMILA FOREST
SUBDIVISION OF UPPER KOHISTAN
FOREST DIVISION WHICH IS AGAINST
THE LAW, FACTS, CIRCUMSTANCES,
VOID, ILLEGAL, UNDER THE POLITICAL
PRESSURE, AGAINST THE RULES OF
NATURAL JUSTICE AND AGAINST THE
DEPARTMENTAL POLICY.

PRAYER:-

On the acceptance of the instant service appeal, the impugned order bearing no.38 dated 23.5.2023 passed by respondent no.3 may kindly be set aside declaring them illegal and against the law on the subject and the transfer of the appellant to be cancelled.

Respectfully Sheweth:-

1. That, the appellant was serving as in-charge Komila subdivision of the upper Kohistan Forest division.

(Copy of posting transfer order dated 23.12.2022 is annexed as Annexure "A").

2. That, the appellant was performing his duty efficiently and honestly as per the rule and regulations of the departmental policies.

3. That, the respondents transferred the appellant through order no.38 dated 23.5.2023 from the Komila Forest subdivision of the Upper Kohistan Forest Division to the Herban Forest subdivision Upper Kohistan Forest Division just after five months of the posting, which is illegal, against the law, fact, circumstances, void, under political pressure and against the departmental policy, rule, and regulation.

(Copy of transfer order no.38 dated 23.5.2023 is annexed as annexure "B")

4. That, the appellant filed a departmental appeal dated 29.5.2023 with respondent No.2 and rejection

order bearing no 123/E was received from the office dated 07.07.2023.

(Copy of departmental appeal is annexed as annexure "C" and copy of rejection order is annexed as annexure "D")

5. That, the appellant being aggrieved from the impugned order no.38 dated 23.5.2023 and act of respondent no.3 (officials) seek the gracious indulgence of this honourable tribunal inter alia on the following grounds:

GROUND:

- A) That, the appellant is the permanent residence of Komila Dassu Kohistan Upper and he is unable to travel Herban forest sub division upper Kohistan forest division daily.
- B) That, the act of respondents is illegal, void, based on mala-fide, discriminatory and under the political pressure and against the departmental policy or basic statute.
- C) That, the respondents pressurised, harass the appellant and there is also political pressure, which is clear from impugned order dated 23.5.2023.

- D) That, the act of respondent is quite clear from the impugned order no.38 dated 23.5.2023 which is against the natural justice, departmental policy, fair play, and equity.
- E) That, the respondents violated the rules and regulations regarding the arrival of appellant.
- F) That, the respondent no.5 did not get any proposal for transfer of appellant and the transfer was made just due to political influences.


PRAYER

On the acceptance of the instant service appeal, the impugned order bearing no.38 dated 23.5.2023 passed by respondent No.3 may kindly be set aside declaring them illegal and against the law on the subject and the transfer of the appellant to be cancelled.

Dated 07.07.2023


Saifem Khan
(Appellant)

Through:-


FAZAL HAQ
ADVOCATE HIGH COURT
Kohistan

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Saleem Khan.....Appellant

VERSUS

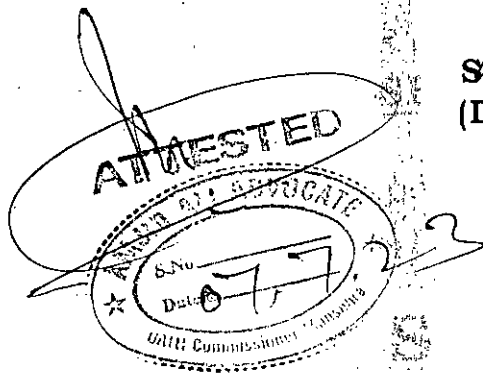
The Govt. of KPK through Secretary Forest
Peshawar etc.....Respondents

APPEAL

AFFIDAVIT

I, Saleem Khan son of Zareen Khan, R/o
Dassu Kohistan Presently Incharge Kamila
Forest Sub Division Of Upper Kohistan forest
Division, do hereby solemnly affirm and declare
on oath that the no such subject matter appeal
has ever been filed before this honorable court
nor pending nor decided. That the contents of
fore-going affidavit are true and correct to the
best of my knowledge and belief and nothing has
been concealed or suppressed from this
Honourable tribunal.

Dated 07.07.2023




Saleem Khan
(DEPONENT)

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Saleem Khan.....Appellant

VERSUS

The Govt. of KPK through Secretary Forest
Peshawar etc.....Respondents

APPEAL

APPLICATION FOR THE GRANT OF
TEMPORARY INJUNCTION AGAINST THE
RESPONDENTS TILL THE FINAL DISPOSAL
OF INSTANT APPEAL.

Respectfully Sheweth:


1. That the instant appeal is being filed by the petitioner before this honourable Tribunal.
2. That the instant application is integral part of instant appeal.
3. That the appellant has good prima facie case, balance of convince is also in favor of appellant and if temporary injunction is not granted the petitioner suffer irreparable lose.

It is humbly prayed that on the acceptance of this application order dated 23.5.2023 be stayed till the decision of the instant appeal.

Dated 07.07.2023


Saleem Khan
(Appellant)

Through:-

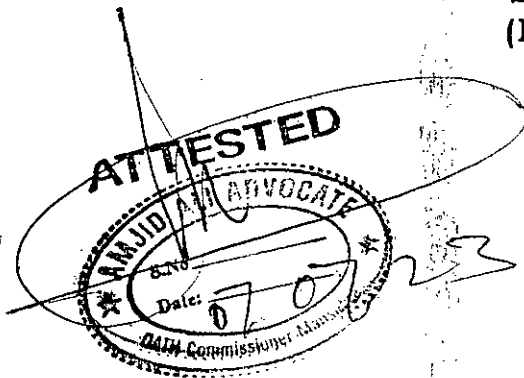

FAZAL HAQ
ADVOCATE HIGH COURT
Kohistan

AFFIDAVIT!

I, Saleem Khan son of Zareen Khan, R/o Dassu Kohistan Presently Incharge Kamila Froest Sub Division Of Upper Kohistan forest Division, do hereby solemnly affirm and declare that the contents of fore-going application are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.

Dated: 07.07.2023


Saleem Khan
(DEPONENT)



10

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Saleem Khan.....Appellant

VERSUS

The Govt. of KPK through Secretary Forest
Peshawar etc.....Respondents

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Saleem Khan son of Zareen Khan, R/o
Dassu Kohistan Presently Incharge Kamila
Forest Sub Division Of Upper Kohistan forest
Division.


RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa
through Sectary Forest Peshawar.
- 2) Chief Conservator Forest Region-II,
Abbottabad.
- 3) Conservator of Forest Upper Hazara
Forest Circle Mansehra.
- 4) Division Forest Officer Upper Kohistan
Forest Division Dassu.
- 5) Jameer Khan, son of Ahmed Present
Incharge Herband Forest Sub Division
of Upper Kohistan Forest Division.

Dated 07.07.2023


Saleem Khan
(Appellant)

Through:-


FAZAL HAQ
ADVOCATE HIGH COURT
Kohistan

P-11

Annure "A"



DIVISIONAL FOREST OFFICER
UPPER KOHISTAN FOREST DIVISION DASSU

Ph # 0998-407022
Fax # 0998-407022
dfofkforest@gmail.com

No. 613

dated Dassu 23/12/2022

Mr. Saleem Khan,
Forester
Komila Forest Sub-Division.

Subject: POSTING TRANSFER OF FOREST RANGER TAKING THE CHARGE OF KOMILA FOREST SUB-DIVISION THEREOF.

Consequent upon the transfer of Mr. Muhammad Anwar Forest Ranger from Komila Forest Sub-Division to Patrol Squad Upper Hazara Forest Division Mansehra vide Chief Conservator of Forests Central Southern Forest Region-I, Peshawar office order No. 137 dated 23/12/2022 and as per telephonic discussion with the Chief Conservator of Forests Northern Forest Region-II Abbottabad on 23.12.2022, you are hereby directed to look over the charge of Komila Forest Sub-Division as stop-gap arrangement and till further order.

Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

Amir
7/7/023

No. 614-15

Copy forwarded to:

1. The Chief Conservator of Forests Northern Forest Region-II Abbottabad for favour of information with the request for the posting of suitable SFO/RFO on Komila Forest Sub-Division please.
2. The Conservator of Forests Upper Hazara Forest Circle, Mansehra for favour of information please.

Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

P-12

Annure "B"

OFFICE ORDER NO 38 DATED MANSEHRA THE 23 /05/2023 ISSUED BY
MR. FARRUKH SAIR CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE
MANSEHRA

As desired by Minister for Climate Change, FE&WD Khyber Pakhtunkhwa Peshawar and communicated through telephonic message of Chief Conservator of Forests Region-I Peshawar and Chief Conservator of Forests Region-II Abbottabad dated 23.05.2023, the following posting/transfer amongst the Foresters is hereby ordered in the interest of public service with immediate effect till further orders:

S.#	Name of Forester	From	To
1.	Mr. Saleem Khan	Incharge Komilla Forest Sub Division of Upper Kohistan Forest Division	Incharge Harban Forest Sub Division of Upper Kohistan Forest Division in his own pay scale.
2.	Mr. Jamalr Khan	Incharge Harban Forest Sub Division of Upper Kohistan Forest Division	Incharge Komilla Forest Sub Division of Upper Kohistan Forest Division in his own pay scale.

Sd/- (Farrukh Sair)
Conservator of Forests
Upper Hazara Forests Circle
Mansehra

Memo:

Copy forwarded to:-

1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar for information with reference to telephonic message dated 23.05.2023.
2. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for information with reference to telephonic message dated 23.05.2023. It is requested to kindly approach the competent authority to post suitable SDFOs on both Forest Sub-Divisions on urgent basis to ensure forest conservancy. The affairs of both Forest Sub-Divisions cannot be left at the mercy of Foresters.
3. The Divisional Forest Officer Upper Kohistan Forest Division Dasso for information and necessary action.

Conservator of Forests
Upper Hazara Forests Circle
Mansehra

Attested
7/7/23

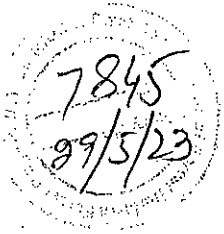
P- 13

Annure «C»

بخدمت جناب چیف کنزرویٹرز صاحب فارسٹ ریجن-II ایبٹ آباد

اپیل نسبت حکم نمبر 38 مورخہ 23-05-2023 منجانب کنزرویٹرز آف

فارسٹ اپر ہزارہ فارسٹ سرکل مانسہرہ



جناب عالی!

اپیل ذیل ہے۔

1- یہ کہ سائل بطور انچارج کامیلہ فارسٹ سب ڈویژن آف اپر کوہستان فارسٹ ڈویژن اپنے فرائض منسی احسن طریقہ سے ادا کر رہا ہے جو سائل کی ٹرانسفر متعلقہ جگہ مورخہ 23-12-2022 کو بمطابق قانون ہوئی۔ نقل آرڈر نمبر 613 مورخہ 23-12-2022 لف ہے۔

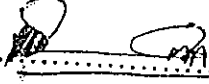
2- یہ کہ سائل کے خلاف کسی قسم کی کوئی بھی شکایت منجانب عوام الناس نہ ہے اسی طرح سائل اپنے فرائض منصبی خوش اسلوبی سے احسن طور پر ادا کر رہا ہے۔

3- یہ کہ سائل کو منجانب کنزرویٹرز اپر فارسٹ ہزارہ سرکل ٹرانسفر آرڈر نمبر 38 مورخہ 23-05-2023 موصول ہوا جس کے مطابق سائل کو کامیلہ فارسٹ سب ڈویژن آف اپر کوہستان سے ہرین فارسٹ سب ڈویژن اپر کوہستان فارسٹ ڈویژن ٹرانسفر کرنے کا حکم جاری ہوا ہے جو کہ سراسر غلط، خلاف قانون اور خلاف واقعات ہے بمطابق ٹرانسفر حکم کنزرویٹرز نے جناب کہ بارے میں بھی اور منسٹر کلائی میٹ چیئنج، FE&WD خیر پختونخواہ میں لکھا کہ یہ ٹرانسفر آپ کہ اور منسٹر صاحب کہ ٹیلی فون کی وجہ سے کی گئی ہے۔ نقل لف ہے۔


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استدعا ہے کہ سائل کی اپیل منظور فرماتے ہوئے سائل کو بطور انچارج کا میلہ فارسٹ سب ڈیڑون آف اپر کوہستان فارسٹ ڈویژن جو کہ سائل کا حق ہے، آپ کے زیر سایہ کام کرنے کی اجازت دی جائے۔


المرقوم: 29-05-2023



سلیم خان ولد گل زرین خان ساکن واسو اپر کوہستان حال انچارج کا میلہ فارسٹ سب ڈیڑون آف اپر کوہستان


7/7/2023

P-15

<p>(KIFAYATULLAH BALOCH) CHIEF CONSERVATOR OF FORESTS NORTHERN FOREST REGION-II ABBOTTABAD</p>		<p>Civil Line Forest Offices Abbottabad ☎ 0992-9310410 Fax 0992-9310343 E-mail: ccfnorth@gmail.com</p>
<p>No. <u>123</u> /E dated Abbottabad the <u>7</u> / <u>7</u> /2023</p>		

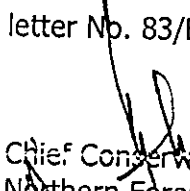
11/11/2023 - D

Mr. Saleem Khan
s/o Gul Zareen Khan of Dassu
Upper Kohistan
Incharge Komela Forest Sub-Division

Subject: **APPEAL AGAINST OFFICE ORDER NO. 38 DATED 23.5.2023 ISSUED BY CONSERVATOR OF FORESTS UPPER HAZARA FOREST CIRCLE MANSEHRA**

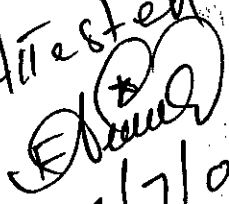
Memo Reference your appeal on the subject dated 29.5.2023

Your appeal against office order No. 38 dated 23.5.2023 has been considered in the light of comments offered by Conservator of Forests Upper Hazara Forest Circle Mansehra vide his letter No. 83/E dated 6.7.2023 and hereby rejected.


Chief Conservator of Forests
Northern Forest Region-II Abbottabad
Khyber Pakhtunkhwa

No. /E
Copy forwarded to the Conservator of Forests Upper Hazara Forest Circle Mansehra for information and necessary action w/r to his letter no. referred above.

Chief Conservator of Forests
Northern Forest Region-II Abbottabad
Khyber Pakhtunkhwa

Attested

7/7/2023

وکالت نامہ

بعدالت جناب سر و سزٹر بیونل KPK پشاور

سليم خان
اپیلانٹ
منجانب:
بنام
گورنمنٹ آف KPK وغیرہ
سروس اپیل
باعث تحریر آنکہ!

اندریں مقدمہ عنوان بالا اپنی طرف سے ہرآنے پیروی و جواب دہی بمقام

فضل الحق ایڈووکیٹ ہائی کورٹ کوہستان

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رُوئے عدالت حاضر ہوتا ہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل بیرونی کرنے کے مجاز نہ ہونگے اگر مقدمہ مقام کچہری کے آگے یا پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد وراثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ ڈگری و اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا ایگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا ہیر سٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پر داختمش ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ من لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 07.07.2023

سليم خان ولد زرین خان ساکنہ داسو کوہستان حان انچارج کمیلہ فارسٹ سب ڈویژن اپر کوہستان

فارسٹ ڈویژن

Attested & Accepted
FAZAL HAQ ADVOCATE
HIGH COURT (MANSEHRA)