

10/10/2023

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

In Service appeal No. 1505/2023

Qaiser Abbas Khan Versus Govt. of KPK and others

REPLY ON BEHALF OF RESPONDENTS # 1 to 4

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August 23, 2023

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In Service Appeal No. 1505/2023

Qaiser Abbas Khan Versus Govt. of KPK and others

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS # 1 to 4

Respectfully Shewith:

Respondents # 1 to 4 humbly submit as under,

PRELIMINARY OBJECTION:-

1. That the appellant has no cause of action and locus standi file the instant appeal.
2. That appellant has not come to this Honourable Tribunal with clean hands.
3. That the service appeal of the appellants is not maintainable in its present form, hence liable to be dismissed.
4. That the instant service appeal of the appellant is based on malafide having no legal footings, hence, liable to be dismissed without further proceeding.
5. That the appellant is not entitled for the relief which he is claiming in the instant service appeal.
6. That the appellant is estopped due to his own conduct to file this appeal.
7. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
8. That the appellant has concealed the facts from this Honourable Tribunal.
9. That the Honourable Tribunal has no jurisdiction to entertain the instant appeal.
10. That the appeal of the appellant is barred by law and limitation.

OBJECTION ON FACTS:-

1. Correct to the extent that the appellant is serving in D.I.Khan Forest Division since 10/10/2009.
2. Correct to the extent that the appellant when he was posted as incharge Paharpur Forest Sub Division temporarily posted as Incharge Forest Ranger on Sheikh Buddin Range on D.I.Khan Forest Division vide CCF-I Office Order No. 40, dated 29/08/2022 in his own pay scale as a stopgap arrangement on the recommendation of the then Conservator of Forests Central Forest Circle Peshawar.
3. Later on, the office order No.40, dated 29/08/2022 was cancelled on the recommendation of Conservator of Forests Central Forest Circle Peshawar available in his letter No. 1881/E, dated 20/10/2022 vide Office Order No. 81, dated 24/10/2022.
4. Correct to the extent that office order No.40, dated 29/08/2022 was restored on the analogy that Mr. Kaleem Ullah Baloch was Senior than the appellant and was more experienced and for utilization his services on Paharpur Forest Sub Division being BPS-17 post.
5. Mr. Amjad Ahmad appointed to the post of Forester on 31/08/1989 promoted to the post of Deputy Ranger in BPS-12 on 14/09/2022, being senior most candidate for replacing the appellant being appointed to the post of Forester on 10/10/2009 for better management and in the best interest of the Department.
6. Correct to the extent that the appellant filed departmental appeal before the appellant authority i.e Administrative Secretary Govt of Khyber Pakhtunkhwa CC, FE&WD Peshawar on 10/06/2023.
7. Having proper examination and no ground reality in his appeal and devoid of merit was rejected by the appellant authority vide letter No. SO(Estt)/FE&W/1-7/2023/P.T/Forest/6933-35, dated 18/07/2023.
8. Having no ground reality the respondent department is requested for dismissal the subject service appeal on the following grounds;

GROUNDS:

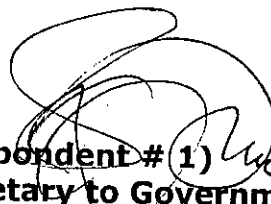
1. Incorrect. That the posting of junior cadre officials to a technical high cadre post is only a stop gap/temporary arrangement to fulfill the human resource requirement of Forest Department, which can be overturned as and when a senior official of same cadre or a technical officer is available at the strength of the department. Hence, there is no fix tenure policy for posting of junior official to a higher post or own pay scale basis. The competent authority has the power to issue transfer posting order of officials any time keeping in view the interest of public service and smooth running of office.
2. Incorrect. As clearly mentioned in the Notification, the imposition of ban was limited to inter-district posting and transfer. There was no ban on intra-District posting and transfer (**Annex-I**).
3. Incorrect. All posting and transfers are carried out in the interest of public and smooth running of offices. The posting and transfer of the appellant has been made only on merit in light of Service rules with no political interference.
4. Incorrect. Hence, denied he is being posting only on the basis of stop gap arrangement basis and in his own pay scale therefore, the normal tenure is applicable on the appellant and there is no ban on transfers within a district (**Annex-I**).
5. Incorrect. According to Forest Manual-II and Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 (**Annex-II & III**), the Chief Conservator of Forests, Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar, being Head of the Forest Department has the power to issue necessary posting and transfer order of officials from BPS-1 to BPS-16 throughout the province. As the appellant is a Forester in BPS-10, hence, the Chief Conservator of Forests, Central Southern Forest Region-I can issue posting and transfer order of the Forester anywhere inside the KP province as a stop gap arrangement.
6. Incorrect. The appellant has never been victimized. He was temporarily given the charge of SDFO/RFO as stopgap arrangement in own pay scale. On the availability of Senior/high Rank official, the appellant automatically reverted to its previous position of Forester hence; the charge of SDFO/RFO was taken from him which is according to Service Rules and instructions on the subject.


7. The respondents seek permission to raise additional grounds at the time of arguments.


In wake of the submissions made above, this Honourable Tribunal is humbly requested that on acceptance of the para-wise comments of the respondent No. 1 to 4, service appeal of the appellant may please be dismissed with costs.


Dated: 23/08/2023

Humble Respondent No# 1 to 4


(Respondent # 1)
1. Secretary to Government
Khyber Pakhtunkhwa Climate
Change, Forestry, Environment
& Wildlife Department


(Respondent # 2)
2. Chief Conservator Forests
Central Southern Forest
Region-I
Khyber Pakhtunkhwa
Peshawar


(Respondent # 3)
3. Conservator Forests
Southern Forest Circle
Bannu


(Respondent # 4)
4. Divisional Forest Officer
D.I.Khan Forest Division
D.I.Khan

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

In Service appeal No. 1505/2023

Qaiser Abbas Khan

Versus

Govt. of KPK and others

COMMENTS ON BEHALF OF RESPONDENTS # 1 to 4

AFFIDAVIT

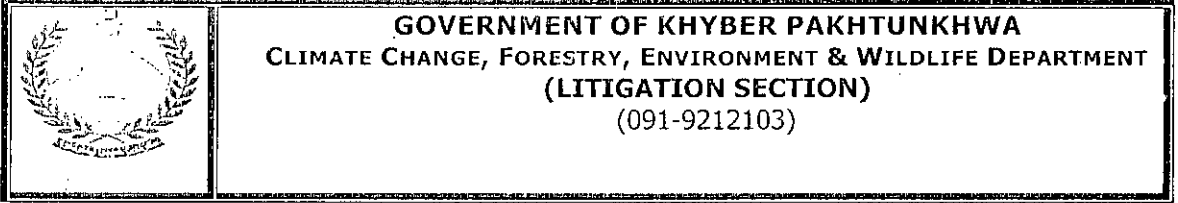
I, *Divisional Forest Officer D.I.Khan Forest Division D.I.Khan*, on behalf of *respondent No. 4*, do hereby solemnly affirm and declare on Oath that contents of the written statement are true and correct to the best of my knowledge and nothing has been deliberately concealed from this Hon'ble Service Tribunal Court.

August 23/2023


Deponent

CNIC = 12101-9640262-5





AUTHORITY LETTER

NO.SO(Lit:)/CCFE&WD/3-396/2023/Qaiser Abbas Khan:- Mr. Amin un Islam, Divisional Forest Officer (BPS-18), D.I.Khan Forest Division D.I.Khan bearing C.N.I.C No. 12101-9640262-5 and Cell No. 0344-9368439 is hereby authorized to appear in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar in Service Appeal no. 1505/2023 titled "**Qaiser Abbas Khan versus Govt. of Khyber Pakhtunkhwa through Secretary Climate Change, Forestry, Environment and Wildlife Department & others**" till final decision of the case.

He is also authorized to file submit written reply, produce record and record evidence on his behalf if any required in the Court mentioned above.

A handwritten signature in black ink, appearing to read "Syed Nazar Hussain Shah", is written over a circular stamp or seal.

(Syed Nazar Hussain Shah)
Secretary to Govt: of Khyber Pakhtunkhwa
Climate Change, Forestry, Environment & Wildlife Department

SECRETARY
Climate Change, Forestry, Environment
& Wildlife Department. KP



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

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

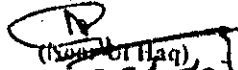
Subject: - BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA

Dear Sir,

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 Haq)
Deputy Secretary 1/5/2023

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)

Amended

1/5/2023

1

THE WEST PAKISTAN FOREST MANUAL

VOLUME - II

(Relating to Establishment, Accounts and
Budget)

Approved
14/1/80
Slaw
The Forest Department
Government of West Pakistan
Islamabad

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[Handwritten Signature]
 Director, Forest Department
 Islamabad

PART - I**ORGANIZATION OF THE FOREST DEPARTMENT****CHAPTER - I**

1.1. **General Administration.** The Forest Administration of the West Pakistan is in charge of the Secretary, Government of West Pakistan, Agriculture Department, whose headquarters are in Lahore.

1.2. **Administrative charges.** The province is divided into 5 administrative charges each under the control of a Regional Chief Conservator of Forests.

1.3. **Controlling charges.** These Regions are divided into Forest Circles, Division/Sub-Divisions or controlling charges which, on the 7th June, 1962, were as follows as stated:-

Region	Circle	Division/Sub-Division	Headquarters
Peshawar.	Abbotabad	1. Direction	Peshawar
		2. Galis	Abbotabad.
		3. Kagan	-do-
		4. Malakand	Mingora (Swat State)
		5. Dir	Malakand
		6. Siran	Abbotabad
		7. Haripur	Haripur.
		8. Hazara Tribal	Manshera
		9. Nowshera	Nowshera
		10. Mardan	Mardan
		11. Kohat	Kohat
		12. Dera Ismail Khan	Dera Ismail Khan
		13. Waziristan	Dannu
		14. Working Plan Swat Kalam	Saidu Sharif
		15. Working Plan, Indus Kohistan	Mingora.
		16. Working Plan, Chitral	Saidu Sharif/Drosh.
		17. Working Plan, Siran & Agror	Abbotabad.
		18. Working Plan, Guzaras	-do-
		19. Working Plan, Upper Siron	-do-
		20. Working Plan, Haripur	-do-

[Handwritten signature]
 Director, Forest Department
 Peshawar

		21. Working Plan, Upper/Lower Canal 22. Working Plan, Galis <u>SUB-DIVISION.</u> 23. Kagan National Park. 24. Demareation Guzaras 25. Silviculture Research	Mardan. Abbotabad. Balakot Abbottabad. -do-
Lahore	Rawalpindi.	1. Murree 2. Rawalpindi North 3. Rawalpindi South 4. Attock 5. Jhelum 6. Gujranwala/Sheikhupura 7. Lyallpur/Jhang 8. Gujrat West 9. Roads 10. Gujrat East 11. Lahore 12. Shahpur 13. Mianwali 14. Silvicultural Research 15. Dakhar 16. Direction <u>SUB-DIVISION</u> 17. Resin Extracation 18. Pindigheb 19. Chakwal 20. Research	Murree. Rawalpindi Compbellpur Rawalpindi Jhelum Gujranwala Lyallpur Gujrat -do- -d- Changa Manga Jauharabad Mianwali Lahore Bakhar. Lahore. Rawalpindi Pindigheb Chakwal Lahore.
Region	Circle	Division/Sub-Division	Headquarters
Hyderabad	--	1. Larkana 2. Shikarpur 3. Sukkar 4. Khairpur 5. Nawab Shah 6. Hyderabad	Larkana Sukkur -do- Khairpur Nawab Shah Hyderabad

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 Director, Forest Department
 Government of Punjab
 Lahore

		7. Silvicultural Research	-do-
		8. Thatta	Thatta
		9. Registan	Mirpur Khas
		10. Karachi	Karachi.
		11. Coastal Zone	-do-
		12. Working Plan	Sukkur
		13. Working Plan	Hyderabad.
		<u>SUB-DIVISION</u>	
		14. Hyderabad	Hyderabad
		15. Working Plan	Sukkur.
Quetta	--	1. Quetta/Chagai	Quetta.
		2. Loralai	Loralai.
		3. Zhob	Fortsandeman
		4. Sibi	Sibi.
		5. Range and Pasture	Quetta
		6. Kalat	Kalat
		7. Direction	Quetta.

1.4 **Executive and Protective charges.** Forest Divisions are divided into sub-divisions and ranges, or executive charges, which are further sub-divided into beats, or protective charges.

1.5 **List of administrative charges.** A list of Forest Circles, divisions, Sub-Division and ranges and of their headquarters is given in Appendix-I (attached at the end of this volume).

1.6 **Formation and redistribution of charges.** The Chief Conservator may sanction the formation or redistribution of ranges, but alterations in administrative or controlling charges and the creation or abolition of such charges require the sanction of Government.

1.7 Divisional Forest Officers may sanction the formation and redistribution of beats. Three to five beats constitute a block, formation and redistribution of which will be sanctioned by the Conservator of Forests.

1.8 **Charges.** The charge of a division is held by a Deputy Conservator or Divisional Forest Officer or an Assistant Conservator or an Extra Assistant Conservator, who has passed the prescribed departmental examination.

1.9 The charge of a sub-division is held by an Assistant Conservator and Extra Assistant Conservator or a Senior Forest Ranger.

1.10 The charge of a range is ordinarily held by Forest Ranger, but more important ranges may be held by Extra Assistant Conservators and less important ranges by Deputy Rangers. Assistant Conservators are sometimes placed in charge of a range for training.

1.11 The charge of a beat is held by a Forest Guard.

CHAPTER - II

DUTIES AND POWERS

2.1 (i) **Duties of the Chief Conservator.** The Chief Conservator is the Chief Technical Adviser to Government on forest matters. He is also the head of the Forest Department in the West Pakistan.

(ii) The Chief Conservator is empowered to deal, on his own authority, with all professional questions such as Policy, Accounts, Working Plans, Silvicultural Operations, Development Schemes and fire protection.

(iii) The Chief Conservator deals finally with the preliminary reports, but submits the completed plans to Government for sanction except in the case of Soil Conservation plans which are sanctioned by him. He is responsible for the final approval of the control forms for working plans sanctioned by Government.

(iv) The Chief Conservator submits to Government for the whole province, the consolidated budget, the appropriation proposals and the annual forest administration report.

(v) The Chief Conservator controls the postings and transfers of officers of W.P.F.S. Class I and Class II and transfers of members of the Subordinate Forest Service between circles. The postings of Provincial Forest Service Officers and Pakistan Forest Service Officers to the charge of Circles are made by Government on his recommendation.

(vi) The Chief Conservator of Head of the Department controls all forest affairs and issues such instructions as he may consider necessary on the administration and working of the forests.

2.2 **Duties of the Additional Chief Conservator.** Subject to control by the Chief Conservator of Forests, the Additional Chief Conservator of Forests is empowered to deal all matters including appeals relating to subordinate

(Signature)
 Director, Forest Department
 Government of West Pakistan

establishment except promotions to the gazetted rank, sales of Forest Produce, Working Plans, Research and Education and Inspection of Forests.

2.3 (i) **Duties of Conservator.** Subject to control by Government and by the Chief Conservator in matters with which he is competent to deal the Conservator has full control of Forest matters within his circle.

(ii) The Conservator, within his circle, controls the postings and transfers of officers in charge of ranges and of clerks and the transfers of all other subordinates between division.

(iii) The Conservator may correspond with Government on all administrative matters affecting his' circle through Chief Conservator but questions of personnel, finance, policy and matters which affect the department or province as a whole will be referred to the Additional Chief Conservator who will also be consulted on all important matters, especially sales.

(iv) The Conservator will make frequent tours of inspection and visit once a year as many of the forests under his control as possible. During these tours the following points will receive particular attention, and, if necessary, be specially reported on to Government or the Chief Conservator/Additional Chief Conservator:-

- (a) Surveys and settlements, made or in progress, and their cost, extent to which they are still required, nature and adequacy of the maps and settlement records prepared, results of working under the settlement in force;
- (b) Working plans, already made or in progress, and their cost, extent to which plans are still required; results of working of plans in force;
- (c) Forest boundaries, their nature and state of repairs demarcation work in progress and its cost, demarcation work still to be done;
- (d) Roads, buildings, and other similar works in existence or under construction, their cost, state of repairs; new roads; buildings, or other works required;
- (e) Executive and protective staff, efficiency, state of discipline, etc.
- (f) Conditions of the forests, the methods of treatment employed; natural reproduction, causes which interfere with it, etc.
- (g) Protection of the forests from injury, by man, by cattle by fires, etc. breaches of the forest rules, their frequency and causes;
- (h) Works of reproduction and cultural improvements, extent, condition and cost of plantations made, conditions of

[Handwritten signature]
 Chief Conservator
 Forest Department
 Government of India

- nurseries; new sowings or plantings required; thinning; creeper cutting, etc. extent to which carried on and required.
- (i) Method of working and management in force, advantages or otherwise of these methods, expenditure incurred on them outturn of the forests and financial results;
 - (j) Timber depots, their situation and adequacy; condition in which kept; state of their records, etc.

(v) At the conclusion of each important tour of inspection the Conservator will write a self-contained note dealing with the policy, management and progress of the division which he has visited. The note is intended primarily for the information of the Chief Conservator, who will however, transmit a copy to Government with his comments, should the note be of sufficient interest or the Conservator desires him to do so. In addition to the full note brief notes may be written on individual forest or projects for the guidance of the Divisional Forest Officer. When of sufficient interest, duplicate copies of these notes may be sent for pasting in the compartment history files.

(vi) The Conservator will see that all money transaction are conducted in accordance with the rules in force; and will examine the cost of current works, and of those which have been spread over several years. He will also ascertain whether the Divisional Officers and other members of the controlling staff are conversant with their duties, that discipline is maintained, and that work is properly supervised.

(vii) A Conservator in control of an irrigated plantation must satisfy by personal inspection during the irrigation season that adequate arrangements have been made by the Divisional Forest Officer to irrigate each plantation.

(viii) The Conservator in charge of the heavy earth moving machinery bulldozers, sub-soilers, etc., will see that the machinery is properly maintained and controlled. He will give progress of the work of reclamation of ravined land by mechanical means in his inspection notes.

2.4 The Chief duties of the Officer in charge of a forest division are:-

- (i) To be responsible for the proper management of the forest business and for the finance of his division;
- (ii) To take an active part in all technical work;
- (iii) Subject to the orders of the working plan and his superior officers, to control the silviculture of his division and to be responsible for the correctness of all technical operations;
- (iv) To make himself thoroughly conversant with the Land Administration Manual and the Land Revenue Settlements of his division;

[Handwritten signature]
 Divisional Forest Officer
 [Illegible text]

- 12
- (v) To have a wide knowledge of the people with whom he has to deal; to show sympathy for their requirements and to carry out the forest policy prescribed for him with fairness and common sense;
 - (vi) To submit a monthly diary or progress report in which he will report briefly the progress of all works going on in the division and any other events of interest and importance. This diary or progress report will be submitted to the conservator who will record any remarks he may wish to make. Should the jurisdiction of the Divisional Forest Officer extend over more than one district, a separate diary or progress report will be written for each district. Any remarks made by the Conservator, except on technical matters, will be shown to the Deputy Commissioner.
 - (vii) For Irrigated Plantation Divisions only. To ensure by personal inspection and adequate organization and control that each and every compartment in the plantation is properly watered.

2.5 Duties of Range Officer. The following are the chief duties of Officer in charge of forest ranges:-

- (i) To be responsible for all cash disbursements and expenditure within his range. All payments of pay and labour must, as far as possible, be made personally by him and he is personally responsible that labour is not employed for longer than necessary and that disbursements are made without delay;
- (ii) To communicate all orders and instructions to his subordinates, and to see that they understand them and carry them out;
- (iii) To check and control all work within his range, and to ensure that Government funds are used in the most economical and efficient way;
- (iv) To protect Government interests by insisting upon good work from all subordinates and labour, and by producing the highest revenue from his range consistent with the highest principles of forestry;
- (v) To collect, check and consolidate all returns and registers, to prepare the monthly range accounts and to carry out all office work promptly and correctly;
- (vi) To prevent any misuse of authority by subordinates particularly in compounding forest offences.

2.6 Duties of Range Assistant. The duties of Range Assistant are:-

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 Range Assistant
 Forest Range
 [Illegible text]

Appointment on Acting Charge Basis.

This Department Circular letter No.SORI(S&GAD)1-206/74, dated 15th August, 1981, as amended vide this Department's letter of even number dated 17th October,1984 and 1st December,1987, on the subject cited above and to say that in partial modification of the said orders it has been decided that the service rendered on acting charge basis in respect of appointments falling under rules 8-B(1) and 8-B(3) of Civil Servants (Appointment, Promotion & Transfer) Rules,1989 count in the pay scale applicable to the post for the purpose of accrual of increments, subject to the fulfillment of the following:-

- i) In case of acting charge appointments to posts carrying BPS-18, the incumbents shall have completed 5 years service in BPS-17.
- ii) In case of acting charge appointments to posts carrying BPS-19 and above the incumbents shall have completed the prescribed length of service for respective posts as under:-
 - a) Posts in BPS-19 12 years service in BPS-17 and above.
 - b) Posts in BPS-20 17 years service in BPS-17 and above.
 - c) Posts in BPS-21 22 years service in BPS-17 and above.

Provided that:-

- i) Where initial appointment of a person not being a person in Government service takes place in a post in BPS-18,19 or 20,the length of service specified in this Department letter No.SORI(S&GAD)1-29/75,dated 23.2.1981 shall be reduced by the following periods:

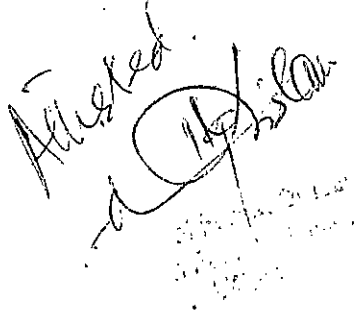
<u>First appointment in</u>	<u>Reduced by</u>
BPS-18	5 years.
BPS-19	12 years.
BPS-20	17 years.

- ii) Where initial appointment of a person already in Government service takes place, on recommendations of the Public Service Commission, in a post in BPS-18,19 or 20, the length of service specified in above letter shall be reduced by the periods specified in proviso (i).

2. The above decision shall be effective from the First January 1985. However, in cases of acting charge appointments made during the period from 12.1.1981 to 31.12.1984, the increments shall be restored from the due dates but no arrears due on account of restoration of increments prior to 1.1.1985 shall be allowed.

3. This issues with the concurrence of Finance Department.

(Authority: Circular letter No.SORI(S&GAD)1-206/74(IV),dated 17.2.1988)

Accepted


Posting of Junior Officers on Posts in Higher Scale

This Department's Circular letter No.SORI(S&GAD)1-29/75(A), dated 13.2.1993, on the subject noted above and to state that it has been noticed that certain Provincial Government Departments are resorting to the practice of posting officers in a lower scale on posts in higher scales. This practice is against the provisions of NWFP Civil Servants Act, 1973 and rules made thereunder as well as the instructions of the Establishment Division reproduced below:-

"The grant of higher appointments to junior officers against senior posts amounts to accelerated promotion in view of the decision given by the Supreme Court of Pakistan in the case of Government of Pakistan Versus Qazi Abdul Karim. The Ministries/Divisions or Provincial Governments can only fill vacancies in a particular grade by officers of the same grade, and officers in a junior grade will not be appointed against a vacancy in a higher grade".

2. It may be pointed out that in the light of rule 9 of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the methods prescribed for posting a junior officer to a higher post are restricted to the following only:-

i) ACTING CHARGE APPOINTMENT AGAINST A HIGHER POST

Where the senior most officer in a cadre is otherwise fully eligible for promotion but does not possess the specified length of service, the competent authority may appoint him to the higher post on acting charge basis, but only on the recommendation of Departmental Promotion Committee/Selection Board and subject to the condition that such officer lacks the prescribed length of service not more than (one year).

ii) CURRENT CHARGE APPOINTMENT OF A HIGHER POST

Only the senior-most officer of a cadre can be given current charge appointment of a higher post with the approval of the competent authority. However, this can only be an arrangement upto a maximum of six months.

iii) ADDITIONAL CHARGE APPOINTMENT OF AN EQUIVALENT POST

An officer can be given the additional charge of a second post but only of a post in an equivalent grade, upto a period of six months by the competent authority.

3. Adherence to the above rules is a legal requirement so that the actions taken by officers are not held at any stage to be irregular. Also, appointments in violation of the rules constitute administrative indiscipline.

4. I am, therefore, directed to request that all such cases of irregular appointments be reviewed and ensure not to resort to such appointments that violate the provisions of the Civil Servants Act and the statutory rules framed thereunder.

5. I am further directed to request that these instructions may be brought to the notice of all concerned for strict compliance.

(Authority: Circular letter No.SORI(S&GAD)1-29/75(A), dated 5.7.1994).

Handwritten signature and stamp:
 The stamp is circular and contains the text "ESTABLISHMENT DIVISION" and "GOVERNMENT OF PAKISTAN". The signature is written over the stamp.

Posting and Transfer

Statutory Provision.

Section 10 of the NWFP Civil Servants Act, 1973.

Posting and Transfer. Every civil servant shall be liable to serve anywhere within or outside the Province, in any post under the Federal Government, or any Provincial Government or Local authority, or a Corporation or body set up or established by any such Government:-

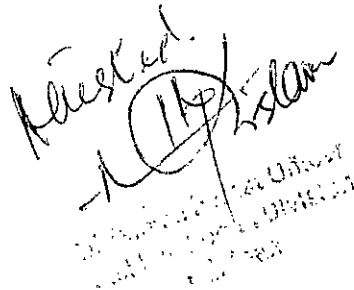
Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside a service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Posting/transfer policy of the Provincial Government.

- i) All the posting/transfers shall be strictly in public interest and shall not be abused/misused to victimize the Government servants
- ii) All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posing/transfers of their choice and against the public interest.
- iii) All contract Government employees appointed against specific posts, can not be posted against any other post.
- iv) Existing tenure of posting/transfer of three (03) years for settled areas and two (02) years for unattractive/hard areas shall be reduced to two (02) years for settled areas, 01½ years for unattractive areas and one year for hard areas.
- v) ⁷⁹[]

⁷⁹ Para-1(v) regarding months of March and July for posting/transfer and authorities for relaxation of ban deleted vide letter No: SOR-VI (E&AD) 1-4/2008/Vol-VI, dated 3-6-2008. Consequently authorities competent under the NWFP Government Rules of Business, 1985, District Government Rules of Business 2001, Posting/Transfer Policy and other rules for the time being in force, allowed to make Posting/Transfer subject to observance of the policy and rules.

Requested.

 Provincial Government, NWFP
 Islamabad

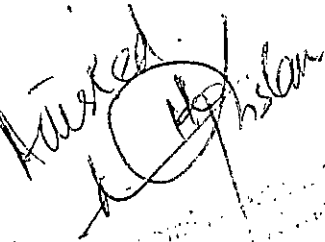
- vi) ⁸⁰While making posting/transfers of officers/officials up to BS-17 from settled areas to FATA and vice versa approval of the Chief Secretary, NWFP needs to be obtained. Save Tehsildars/Naib Tehsildars within a division in respect of whom the concerned Commissioner will exercise the same power. Whereas, in case of posting/transfer of officers in BS-18 and above, from settled areas to FATA and vice versa, specific approval of the Governor, NWFP shall be obtained.

Provided that the power to transfer Political Tehsildars and Political Naib Tehsildars within FATA between different divisions shall rest in Additional Chief Secretary FATA.

- vi (a) All Officers/officials selected against Zone-I/FATA quota in the Provincial Services should compulsorily serve in FATA for at least eighteen months in each grade. This should start from senior most scales/grades downwards in each scale/grade of each cadre.
- vii) Officers may be posted on executive/administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and DPOs/Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where the Police Station (Thaana) of his area/residence is situated.
- viii) No posting/transfers of the officers/officials on detailment basis shall be made.
- ix) Regarding the posting of husband/wife, both in Provincial services, efforts where possible would be made to post such persons at one station subject to the public interest.
- x) All the posting/transferring authorities may facilitate the posting/ transfer of the unmarried female government Servants at the station of the residence of their parents.
- xi) Officers/officials except DCOs and DPOs/SPs who are due to retire within one year may be posted on their option on posts in the Districts of their domicile and be allowed to serve there till the retirement

80

Para-VI added vide circular letter No. SOR-VI/E&AD/1-4/2010/Vol-VIII dated 20th March, 2010.

Approved

 H. Q. Khan
 Director General of Police
 FATA

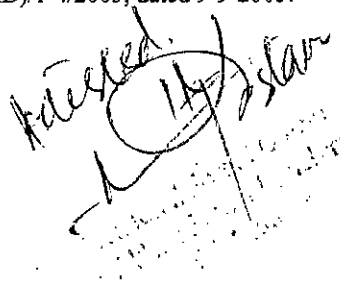
⁸¹DCOs and DPOs who are due to retire in the near future may also be posted in the District of their domicile subject to the condition that such posting would be against non-administrative posts of equivalent scales;

- xii) In terms of Rule 17(1) and (2) read with Schedule-III of the NWFP Government Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officer in column2 thereof:

Outside the Secretariat		
1.	Officers of the all Pakistan Unified Group i.e., DMG, PSP including Provincial Police Officers in BPS-18 and above.	Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister.
2.	Other officers in BPS-17 and above to be posted against scheduled posts, or posts normally held by the APUG, PCS(EG) and PCS(SG).	-do-
3.	Heads of Attached Departments and other Officers in B-19 & above in all the Departments.	-do-
In the Secretariat		
1.	Secretaries	Chief Secretary with the approval of the Chief Minister.
2.	Other Officers of and above the rank of Section Officers: a) Within the Same Department b) Within the Secretariat from one Department to another.	Secretary of the Department concerned. Chief secretary/Secretary Establishment.
3.	Officials up to the rank of Superintendent: a) Within the same Department b) To and from an Attached Department c) Within the Secretariat from one Department to another	Secretary of the Department concerned. Secretary of the Department in consultation with Head of Attached Department concerned. Secretary (Establishment)

- xiii) While considering posting/transfer proposals all the concerned authorities shall keep in mind the following:
- a) To ensure the posting of proper persons on proper posts, the Performance Evaluation Report/annual confidential reports, past and present record of service, performance on post held presently and in the past and general reputation with focus on the integrity of the concerned officers/ officials be considered.
 - b) Tenure on present post shall also be taken into consideration and the posting/transfers shall be in the best public interest.

⁸¹ Added vide Urdu circular letter No: SOR-VI (E&AD)/1-4/2005, dated 9-9-2005.



 Received.

 14/12/2005

 [Signature]

 [Stamp]

xiv) Government servants including District Govt. employees feeling aggrieved due to the orders of posting/transfer authorities may seek remedy from the next higher authority / the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/ transfer orders could be exercised only in the following cases.

- i) Pre-mature posting/transfer or posting transfer in violation of the provisions of this policy.
- ii) Serious and grave personal (humanitarian) grounds.

2. To streamline the postings/transfers in the District Government and to remove any irritant/confusions in this regard the provision of Rule 25 of the North West Frontier Province District Government Rules of Business 2001 read with schedule – IV thereof is referred. As per schedule-IV the posting/transferring authorities for the officers/officials shown against each are as under:-

S. No.	Officers.	Authority
1.	Posting of District Coordination Officer and Executive District Officer in a District.	Provincial Government.
2.	Posting of District Police Officer.	Provincial Government
3.	Other Officers in BPS-17 and above posted in the District.	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

3. As per Rule 25(2) of the Rules mentioned above the District Coordination Department shall consult the Government if it is proposed to:

- a) Transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure.
- b) Require an officer to hold charge of more than one post for a period exceeding two months.

4. I am further directed to request that the above noted policy may be strictly observed/implemented.

5. All concerned are requested to ensure that tenures of the concerned officers/officials are invariably mentioned in summaries submitted to the Competent Authorities for Posting/Transfer.

(Authority: Letter No: SOR-VI/E&AD/1-4/2003 dated 24-6-2003).

Attested
[Signature]
 District Coordination Officer
 District Government
 Peshawar

OFFICE ORDER NO. 84 DATED PESHAWAR THE 25 /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

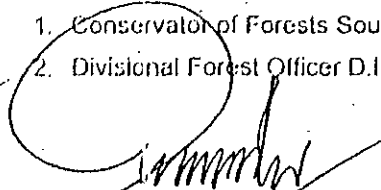
عجاز قادیر

31-10-2022
501


No. 2340-41 IE,


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

31-10-2022


31/10/22
D.F.O. D.I.Khan

Received


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.

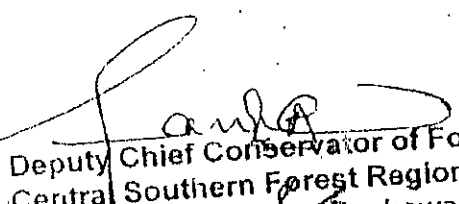
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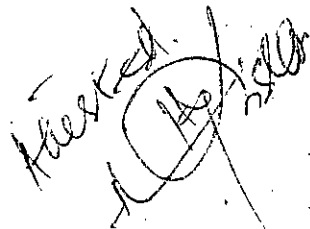
(Syed Muqtada Shah)
Chief Conservator of Forests
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

No. 11436-38 IE,

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


Mr. Qaisar Abbas