


31<sup>st</sup> Oct., 2022

Assistant to counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Request for adjournment was made due to engagement of learned senior counsel for the appellant before Honourable Peshawar High Court today. Adjourned To come up for arguments on 14.12.2022 before the D.B.


  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

14<sup>th</sup> Dec. 2022

Due to strike of the Bar and Mrs. Rozina Rehman, learned Member (J) being on leave, this matter is adjourned to 03.03.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

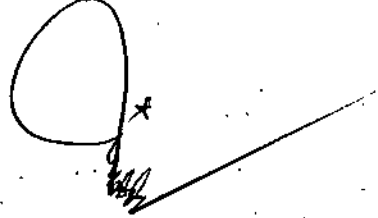
SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member(E)

28.03.2022

None for the appellant present. Mr. Kabirullah Khattak, Addl:  
AG for respondents Present.

Written reply/comments on behalf of respondents No. 1 to  
4,7 and 8 not submitted. Notices be issued to the respondents  
No. 1 to 4,7 and 8 for submission of written reply/comments.  
Adjourned. To come up for written reply/comments on  
01.06.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER(E)

1<sup>st</sup> June, 2022


Counsel for the appellant present. Mr. Muhid ud Din,  
Deputy Director for respondent present.

Respondents 1, 2, 4 & 7 have submitted reply/comments  
which is placed on file. To come up for arguments on 02.08.2022  
before D.B.

  
Chairman

2-8-2023

Proper DB not available the case  
is adjourned to 31-10-2022

  
Reader


06.12.2021

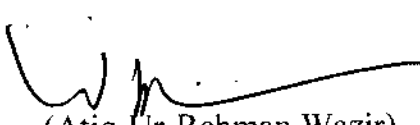
Appellant in person present. Mr. Kabirullah Khattak, Addl: AG  
for respondents present.

Written reply/comments on behalf of respondents No. 5 and 6  
have been submitted through office which is placed on file. A  
copy of the same is also handed over to the appellant. Notices be  
issued to the remaining respondents for submission of written  
reply/comments. To come up for written reply/comments of the  
remaining respondents on 26.01.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

26.01.2022

Appellant in person present. Mr. Kabirullah Khattak,  
Additional Advocate General alongwith Mr. Moeen-ud-Din  
Deputy Director on behalf of respondent No. 5 & 6 <sup>Present.</sup> None  
 present on behalf of respondent No. 1 to 4, 7 & 8, therefore,  
notice be issued to them for submission of reply/comments. To  
come up for reply/comments before the S.B on 28.03.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

02.03.2021


Due to COVID-19, the case is adjourned for the same on ~~01.05~~.2021 before D.B

  
READER

02.06.2021

Appellant alongwith clerk of counsel present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is unable to appear before the Tribunal today due to illness. Adjourned. To come up for arguments before the D.B on 17.09.2021.

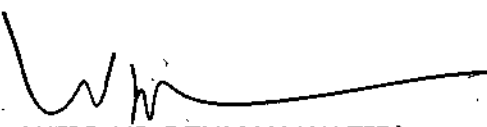
  
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

17.09.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Hamayoun-ud-din Assistant Director for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to some domestic engagement. Adjourned. To come up for arguments before the D.B on 06.12.2021.


  
(ATIQU UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH UD DIN)  
MEMBER (JUDICIAL)

13.08.2020

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

Learned AAG seeks time to contact the respondents for submission of written reply/comments. Adjourned to 06.10.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

06.10.2020

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

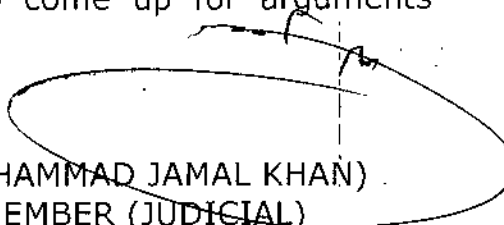
Learned AAG seeks further time for submission of reply/comments. He is required to contact the respondents and facilitate the submission of reply/comments on next date of hearing. To come up for reply/comments on 01.12.2020 as a last chance.

  
Chairman

01.12.2020

Appellant in person alongwith counsel are present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Written reply/comments on behalf of respondents have not been submitted so far despite last chance given vide previous order sheet dated 06.10.2020, therefore, the appeal is adjourned to 02.03.2021 on which date file to come up for arguments before D.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

10.02.2020

The appellant (Boiler man) has filed the present service appeal for his promotion from the post of Boiler man (BPS-07) to the post of Senior Boiler man (BPS-16).

Submissions made by learned counsel for the appellant need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security process. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 03.04.2020 before S.B.

Appellant Deposited  
Security Process Fee  
12/2/20

  
Member

03.04.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 26.06.2020 before S.B.

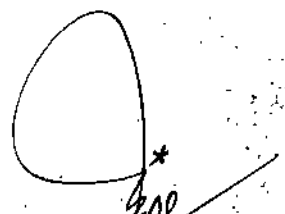
  
Reader

26.06.2020

None for the appellant present. Addl: AG for respondents present.

Written reply not submitted. Learned AAG seeks time to submit the same on the next date of hearing.

Adjourned to 13.08.2020 before S.B.



  
MEMBER

FORM-A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 2242/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
<p>1.</p> <p>2.</p>	<p>30/12/2019</p> <p>06/01/20</p>	<p>The appeal of Mr. Tamiz-ud-Din resubmitted today by Javed Ali Asghar , Advocate may entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">               REGISTRAR <u>30/12/19</u> </p> <p>This case is entrusted to S.Bench for preliminary hearing to be put up thereon <u>10/02/2020</u></p> <p style="text-align: right;">               CHAIRMAN         </p>


SCANNED  
KPST  
Peshawar

The appeal of Mr. Tamiz-ud-Din son of Meftah ud Din Boiler Man in Sericulture Office Parachinar District Kurram received today i.e. on 13.12.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Affidavit may be got attested by the Oath Commissioner.
- ③ Copy of application mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Appeal may be page marked according to the Index.
- 5- Ten more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2199 /S.T,

Dt. 16-12- /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Javed Ali Asghar Advocate pesh.



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

Appeal No. \_\_\_\_\_ of 2019

Tamiz ud Din

.....Appellant

**V E R S U S**

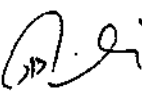
Director, Non-Timbers Forest Productions Shami Road, Peshawar  
and others. ....Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Memo Appeal with Affidavit		1-8
2.	Address of Parties		9
3.	Copy of Appointment Order	A	10
4.	Copy of order sent to surplus	B	11
5.	Copy of letter for readjustment	C	12
6.	Copy of application for promotion	D	13-14
7.	Copy of promotion list	E	15
8.	Copy of writ petition	F	16-26
9.	Copy of impugned order	G	27-41
10.	Wakalatnama		42

  
Appellant

Through

  
**Javed Ali Asghar**  
Advocate, High Court  
Peshawar.  
Cell No. 0333-9132933

Date: 27-Dec-19

①

**BEFORE THE KHYBER PAKHUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Appeal No. \_\_\_\_\_ of 2019

Diary No. 1861

Dated 13-12-2019

Tamiz ud Din Son of Meftah ud Din Resident of  
Village Dara Lound Khwar Tehsil Thakt Bhai District  
Mardan. Presently serving Boiler Man in Parachinar  
Sericulture Office Parachinar District Kurram.

... .. Appellant

**VERSUS**

- 1- Director, Non-Timbers Forest Productions Shami  
Road, Peshawar
- 2- Chief Secretary Govt of KP, Civil Secretariat  
Peshawar.
- 3- Secretary Environmental Protection Deptt:Khyber  
Pakhtunkhwa Civil Secretariat Peshawar
- 4- Secretary Fisheries, Forestry & Environmental  
Deptt: KP, Civil Secretariat.
- 5- Chief Conservator Forestry - I Khyber Pakhtunkhwa  
Peshawar.
- 6- Deputy Director Non-Timbers Forest Productions  
Shami Road, Peshawar.
- 7- Assistant Director, Non-Timbers Forest Productions  
Sericulture, Khyber Pakhtunkhwa Conservator  
Office Shami Road, Peshawar.
- 8- Budget & Accounts Officer, Non-Timbers Forest  
Productions Shami Road, Peshawar

... .. Respondents

Filed to-day

Registrar

13/12/19

**APPEAL UNDER SECTION 4 OF KHYBER  
PAKHUNKHWA SERVICE ACT, 1974  
AGAINST THE IMPUGNED ORDER vide  
DATED 15/11/2017 PASSED BY THE  
RESPONDENT NO.5 AND REJECTED THE**

2

REPRESENTATION/APPEAL OF THE APPELLANT WITHOUT ANY SPEAKING ORDER, ABOUT THE PROMOTION OF THE APPELLANT FROM THE POST OF BOILER MAN TO THE POST OF SENIOR BOILER MAN WITH ALL BACK BENEFITS FROM THE DUE DATE OF PROMOTION.

Prayer!

*On acceptance of this appeal, the impugned order passed by the respondent No. 1 on the departmental appeal /representation vide No.1121 /Dir /Est: Khyber Pakhtunkhwa dated Peshawar 15/11/2019 may please be set aside and appellant may please be promoted from the post Boiler man BPS-7 to post of Senior Boiler man BPS - 16 along with all back benefits from the due date of promotion.*

*Any other remedies which the appellant has not been specifically asked in the circumstances be also awarded if so need to the ends of justice.*

Respectfully Sheweth:

*Brief facts leading to the instant appeal are as under:*

- 1- That the appellant is appointed as boiler man in BPS-5 on 23/07/1995 in the respondents / department. (Sericulture Development Wing Forest). (Copy of appointment order is annexed as Annexure "A").*
- 2- That the appellant was sent in surplus pool in the year of 1999. (Copy of the order sent to surplus as Annexure "B").*

- 3- That the appellant was readjusted on the same post in Parachinar on 13/08/2001 vide Letter No.Endst No.1016-18/F-II/65/E dated 09/02/2002. (Copy of letter for readjustment is annexed as Annexure "C").
- 4- That the appellant filed an application for promotion through department officers. (Copy of application for promotion is annexed as Annexure "D").
- 5- That the name of the appellant enlisted the departmental promotion list but till now not considered for promotions without any reasons. (Copy of the promotion list is annexed as Annexure "E").
- 6- That the appellant is upgraded from the BPS-5 to BPS-7 on the same post as Boiler man.
- 7- That the appellant again requested to the respondents for promotion but no action was taken by the respondents then the appellant filed writ petition before Peshawar High Court Peshawar which was dismissed. (Copy of writ petition is annexed as Annexure "F").

4

- 8- That the appellant filed a departmental appeal on dated 11/11/2019 to the respondent No.7 which was rejected on 15/11/2019 without any legal justification by just observing that "The representation has been perused, record examined and considered rejected". (Copy of the impugned order is annexed as Annexure "G").
- 9- That feeling aggrieved the appellant file this service appeal against the order of respondent No.5 vide dated 15/11/2019 inter-alia on the following grounds:

**GROUND:**

- A) That the act of the respondent No.5 is against the law and service rules.
- B) That the appellant is serving since 1995 as Boiler man on the BPS-5 and later upgraded to the BPS - 7 but the appellant was uptill now not considered for promotion, so the act of the respondents are against the service rules and law.

5

C) That as per rules and policy of the department the availability of the post the appellant be promoted to the post of Senior Boilerman in according to service rules 1993 to the post of senior boiler man after observing 5 years experience, the appellant experience is more than 23 years but malafidely not promoted to the post of senior boiler man which is discrimination with the appellant..

D) That the services and experience as per rules for promotion the appellant is fit for promotion but the respondents malafidely not promoted to the post of senior boiler man which is against the departmental rules.

E) That the promotion of the appellant is the constitutional right and the respondent without any justification and reasons ready to promote the appellant.

6


- F) That there is no any adverse remarks/entry against the appellant but the department without any justification the departmental/representation was turned down and needs to set aside.
- G) That the post of senior boiler man is still vacant but unfortunately the respondents did not considered the appellant for promotion with malafide intention.
- H) That according to service rules forestry, fisheries and Wild Life Department Rules 1993 the appellant is deserves the promotion but the respondents while keeping rules, regulations and justice at their back did not ready to promote the appellant.
- I) That the appellant seeks leave of this Hon'ble Court to rely on additional grounds at time of arguments.


(7)

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order passed by the respondent No. 1 on the departmental appeal /representation vide No.1121 /Dir /Est: Khyber Pakhtunkhwa dated Peshawar 15/11/2019 may please be set aside and appellant may please be promoted from the post Boiler man BPS-7 to post of Senior Boiler man BPS - 16 along with all back benefits from the due date of promotion.

Any other remedies which the appellant has not been specifically asked in the circumstances be also awarded if so need to the ends of justice.

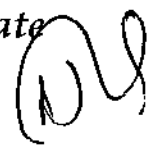
Dated 06/12/2019

Appellant   
Tamiz ud Din

Through   
(Javed Ali Asghar)  
Advocate, Peshawar

Certificate;

Certified that no such like appeal on the same subject matter has early been filed before this Hon'ble Court.

Advocate 



8

**BEFORE THE KHYBER PAKHUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Appeal No. \_\_\_\_\_ of 2019

Tamiz ud Din ... .. Appellant

**VERSUS**

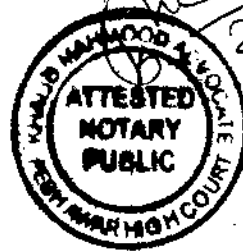
Chief Secretary Govt of KP, Civil Secretariat Peshawar  
and others ... .. Respondents

**Affidavit**

I, Tamiz ud Din Son of Meftah ud Din Resident of Village Dara Lound Khwar Tehsil Thakt Bhai District Mardan. Presently serving Boiler Man in Parachinar Sericulture Office Parachinar District Kurram do hereby solemnly affirm and declare on oath that the contents of the accompanied service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Service Tribunal.

DEPONENT

CNIC # 17301-3042380-5



9

**BEFORE THE KHYBER PAKHUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Appeal No. \_\_\_\_\_ of 2019

Tamiz ud Din ... .. Petitioner

**VERSUS**

Director, Non-Timbers Forest Productions Shami  
Road, Peshawar and others ... .. Respondents

**ADDRESSES OF THE PARTIES**

**Petitioner**

Tamiz ud Din Son of Meftah ud Din Resident of  
Village Dara Lound Khwar Tehsil Thakt Bhai  
District Mardan. Presently serving Boiler Man in  
Parachinar Sericulture Office Parachinar District  
Kurram.

**Respondents**

- 1- Director, Non-Timbers Forest Productions  
Shami Road, Peshawar
- 2- Chief Secretary Govt of KP, Civil Secretariat  
Peshawar.
- 3- Secretary Environmental Protection  
Deptt:Khyber Pakhtunkhwa Civil Secretariat  
Peshawar
- 4- Secretary Fisheries, Forestry & Environmental  
Deptt: KP, Civil Secretariat.
- 5- Chief Conservator Forestry - I Khyber  
Pakhtunkhwa Peshawar.
- 6- Deputy Director Non-Timbers Forest  
Productions Shami Road, Peshawar.
- 7- Assistant Director, Non-Timbers Forest  
Productions Sericulture, Khyber Pakhtunkhwa  
Conservator Office Shami Road, Peshawar.
- 8- Budget & Accounts Officer, Non-Timbers  
Forest Productions Shami Road, Peshawar

Dated 06/12/2019

Through

Petitioner Appears  
Javed Ali Asghar

Javed Ali Asghar  
Advocate Peshawar

10 A

Office Order No. 5 dated 23-7-1995 by Mr. Abdul Haq,  
Deputy Director Agriculture, S.S.P., Peshawar.

On the recommendations of Departmental Selection Committee and sanction of upper age limit by the Chief Conservator of Forests, Social Forestry, S.S.P., Peshawar vide his order No. 117 dated 14-5-95, Mr. Farisuddin S/O Mr. Miftakuddin village and FC Lund Khawar, Tehsil Takht Bani, District, Mardan, is hereby appointed as Boiler Man at Rs. 1400/- p.m. in basic pay scale of Rs. 1400-66-2390(B-5) with usual allowances as admissible under the rules against the existing vacancy of Boiler Man Centre, Peshawar with effect from the date he takes over charge of his duties at Peshawar. His appointment in the department is purely temporary and his services can be terminated on 14 days notice without any reason being assigned at any time irrespective of the fact that he is holding a post other than the one to which he was originally recruited or on the expiry of 14 days salary in lieu of the notice.

2. He has to join duty at his own expenses.
3. He will be on probation for a period of two years.
4. In case he wishes to resign at any time, month's notice will be necessary or in lieu thereof month's pay may be forfeited.
5. His appointment is subject to the production of necessary medical fitness certificate and verification of character and antecedents by concerned authorities.
6. He will be governed by such rules and orders relating to service, leave, travel, allowances and pay etc. as may be issued by government from time to time.
7. His appointment will be subject to verification of his certificates from the concerned board and he will be liable for all expenses through this office.

23-7-1995  
MR. FARIS UDDIN  
S/O MR. MIFTAK UDDIN  
VILLAGE LUND KHAWAR  
TEHSIL TAKHT BANI  
DISTRICT MARDAN

106/10 dated Peshawar the 23-7-1995.  
Copy for information and necessary action forwarded to

1. The Assistant Director, Agriculture, S.S.P., Peshawar.
2. The Agriculture Development Officer, Peshawar.
3. Mr. Farisuddin S/O Mr. Miftakuddin Village Lund Khawar Tehsil Takht Bani, District Mardan should report for duty to the Agriculture Development Officer, Peshawar forthwith after verification his academic certificates by this office.
4. Personal file of the official concerned.
5. The disbursing head office, Peshawar.

*Md. Haq*  
Deputy Director Agriculture,  
S.S.P., Peshawar.

Attested  
*[Signature]*  
Agriculture Development  
Officer Peshawar

ATTESTED  
TO BE TRUE COPY

*[Handwritten signature]*  
23.7.95

Best Copy

Office order No. 5 dated 23/07/1995 by Ex. Additional Deputy Director Agriculture NWFP, Peshawar.

On the recommendation of departmental selection committee and Sensation of upper are limit by the chief conservator of Forests Social forestry NWFP, Peshawar vide his order No. 117 dated 14/05/1995, Timizud din S/o Mifhuddin Village and PO. Lund Khawar Tehsil Takht Bhai, District Mardan, is hereby appointed on boiler at Rs. 1400/- P.M in basic pay scale of Rs. 1400-66-2390(B-5) with usual allowances as admissible under the rules against the existing vacancy of sericulture Center Peshawar with effect from the date he takes over charge of his duties of Peshawar. His appointment in the department in purely temporary and his services can be terminated on 14 days notice without any reason being assigned at any time irrespective of the fact that he is holding a post other than the one to which he was originally recruited or on the payment of 14 days salary in lieu of the notice.

2. he has to join duty at his own expenses.
3. He will be on probstion for a period of two years.
4. in case he wishes to resign at any time, mants notice will be necessary of in lie thereof month's pay may be Profited.
5. His appointment is subject to the production of necessary medical fitness certificate and verification of character and antecedents by concerned authorities.
6. He will be governed by such rules and orders relating to services, leave, traveling allowances and pay etc as may be issued by government from time to time.
7. His appointment will be subject to verification of this certification from the concerned board at own expenses through this office.

Sd/-

Deputy Director sericulture,  
NWFP, Peshawar

No, 10610 dated Peshawar the 23/07/1995

Copy for information and necessary action forwarded.

1. The Assistant Director sericulture NWFP Peshawar
2. The Sericulture Development officer, Peshawar
3. Mr. Tamisuddin S/o Mr. Mifhuddin Village and Tehsil Takht Sami, should report for duty to the sericulture development officer, Peshawar forthwith after verification his academic certificate by this offices.
4. Personal file of the official concerned.
5. The disburser, Head Office, Peshawar.

Deputy Director sericulture,  
NWFP, Peshawar

**ATTESTED**

GOVERNMENT OF N.W.F.P.  
FINANCE, EXCISE & TAXATION  
DEPARTMENT

NO. BI/5-8/98-99/FD  
Dated Peshawar, the 5th Nov. 1998

100-572-8  
100-1111-188

1. All the Administrative Secretaries to Government of N.W.F.P.
2. All Heads of Attached Departments in NWFP.
3. The Senior Member Board of Revenue, NWFP, Peshawar.
4. The Secretary, Provincial Assembly, NWFP, Peshawar.
5. The Secretary to Governor, NWFP, Peshawar.
6. The Secretary to Chief Minister, NWFP, Peshawar.
7. All the Commissioners/Deputy Commissioners in NWFP.
8. The Secretary, Public Service Commission, NWFP, Peshawar.
9. The Secretary, Board of Revenue, NWFP, Peshawar.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Registrar, Services Tribunal, NWFP, Peshawar.

SUBJECT: - ECONOMY MEASURES FOR 1998-99- ABOLITION OF VACANT POSTS.

I am directed to refer to this department letter No. BI/5-8/97-98/FD, dated 12.5.1998 on the subject noted above and to state that all vacant posts as on 12th May, 1998 have been abolished (except Education, Health, Police and Prisons) by the Provincial Government. It is requested to ensure strict implementation of the above instructions.

2. It is further requested that details of all such posts may be supplied to the respective Budget Sections of the Finance Department for abolition from the Budget, 1998-99 and deletion in 1999-2000.

Yours obediently,

*Pl. discuss  
In P/11/198  
B.A.O.*

*Pl. discuss to  
S.O's  
J. S. M. S.*

*Muhammad Khan*  
MUHAMMAD KHAN  
BUDGET OFFICER - I

DIST. NO. BI/5-8/98-99/FD. Dated Peshawar, the 5th November, 98.

Copy of above is forwarded for information and necessary on to:-

1. The Accountant General, NWFP.
2. All the District Accounts Officers in NWFP.
3. All the Budget Officers/Section Officers (RI, PAC, W&H, Treasury and Adm.) Government of NWFP, Finance, Excise & Taxation Deptt.
4. PAs to all Additional/Deputy Secretaries in Finance, Excise and Taxation Department, Government of NWFP.
5. The System Analyst, EDPC, Finance Department, Govt. of NWFP.

It is requested that details of such posts may kindly be provided to Finance Department on priority basis.

*B.A.O.*  
1913  
19.5.98

*S.O. I*  
*S.O. II*

*Muhammad Khan*  
ATTESTED  
TO BE TRUE COPY OFFICER - I.

BETTER COPY

GOVERNMENT OF NWFP  
FORESTRY FISHERIES & W/LIFE  
DEPARTMENT  
No.BI/5-8/98-99/ED  
Dated Peshawar the 5<sup>th</sup> Nov 1998

1. All the Administrative secretaries to Government of NWFP.
2. All Heads of attached departments in NWFP.
3. The senior member board of revenue, NWFP, Peshawar
4. the Secretary, provincial Assembly, NWFP Peshawar
5. the Secretary to Chief Minister NWFP, Peshawar
6. The Secretary to Chief Minister, NWFP, Peshawar
7. All the commissioner/Deputy Commissioners in NWFP
8. The Secretary, Public service Commission NWFP, Peshawar
9. The secretary, Board of Revenue NWFP, Peshawar
10. The registrar, Peshawar High court, Peshawar
11. The Registrar, Services tribunal, NWFP, Peshawar

Subject: **ECONOMY MEASURES FOR 1998-99 ABOLITION OF VACANT POSTS.**

Sir,

I am directed to refer to this department letter No. BI/5-8/9-98/FD dated 12.5.1998 on the subject noted above and to state that all vacant posts as on 12<sup>th</sup> May, 1998 have been abolished (Except Education, health, Police and prisons) by the provincial Government. It is requested to ensure strict implementation of the above instruction.

It is further requested that details of all such posts may be supplied to the respective budget section of the finance department for oblition from the budget 1998-99 and deletion in 1999-2000

Yours Obediently

Muhammad Khan  
Budget officer-I

**ATTESTED**  
TO BE TRUE COPY

(C)

(12)

237

OFFICE ORDER NO. 122 DATED PESHAWAR THE 07/12/2002  
BY MR. GHAZI MAJID KHAN CHIEF CONSERVATOR OF FORESTS, N.W.F.P,  
PESHAWAR.

In accordance with the provisions contained in Para-iii of the circular letter of the Service and General Administration Department dated 13/8/2001, the following staff of Sericulture Wing, N.W.F.P, are hereby repatriated from surplus pool for their regular adjustment against the vacancies as noted against each:-

S NO.	NAME	RANK	PLACE FROM WHERE LEFT FOR POOL	POST AND PLACE TO WHICH WILL BE REPATRIATED FROM POOL.
1.	Mr. Timiz-ud Din	B/Men	Sericulture Peshawar	Sericulture Parachinar (regular)
2.	Mr. Zafran.	J/Clerk	Sericulture Pesh.	Sericulture Peshawar FATA against scheme "Introduction of Apiculture in FATA at Peshawar."

SD/- (GHAZI MAJID) C.C.F, N.W.F.P, PESHAWAR

NO. 3190-91 /S,  
B: 11-23

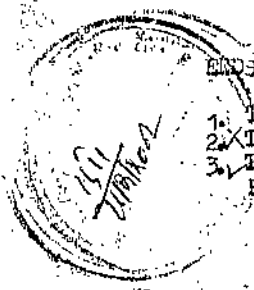
Copy forwarded to:-

1. The Section Officer (G/A) Government of N.W.F.P, Forestry, Fisheries and Wildlife, Department Peshawar.
2. The IDS, N.W.F.P, Peshawar.

For information and necessary actions.

SD/- C.C.F, N.W.F.P, Peshawar.

*070.200*



POST: NO. 516-18 /R-II-65/E, Dt: Pesh: the 9/2/2002

Copy forwarded to:-

1. The Assistant Director Sericulture, N.W.F.P, Peshawar.
2. The Assistant Director Sericulture, FR, Peshawar.
3. The Assistant Director Sericulture, Apiculture, FATA, Pesh:

For information and necessary actions.

Deputy Director Sericulture,  
N.W.F.P, Peshawar.

**ATTESTED**  
TO BE TRUE COPY

BETTER COPY

Office order No. 122 dated 07/02/2002, By Mr. Ghazi Marjan Chief Consnator of Forests, N.W.F.P Peshawar

In accordance with the provision cantained in Para III of the circular letter of the service and general adminstration department dated 13/08/2001 the following staff of sericulture wing, NWFP are hereby repatriated from surplus pool for their regular adjustment against the vacancies as noted against each:

S.No.	Name	Rank	Place from where left for pool	Post and place to which will be repatriated from pool.
1.	Mr. Timiz ud Din	B/Man	Sericulture Peshawar	Sericulture Parachinar (Regular)
2.	Mr. Zafran	J/Clerk	Sericulture Peshawar	Sericulture Peshawar FATA against scheme introduction of agriculture in FATA at Peshawar

Sd/-  
Ghazi Marjan  
C.C.F, NWFP Peshawar

No. 3190-91/E, B-Wi-230

Copy forwarded to:


1. The section officer (C/A) Government of N.W.F.P forestry
2. The DDS, N.W.F.P Peshawar  
FOR Information and necessary action

Sd/-  
C.C.F NWFP, Peshawar

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TO BE TRUE COPY



(D) / (13)


	<p>GOVERNMENT OF KHYBER PAKHTUNKHWA ENVIRONMENT DEPARTMENT NO.SO(Estt)Envt/I-10/2K9 1112/we Dated Pesh: 18/04/2012</p>
---	--

To

The Chief Conservator of Forests-1,  
Khyber Pakhtunkhwa.

SUBJECT: APPLICATION OF TAMEEZ-UD-DIN, JUNIOR BOILER MAN, NTFP FATA FOR PROMOTION.

I am directed to refer to the subject noted above and to enclose herewith a copy of Chief Minister's Secretariat Khyber Pakhtunkhwa, letter No.SOV/CMS/KPK/Env-04/2012/5101 dated 06/04/2012, alongwith its enclosure, for your views/comments in the matter under existing service rules, within one week's time positively.

  
SECTION OFFICER (ESTT)  
T.NO.091-9211150

Encl: As Above.

Endst:No.and date even.

Copy is forwarded to :-

1. PS to Secretary Environment Department.
2. Section Officer-V, Chief Minister's Secretariat Khyber Pakhtunkhwa w/r to his letter quoted above.

SECTION OFFICER (ESTT)

**ATTESTED**  
TO BE TRUE COPY

13 D1

To,  
The Director,  
NTPP, PESHAWAR.

THROUGH:- PROPER CHANNAL

SUBJECT:- PROMOTION FROM BOILER MAN (BPS-07) TO THE POST OF SENIOR BOILER MAN (BPS-15)

R/Sir,

I have rendered 24 years qualifying services w.e.f. 1995, till date to the entire satisfaction of my superiors.

The post of senior boiler man is lying vacant since long and the applicant is eligible for promotion to the said post qualifying the prescribed length of service from the year, 2000, as per prescribed service rules (copy of service rules attached).

The said rules are now defunct from 23.02.2016, having deleted both the cadres, ergonomously pay and allowances of the post of boilerman and senior boiler man. However I am performing my duties and receiving pay as the budget allocation refer to continually in every financial year.

In view of the above fact it is therefore, requested to promoted the undersigned to the post of senior boiler man and save the undersigned from mental worries and depression please.

Yours obediently

Tamizuddin Boilerman  
Parachinar.

Encl: As above.

Received  
12/10/2018

حکومت خیبر پختونخوا - ڈسٹرکٹ ڈپٹی کمشنر اور ڈپٹی ایگزیکٹو آفیسر

13 D2

عنوان: درخواست برآمد حقول الغراف

Chief Conservator of Forest KPK  
ذرا خیال رہے کہ ذرا خیال کرنا ہے کہ خود ہی حکمہ ایچ ایم (سہری پور) شاہی روڈ شاہ پور

1995ء میں کبھی ہوا۔ 2002ء میں حکومتی پالیسی کے تحت سہری پور میں

please look into  
it and take  
action as  
stepped  
considered  
appropriate

آج کے دن 20 سال گزر گئے ہیں۔ اس دوران میں حکومت نے کوئی کارروائی نہیں کی۔  
رواں کے مطابق خود ہی کو 5 سال پورا ہونے پر ترقی دینا چاہیے تھا۔

and redress  
the grievances

خود ہی نے آج کے دن درخواست دیکر اسٹینڈ ڈاؤن ٹیکے سے ہی ٹھنڈا کر کے رکھ دیا  
اس وقت سے اب تک خود ہی بنیاد داشت کے طور پر سینکڑوں درخواستیں

دی گئی ہیں۔ لیکن کوئی غور نہیں کیا گیا۔

Syed Muhammad Ishtiaq  
Chairman DDAC/MPA-PK-II  
Peshawar

ان (سہری پور) کو فتح کرنے (این ٹی ایف پی) بنا دیا گیا۔ آج رواں

میں سہری پور کے لیے ریٹنگ سکین اور پلاننگ کے طور پر

برائے کی بنیاد پر منظور کیا گیا۔ جو کہ پورے علاقے میں سہری پور کی اور نا انصافی ہے۔

خود ہی نے اس کا وجود دیا۔ خود ہی نے اس کا وجود دیا۔ اور اس دوران

میں خود ہی نے اس کا تسلسل جاری کیا ہے۔

حقتہ ذرا خیال سے درج ہے۔ یہ حال ہی میں خود ہی نے اس کا وجود دیا۔

کو اسٹینڈ ڈاؤن ٹیکے ہے۔ جو کہ الغراف کے متعلق ہے۔ اور ڈسٹرکٹ ڈپٹی ایگزیکٹو آفیسر

لہذا آج صاحبان کی خدمت میں لایا گیا ہے۔ کہ خود ہی نے اس کا وجود دیا۔

کو الغراف کے متعلق ہے۔ کہ خود ہی نے اس کا وجود دیا۔

۱۳۱۲

مسائل کی بے بسی کو قدر لگائے ہوئے اس پر فوجوں کی کسی کی فکر یہاں نہیں

کے اضعاف صادر ہوئے

اور فوجی کو اس وقت سے اپنا حق دلایا جائے جب سے فوجی حقدار

ہو جائے تاکہ اس کا حق دیا جاسکے اور وہ رٹو نہ ہو

عین نواز شریف  
المقوم

23/3/2012

Recommended  
for favourable  
consideration  
in favour of  
A.M.P. Prishtina

① آئی ڈی فوجی، ٹیڈ الائنڈ وکٹر فیصلہ الائنڈ تحصیل کابل  
PK-29  
ذرائع گردان ڈاک خانہ لاہور

② ٹیڈ الائنڈ بوائلر میں اس کی لفٹ کی جانا  
23/3/2012

شہابی روف کاشی

03439774864

03149713368

والہم

OFFICE OF THE ASSISTANT DIRECTOR SERICULTURE, FR, PESHAWAR.

To,

The Deputy Director Sericulture  
N.W.F. Peshawar.

NO <sup>1688</sup> /ADS/FR/ Dated Peshawar the <sup>03/05</sup> 2005.

SUBJECT: PROMOTION OF JUNIOR BOILER MAN TO THE RANK OF SENIOR BOILER MAN BPS-15.

Reference: Your letter No. 911 dated: 2/5/2005.

The post is continuously reflected in the Sanctioned budget since the creation of posts, and as such in the present budget received from SAIRON for the year 2004-05 vide NO. 2(60)B 1 2004 P.I(B.O). (copy attached).

The official is eligible for the said post by acquiring prescribed qualification and length of service as mentioned in the service rules, like others the official has the due rights to apply for to the concerned authority. The under signed do so in the capacity of controlling authority to forwarded the case to the proper forum.

You are hereby requested to provide the letter of abolishment of the said post referred in your letter cited above with the repeated request to use proper language as used in above reference letter which is un warranted, un desirable, un tolerable morally and logically as well.

*sd*  
(Dr. Syed Qasim Shah)  
Assistant Director Sericulture  
Frontier Region Peshawar

NO <sup>1688-91</sup> /ADS/FR/ Dated Peshawar the <sup>03/05</sup> 2005.

Copy for information forwarded to the:-

1. Conservator of Forests FATA Governor's Secretariat
2. The Director Research and Development NWFP Peshawar.
3. The S.O (F-IV) Budget Finance Department Governor's Secretariat FATA.  
With reference to Deputy Director Sericulture NWFP Peshawar letter No. 912-14 dated 2/5/2005.

*Gow 3/5/05*  
Assistant Director Sericulture  
Frontier Region Peshawar.

**ATTESTED**  
(TO BE TRUE COPY)

## SENIORITY LIST OF FATA.

SNo	Name	Father name	Designation	Domicile	Date of birth	Date of appointment	Present posting
<b>Asstt:Dir:Sericulture FATA</b>							
1	Dr. S. Qasim shah	S. Muzamil Shah	ADS	Mohmand	15.10.64	11.12.88.	Peshawar
<b>SERI: DEV: OFFICERS</b>							
1	Promotion cases are under process	-	-	-	-	-	-
2	-do-	-	-	-	-	-	-
<b>ASST:SERI:DEV:OFFICER</b>							
1	Ali Mehdi	Dad Ali	ASDO	Kurram	1.1.45	20.4.62	Kurram
2	Post vacant.	-	-	-	-	-	-
3	Aziz -ur- Rehman	Astara khan	-do-	Peshawar	14.3.52	11.7.70	Mohmand
<b>SERICULTURE INSPECTORS</b>							
1	Faizullah	Muhammad Alam	inspector	lakki	3.8.57	17.5.76	FR lakki
2	Zawar Hussain	Mohd yaqoob	-do-	Orakzai	22.5.63	17.3.81	Orakzai
3	Shehr-e- yar khan	Khairullah Khan	-do-	Bajaur	20.5.69	25.3.96	Bajaur
<b>SERICULTURE REELERS</b>							
1	Mohd yousaf	Mohd younas	Reeler	Kurram	1958	26-4-76	Parachinar
2	Fazal-e- Khuda	Abdul qadeem	-do-	Charsada	1946	25-11-80	Muhamamd
3	Wahab Ali	Sahib jan	-do-	Kurram	1954	25-11-80	Kurram
4	Sardar Hussain	Gulab Hussain	-do-	Kurram	1958	17-12-80	Kurram
<b>SENIOR BOILER MAN</b>							
1	Post vacant	-	-	-	-	-	-
<b>BOILER MAN</b>							
1	Tamizuddin	Mefahuddin	Boiler Man	Mardan	8.5.65	23.7.95	Parachinar
<b>ELECTRICITION</b>							
1	Abdul waheed	Abdul Hameed	Electricition	Parachinar	5.2.64	17.1.85	Parachinar

**ATTESTED**  
TO BE TRUE COPY

(10)

(15)

**ATTESTED**

(F) (16) (16)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. \_\_\_\_\_ of 2018



Tamiz ud Din Son of Meftah ud Din Resident of  
Village Dara Lound Khwar Tehsil Thakt Bhai District  
Mardan. Presently serving Boiler Man in Parachinar  
Sericulture Office Parachinar District Kurram.

..... Petitioner

VERSUS

- 1- Chief Secretary Govt of KP, Civil Secretariat Peshawar.
- 2- Secretary Environmental Protection Deptt: Khyber Pakhtunkhwa Civil Secretariat Peshawar.
- 3- Secretary Fisheries, Forestry & Environmental Deptt: KP, Civil Secretariat.
- 4- Chief Conseroator Forestry - I Khyber Pakhtunkhwa Peshawar.
- 5- Director, Non-Timbers Forest Productions Shami Road, Peshawar
- 6- Deputy Director Non-Timbers Forest Productions Shami Road, Peshawar.
- 7- Assistant Director, Non-Timbers Forest Productions Sericulture, Khyber Pakhtunkhwa Conseroator Office Shami Road, Peshawar.
- 8- Budget & Accounts Officer, Non-Timbers Forest Productions Shami Road, Peshawar

..... Respondents

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

(17)

Prayer!

On acceptance of this writ petition, the appropriate directions be issued to the respondents,

- i- That the petitioner be promoted on the post of Senior Boilerman basic pay scale 15, because the petitioner is eligible and deserving for the said post having experience more than 24 years in the said department, but the respondents are reluctant and not promoting the petitioner for the post so many years, the act of the respondent is against the law, rules, regulation and policy of the department, violation the constitution and fundamental rights of the petitioner.
- ii- That as per rule and policy of the department the post of Senior Boilerman be filled amongst those who have an experience 5 years, the name of the petitioner is enlisted by the respondents but upto now no order was passed by the departmental promotion committee, the act of the respondents is violation the right of the petitioner, the respondents be directed to considered the seniority list and be promoted the post of senior boilwerman with all back benefits since 2002.
- iii- Any other remedies which the petitioner has not been specifically asked in the circumstances be also awarded if so need to the ends of justice.

Respectfully Sheweth:

Brief facts leading to the instant writ petition are as under:



- (18)
- 1- That the petitioner is law abiding citizen of Pakistan and serving with the respondents from 23/07/1995 as boiler-man. (Copy of CNIC and appointment order is annexed as Annexure "A&B" respectively).
  - 2- That the petitioner is performing his duty at so many places and lastly posted as Junior Boilowerman in District Kurram at Parachinar. (Copy of the order is annexed as Annexure "C").
  - 3- That the petitioner applied for promotion on the post of Senior Boiler Man is lying vacant with respondents from so many years but the application was not considered by the respondents. (Copy of applications of the petitioner is annexed as Annexure "D").
  - 4- That the petitioner from the date of appointment is performing his duty on the post of basic pay scale-5 later on only upgraded to BPS-7.
  - 5- That the petitioner as per policy is entitled for promotion on the post of senior boilerman but the department/ respondents are reluctant to considered for his promotion in this respect the seniority list of the promotion is already prepared

(3) (19)

by the respondents. (Copy of the seniority list is annexed as Annexure "E").

6- That the seniority rules, policy of the respondents are supporting the petitioner because the petitioner having more than 24 years service and fit for promotion. (Copy of the rules is annexed as Annexure "F").

7- That the petitioner is performing his duty on the pay scale-7 and the petitioner deserving for promotion from 2002 but the petitioner filed so many applications not considered for the post of senior boilerman upto 2017. (Copy of the applications are annexed as Annexure "G").

8- That feeling aggrieved the petitioner having no other adequate remedy except to file this writ petition for redressal of his grievance inter-alia on the following grounds:

GROUND:

A) That the act of the respondents is against the constitution for not considering the petitioner for promotions as senior boilerman BPS-15. The act of the respondents is against the constitution and violation of the fundamental rights of the petitioner.

(2)

B) That the petitioner is serving since 1995 as Boilerman on the BPS-5 and later upgraded to the BPS - 7 but the petitioner was uptill now not considered for promotion, so the act of the respondents is against the law and rules.

C) That as per rules and policy of the department the availability of the post the petitioner be promoted as a Senior Boilerman amongst as such from the department.

D) That the act of the respondents is against the constitution because the service of the petitioner is reached to the retirement and the petitioner was not promoted as Senior Boilerman the discrimination and malafide on the part of the respondents department because the seniority list is already prepared but uptil now was not considered and deprived the petitioner from their legal rights which is against the law and constitution.

- ○ ○ 21
- E) That the respondents are not passed any order on his application and was not considered in the promotion seniority list of the petitioner, the act of the respondents is against the constitution and law.
- F) That if the petitioner is not promoted for the said post, the petitioner would be suffer irreparable loss as well as his fundamental rights.
- G) That the petitioner seeks leave of this Hon'ble Court to rely on additional grounds at time of arguments.

*It is, therefore, most humbly prayed that acceptance of this writ petition, the appropriate directions be issued to the respondents,*

- i- *That the petitioner be promoted on the post of Senior Boilerman basic pay scale 15, because the petitioner is eligible and deserving for the said post having experience more than 24 years in the said department, but the respondents are reluctant and not promoting the petitioner for the so many years, the act of the respondent is against the law, rules, regulation and policy of the department, violation the constitution and fundamental rights of the petitioner.*
- ii- *That as per rule and policy of the department the post of Senior Boilerman be filled amongst those who have an experience 5 years the name of the petitioner is enlisted by the respondents but*

( ) (22)

uptil now no order was passed by the departmental promotion committee, the act of the respondents is violation the right of the petitioner, the respondents be directed to considered the seniority list and be promoted the post of senior boilwerman with all back benefits since 2002.

iii- Any other remedies which the petitioner has not been specifically asked in the circumstances be also awarded if so need to the ends of justice.

Dated 28/11/2018

Petitioner

Through

(Javed Ali Asghar)

Advocate, Peshawar

Certificate;

Certified that no such like writ petition on the same subject matter has early been filed before this Hon'ble Court.

Advocate

List of Books:

- 1- Constitution of Islamic Republic of Pakistan, 1973.
- 2- Case Law according to need.

Advocate

**ATTESTED**

  
**EXAMINER**  
Peshawar High Court

(23)

(5)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. \_\_\_\_\_ of 2018

Tamiz ud Din ..... Petitioner

VERSUS

Chief Secretary Govt of KP, Civil Secretariat Peshawar  
and others ..... Respondents

Affidavit

I, Tamiz ud Din Son of Meftah ud Din  
Resident of Village Dara Lound Khwar Tehsil  
Thakt Bhai District Mardan. Presently serving  
Boiler Man in Parachinar Sericulture Office  
Parachinar District Kurram do hereby solemnly  
affirm and state on oath that all contents of the  
writ petition are true and correct to the best of my  
knowledge and belief and nothing wrong has been  
stated by me in the matter.

*(Signature)*  
DEPONENT

CNIC.# 17301-3042380-5

Mob: 0343-9774864

Identified by

*(Signature)*

Javed Ali Asghar  
Advocate  
High Court Peshawar

*(Signature)*

CERTIFIED TO BE TRUE COPY

Examiner:  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Qanun-e-shahadat Order 1988

08 NOV 2019

No: 13220
Certified that the above was verified on solemnly affirmation before me on this 13 <sup>th</sup> day of Nov 2018 at Meftah ud Din Mardan who was identified by Javed Ali Asghar Who is personally known to me: <i>(Signature)</i> 30/11/18

(2) (3) (94)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. \_\_\_\_\_ of 2018

Tamiz ud Din ..... Petitioner

VERSUS

Chief Secretary Govt of KP, Civil Secretariat Peshawar  
and others ..... Respondents

ADDRESSES OF THE PARTIES

Petitioner

Tamiz ud Din Son of Meftah ud Din Resident of  
Village Dara Lound Khwar Tehsil Thakt Bhai  
District Mardan. Presently serving Boiler Man in  
Parachinar Sericulture Office Parachinar District  
Kurram.

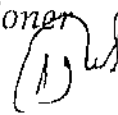
Respondents


- 1- Chief Secretary Govt of KP, Civil Secretariat  
Peshawar.
- 2- Secretary Environmental Protection  
Deptt: Khyber Pakhtunkhwa Civil Secretariat  
Peshawar
- 3- Secretary Fisheries, Forestry & Environmental  
Deptt: KP, Civil Secretariat.
- 4- Chief Conservator Forestry - I Khyber  
Pakhtunkhwa Peshawar.
- 5- Director, Non-Timbers Forest Productions  
Shami Road, Peshawar.
- 6- Deputy Director Non-Timbers Forest  
Productions Shami Road, Peshawar.
- 7- Assistant Director, Non-Timbers Forest  
Productions Sericulture, Khyber Pakhtunkhwa  
Conservator Office Shami Road, Peshawar.
- 8- Budget & Accounts Officer, Non-Timbers  
Forest Productions Shami Road, Peshawar

Dated 28/11/2018

Petitioner

Through



  
CERTIFIED TO BE TRUE COPY

Examiner,  
Peshawar High Court, Peshawar  
Authorised Under Article 87 of  
The Constitution of Pakistan Order 1984

08 NOV 2019

Javed Ali Asghar  
Advocate Peshawar.

95

PESHAWAR HIGH COURT, PESHAWAR		
FROM 'A'		
FORM OF ORDER SHEET		
COURT OF ----- CASE NO. ....		
SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL IF NECESSARY.
1	2	
31.10.2019		<p><b>W.P. No. 6502/2018.</b></p> <p>Present. -</p> <p>Mr. Javed Ali Asghar, advocate for the petitioner.</p> <p>Syed Qaisar Ali Shah, AAG for official respondents alongwith Mr. Ahmad Mansoor Khan, Assistant Director NTFP, Merged Areas.</p> <p>*****</p> <p><b>WAQAR AHMAD SETH CJ:-</b> Through the instant constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner prayed that acceptance of this writ petition, the appropriate directions be issued to the respondents:-</p> <ol style="list-style-type: none"><li>i. That the petitioner be promoted on the post of Senior Boiler man basic pay scale 15, because the petitioner is eligible and deserving for the said post having experience more than 24 years in the said department, but the respondents are reluctant and not promoting the petitioner for the so many years, the act of the respondent is against the law, Rules, regulation and policy of the department, violation the Constitution and fundamental rights of the petitioner.</li><li>ii. That as per Rule and policy of the department the post of Senior Boiler man be filled amongst those who have an experience 5 years, the name of the petitioner is enlisted by the respondents but up till now no order was passed by the Departmental Promotion</li></ol>



(DB), Hon'ble Mr. Justice Waqar Ahmad Seth, Chief Justice and Mr. Justice Ahmad Ali, J1.  
Aamir Bashir Awan, Senior Court Secretary.

**ATTESTED**  
  
**EXAMINER**  
Peshawar High Court





Committee, the act of the respondents is violation the right of the petitioner, the respondents be directed to considered the seniority list and be promoted the post of senior boiler man with all back benefits since 2002.

iii. Any other remedies which the petitioner has not been specifically asked in the circumstances be also awarded if so need to the ends of justice.

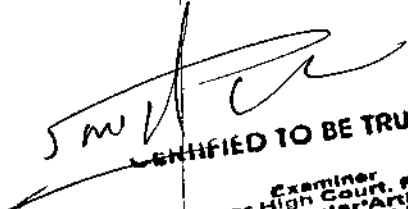
2. It is admitted fact that petitioner is a civil servant and the controversy involved in this constitutional petition relates to the terms & conditions of service of Civil Servants, therefore, the Service Tribunal has the exclusive jurisdiction in the matter, while the constitutional jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. Thus, this Court cannot proceed with the present case being out of its purview. Learned counsel for the petitioner when confronted with the situation he also solicited the same.

2. Accordingly, for the reasons stated hereinabove, the present writ petition is dismissed being not maintainable.

  
CHIEF JUSTICE



JUDGE


  
CERTIFIED TO BE TRUE COPY  
Examiner  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
the Constitution of Pakistan Order 1984  
08 NOV 2019

ANNOUNCED  
31.10.2019

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(27)

<p>Office of the <b>DIRECTOR</b> Non-Timber Forest Products Peshawar</p>		<p>Khyber Pakhtunkhwa Forest Department Shami Road, Peshawar Ph: 091-9211480 Fax: 091-9213227 E-mail: ntfp_2007@yahoo.com</p>
<p>No. 1121 Dir-NTFP/Est: Khyber Pakhtunkhwa / , Dated Peshawar the 15/11/2019.</p>		

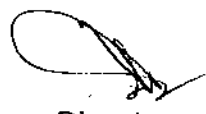
To:

Mr. Tamizud Din  
Boiler man.  
NTFP Centre, Parachinar

Subject:

**DEPARTMENTAL APPEAL / REPRESENTATION FOR PROMOTION  
FROM THE POST OF BOILER MAN TO THE POST OF SENIOR BOILER  
MAN BPS- 16 WITH ALL BACK BENEFITS FROM THE DUE DATE.**

The representation has been perused, record examined and considered rejected.



Director.  
Non Timber Forest Products  
Khyber Pakhtunkhwa  
Peshawar.

**ATTESTE**  
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28

GOVERNMENT OF NWFP  
FORESTRY, FISHERIES & W/LIFE  
DEPARTMENT.

Dated Peshawar the, 4/07/2001.

DEAR

No. SO(G/A)/FFD/II-577/SURPLUS/21/. Consequent upon the declaration of various posts as Surplus in the Sericulture Organization of Forests Department, vide this department notification of even No. dated 30/06/01 the following officials of the Sericulture Organization of Forests Department are hereby declared as surplus w.e.f. 01/07/2001 as per FFA Department circular letter No. SOR\_I(E&AD)/200/98 dated 8/6/2001

No.	Name of Official with designation/IPS.	Surplus.
1.	Mr. Akbar Ghulam, Office Assistant (IPS-11).	1
2.	Mr. Shaukat Ali, Senior Clerk (IPS-07)	1
3.	Mr. Ali Muhammad, Sericulture Reeler (EPS-6)	1
4.	Mr. Taj Muhammad Sericulture Reeler (EPS-6)	1
5.	Mr. Aziz Ahmad, Sericulture Reeler (IPS-6)	1
6.	Mr. Raiz Khan Sericulture Reeler (IPS-6)	1
7.	Mr. Zafar Wasir, J/Clerk (IPS-5)	1
8.	Mr. Farooq-Ud-Din, Boileman (IPS-5)	1
9.	Mr. Hayatullah Chowdhary (IPS-1)	1
10.	Mr. Javed Khan (IPS-1)	1
11.	Mr. Shakir Rehman, St (EPS-1)	1
12.	Mr. Tilmat Khan (EPS-1)	1
13.	Mr. Mashal Khan, Sericulture	1
14.	Mr. Farvaz Masih, Sericulture	1
		<u>14</u>

Sd/- SECRETARY TO GOVT. OF NWFP  
FORESTRY, FISHERIES & W/LIFE  
DEPARTMENT.

Handwritten notes: "Copy to all concerned"

Handwritten signature and date: "9/7"

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GOVERNMENT OF NWFP  
FORESTRY FISHERIES & W/LIFE  
DEPARTMENT  
Dated Peshawar the 4/07/2001

**ORDER:**

No. SO(G/A) FFD/II-577/Surplus/2001/ consequent upon the declaration of various posts as surplus in the sericulture organization of forest department, vide this department notification of even No. dated 30/06/2001 department are hereby declared as surplus w.e.f. 01/07/2001 as per E&A department circular letter No. SOR-I (E&AD) 1-200/98 dated 8/6/2001:

S.NO.	Name of officials with designation/BPS	Surplus
1.	Mr. Akbar Ghulam, Office Assistant (BPS-11)	1
2.	Mr. Shaukat Ali, Senior Clerk BPS-7	1
3.	Mr. Ali Muhammad, Sericulture Reeler. (BPS-6)	1
4.	Mr. Taj Muhammad, Sericulture Reeler. (BPS-6)	1
5.	Mr. Aziz Ahmad, Sericulture Reeler. (BPS-6)	1
6.	Mr. Rais Khan, Sericulture Reeler. (BPS-6)	1
7.	Mr. Zafran Wazir, Sericulture Reeler. (BPS-5)	1
8.	Mr. Tamsez ud Din, Boilerman (BPS-5)	1
9.	Mr. HayatUllah. (BPS-1)	1
10.	Mr. Javed Khan Male. (BPS-1)	1
11.	Mr. Shakir Rehman Male. (BPS-1)	1
12.	Mr. Tilawat Khan Male. (BPS-1)	1
13.	Mr. Mashal Khan Mali. (BPS-1)	1
14.	Mr. Pervez Masih,	1

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Sd/-  
SECRETARY TO GOVT. OF NWFP  
FORESTRY FISHERIES & W/LIE  
DEPARTMENT

29

Indst: no. 30 (G/A)/FFWD/II-577/SURPLUE/2:1

6970-81

Dated Peshawar the 03/07/2001.

Copy forwarded to :-

1. The Secretary E&A Department NWFP.
2. The Secretary Finance Department NWFP.
3. PA to Minister for Forests, Fisheries & Wildlife Deptt.
4. The Commander Head-quarters, 104 Air Defence, Barigade at Warsak.
5. Lt. Col. Khurshid Awan, Provincial Transitional Wing E&A Dep.
6. PS to Secretary Forests, Fisheries & Wildlife Deptt: NWFP.
7. The Accountant Gen. NWFP, Peshawar.
8. The Section Officer (Estt) FFWD Department.
9. The Director (E&A) Forests Department.
10. The Deputy Director Sericulture NWFP, Peshawar.
11. All Officials concerned c/o Dy: Director Sericulture NWFP, Peshawar.
12. Office Order file.

Sd/- (MASOOD AHMAD)  
SECTION OFFICER (G/A).

Indst: no. 92-24

Dated Peshawar the 9/7/2001

Copy for favour of information and immediate necessary action forwarded to the:-

1. Assistant Director Sericulture NWFP, Peshawar.
  2. Assistant Director Sericulture (FR) Peshawar.
- They are requested to ask/direct the above staff to report themselves for duty in Establishment and Administration Department Civil Secretariat Peshawar.
- Matter Most Urgent.
- Mr. Shaukat Ali Senior Clerk for information & Similar compliance.

*Masood Ahmad*  
Deputy Director Sericulture,  
N. W. F. Province, Peshawar.

No 11-19

dt 9/7/2001

Copy of the above is forwarded to all Official Concern with the request to report themselves for duty in Estt & Administration Deptt Civil Secretariat Peshawar forth with.

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Assistant Director Sericulture  
N. W. F. P. Peshawar

Endost No. SO(G/A) FFWD/II-577/Surplus/201/

6970-81

Dated Peshawar the 03/07/2001

Copy forwarded to:

1. The secretary E&A department NWFP
2. The secretary Finance department NWFP.
3. PS to Minister for forests, Fisheries & Wildlife department
4. The commander Head Quarters, 104-Air Defence Barigande at Warsak.
5. Lt. Col. Khurakid Awan, provincial Transitional Wing E&A Department..
6. PS to Secretary Forests, Fisheries & Wildlife department NWFP.
7. The Accountant General NWFP, Peshawar
8. The section Officer (Estt) FFW Department
9. The Director (E&A) Forests Department
10. The Deputy Director sericulture NWFP, Peshawar
11. All officials Concerned C/o Dy: Director sericulture NWFP< Peshawar
12. Office order file.

Sd/-

MASOOD AHMAD  
SECTION OFFICER (G/A).

Endost No. 22-24/ Dated Peshawar the 9/72001.

Copy for favour of information and immediate necessary action forwarded to the:

1. Assistant Director Sericulture NWFP, Peshawar
2. Assistant Director Sericulture (FR) Peshawar
3. They are requested to ask/direct the above staff to report themselves for duty in establishment and administration department civil secretariat Peshawar
4. Matter most.
5. Mr. Shaukat Ali Senior Clerk for information & Similar Compliance.

DEPUTY DIRECTOR, SERICULTURE  
NWFP PROVINCE PESHAWAR

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ORDER NO. 7 DATED 7/1/2003 ISSUED BY MR. MOHAMMAD ALI  
SERICULTURE DEVELOPMENT OFFICER KURRAM AGENCY PARACHINAR.

The following Sericulture Supervisor presently working in Grainage Section Parachinar are hereby posted to work in their circle posts against each w.e.f 7.1.2003 for Distribution of silk seed and Mulberry Plants in ensuing spring season. They will attend meeting in the office of the undersigned of 25th each month positively and bring their progress report/tour diary etc.

If any one failed from attending of monthly meeting in Grainage section will be taken against him.

No.	Name of Official	Grade	From	To
1.	Mr. Jaifir Ali	SS	Grainage	Histkot
2.	Mr. Anjad Hussain	SS	"	L/Kirman Circle
3.	Latif Hussain	SS	"	Lower Kurram
4.	Mr. Wahab Ali	SR	"	Zeran Lalana
5.	Mr. Sardar Hussain	SR	"	Shalozan
6.	Mr. Sifat Ali	SS	"	Shablan
7.	Mr. Ali Mohd:	SS	"	Upper Kirman

Mr. Ali Mohd Assistant Sericulture Development Officer Kurram Agency Parachinar will be incharge of Grainage activities.

All duties and load Yousuf SR Mr. Tamizuddin B/Man, Mr. Mohd. Ashraf SS and Anshar Khan SS will also be working in Departmental Rearing & Grainage of silk seed collection of moth etc.

Sd/(Mr Yousuf Ali)  
Seri: Dev: Officer,  
Kurram Agency Parachinar.

No. 109-10 /SDO dated Parachinar the 7/1/2003

Copy forwarded to:

- The Assistant Director Sericulture Frontier Region Peshawar for information.
- All Field Staff for information and necessary action. They are directed to submitted Tour diary/Tour programme and monthly progress report of each month of 25th month positively.

*M.C.*

*Jaffar Ali S.S*

*سرکار جنرل  
علی گڑھ  
3 جنوری 2003*

*Shahid S.S*

*ML*  
Seri: Development Officer,  
Kurram Agency Parachinar.

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OFFICE ORDER NO. 7 DATED 7.1.2003 ISSUED BY MR. YOUSAF ALI  
SERICULTURE DEVELOPMENT OFFICER AT FRAM AGENCY PARACHINAR.

The following sericulture supervisor presently working in not ed against each w.e.f. 7.1.2003 for distribution of silk seed and Mulberry plants in ensuing spring season. They will attend meeting in the office of the undersigned of 25<sup>th</sup> each month positively and bring with their progress report/tour daily etc.

If any one failed from attending of monthly meeting linary section will be taken against him.

S.No.	Name of officials		From	To
1.	Mr. Jaifar Ali	SS	Grainge	Nistikot
2.	Mr. AMjad Hussain	SS	//	L/Kirman Circle
3.	Latif Hussain	SS	//	Lower Kurram
4.	Mr. Wahab Ali	SR	//	Zeran Malana
5.	Mr.Sardar Hussain	SR	//	Shalozan
6.	Mr. Sifat Ali	SS	//	Shablan
7.	Mr. Ali Mohd.	SS	//	Upper Kirman

Mr. Ali Mehdi Assistant sericulture development officer Kurram Agency Parachinar will be incharge of Grainage activities.

All Malies and Mohd. Yousaf SR Mr. Tamizuddin B/Man, Mr. Mohd. Ashraf SS and Khushal Khan SS will also be working in departmental reering & grainage of silk seed collection of moth etc.

Sd/-  
Mr. Yousuf Ali  
Seri: Dev: Officer,  
Kurram Agency Parachinar

No. 109-10/SDO Dated Parachinar the 7/1/2003

Copy forwarded to:

1. The Assistant director Sericulture Frontier Region Peshawar for information.
2. All field staff for information and necessary action they are directed to submitted tour dairy/tour programme and monthly progress report of each month of 25<sup>th</sup> month positively.

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(31)

25 حکومت صواب - حسب گزارشہ صدر فارمٹ ڈیپارٹمنٹ سوم ٹریڈنگ انڈیا  
Director NTFP

He may be promoted on Seniority basis and policy immediately and reports compliance

12/12/2012

(WAJID ALI KHAN)  
Minister for Environment  
Govt. of Khyber Pakhtunkhwa

جو دنا گزارش ہے کہ فردی محمد سرفکر میں بحیثیت ڈائریکٹر

عمری ہوا۔ (یعنی) سال سروس کرنے کے بعد فردی کو سرفکر میں بحیثیت ڈائریکٹر

اور بعد میں فردی کی ایجوکیشن کیم ایجنسی کے ڈائریکٹر ڈائریکٹر کی آئی

کے بعد اسے۔ دو لاکھ روپے فردی کے تعلق سے سال سرفکر کے لئے ایجوکیشن

کے بعد اسے۔ 10 سالوں سے فردی کو ڈائریکٹر ڈائریکٹر ڈائریکٹر ڈائریکٹر

ATTACHED TO BE TRUE COPY

لکھنا آئے۔ صاحبان کی معرفت میں التماس ہے کہ فردی کی لکھی ہوئی رپورٹ لکھی ہوئے اس کیس کی مکمل انکوائری کی جائے۔

12/12/2012

محمد سرفکر  
ڈائریکٹر ڈائریکٹر ڈائریکٹر ڈائریکٹر

32

NC21098 (061)  
FORESTRY (WILDLIFE)

## 042402 FORESTRY

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME			NUMBER OF POSTS 2019-2020	BUDGET ESTIMATES 2019-2020	RELEASED 2019-2020
			Rs	Rs	Rs
04	ECONOMIC AFFAIRS				
042	AGRI, FOOD, IRRIGATION, FORESTRY & FISHING				
0424	FORESTRY				
042402	FORESTRY				
PR8058	Forestry Sericulture Organization Peshawar				
A01	TOTAL EMPLOYEES RELATED EXPENSES.			<u>34,334,000</u>	<u>34,242,000</u>
A011	TOTAL PAY		78	<u>21,088,000</u>	<u>21,088,000</u>
A011-1	TOTAL PAY OF OFFICERS		7	<u>3,646,000</u>	<u>3,646,000</u>
A01101	Total Basic Pay Of Officer		7	<u>3,646,000</u>	<u>3,646,000</u>
A079	Assistant Director	(BPS-17)	1	640,000	640,000
B098	Boiler Man	(BPS-16)	1	501,000	501,000
O003	Office Assistant	(BPS-16)	3	1,503,000	1,503,000
S668	Sericulture Development Officer	(BPS-16)	2	1,002,000	1,002,000
A011-2	TOTAL PAY OF OTHER STAFF		71	<u>17,442,000</u>	<u>17,442,000</u>
A01151	Total Basic Pay Other Staff		21	<u>17,442,000</u>	<u>17,442,000</u>
S035	Senior Clerk	(BPS-14)	3	1,179,000	1,179,000
A826	Assistant Sericulture Development Officer	(BPS-12)	3	999,000	999,000
E019	Electrician	(BPS-12)	1	333,000	333,000
M022	Mechanic	(BPS-12)	1	333,000	333,000
J013	Junior Clerk	(BPS-11)	3	927,000	927,000
S127	Store Keeper	(BPS-11)	1	309,000	309,000
N048	NTEFP Inspector	(BPS-09)	6	1,636,000	1,636,000
B098	Boiler Man	(BPS-07)	1	242,000	242,000
D112	Driver	(BPS-07)	2	484,000	484,000
S072	Sericulture Supervisor	(BPS-07)	4	968,000	968,000
S152	Supervisor	(BPS-07)	21	5,082,000	5,082,000
C057	Chowkidar	(BPS-04)	9	1,782,000	1,782,000
M010	Mali	(BPS-04)	8	1,584,000	1,584,000

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NC21098 (061)  
FORESTRY (WILDLIFE)

## 042402 FORESTRY

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME			NUMBER OF POSTS 2019-2020	BUDGET ESTIMATES 2019-2020	RELEASED 2019-2020
			Rs	Rs	Rs
04	ECONOMIC AFFAIRS				
042	AGRI, FOOD, IRRIGATION, FORESTRY & FISHING				
0424	FORESTRY				
042402	FORESTRY				
PR8058	Forestry Sericulture Organization Peshawar				
N005	Naib Qasid	(BPS-04)	7	1,386,000	1,386,000
S162	Sweeper	(BPS-04)	1	198,000	198,000
A012	TOTAL ALLOWANCES			<u>13,246,000</u>	<u>13,154,000</u>
A012-1	TOTAL REGULAR ALLOWANCES			<u>12,962,000</u>	<u>12,962,000</u>
A01202	House Rent Allowance			1,793,000	1,793,000
A01203	Conveyance Allowance			1,970,000	1,970,000
A01207	Washing Allowance			36,000	36,000
A01208	Dress Allowance			36,000	36,000
A0120D	Integrated Allowance			38,000	38,000
A01217	Medical Allowance			1,443,000	1,443,000
A0121T	Adhoc Relief Allowance 2013			564,000	564,000
A0122C	Adhoc Relief Allowance - 2015			375,000	375,000
A0122M	Adhoc Relief Allowance 2016			1,763,000	1,763,000
A0122Y	Ad-hoc Relief Allowance 2017			2,082,000	2,082,000
A01233	Unattractive Area Allowance			780,000	780,000
001	Unattractive Area Allowance			780,000	780,000
A0123G	Ad-hoc Relief Allowance-2018			2,082,000	2,082,000
A012-2	TOTAL OTHER ALLOWANCES(EXCLUDING TA)			<u>284,000</u>	<u>192,000</u>
A01274	Medical Charges			92,000	
001	Medical Charges			92,000	
A01278	Leave Salary			192,000	192,000
001	Leave Salary			192,000	192,000
A03	TOTAL OPERATING EXPENSES			<u>1,336,000</u>	<u>534,250</u>
A032	TOTAL COMMUNICATIONS			<u>70,000</u>	<u>17,500</u>
A03201	Postage and Telegraph			7,000	1,750
A03202	Telephone and Trunk Call			63,000	15,750
A033	TOTAL UTILITIES			<u>367,000</u>	<u>290,750</u>
A03301	Gas			24,000	24,000

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NC21098 (061)  
FORESTRY (WILDLIFE)

3/18

## 042402 FORESTRY

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		NUMBER OF POSTS 2019-2020	BUDGET ESTIMATES 2019-2020	RELEASED 2019-2020
		Rs	Rs	Rs
04	<b>ECONOMIC AFFAIRS</b>			
042	<b>AGRI,FOOD,IRRIGATION,FORESTRY &amp; FISHING</b>			
0424	<b>FORESTRY</b>			
042402	<b>FORESTRY</b>			
<b>PR8058.</b>	<b>Forestry-Sericulture Organization Peshawar</b>			
A03302	Water		63,000	15,750
A03303	Electricity		243,000	243,000
001	Electricity		243,000	243,000
A03304	Hot and Cold Weather Charges		32,000	8,000
<b>A038</b>	<b>TOTAL TRAVEL &amp; TRANSPORTATION</b>		<u>436,000</u>	<u>309,000</u>
A03805	Travelling Allowance		248,000	62,000
001	Travelling Allowance		248,000	62,000
A03806	Transportation of Goods		14,000	3,500
001	Transportation of Goods		14,000	3,500
A03807	P.O.L Charges A.planes H.coptors S.Cars M/Cycle		147,000	36,750
001	P.O.L Charges A.planes H.coptors S.cars for Generator		147,000	36,750
A03808	Conveyance Charges		27,000	6,750
001	Conveyance Charges		27,000	6,750
<b>A039</b>	<b>TOTAL GENERAL</b>		<u>468,000</u>	<u>117,000</u>
A03901	Stationery		85,000	21,250
001	Stationery		85,000	21,250
A03902	Printing and Publication		43,000	10,750
001	Printing and publication		43,000	10,750
A03906	Uniforms and Protective Clothing		11,000	2,750
A03970	Others		329,000	82,250
001	Others		329,000	82,250
<b>A04</b>	<b>TOTAL EMPLOYEES' RETIREMENT BENEFITS</b>		<u>1,000</u>	<u>250</u>
<b>A041</b>	<b>TOTAL PENSION</b>		<u>1,000</u>	<u>250</u>
A04114	Superannuation Encashment of L.P.R		1,000	250
<b>A13</b>	<b>TOTAL REPAIRS AND MAINTENANCE</b>		<u>205,000</u>	<u>51,250</u>

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NC21098 (061)  
FORESTRY (WILDLIFE)

39

## 042402 FORESTRY

FUNCTIONAL CUM OBJECT CLASSIFICATION AND PARTICULARS OF THE SCHEME		NUMBER OF POSTS 2019-2020	BUDGET ESTIMATES 2019-2020	RELEASED 2019-2020
		Rs	Rs	Rs
04	ECONOMIC AFFAIRS			
042	AGRI,FOOD,IRRIGATION,FORESTRY & FISHING			
0424	FORESTRY			
042402	FORESTRY			
PR8058	Forestry Sericulture Organization Peshawar			
A130	TOTAL TRANSPORT		<u>117,000</u>	<u>29,250</u>
A13001	Transport		117,000	29,250
001	Transport		117,000	29,250
A131	TOTAL MACHINERY AND EQUIPMENT		<u>27,000</u>	<u>6,750</u>
A13101	Machinery and Equipment		27,000	6,750
001	Machinery and Equipment		27,000	6,750
A132	TOTAL FURNITURE AND FIXTURE		<u>61,000</u>	<u>15,250</u>
A13201	Furniture and Fixture		61,000	15,250
Forestry Sericulture Organization Peshawar			35,876,000	34,827,750

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GOVERNMENT OF NWFP,  
FORESTRY, FISHERIES & WILDLIFE  
DEPARTMENT.

Dated Pesh: the 26.1.1993.

NOTIFICATION.

NO.SO(FT:II)/AD/I-465/88/Vol-IV. In pursuance of the provision contained in sub-rule(2) of rule of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, and in supersession of all previous rules made in this behalf, the Forests, Fisheries & Wildlife Deptt: in consultation with the Services & General Admn: Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in columns 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in column-2 of the said Appendix in the Forest Department.

Secretary to Govt. of NWFP,  
Forestry, Fisheries & Wildlife  
Department.

Encl: NO.SO(FT:II)/AD/I-465/88/Vol:IV/20 - 27  
Dated Pesh: the 26.1.1993.

Copy forwarded to:-

The Secretary to Govt. of NWFP, Services & General Admn: Department w/r to letter No.SOR:III(S&GAD) 7-3/89/832, dated 11.11.1992.

The Secretary to Govt. of NWFP, Law Deptt:

The Secretary NWFP Public Service Commission, Peshawar.

The Chief Con: of Forests, South Region, Peshawar.

The Chief Con: of Forests, North Region, Peshawar.

The Con: of Wildlife, NWFP Peshawar.

The Director(B&A), Forests Department.

The Manager, Govt. Printing Press & Stationery Deptt: for publication in the next issue of Govt. Gazette.

*[Signature]*  
SECTION OFFICER(FT:II).

**ATTESTED**  
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*[Handwritten signature]*

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*[Handwritten marks]*

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201

Deputy Director,  
Sericulture.

376

Assistant Director,  
Sericulture/Entomologist.

M.Sc. (Second Division) in  
Zoology with specialization  
in Entomology from a recognised  
University/Institute, who had  
Botany and Zoology as subjects  
at B.Sc. level.

Sericulture Development  
Officer/Assistant  
Entomologist.

- (1) Bachelor's Degree (Second Division) with Botany and Zoology as subjects from a recognised University; or
- (ii) Bachelor's Degree (Second Division) in Agriculture with specialization in Entomology from a recognised University.

Assistant Sericulture  
Development Officer/  
Sericulture Research  
Assistant.

By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant Director Sericulture and Entomologist with at least five years' service as such

(a) By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Sericulture Development Officer and Assistant Entomologists with at least five years' service as such; or

(b) If no suitable officer is available for recruitment.

(a) One-third by initial recruitment; and  
(b) two-third by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant Sericulture Development Officers and Sericulture Research Assistants with at least five years' service as such.

By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Sericulture Inspector and Entomological Assistants with at least five years' service as such.

(Contd. p.13).

**ATTESTED**

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TO BE TRUE COPY

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Senior Range Inspector.

F.Sc (Second Division) with Biology as one of the subject from a recognised Board.

18 to 25 years.

(a) Fifty per cent by initial recruitment; and

Entomological Assistant.

(i) Secondary School Certificate with Science in Second Division from a recognised Board; and

18 to 25 years.

(b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Sericulture Supervisors, Field Assistants, Seed Examiners and Sericulture Realers

By initial recruitment.

Sericulture Supervisor/  
Field Assistant/Seed  
Examiner.

(ii) B.Sc. in Sericulture from a recognised Agriculture Institute.  
Secondary School Certificate with Science in Second Division from a recognised Board.

18 to 25 years.

By initial recruitment.

Sericulture Realer.

(i) Secondary School Certificate with Science from a recognised Board; and

18 to 25 years.

By initial recruitment.

(ii) sufficient experience in reeling silk yarn.

Middle standard with third class boiler certificate.

18 to 25 years.

By initial recruitment.

Literate with mechanical experience.

20 to 35 years.

By initial recruitment.

Experience in budding or grafting.

20 to 25 years.

By initial recruitment.

*Handwritten note in a circle: "By Initial Recruitment"*

**ATTESTED**

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(Contd. p.14).



ANNEXURE

SI  
No. Memorandum of posts

Minimum qualifications for  
appointment by initial  
recruitment or by transfer.

Minimum qualification  
for appointment by  
promotion.

Age limit

Method of recruitment

1. Senior Follower

Matric, with 2nd class  
Boiler Engineer Certificate.

20-25

By promotion from  
amongst the holders  
posts of Follower  
at least five year  
service as such.

2. Miscellaneous

Matric with at least  
three years practical  
experience.

20-25

By initial recruitment

39

8

27

**ATTESTED**  
TO BE TRUE COPY

**ATTESTED**

Deputy Director  
of  
P. & S. Services

04/11/86

To,

The Director,  
Non-Timber Forest Production,  
Khyber Pakhtunkhwa  
Shami Road, Peshawar.

Sub: DEPARTMENTAL APPEAL /REPRESENTATION FOR PROMOTION FROM THE POST OF BOILER MAN TO THE POST OF SENIOR BOILER MAN BPS – 16 WITH ALL BACK BENEFITS FROM THE DUE DATE.

Respected Sir,

- 1) The appellant is appointed as Boiler Man BPS – 5 on dated 23/07/1995 in the Sericulture Development Wing Forest Department now performing Duty at District Kurram Parachinar in the Office Development Officer NTFP regularly.
- 2) That the appellant was sent in the surplus pool in the year 1990.
- 3) That the appellant was again adjusted against the vacant post at Para Chinar on dated 13/08/2001 and the letter was Endst No.1016-18/F-II-65/E dated 09/02/2002.
- 4) That the appellant submitted an application for promotion to the concerned authority / officer, and the said application is forwarded to the recommendation of the officers to the department.
- 5) That the appellant is still performing on the post of Boiler Man, and was upgraded to BPS – 7 in according to the policy of the Government.
- 6) That the appellant requested time and again but no response is given by the department uptil now.

**ATTESTE**  
TO BE TRUE COPY

48

- 7) That the appellant filed a writ petition before the Peshawar High Court Peshawar, but the Hon'ble Peshawar High Court Peshawar passed an order / judgment against the appellant, the Hon'ble Peshawar High Court Peshawar being barred on Article 212 of the constitution of Islamic Republic of Pakistan 1973. (Copy of the order / judgment is annexed herewith).
- 8) That the appellant is a qualified person and having experience in his profession, and deserving for the post of Senior Boiler Man, the post of Senior Boiler Man still exists in the budget 2019-20.
- 9) That according to service rules of the Forestry Fisheries and Wild Life Department dated Peshawar 26/01/1993.
- 10) That the appellant having good performance and there is no adverse finding against the appellant.
- 11) That the appellant is deserving for promotion as Senior Boiler Man with the experience of 23 years and eligible for the said post.

It is, therefore, most humbly prayed that on acceptance of this departmental appeal the appellant may please be considered for promotion from the post of Boiler Man BPS – 7 to the Post of Senior Boiler Man with all back benefits from due date.

Thanking you,

Dated 11/11/2019

Appellant  
Tamiz ud Din  
S/o Miftah ud Din  
Presently Posted Parachinar District  
Kurram  
R/o Darha Lund Khawar  
Tehsil Takht Bhai District  
Mardan  
Cell # 0343-9774864

  
**ATTESTE**  
TO BE TRUE COPY

(49)

وکالت نامہ

بعدالت جناب جسٹس سرور کی لکھی ہوئی دستخطات کے ساتھ

کسٹمر الریجسٹر بنا کر ذیل سرکاری عہدہ کے لئے

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے

### جاوید علی اصغر ایڈووکیٹ ہائی کورٹ پشاور

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحبان کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دیئے جواب دہی اقبال دعویٰ اور بصورت ڈگری کرنے اجراء در وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے مقرر کا اختیار ہوگا۔ اور صاحبان مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس ساختہ پر و اختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحبان پابند ہونگے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20ء

العبد

کے لئے منظور ہے۔

ماہ

گواہ

المقوم

العبد

بمقام

ACCEPTED

Javed Ali Asghar

Advocate High Court,

Peshawar.

BC No.775

CNIC#16102-0329399-3

Cell # 0333-9132933

(42)

وکالت نامہ

بعدالت جناب جسٹس سر سید محمد رفیع صاحب کورٹ پشاور

منجانب مہربان  
ڈاکٹر سید ناصر علی صاحب

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے

**جاوید علی اصغر ایڈووکیٹ ہائی کورٹ پشاور**

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحبان کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دیئے جواب دہی اقبال دعویٰ اور بصورت ڈگری کرنے اجراء در وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحبان مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس ساختہ پرواختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحبان پابند ہونگے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20

العبد

کے لئے منظور ہے۔

ماہ

گواہ

المقوم

العبد

بمقام

ACCEPTED

Javed Ali Asghar

Advocate High Court,

Peshawar.

BC No.775

CNIC#16102-0329399-3

Cell # 0333-9132933

17/09

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 2242 of 2019**

Tamiz-ud-Din ..... Appellant


**Versus**

1. Director Non-Timber Forest Products Shami Road, Peshawar.
2. Chief Secretary Govt. of KP, Civil Secretariat Peshawar.
3. Secretary Environmental Protection Deptt: Khyber Pakhtunkhwa Civil Secretariat Peshawar.
4. Secretary Fisheries, Forestry & Environment Deptt: KP, Civil Secretariat.
5. Chief Conservator Forestry-I Khyber Pakhtunkhwa Peshawar.
6. Deputy Director Non-Timber Forest Products Shami Road, Peshawar.
7. Assistant Director Non-Timber Forest Products Sericulture, Khyber Pakhtunkhwa Conservator Office Shami Road, Peshawar.
8. Budget & Accounts Officer, Non-Timber Forest Products Shami Road, Peshawar.

**Respondents**

**INDEX**

S. No.	Description of documents	Pages
1	Para-wise Comments	1-2
2	Affidavit	3
3	Annexure-I (Copy of Service Rules of the Department)	4-7
4	Annexure-II (Copy of Judgment dated 31-10-2019)	8-9

  
Assistant Director NTFP  
Merged Areas Peshawar  
(For Respondents No. 05 & 06)

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 2242 of 2019**

Tamiz-ud-Din

**Versus**

Director Non-Timber Forest Products  
Khyber Pakhtunkhwa Peshawar & Others

*(Late time Received)*

PARA-WISE COMMENTS ON BEHALF OF  
RESPONDENTS NO. 05 & 06



Respectfully Sheweth:-

Preliminary Objection:

- I) Appellant/Petitioner has no locus standi to file the instant appeal/petition in hand.
- II) Appellant/Petitioner is not an "aggrieved person" within the definition as enshrined in Article 199 of the Constitution of Pakistan, 1973.
- III) The Appellant has not come to this Honourable Tribunal with clean hands. The Appeal also suffers from misstatement and concealment of facts.
- IV) The Honourable Peshawar High Court Peshawar has already dismissed his writ petition No. 6502/2018 vide Judgment dated 31-10-2019, hence the instant appeal is hit by Rule 23 of Service Tribunal Rules, 1974.
- V) That the Honourable Tribunal has no jurisdiction to adjudicate the matter.

FACTS:

1. Pertaining to record.
2. Pertaining to record.
3. Pertaining to record.
4. Promotion case of the petitioner cannot be considered due to non-existence of rule for promotion from Junior Boiler-man (BPS-7) to the post of Senior Boiler-man (BPS-16) in the Service Rules of the Department notified dated 16-02-2009 (copy of Service Rules attached as Annexure-I). On the other hand the boiler activity in the Department for which the Junior Boiler-man (BPS-5) and Senior Boiler-man (BPS-16) were recruited has been stopped forever and the factories installed at Parachinar & Peshawar are out of work for the last 15-20 years. Resultantly the posts of Junior Boiler-man & Senior Boiler-man has accordingly excluded from the notified Service Rules of this Directorate. The post of Junior Boiler-man will become automatically abolished after the retirement of the incumbent.
5. As explained in para-4, above, it is a defunct cadre post and will be abolished after the retirement of the incumbent Junior Boiler-man.
6. The Govt: of Khyber Pakhtunkhwa granted 2 step general up-gradation to all the employees of BPS-1 to BPS-5 vide Notification No. FD/SO(FR)7-20/2015 dated 30-06-2015, hence the post of the appellant was also upgraded from BPS-5 to BPS-7.
7. The case of appellant cannot be considered for promotion as explained in para-4 above. The appellant had also approached the Honourable Peshawar High Court Peshawar for the purpose of promotion by filing W.P. No. 6502-P/2018 but the Honourable Court dismissed his writ petition vide Judgment dated 31-10-2019 (copy of judgment attached as annexure-II).
8. Incorrect, as explained in Para-4 above.
9. Incorrect, as explained in Para-4 above

*(Signature)*

## GROUNDS

- A. Ground "A" of the Appeal/Petition is incorrect, baseless, hence denied. In fact the answering respondent acted well in accordance with rules, because there is no provision of Junior and Senior Boiler-man in the prevailing Service Rules as their services are not more required to the Department.
- B. Ground "B" of the Appeal/Petition is incorrect, detailed reply has been given in Para-4 of the Facts.
- C. Ground "C" of the Appeal/Petition is incorrect. No discrimination has been made with the appellant, in fact no criteria exists for promotion of Junior Boiler-man to the post of Senior Boiler-man in the existing service rules of the department notified dated 16-02-2009 (Copy of Service Rules attached as Annexure-I), hence denied.
- D. Ground "D" of the Appeal/Petition is incorrect, as explained in Ground-C above.
- E. Ground "E" of the Appeal/Petition is incorrect, detailed reply has been given in Para-4 of the Facts.
- F. Ground "F" of the Appeal/Petition is baseless, detailed reply has been given in Para-4 of the Facts.
- G. Ground "G" of the Appeal is incorrect, detail reply has been given in Para-4 of the Facts. Furthermore, no criteria exist for promotion of Junior Boiler-man to the post of Senior Boiler-man in the existing service rules of the department notified dated 16-02-2009.
- H. Ground "G" of the Appeal/Petition is incorrect, as explained in Ground "G" above.
- I. Ground "I" of the Appeal/Petition needs no reply.

**In view of the above, the Appeal/Petition in hand may kindly be dismissed being a defunct cadre post.**

## **Respondents**



Deputy Director  
Non-Timber Forest Products (NTFP)  
Shami Road, Peshawar  
(Respondent No. 6)



Chief Conservator of Forests  
Central Southern Forest Region-I,  
Peshawar  
(Respondent No. 5)



**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 2242 of 2019**

**Tamiz-ud-Din**

**Versus**

1. Director Non-Timber Forest Products Shami Road, Peshawar.
2. Chief Secretary Govt: of Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. Secretary Environmental Protection Deptt: Khyber Pakhtunkhwa Civil Secretariat Peshawar.
4. Secretary Fisheries, Forestry & Environment Deptt: Khyber Pakhtunkhwa, Civil Secretariat.
5. Chief Conservator Forestry-I Khyber Pakhtunkhwa Peshawar.
6. Deputy Director Non-Timber Forest Products Shami Road, Peshawar.
7. Assistant Director Non-Timber Forest Products Sericulture, Khyber Pakhtunkhwa Conservator Office Shami Road, Peshawar.
8. Budget & Accounts Officer, Non-Timber Forest Products Shami Road, Peshawar.

**Respondents**

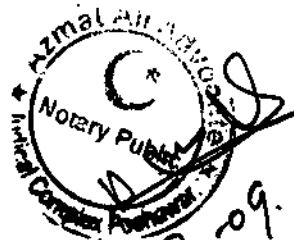
**AFFIDAVIT**

I, Mr. Moin-ud-Din Assistant Director NTFP Merged Areas Peshawar do hereby solemnly affirm and declare that the contents of the Department's written reply along with enclosures submitted on behalf of Respondents No. 05 & 06 are true and correct to the best of my knowledge and belief that nothing has been concealed from the Khyber Pakhtunkhwa Service Tribunal Peshawar.



**DEPONENT**  
CNIC No. 21505-5817851-3  
For respondents No. 05 & 06  
Mobile No. 0333-9663848

**ATTESTED**



17.09.2021

EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PHH  
GAZETTE

## KEYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 23<sup>RD</sup> FEBRUARY, 2016

### GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE ENVIRONMENT DEPARTMENT

#### NOTIFICATION

Peshawar dated the 16/2/2009.

**No. SO (Estt)/Env/1-465/2K5:** In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Environment Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in the Forestry, Fisheries and Wildlife Department's Notification No. SO (FT:II) AD/1-465/83/Vol-IV, dated 26/01/1993, the following further amendments shall be made, namely:

#### AMENDMENTS

In the Appendix, for the existing heading "SERICULTURE WING" and all the entries under PART-I and PART-II of the said Wing, the following shall be substituted, namely;

#### "DIRECTORATE OF NON TIMBER FOREST PRODUCTS"

##### PART-I (TECHNICAL POSTS)

1	2	3	4	5
S.No	Nomenclature of Posts	Qualification for appointment by initial recruitment	Age limit	Method of Recruitment
	Director, Non-Timber Forest Products (BS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Deputy Directors NTFP having at least twelve years service in BPS-17 and above as such; provided that if no suitable officer is available for promotion then by transfer from amongst the Conservator of Forests.
2	Deputy Director NTFP (BS-18)			By promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Directors NTFP, having at least five years service as such.
3	Assistant Director NTFP (BS-17)	(i) M.Sc (Hons.) Agriculture with Specialization in (Entomology or Horticulture or plant Pathology from a recognized University; or (ii) M.Sc Forestry in second Division from a recognized University	21 to 32 Years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of NTFP Development Officer (BS-16) having at least five years service as such; and b) Fifty percent by initial recruitment.

*M. S. T.*  
*M. S. T.*  
*M. S. T.*  
Assistant Director NTFP  
Marged Areas Peshawar

*Attested*

*M. S. T.*  
Assistant Director NTFP  
(FATA) Peshawar.

4	NTFP Development Officer (BS-16)	i) B.Sc (Hons.) Agriculture with Specialization in (Entomology or Horticulture or Plant Pathology from a recognized University; or ii) B.Sc Forestry in 2nd Division from a recognized University;	21 to 32 Years	(a) Fifty percent by promotion on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant NTFP Development Officer having at least five years service as such; and  (b) Fifty percent by initial recruitment.
5	Assistant NTFP Development Officer (BS-11)			By promotion on the basis of seniority-cum-fitness, from amongst the holders of the posts of NTFP Inspectors having at least five years service as such.
6	NTFP Inspector (BS-08)	F.Sc in Second Division with Biology as one of the subject from a recognized Board.	18 to 30 Years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of NTFP Supervisors; and (b) Fifty percent by initial recruitment.
7	NTFP Supervisor : (BS-05)	Secondary School Certificate with Science in Second Division from a recognized Board.	18 to 30 Years	By initial recruitment.

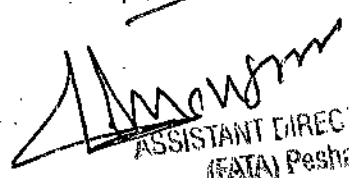

*Attested*

*A. Makhdoom*  
ASSISTANT DIRECTOR NTFP (MARGED) Peshawar.

**PART-II**  
**MINISTERIAL POSTS**

8	Superintendent (BS-16)			By promotion, on the basis of seniority-cum-fitness from amongst holders of the posts of Assistants and Senior Scale Stenographers, in the NTFP Directorate having at least five years service as such. <b>NOTE:</b> Joint seniority of Assistants and Senior Scale Stenographers shall be maintained for the purpose of promotion to the post of Superintendent: Provided that when the date of continuous appointment of an Assistant and Senior Scale Stenographers is same, the Senior Scale Stenographer shall be deemed to be senior to the Assistant.
9	Senior Scale Stenographers (BS-15)	(a) Bachelor's Degree from a recognized University; and (b) a speed of 120 words per minute in short hand in English, with one year Diploma in Information Technology from a recognized Board of Technical Education.	18 to 31 years	By promotion, on the basis of seniority-cum-fitness from amongst holders of the posts of Steno-typist /Stenographers with at least five years service as such:  Provided that if no suitable candidate is available for promotion then by initial recruitment.
10	Assistant (BS-14)	Bachelor's Degree from a recognized University	18 to 30 Years	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Senior Clerks in the NTFP Directorate, having at least five years service as such; and (b) fifty percent by initial recruitment.

*M. M. Khan*  
*(M)*  
*M. M. Khan*  
Assistant Director NTFP Marged Areas Peshawar

11	Steno typist / Stanographers (BS-12)	(a) Intermediate or equivalent qualification from the recognized Board; and (b) a speed of 50 words per minute in shorthand in English and 35 words per minute in typing with knowledge of computer in using MS words and MS Excell.	18 to 30 Years	By initial recruitment.
12	Key Punch Operator (BS-10)	Second Class Bachelor's Degree in Computer Science from a recognized University/Institution.	18 to 30 years	By initial recruitment.
13	Senior Clerk (BS-09)			By promotion, on the basis of seniority-cum-fitness from amongst holders of the posts of Junior Clerks/Store Keepers in the NTFP Directorate having at least two years service as such.
14	Junior Clerk/Store Keeper (BS-07)	(a) Secondary School Certificate; or equivalent qualification from a recognized Board; and (b) a speed of 30 words per minute in typing with knowledge of computer in using MS Word and MS Excell.	18 to 30 Years	(a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Daftaree/Qasid and Naib Qasid including other equivalent posts in the NTFP Directorate with 2 years service having Secondary School Certificate.  (b) Sixty seven percent by initial recruitment
15	Driver (Heavy Vehicle) (BS-05)	(a) Secondary School Certificate and (b) Possessing a valid heavy vehicle driving license issued by the competent authority. <u>NOTE:-</u> Preference will be given to those who have sufficient experience in driving/repair and maintenance of vehicle.	18 to 32 Years	By initial recruitment.  <i>Attest</i>  ASSISTANT DIRECTOR NTFP (FATA) Peshawar
16	Driver (Light Vehicle) BS-04	(a) Secondary School Certificate and (b) Possessing a valid Light Vehicle Driving license. <u>NOTE:-</u> Preference will be given to those who have sufficient experience in driving/repair and maintenance of vehicle.	18 to 32 Years	By initial recruitment.  <i>Attest</i>  Assistant Director NTFP Marged Areas Peshawar

17	Mali/Sweeper/ Cleaner/Bhishti/ Buddler (BS-02)	Preferably literate	18 to 32 Years	By initial recruitment.
18	Naib Qasid (BS-02)	Preferably literate	18 to 32 Years	By initial recruitment.
19	Chowkidar (BS-02)	Preferably literate	18 to 32 Years	By initial recruitment.

SECRETARY TO GOVT. OF NWFP  
ENVIRONMENT DEPARTMENT

*Attested*

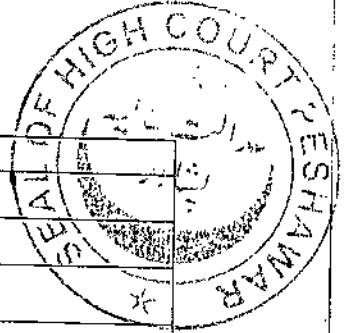
ASSISTANT DIRECTOR NTFP  
(ATA) Peshawar.

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

*Attested*

Assistant Director NTFP  
Marged Areas Peshawar

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<b>PESHAWAR HIGH COURT, PESHAWAR</b>		
FROM 'A'		
FORM OF ORDER SHEET		
COURT OF ..... CASE NO. ....		
SERIAL NO OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY.
1	2	
31.10.2019		<p><b><u>W.P. No. 6502/2018.</u></b></p> <p>Present: -</p> <p>Mr. Javed Ali Asghar, advocate for the petitioner.</p> <p>Syed Qaisar Ali Shah, AAG for official respondents alongwith Mr. Ahmad Mansoor Khan, Assistant Director NTFP, Merged Areas.</p> <p style="text-align: center;">*****</p> <p><b><u>WAQAR AHMAD SETH CJ:-</u></b> Through the instant constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner prayed that acceptance of this writ petition, the appropriate directions be issued to the respondents:-</p> <ol style="list-style-type: none"> <li>i. <b>That the petitioner be promoted on the post of Senior Boiler man basic pay scale 15, because the petitioner is eligible and deserving for the said post having experience more than 24 years in the said department, but the respondents are reluctant and not promoting the petitioner for the so many years, the act of the respondent is against the law, Rules, regulation and policy of the department, violation the Constitution and fundamental rights of the petitioner.</b></li> <li>ii. <b>That as per Rule and policy of the department the post of Senior Boiler man be filled amongst those who have an experience 5 years, the name of the petitioner is enlisted by the respondents but up till now no order was passed by the Departmental Promotion</b></li> </ol>

(DB) Hon'ble Mr. Justice Waqar Ahmad Seth, Chief Justice and Mr. Justice Ahmad Ali, J.J.  
Aamir Bashir Awan, Senior Court Secretary.

**ATTESTED**  
EXAMINER  
Peshawar High Court

Committee, the act of the respondents is violation the right of the petitioner, the respondents be directed to considered the seniority list and be promoted the post of senior boiler man with all back benefits since 2002.

- iii. Any other remedies which the petitioner has not been specifically asked in the circumstances be also awarded if so need to the ends of justice.

2. It is admitted fact that petitioner is a civil servant and the controversy involved in this constitutional petition relates to the **terms & conditions of service of Civil Servants**, therefore, the **Service Tribunal** has the exclusive jurisdiction in the matter, while the constitutional jurisdiction of this Court is barred under **Article 212 of the Constitution of Islamic Republic of Pakistan, 1973**. Thus, this Court cannot proceed with the present case being out of its purview. Learned counsel for the petitioner when confronted with the situation he also solicited the same.

2. Accordingly, for the reasons stated hereinabove, the present writ petition is dismissed being not maintainable.

CHIEF JUSTICE

JUDGE

**ANNOUNCED**  
31.10.2019

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