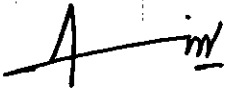


FORM OF ORDER SHEET

Court of _____

Appeal No. 1505/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/07/2023	<p>The appeal of Mr. Qaisar Abbas presented today by Mr. Nadeem Abbas Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 24-07-2023</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service appeal No: ^{1505/}2023

Qaisar abbas

Versus

GOVT KPK etc.

I n d e x

<u>S.NO.</u>	<u>PARTICULARS OF THE CASE</u>	<u>ANNEXURE</u>	<u>PAGE.</u>
1.	Grounds of Service appeal with CM.		1-6
2.	Copy of the order 29-8-22 'A'		7
3.	Copy of the order 24-10-22 'B'		8
4.	Copy of the order. 25-10-22 'C'		9
5.	Copy of the order 09-6-023 'D'		10
6.	Copy of the order 10-6-023 'E'		11-12
7.	Copy of the order 18-7-023 'F'		13
8.	Copy of the ban order 29-05-023 'G'		14
9.	Vakalatnama.		

Dated: 21/07/2023

Appellant,

Qaisar abbas.

Qaisar

Through counsel

[Signature]

03336706495

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

CM No 2023
Service appeal No. 1507/2023

**Qaisar Abbas Forester, D.I.Khan Forest division D.I.Khan
Appellant**

VS

1. Government OF Khyber Pakhtunkhwa through secretary claimant change, FE &WD, Khyber Pakhtunkhwa Peshawar
2. Chief Conservator of Forests, Central Southern Forest region -I Khyber Pakhtunkhwa Peshawar
3. Conservator of forests, southern forest circle Bannu.
4. Divisional Forest officer D.I.Khan Division D.I.Khan
5. Amjad ahamd in charge forest range on sheikh buddin range D.I.Khan.

SERVICE APPEAL

APPLICATION WITH THE REQUEST TO SUSPEND THE TRANSFER ORDER DATED 09/06/2023 TILL FINAL DISPOSAL OF THE MAIN APPEAL.


Respectfully sheweth,


The applicant humbly submits as under:

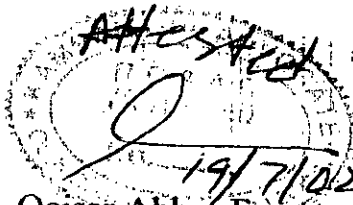
1. That the above titled service appeal is being filed with the instant application, Grounds whereof may be Considered as grounds for the instant application amongst others.
2. That the appeal of the appellant is based on solid grounds and he has prima facie case for the purpose of instant application.
3. That there is every probability of acceptance of instant appeal, which is the subject matter.
4. That at present the balance of convenience is in favour of the appellant and if the transfer order is not suspended than the appellant will face irreparable loss.
5. That this honourable court has got vast powers to suspend the Transfer order.

It is, therefore, requested that the transfer order dated 09/06/2023 may be suspended till final disposal of the appeal.

Dated: 21.07.2023


(Qaisar Abbas)
Forester
D.I.Khan Forest Division
Dera Ismail Khan

Through counsel

03336706495

**Affidavit**

I, Qaisar Abbas Forester, D.I.Khan Forest division D.I.Khan the appellant do hereby solemnly affirms on oath that the contents of the service appeal are true and correct to the best of my knowledge and belief.

Dated: 21.07.2023

(Qaisar Abbas)
Forester
D.I.Khan Forest Division
Dera Ismail Khan

**BEFORE KHAYABAR PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service appeal No: 12023

Appeal no. 1505/2023

**Qaisar Abbas Forester, D.I.Khan Forest division D.I.Khan
.....Appellant**

VS

1. Government OF Khyber Pakhtunkhwa through secretary claimant change, FE &WD, Khyber pakhtunkhwa Peshawar
2. Chief Conservator of Forests, Central Southern Forest region -I Khyber pakhtunkhwa Peshawar
3. Conservator of forests, southern forest circle Bannu.
4. Divisional Forest officer D.I.Khan Division D.I.Khan
5. Amjad ahamd in charge forest range on sheikh buddin range D.I.Khan.

41545TA1997

**SERVICE APPEAL/AGAINST THE ORDER DATED
18/07/2023 PASSED BY RESPONDENT NO:1, WHEREBY
THE DEPARTMENTAL REPRESENTATION OF THE
APPILANT AGAINST HIS TRANSFER ORDER
NO.299 DATED 09.6.2023 ISSUED BY CHIEF
CONSERVATOR FOREST CENTRAL SOUTHERN
FOREST REGION-I KHYBER PAKHTUNKHWA
PESHAWAR, VIDE WHICH THE APPELLANT HAS
BEEN TRANSFERRED TO DIVISIONAL FOREST
OFFICER HAS BEEN DISMISSED.**

Respected sheweth,

The appellant humbly submits as under:

1. That appellant is performing his duties as forester since long and he has clean service record
2. That the appellant was transferred vide order dated 29.08.2022 to sheikh Badin forest range as SDFO and prior to that the appellant was performing his duties at Paharpur sub-division. Copy of the order is enclosed here with as ANNEXURE A.
3. That vide order dated 24.10.2022 the order dated 29.08.2022 was cancelled and the appellant was again transferred to Paharpur range. Copy of the order is enclosed here with as ANNEXURE B.

4. That vide order dated 25.10.2022 the appellant was again transferred to Sheikh Badin Range due to political reasons. Copy of the order is enclosed here with as ANNEXURE C.
5. That now the appellant has been transferred vide order dated 09.06.2023 to the office of DFO Dera Division once again on political basis. Copy of the order is enclosed here with as ANNEXURE D.
6. That the appellant preferred departmental representation/appeal to the respondent no 1 on 10/06/2023. Copy of the representation is enclosed here with as ANNEXURE E.
7. That the representation of the appellant was rejected by respondent No 1 on 18/07/2023. Copy of the rejection order is enclosed here with as ANNEXURE F.
8. That being aggrieved the appellant is preferring the instant service appeal on the following grounds.

GROUND'S

1. That the appellant has been made a rolling stone and nowhere he has been allowed to complete his tenure, without any solid reason.
2. That it is pertinent to mention here that during the last transfer of the appellant there was a ban on transfer and posting in Khyber Pakhtunkhwa, issued by establishment department, dated 29th May 2023 and even then the appellant has been transferred because some other person was to be obliged. Copy of the Ban order is enclosed here with as ANNEXURE G.
3. That it is also point to be noted that in all the transfer orders, it has been mentioned that the transfer is made in public interest, meaning thereby there was no complaint or the appellant was transferred because of any such complaint and it is obvious that because of political interference the appellant has been frequently transferred.

4. That appellant has no political affiliation and having no source which can be used for his transfer, therefore, on each occasion the appellant has been victimised, without observing the normal tenure and even the ban has been violated.
5. That the respondent no 2 was not a competent person to transfer the appellant because in the hierarchy being SDFO, the transfer order of the appellant was required to be made by conservator of forests (respondent no 3) and not the respondent no 2. This important aspect shows that the appellant is being victimised politically.
6. That the appellant has 17 years of spotless service to his credit and is constantly being victimised politically.
7. That council of appellant may be allowed to raise additional grounds during the course of arguments.

It is, therefore, humbly requested that while accepting the present Service appeal the order dated 18/07/2023 passed by respondent no 1 may be set aside and in consequence thereof the transfer order dated 09.06.2023 may be cancelled and the appellant be retained at Sheikh Badin Range till the normal tenure of service as SDFO.

Your Humble appellant,



(Qaisar Abbas)
Forester
D.I.Khan Forest Division
Dera Ismail Khan

Dated: 21.07.2023

Through council

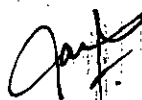


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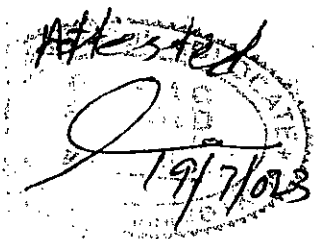
AFFIDAVIT

I, Qaisar Abbas Forester, D.I.Khan Forest division D.I.Khan the appellant do hereby solemnly affirms on oath that the contents of the service appeal are true and correct to the best of my knowledge and belief.

Dated: 21.07.2023



(Qaisar Abbas)
Forester
D.I.Khan Forest Division
Dera Ismail Khan



Attested
19/7/23

OFFICE ORDER NO. 40 DATED PESHAWAR THE 29 /08/2022 **AND**
ISSUED BY MR. EJAZ QADIR, CHIEF CONSERVATOR OF FORESTS CENTRAL
SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA PESHAWAR **(A)**

As recommended by Conservator of Forests Southern Circle Peshawar vide his letter No. 946/E, dated 29/08/2022, the following posting transfer amongst the the Foresters are hereby ordred in the interest of public service with immediate effect:-

7

S.No	Name of Forester	From	To
1.	Mr. Qaisar Abbas (BPS-10)	Incharge Paharpur Forest Sub Division	Incharge Sheikh Buddin Range of D.I.Khan Forest Division in his own pay scale.
2.	Mr. Kaleem Ullah Khan (BPS-10)	Incharge Sheikh Buddin Range of D.I.Khan Forest Division.	Incharge Paharpur Forest Sub Division in his own pay scale.

Sd/-

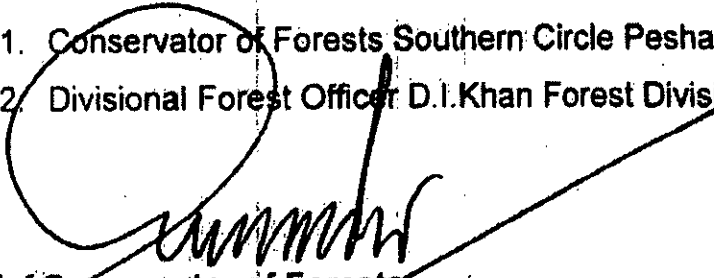
(Ejaz Qadir)

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 1085-86/E.

Copy forwarded for information and necessary action to the:-

1. Conservator of Forests Southern Circle Peshawar
2. Divisional Forest Officer D.I.Khan Forest Division.


Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

AX(B)
⑧

OFFICE ORDER NO. 81 DATED PESHAWAR THE 24 /10/2022
ISSUED BY MR. EJAZ QADIR, CHIEF CONSERVATOR OF FORESTS CENTRAL
SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA PESHAWAR

As recommended by Conservator of Forests Southern Circle Peshawar vide his letter
No. 1881/E-02, dated 20/10/2022, this office order No. 40, dated 29/08/2022 is hereby
cancelled.

Sd/-
(Ejaz Qadir)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 2308-09 /E,

Copy forwarded for information and necessary action to the:-

1. Conservator of Forests Southern Circle Peshawar with reference to his letter
cited above.
2. Divisional Forest Officer D.I.Khan Forest Division.

Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

Annex (C) (9)

OFFICE ORDER NO. 81 DATED PESHAWAR THE 10 10/2022
ISSUED BY MR. EJAZ QADIR, CHIEF CONSERVATOR OF FORESTS CENTRAL,
SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA PESHAWAR

In supersession of this office order 81, dated 24/10/2022, this office order No. 40, dated 29/08/2022 is hereby restored in the interest of public service with immediate effect


Sd/-
(Ejaz Qadir)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 2340-41 /E.

8-IX-8

Copy forwarded for information and necessary action to the -

- 1 Conservator of Forests Southern Circle Peshawar
- 2 Divisional Forest Officer D.I. Khan Forest Division.


Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

OFFICE ORDER NO. 299 DATED PESHAWAR THE 09 /06/2023
ISSUED BY SYED MUQTADA SHAH, CHIEF CONSERVATOR OF FORESTS
CENTRAL SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA
PESHAWAR

AK(D)
10

Mr. Amjad Ahmad Deputy Ranger is hereby transferred from Kolachi Range and posted him as Incharge Forest Ranger on Sheikh Buddin Range of D.I.Khan Forest Division as stopgap arrangement in his own pay scale relieving Mr. Qaisar Abbas Forester from the charge of Range in the interest of public service with immediate effect till further order.

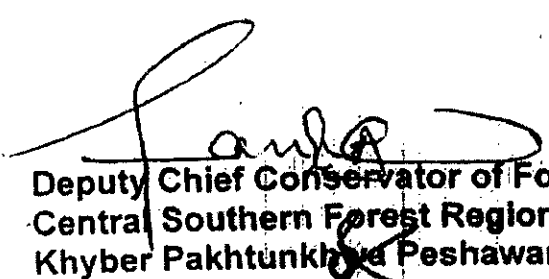
Sd/-

(Syed Muqtada Shah)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 11436-38/E.

Copy forwarded for information and necessary action to the:-

1. PS to Secretary, Govt of Khyber Pakhtunkhwa, Climate Change, FE&WD Peshawar
2. Conservator of Forests Southern Forest Circle Bannu. He is requested to decide posting of suitable person on Kolachi Range under local arrangements.
3. Divisional Forest Officer D.I.Khan Forest Division


Deputy Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

Scanned with CamScanner

To,

Ann (E) (11-12)

The Secretary,
Climate change, FE & WD,
Khyber Pakhtunkhwa, Peshawar.

Through Proper channel

Subject: **DEPARTMENTAL REPRESENTATION/ APPEAL AGAINST THE TRANSFER ORDER NO.299 DATED 09.6.2023 ISSUED BY CHIEF CONSERVATOR FOREST CENTRAL SOUTHERN FOREST REGION-I KHYBER PAKHTUNKHWA PESHAWAR, VIDE WHICH THE APPELLANT HAS BEEN TRANSFERRED.**

Respected Sir,

1. That appellant is performing his duties as forester since long and he has clean service record
2. That the appellant was transferred vide order dated 29.08.2022 to sheikh Badin forest range as SDFO and prior to that the appellant was performing his duties at Paharpur sub-division.
3. That vide order dated 24.10.2022 the order dated 29.08.2022 was cancelled and the appellant was again transferred to Paharpur range.
4. That vide order dated 25.10.2022 the appellant was again transferred to Sheikh Badin Range due to political reasons.
5. That now the appellant has been transferred vide order dated 09.06.2023 to the office of DFO Dera Division once again on political basis.
6. That being aggrieved the appellant is preferring the instant departmental representation/ appeal on the following grounds.

GROUND

1. That the appellant has been made a rolling stone and nowhere he has been allowed to complete his tenure, without any solid reason.
2. That it is pertinent to mention here that during the last transfer of the appellant there was a ban on transfer and posting in Khyber

Pakhtunkhwa, issued by establishment department dated 29th May 2023 and even then the appellant has been transferred because some other person was to be obliged.

3. That it is also point to be noted that in all the transfer orders, it has been mentioned that the transfer is made in public interest, meaning thereby there was no complaint or the appellant was transferred because of any such complaint and it is obvious that because of political interference the appellant has been frequently transferred.
4. That appellant has no political affiliation and having no source which can be used for his transfer, therefore, on each occasion the appellant has been victimised, without observing the normal tenure and even the ban has been violated.
5. That the appellant wished to be heard in person for the clarification of the matter in the interest of justice.

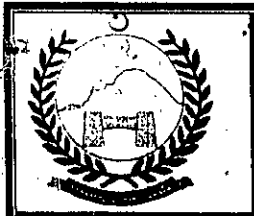
It is, therefore, humbly requested that while accepting the present representation/ appeal the transfer order dated 09.06.2023 may be cancelled and the appellant be retained at Sheikh Badin Range till the normal tenure.

Thanking you in anticipation,



(Qaisar Abbas)
Forester
D.I.Khan Forest Division
Dera Ismail Khan

Dated: 10.06.2023



GOVERNMENT OF KHYBER PAKHTUNKHWA
CLIMATE CHANGE, FORESTRY, ENVIRONMENT & WILDLIFE
DEPARTMENT

NO.SO(Estt)FE&WD/1-7/2023/P.T/Forest
Dated Peshawar the, 18th July, 2023

6933-35

Amx(F)(13)

To

✓ Mr. Qaiser Abbas, Forester,
D.I.Khan Forest Division.
D.I. Khan.

C/O DFO D.I.Khan Forest Division

SUBJECT: DEPARTMENTAL APPEAL/APPLICATION FOR WITHDRAWAL OF OFFICE ORDER NO. 299 DATED 9TH JUNE, 2023 OF CCF-I, PESHAWAR

I am directed to refer to the subject cited above and to state that after having examined the case, your subject appeal, being devoid of merit is hereby rejected.


(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT)

Endst: No. and date even

Copy is forwarded for information to:

1. Chief Conservator of Forests, CSFR-I, Peshawar.
2. DFO D.I. Khan Forest Division, D.I.Khan.
3. PS to Secretary, CC, FE&W Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

Amo(G)
(14)

No. SO (Policy) (E&AD) 1-4/2023
Dated Peshawar, the 29th May, 2023

To

1. Additional Chief Secretary P&D Department Govt. of Khyber Pakhtunkhwa
2. Senior Member Board of Revenue, Govt. of Khyber Pakhtunkhwa
3. Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All Divisional Commissioners in Khyber Pakhtunkhwa
5. All Heads of Attached Departments in Khyber Pakhtunkhwa
6. All Deputy Commissioners in Khyber Pakhtunkhwa

Subject: -
Dear Sir,

BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA

I am directed to refer to the above cited subject and to convey that in view of the fragile fiscal position of the Provincial Government, the Hon'ble Chief Minister Khyber Pakhtunkhwa has been pleased to impose ban on inter-district posting and transfers of officers and officials under the Government of Khyber Pakhtunkhwa as per the following:

- i. There shall be complete ban on inter-district transfers in all the departments.
- ii. This ban shall not apply on transfers within the districts and within the Secretariat and Directorates. However, while proposing such transfers of officers/officials within the district, Directorates or the Secretariat, as the case may be, due diligence must be observed and tenure, suitability of the officers/officials for the posts and past performance must be taken into account;
- iii. In cases posting and transfer is necessitated due to some court orders or some administrative exigencies, ban relaxation will be obtained from Chief Minister through summary. For such posting/transfers, departments will put forth sound justifications. Subsequently in cases where NOC from Election Commission is required, cases will be taken up with ECP for ban relaxation by the concerned Administrative Departments.
- iv. This ban shall not apply on filling of vacant posts through recommendations of the Khyber Pakhtunkhwa Public Service Commission as Election Commission of Pakistan has already granted exemption in such cases.

Yours sincerely,

(Name of Sign),
Deputy Secretary (Policy) 23

ENDST: NO. & DATE EVEN

Copy is forwarded for information to:

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. CSO/PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
4. All Additional Secretaries/Deputy Secretaries/Section Officers in Establishment & Administration Department

Section Officer (Policy)

Non Transferable:
 In the event of joining or carrying on any other profession, business, service or vocation, the holder will not be entitled to use this Card and shall forthwith surrender it to The Pakistan Bar Council.

Name **MR. SALEEM ULLAH KHAN RANA**
 Father's Name **HABIS ULLAH KHAN**
 Date of Birth **10-5-1966** CNIC **1[2]1[0]1-0[7]4[1]ra[4]5[6]**
 Date of Enrolment as Advocate of Supreme Court **3-6-200**
 Enrolment No **2053** Ref No. **10/PBC/Kpk/J.D.**
 Address **MADINI TOWN, D-11 KHAN**

Tel: Off. **0092-866-714257** Res. **0092-866-713484** Cell: **0333-9159600**

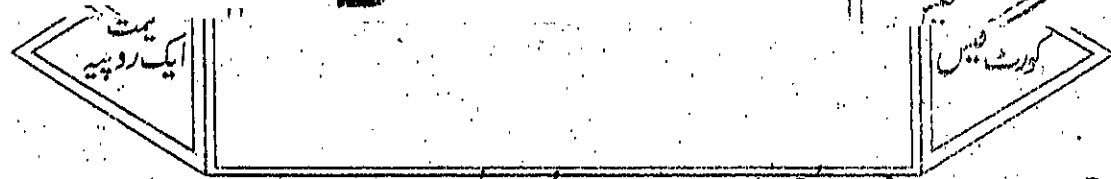
MR. SALEEM ULLAH KHAN RANA ZAI
 Advocate
 Supreme Court of Pakistan (ASC)



(Abul Fayaz)
 Chairman
 Executive Committee

Date of Issue : 19-4-2016
 (Muhammad Arshad)
 Secretary
 Pakistan Bar Council

If found please return to:
PAKISTAN BAR COUNCIL
 Supreme Court Building, Constitution Avenue, Islamabad.
 Tel No. 0092-51-920805 Fax No. 0092-51-920922



حضرت خواجہ سید محمد رسول گرامی
 مہتابین بنام **حسین کے بی کے وطنہ**
 قبیلہ **قبیلہ**
 دعویٰ یا جرم
 تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

سید محمد رسول گرامی

مقدمہ متنازعہ بالا العنون میں اپنی طرف سے واسطے پیروی و جواہد ہی برائے پیشی یا تصفیہ مقدمہ مقام ان در اوردہ کیلئے
 کو حسب ذیل شرائط پر پیش کرنا چاہتا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص روز بردداشت حاضر ہونا ہوں گا اور ہر وقت پکارے جانے مقدمہ دیکھ سکوں گا
 موصول ہونے کے ساتھ ساتھ ہر عدالت میں اس مقدمہ کی کاپی موجود رہے گی اور اس مقدمہ کی کاپی میں ہر جگہ پر میری تحریریں درج کی جائیں گی اور اس مقدمہ کی کاپی میں ہر جگہ پر میری تحریریں درج کی جائیں گی
 اس مقدمہ کی کاپی میں ہر جگہ پر میری تحریریں درج کی جائیں گی اور اس مقدمہ کی کاپی میں ہر جگہ پر میری تحریریں درج کی جائیں گی
 اس مقدمہ کی کاپی میں ہر جگہ پر میری تحریریں درج کی جائیں گی اور اس مقدمہ کی کاپی میں ہر جگہ پر میری تحریریں درج کی جائیں گی
 اس مقدمہ کی کاپی میں ہر جگہ پر میری تحریریں درج کی جائیں گی اور اس مقدمہ کی کاپی میں ہر جگہ پر میری تحریریں درج کی جائیں گی

مقدمہ 21 جولائی 2013

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد
 العبد
 العبد

Accepted
 Accepted
 Accepted