

S. No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	03.01.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Service Appeal No. 1454/2013 Said Amir Shah Versus the Chief Conservator of Forests, Peshawar and another.</p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. Said Amir Shah, Forester Kalam Forest Division hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against final seniority list dated 31.12.2011 where-against his departmental appeal dated 18.02.2012 was rejected on 09.10.2013 and hence the instant service appeal on 29.10.2010.</p> <p>3. Brief facts of the case of the appellant are that he was appointed as Forester in Buner Watershed Division vide order dated 23.02.1985. That on the option of the appellant he was transferred from the said project to Malakand Forest Circle. That similarly placed employees were placed senior to the appellant by counting their seniority w.e.f. the date of initial appointment while appellant was deprived of the same constraining him to prefer departmental appeal followed by the instant service appeal.</p> <p>4. Learned counsel for the appellant has argued that the initial date</p>

*[Handwritten signature]*  
03.01.17

of appointment of the appellant was 23.02.1985 and was transferred to Malakand Forest Circle vide order dated 23.04.2010. That similarly placed employees namely Izat Sher, Muhammad Saleem, Muhammad Karim, Mian Said Akbar Jan and many others were given seniority from the date of their initial appointments while the appellant was given seniority from the date of his arrival in Malakand Forest Circle. That the appellant is therefore, entitled to be placed at the appropriate serial by counting his service w.e.f. his initial date of appointment. In support of his stance reliance was placed on judgment of this Tribunal dated 20.11.2004, passed in service appeal No. 765/2002 titled "Izat Sher Versus Chief Conservator of Forests, Khyber Pakhtunkhwa, Peshawar and 3 others".

5. Learned Government Pleader has argued that the appellant is entitled to be placed at the seniority list w.e.f. the date of his appointment by transfer in the said Circle. That the appellant cannot plead and claim seniority on the strength of orders of the respondents which are, prima-facie, <sup>is not</sup> in accordance with law.

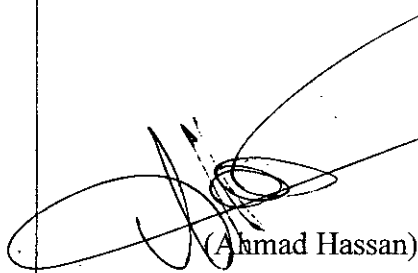
6. We have heard arguments of learned counsel for the parties and perused the record.

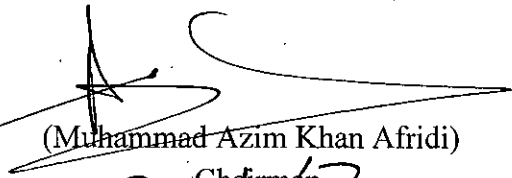
7. The appellant was initially appointed as Forester in Buner Water Shed Division to Malakand Forest Circle. Both the departments are of different cadre and as such a civil servant exercising option for appointment on transfer is to be enlisted in the seniority list w.e.f. his date of such order. The appellant has been granted the said status as he has been enlisted in the seniority list w.e.f. 23.4.2010 i.e. the date on

03.01.17

which he was inducted in Malakand Forest Circle. Treatment meted out to other civil servants such as Izat Sher etc. may not be in consonance with the settled principle of transfer and appointment of a civil servant from one cadre to another cadre and as such such an act of the respondents cannot be endorsed and adopted as a rule for granting seniority to appellant.

8. For the above mentioned reasons we see no force in the present appeal and dismissed the same leaving the parties to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Azim Khan Afridi)  
Chairman  
03.01.17  
Camp Court, Swat.

ANNOUNCED  
03.01.2017

03.05.2016

Counsel for the appellant and Mr. Arshad Ali Khan, SDFO alongwith Mr. Muhammad Zubair, Sr.GP for the respondents present. Rejoinder submitted. Learned Sr.GP requested for adjournment. To come up for final hearing on 03.10.2016 before D.B at camp court, Swat.



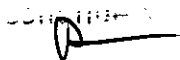
Member




Chairman  
Camp Court, Swat

03.10.2016

None present for the parties due to notification of public holiday on the eve of first Moharram. The appeal is therefore, adjourned for final hearing before the D.B to 3.1.2017 at camp court, Swat.



Member



Chairman  
Camp court, Swat

Arshad

14

07.07.2015

Appellant with counsel and Mr. Gul Zada, SDFO alongwith Mr.

Muhammad Zubair, Sr. G.P for respondents present. Rejoinder not submitted. Due to non-availability of D.B, appeal to come up for rejoinder and final hearing before D.B on 9.9.2015 at Camp Court Swat.

Chairman  
Camp Court Swat

9.9.2015

Counsel for the appellant and Mr. Gul Zada, SDFO alongwith Mr. Muhammad Zubair, Sr. G.P for respondents present. Arguments could not be heard due to non-availability of D.B. To come up for rejoinder and final hearing before D.B on 10.12.2015 at Camp Court Swat.


Chairman  
Camp Court Swat

10.12.2015


Counsel for the appellant and Mr. Imad-ud-Din, SDFO Kalam alongwith Mr. Muhammad Zubair, Sr. G.P for respondents present. Due to non-availability of D.B arguments could not be heard. To come up for rejoinder and final hearing before D.B on 3.5.2016 at Camp Court Swat.

Chairman  
Camp Court Swat

11. 2.3.2015 Appellant with counsel and Mr. Shah Aslam-  
Khan, SDFO for respondents alongwith Mr. Muhammad Zubair,  
Sr.G.P present. Requested for adjournment. To come up  
for written reply/comments at camp court Swat on  
6.4.2015.

  
Chairman  
Camp Court Swat

12 6.4.2015 Counsel for the appellant Mr. Gulzada, SDFO  
for respondents alongwith Mr. Muhammad Zubair, Sr.G.P  
present. Application for adjournment submitted.  
Adjourned for submission of written reply to 4.5.2015  
at camp court Swat.

  
Chairman  
Camp Court Swat

13. 4.5.2015 Appellant with counsel and Mr. Gul Zada, SDFO  
for respondents alongwith Mr. Muhammad Zubair, Sr.G.P  
present. Written reply submitted. The appeal is assigned  
to D.B for rejoinder and final hearing for 7.7.2015 at  
camp court Swat.

  
Chairman  
Camp Court Swat

02.02.2015

Appellant with counsel present. Learned

counsel for the appellant contends that the appellant was initially appointed as Forester on 12.3.1985 and later on joined the Forest Deptt: (Kalam Forest Division) on 28.4.2010. That the

appellant ranks senior to other employees such as

Sarfraz shown at S.No.11 and Izat Sher shown at

S.No.14 of the seniority list (Annexure-A) whose

dates of appointment are 12.6.1989 and 01.10.1990

respectively. That the seniority list is against

facts and law and appellant entitled to be placed

senior viz-a-viz the afore-stated persons and others.

That the appellant made departmental appeal on

18.2.2012 which was decided on 9.10.2013 against

which the present appeal was preferred on 29.10.2013.

Points raised by the learned counsel for the

appellant need further consideration. Admit. Subject

to deposit of security and process fee within 10 days,

notices be issued to the respondents for written reply


for 02.3.2015 at camp court Swat.

*Appellant deposited process fees  
Security*

  
Chairman  
Camp Court Swat

7.

Supporting documents. He may do so for further preliminary hearing at camp court Swat on 4.8.2014.

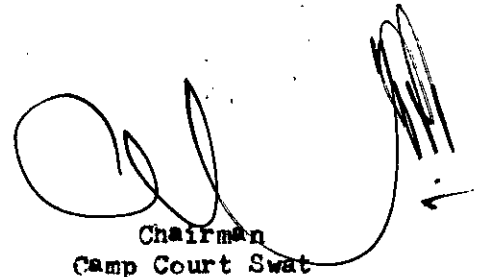
  
Chairman  
Camp Court Swat

8.

4.8.2014 Appellant with counsel (Mr. Imdadullah, Advocate)

present, and requested for further time in order to produce the requisite documents, per order sheet dated 2.6.2014.

Another chance is given for production of the requisite documents, positively, for further preliminary hearing at camp court Swat on 13.10.2014.

  
Chairman  
Camp Court Swat

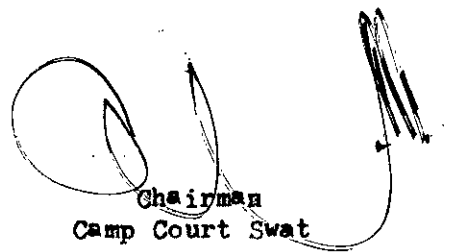
9.

13.10.2014 Appellant with counsel (Mr. Imdadullah, Advocate)

and Mr. Muhammad Zubair, Sr. GP for the respondents present.

The learned counsel for the appellant moved application for placing additional documents on file, copy whereof is handed over to the learned Sr. G.P for reply,

arguments on the application and further preliminary hearing at camp court Swat on 01.12.2014.

  
Chairman  
Camp Court Swat

1-12-14.

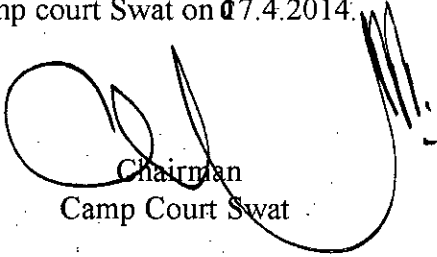
*Counsel for the appellant & G.P for the respondents present. The Tribunal is incomplete. To come up for further preliminary hearing at camp court Swat on 02-02-2015.*

*Imdadullah  
Razvi*



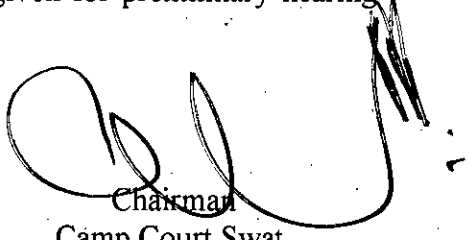
03.02.2014

Appellant with counsel present. The learned counsel for the appellant requested for adjournment on the ground that there is likelihood of redressal of grievance of the appellant by the respondent-department. To come up for preliminary hearing at camp court Swat on 07.4.2014.

  
Chairman  
Camp Court Swat

5. 7.4.2014

Appellant with counsel (Mr. Imdadullah, Advocate) present. The learned counsel for the appellant requested for adjournment. Another chance is given for preliminary hearing at camp court Swat on 2.6.2014.

  
Chairman  
Camp Court Swat

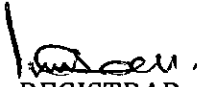
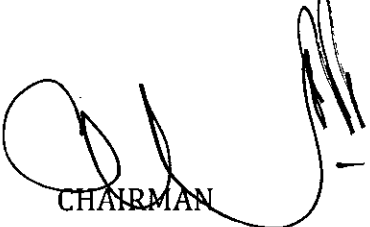

6. 2.6.2014

Appellant with counsel (Mr. Imdadullah, Advocate) present and heard. The learned counsel for the appellant claimed seniority of the appellant on the basis of the fact that the appellant also joined Forest Circle Malakand like others who had joined service later on but they were given seniority while the appellant was placed at the tail of the seniority list as it stood on 31.12.2011. Not only that the seniority list has been challenged long after the date when the same was purportedly circulated but the appellant has also not filed any supporting document showing him senior to others who have been placed senior to the appellant in the impugned seniority list. The learned counsel for the appellant requested for time in order to place on record some

Form- A  
FORM OF ORDER SHEET

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

Case No. 1454/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/10/2013	<p>The appeal of Syed Amir Shah presented today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	8-11-13	<p>This case is entrusted to Touring Bench Swat for preliminary hearing to be put up there on <u>02-12-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	02.12.2013	<p>Counsel for the appellant (Mr. Imdadullah, Advocate) present and requested for adjournment due to non-availability of the appellant. To come up for preliminary hearing at camp court Swat on 3.2.2014.</p> <p style="text-align: right;"> Chairman Camp Court Swat</p>

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

Service Appeal No. 1454 of 2013

Syed Amir Shah Forest Kalam Forest Division

...Appellant

**VERSUS**


The Chief Conservator of Forest, Peshawar and Others

...Respondents

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4	Copy of the Seniority List	A	6-8
5	Copy of the departmental appeal	B	9
6	Copy of the order dated 09/10/2013	C	10
7	Vakalat Nama	....	11

Appellant  
Through Counsel,



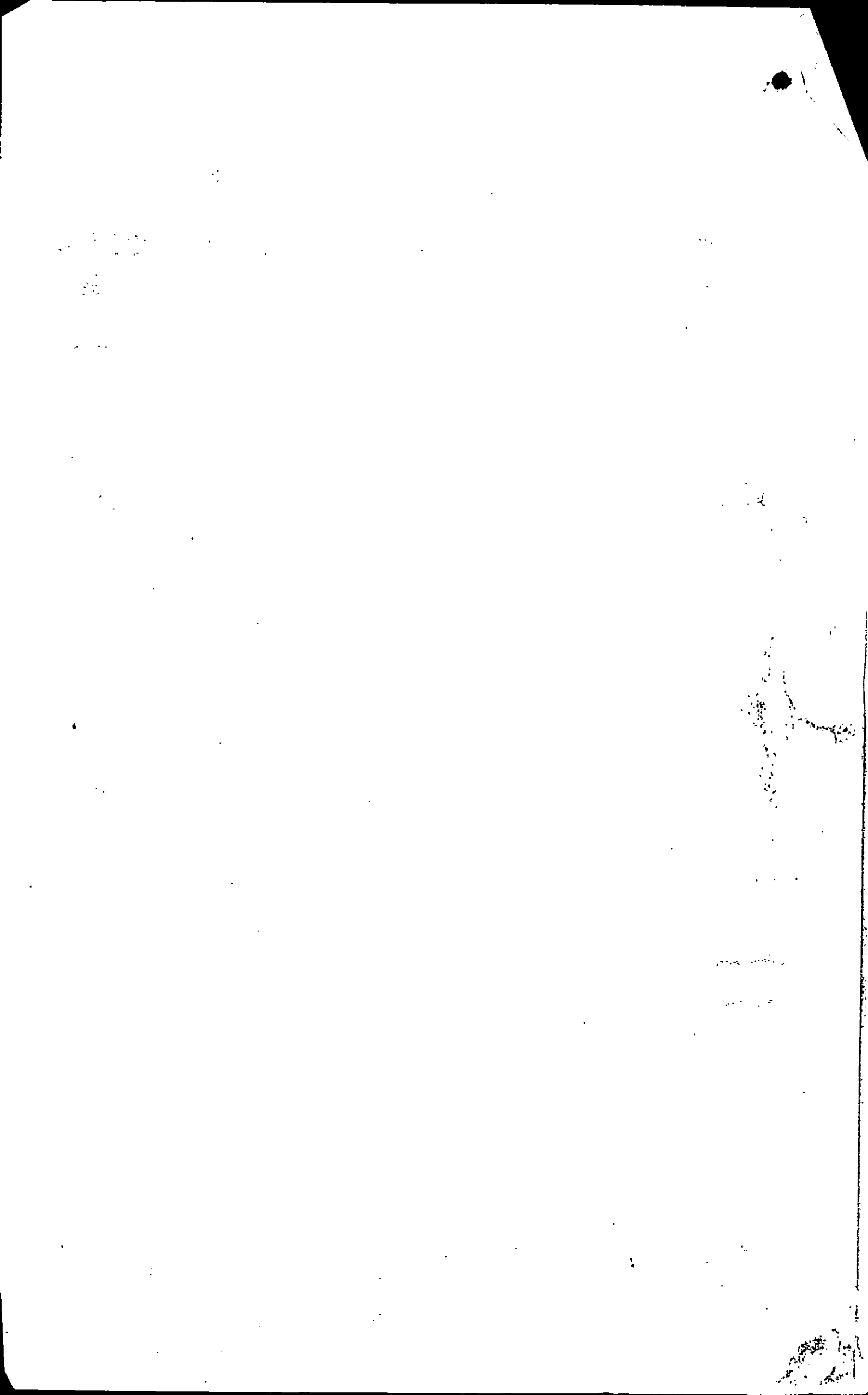
**AZIZ-UR-RAHMAN**

ADVOCATE SWAT

Office: Khan Plaza, Gulshan Chowk,

Mingora, District Swat

Cell No. 0300-9070671



①

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

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Service Appeal No. 1454 of 2013

Said Amir Shah Forester Kalam Forest Division.

P. U. S. Peshawar  
Case No. 1528  
Date 29-10-13

...Appellant

VERSUS

1. The Chief Conservator of Forest, Peshawar.
2. The Conservator of Forests Malakand Circle East,  
Saidu Sharif, District Swat.

...Respondents

*Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the final seniority list dated 31-12-2011, which was never communicated to the appellant however on getting the information on 18-02-2012 the appellant immediately preferred departmental appeal, wherein the seniority of the appellant has been wrongly mentioned, against which the appellant preferred a departmental appeal on 18-02-2012, i.e. within the prescribed time after its communication which was rejected vide order 2546/E dated 09-10-2013 by the respondent No. 2 against the law, facts and rules, hence this appeal.*

*[Signature]*  
29/10/13

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Prayer:

*That on acceptance of this appeal the seniority of the appellant may very kindly be reckoned from the date of initial appointment i.e. 23-02-1985 and the name of the appellant mentioned at its proper place in the seniority list.*

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*Respectfully Sheweth:*

Facts:

- i. That the appellant was appointed as Forester in the Buner Watershed Division in the year 1985 vide office order No. 74 dated 23-02-1985.
- ii. That the year 2007 the Project Director asked for option from the Foresters and Forest Guards for transfer to their respective territorial jurisdiction, which option was finalized in finally in the year 2010.
- iii. That the appellant was also accordingly transferred to the Malakand Forest Circle from Buner Watershed Management Project against the vacant post on the same terms and conditions.
- iv. That other similarly placed persons, who were transferred as a result of their option, were placed senior to the appellant on the basis of their initial appointment. Copy of the seniority list of 31-12-2011 is enclosed as Annexure "A".
- v. That the appellant feeling aggrieved preferred a departmental appeal against the final seniority as it stood on 31-12-2011, which was rejected by the respondent No. 2 vide order 2546/E dated 09-10-2013 against law and rules, hence this appeal on the following grounds. Copy of the appeal is enclosed as Annexure "B" and that of the rejection order as Annexure "C" respectively.

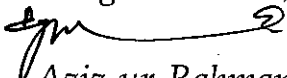
Grounds:

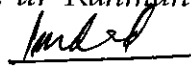
- a. That the appellant has been discriminated at the hands of the respondents who have considered the seniority of other similarly placed persons from the date of their initial appointment whereas in the case of the appellant the seniority is being considered from the dated of his transfer to Malakand Forest Division.
- b. That the appellant is not being treated in accordance with the law.
- c. That vested right of the appellant has been infringed for no reasons, whatsoever, which fact is manifestly detrimental to the provisions of the Constitution and the laws emanating therefrom.
- d. That the respondents have exercised their powers in a very colorful, exaggerated and abusive manner.

It is, therefore, very respectfully prayed that on acceptance of this appeal the seniority of the appellant may be reckoned from the date of his initial appointment i.e. 23-02-1985 and his name placed at its appropriate place in the seniority list.

Any other relief deemed appropriate and not specifically prayed for may also very kindly be granted.

*Appellant*  
  
Saad Amir Shah

Through Counsels,  
  
Aziz-ur-Rahman

  
Imdad Ullah

Advocates Swat

(4)

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

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Service Appeal No. \_\_\_\_\_ of 2013

*Said Amir Shah Forester Kalam Forest Division.*

*...Appellant*

VERSUS

*The Chief Conservator of Forest, Peshawar and Other.*

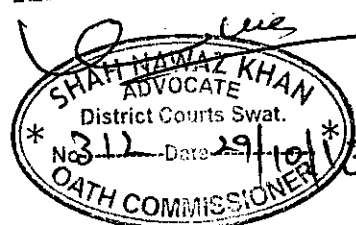
*...Respondents*

**AFFIDAVIT:**

*It is stated on Oath that all the contents of this  
appeal are true and correct to the best of my knowledge  
and belief and nothing has been kept concealed or  
misstated before this Honorable Tribunal.*

Deponent  
*Said Amir Shah*  
Said Amir Shah

ATTESTED





5

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

Service Appeal No. \_\_\_\_\_ of 2013

*Syed Amir Shah Forest Kalam Forest Division*

...Appellant

**VERSUS**

*The Chief Conservator of Forest, Peshawar and Others*

...Respondents

**MEMO OF ADDRESSES**

Address of Appellant:

*Syed Amir Shah Forest Kalam Forest Division*

Addresses of respondents:

1. *The Chief Conservator of Forest, Peshawar*
2. *The Conservator of Forests Malakand Circle East, Saidu Sharif,  
District Swat*

Appellant through



AZIZ-UR-RAHMAN  
Advocate Swat

A

6

## SENIORITY LIST OF FORESTERS OF MALAKAND FOREST CIRCLE EAST AS IT STOOD ON 31.12.2011

Total number of sanctioned posts = 66

Number of Provincial posts = 62

Normal budget posts = 41

S.N.E. posts = 21

Number of Distt. Govt. posts = 4

S.No.	Name of Forester	District of domicile	Education qualification	Technical qualification	Date of Birth	Date of first entry into Govt. service	Date of appointment/promotion to present post	Present Grade		Remarks
								BPS	Date	
✓ 1	Mr. Shah Nabl	Swat	F.A.	Trained	01.03.1959	01.10.1986	01.10.1986	11	25.03.2009	Promoted as Dy: Ranger on ACB
2	Mr. Alam Zaib	Nowshera	Matric	Trained	03.10.1959	01.10.1986	01.10.1986	9	--	Demarcation Forest Divn:
✓ 3	Mr. Hamayun	Swat	B.A.	Trained	01.01.1963	01.10.1986	01.10.1986	11	01.08.2009	Promoted as Dy: Ranger on ACB
✓ 4	Mr. Gul Zada	Swat	F.A.	Trained	10.01.1965	01.10.1987	01.10.1987	11	20.02.2010	Promoted as Dy: Ranger on ACB
5	Mr. Mohammad Shuaib-II	Mkd Agenc	Matric	Trained	27.01.1957	12.08.1975	22.08.1988	9	--	Malakand Forest Divn:
6	Mr. Mohammad Salim	Swat	Matric	Trained	14.10.1956	10.12.1979	22.08.1988	9	--	Swat Forest Division
7	Mr. Ahmad Zohair Shah	Swat	Matric	Trained	06.08.1958	10.12.1979	22.08.1988	9	--	Swat Forest Division
8	Mr. Mohammad Karam	Swat	B.A.	Trained	12.11.1959	10.12.1979	22.08.1988	9	--	Swat Forest Division
9	Mr. Mujtaba Khan	Buner	B.A.	Trained	01.04.1963	01.10.1988	01.10.1988	9	--	Buner Forest Division
✓ 10	Mr. Wasil Khan	Lower Dir	B.A.	Trained	01.04.1966	01.10.1988	01.10.1988	11	27.05.2009	Promoted as Dy: Ranger on ACB
11	Mr. Sarfaraz Khan	Swat	Matric	Trained	06.03.1957	11.12.1979	12.06.1989	9	--	Swat Forest Division
12	Mr. Mian Said Iqbal	Swat	F.A.	Un-trained	16.12.1957	27.01.1975	02.09.1990	9	--	Swat Forest Division
13	Mr. Shabir Ahmad	Swat	B.A.	Trained	01.04.1964	01.10.1990	01.10.1990	9	--	Swat Forest Division
✓ 14	Mr. Izat Sher Khan	Swat	B.A.	Trained	04.04.1967	01.10.1990	01.10.1990	11	20.02.2010	Promoted as Dy: Ranger on ACB
✓ 15	Mr. Habibur Rahman	Upper Dir	Matric	Trained	15.05.1970	04.10.1990	04.10.1990	9	--	Mkd..F/Divn: (Seniority restored by S.T)
✓ 16	Mr. Abdul Bari-I	Shangla	F.A.	Trained	14.03.1952	12.10.1972	24.12.1990	11	--	Promoted as Dy: Ranger on ACB
17	Mr. Syed Adalat Khan	Swat	B.A.	Trained	20.04.1968	01.10.1991	01.10.1991	9	--	Swat Forest Division
18	Mr. Toti Rahman	Swat	F.A.	Trained	12.12.1968	01.10.1991	01.10.1991	9	--	Kalam Forest Division
19	Mr. Sheraz Ahmad	Charsadda	F.Sc.	Trained	15.04.1971	22.01.1992	22.01.1992	9	--	Demarcation Forest Divn:
20	Mr. Khalid Jan	Charsadda	Matric	Trained	10.06.1973	26.06.1992	26.06.1992	9	--	Demarcation Forest Divn:
21	Mr. Mian Said Akbar Jan	Swat	B.A.	Trained	24.04.1962	05.02.1980	17.04.1994	9	--	Kalam Forest Division
22	Mr. Momin Khan	Swat	Matric	Trained	22.03.1956	20.12.1979	20.04.1994	9	--	HTP/S Divn: (Seniority restored by S.T)

**ATTESTED**  
*[Signature]*  
**Advocate**

S.No	Name of Forester	District of domicile	Education qualification	Technical qualification	Date of Birth	Date of first entry into Govt. service	Date of appointment/promotion to present post	Present Grade		Remarks
								BPS	Date	
23	Mr. Sultan Salahuddin	Swat	B.A.A	Trained	14.05.1958	28.04.1980	21.04.1994	9	--	Demarcation Forest Divn:
24	Mr. Fazal Ali	Swat	Matric	Trained	05.01.1959	12.05.1980	10.06.1994	9	--	Swat F/Divn: (Seniority restored by S.T)
25	Mr. Sherin Zada	Swat	Matric	Trained	16.02.1958	17.03.1979	17.07.1995	9	--	Kalam Forest Division
26	Mr. Nisar Mohammad	Swat	F.A.A	Trained	01.06.1956	20.03.1979	01.04.1996	9	--	Swat Forest Division
27	Mr. Bakht Shad	Buner	B.Sc	Trained	02.04.1970	01.10.1996	01.10.1996	9	--	Buner Forest Division
28	Mr. Abdul Salam	Swat	Middle	Un-trained	04.02.1952	09.12.1972	18.02.1998	9	--	Kalam Forest Division
29	Mr. Buneray Khan	Swat	Matric	Un-trained	01.10.1952	21.03.1973	01.02.2001	9	--	Swat Forest Division
30	Mr. Salahuddin	Shangla	Matric	Un-trained	09.08.1952	05.02.1980	04.07.1994 01.01.2002	9	--	Alpuri Forest Division
31	Mr. Mohammad Younus	Shangla	B.A.	Un-trained	05.01.1953	11.10.1972	18.10.2002	9	--	Alpuri Forest Division
32	Mr. Zahid Hussain-II	Buner	Middle	Un-trained	04.02.1955	25.01.1975	11.04.2003	9	--	Buner Forest Division
33	Mr. Rafiq Ahmad	Shangla	Matric	Un-trained	05.01.1955	11.10.1972	01.11.2003	9	--	Alpuri Forest Division
34	Mr. Ahmad Zaib	Shangla	Matric	Un-trained	20.12.1953	11.10.1972	20.12.2003	9	--	Alpuri Forest Division
35	Mr. Noor Zahir	Mkd Agenc	F.A.	Trained	03.07.1968	01.10.1988	01.10.1988 11.03.2004	9	--	Malakand Forest Divn:
36	Mr. Shah Rasool	Buner	Matric	Un-trained	27.11.1952	20.10.1976	16.02.2005	9	--	Buner Forest Division
37	Mr. Shujaat Khan	Swat	Matric	Un-trained	15.02.1953	12.10.1972	09.09.2005	9	--	Kalam Forest Division
38	Mr. Badrud Din	Swat	Matric	Un-trained	05.08.1955	01.02.1975	19.04.2006	9	--	Patrol Squad Division
39	Mr. Mohammad Ayaz	Swat	M.A.	Un-trained	05.04.1954	31.03.1975	09.05.2006	9	--	Kalam Forest Division
40	Mr. Gul Mohammad	Swat	Matric	Trained	01.01.1952	02.02.1980	12.06.1994 01.07.2003	9	--	Buner Forest Division
41	Mr. Khan Zada	Swat	Matric	Trained	09.11.1958	16.05.1980	03.10.2000 01.07.2006	9	--	Buner Forest Division
42	Mr. Shaikat	Swat	Matric	Un-trained	19.08.1954	20.12.1979	29.07.2006	9	--	Swat Forest Division
43	Mr. Zafawar Khan	Mkd Agenc	Middle	Un-trained	12.03.1954	13.08.1975	03.02.2007	9	--	Malakand Forest Divn:
44	Mr. Mumtaz Ali	Mkd Agenc	B.A.	Trained	10.02.1980	03.02.2007	03.02.2007	9	--	Malakand Forest Divn:
45	Mr. Abdul Haq	Swat	F.A.	Trained	01.10.1956	29.01.1975	31.07.2007	9	--	Swat Forest Division
46	Mr. Noorul Hadl	Buner	Matric	Un-trained	12.04.1954	09.03.1976	04.08.2007	9	--	Buner Forest Division
47	Mr. Sher Arman	Buner	Matric	Trained	06.08.1959	28.03.1979	04.08.2007	9	--	Buner Forest Division
48	Mr. Mohammad Zohair	Buner	F.A.	Trained	13.03.1969	17.06.1992	04.08.2007	9	--	Alpuri Forest Division

**ATTESTED**  
  
**Advocate**

S.No	Name of Forester	District of domicile	Education qualification	Technical qualification	Date of Birth	Date of first entry into Govt. service	Date of appointment/promotion to present post	Present Grade		Remarks
								BPS	Date	
494	Mr. Malik Zada	Swat	F.A.	Un-trained	14.11.1954	19.03.1976	17.06.2008	9	--	Swat Forest Division
505	Mr. Behramand	Swat	Matric	Un-trained	10.04.1955	20.03.1979	17.06.2008	9	--	Swat Forest Division
515	Mr. Said Rahim	Buner	Matric	Trained	04.02.1967	05.10.1987	30.06.2008	9	--	Swat Forest Division
525	Mr. Nasrullah Jan	Buner	Matric	Un-trained	01.03.1964	30.06.1982	03.09.2008	9	--	Buner Forest Division
535	Mr. Shah Mohammad	Mkd Agenc	Matric	Un-trained	01.03.1965	25.10.1989	03.06.2009	9	--	Buner Forest Division
545	Mr. Ejaz Ahmad	Mkd Agenc	Matric	Un-trained	28.12.1968	29.11.1988	14.04.2009	9	--	Malakand Forest Divn:
555	Mr. Khurshid Ahmad	Swat	Matric	Un-trained	01.01.1952	25.01.1975	21.12.2009	9	--	Malakand Forest Divn:
565	Mr. Yar Mohammad	Swat	Matric	Un-trained	16.04.1953	25.01.1975	21.12.2009	9	--	Kalam Forest Division
575	Mr. Bashir Ahmad	Swat	M.A.	Un-trained	19.02.1958	24.01.1981	21.12.2009	9	--	Kalam Forest Division
585	Mr. Said Amir Shah	Buner	M.A.	Trained	02.02.1959	12.03.1985	12.03.1985 28.04.2010	9	--	Kalam Forest Division

**ATTESTED**  
  
**Advocate**

questionnaire form and Section-5(1) (c) of the RSO was not observed.

5. Incorrect, while Para-5 of appeal is correct.
6. Admitted correct by the respondents, so no comments.
7. Admitted correct by the respondents, so no comments.

**GROUND:**

- A) Incorrect, while Para-A of appeal is correct.
- B) Incorrect, while Para-A of appeal is correct. The Section-5 of the RSO 2000 was not observed at-all by the respondents in letter and spirit.
- C) Incorrect, while Para-C of appeal is correct. The respondents have not denied questionnaire enquiry in their reply.
- D) Incorrect, while Para-D of appeal is correct.
- E) Incorrect, while Para-E of appeal is correct.
- F) Incorrect, while Para-F of appeal is correct.
- G) Legal.

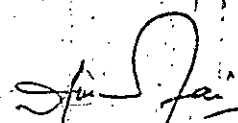
It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.



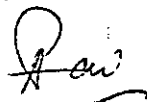
**AFFIDAVIT**

APPELLANT  
Muhammad Shais Khan

Through:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.



A6 - security lift S.No.58 appeal

Date of app<sup>t</sup> 12.3.85 Baner West Shed  
28.4.10: Haldar Forest Division

again

Security from the date of initial appeal

D. S. S. P.

9

To

The Conservator of Forests,  
Malakand Circle East,  
Saidu Sharif Swat.

Through

PROPER CHANNEL

Subject:

APPEAL FOR FIXATION OF SENIORITY

Sir,

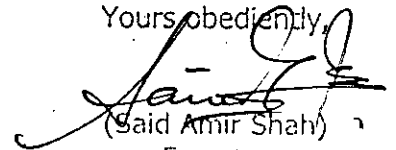
I have the honor to submit that from checking of tentative seniority list of Foresters of Malakand Circle East circulated vide your goodself office No.4700-06/E, dated 07.2.2012 it has been noticed that my seniority has been determined from the date of my arrival in Kalam Forest Division instead of my date of appointment. In this connection it is submitted that:-

1. I have been appointed in Buner Watershed Division as Forester vide office order No.74 dated 23.02.1985 and transferred to Malakand Circle vide Chief Conservator of Forests Khyber Pakhtunkhwa office order No.168 dated 23.4.2010.
2. In the said office order one Mr. Riaz Hussain was also appointed as Forester. He had been granted seniority in Malakand Circle from the date of his appointment and accordingly promoted to the rank of Deputy Ranger.
3. My other colleagues viz M/S Izat Sher Khan, Mohammad Salim, Mohammad Karam, Mian Said Akbar Jan, Sarfaraz Khan, Momin Khan, Qazi Shabir Ahmad and Sultan Salahud Din Foresters, who were appointed in defunct projects have been granted seniority from the date of their appointments and not from the date of their arrival in Malakand Circle.

It is, therefore, humbly requested to kindly determine my seniority from the date of my appointment as Forester in light of the above, instead of my arrival in Kalam Forest Division, please.

Dated 18.02.2012.

Yours obediently,

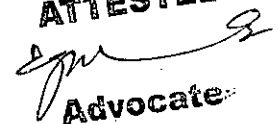


(Said Amir Shah)

Forester

Kalam Forest Division.

**ATTESTED**

  
Advocate

(10)

Annexure "C"

OFFICE OF THE CONSERVATOR OF FORESTS, MALAKAND CIRCLE (EAST) SAIDU SHARIF SWAT.

To,

The Divisional Forest Officer,  
Kalam Forest Division, Madyan.

No. 2546 /E,

Dated Saidu Sharif the 09/10/2013.

SUBJECT: GRANT OF SENIORITY – APPEAL THEREOF.

Memo:


Syed Amir Shah Forester of your Division had applied for grant of seniority from the date of appointment instead of date of arrival in this Circle.

In this connection the rules are quite clear which have already intimated to you vide this office No.7673/E, dated 28/5/2013.

In light of the said rules the request of the above named Forester cannot be entertained. You should inform him accordingly.

  
CONSERVATOR OF FORESTS,  
MALAKAND FOREST CIRCLE (EAST),  
SAIDU SHARIF SWAT.

ATTESTED

  
Advocate



# بعدالت صاحب سندس کورٹ میں ایک مہلہ

(11)



مورخہ 23 اکتوبر 13ء بجانب اسلام آباد  
 مقدمہ سید امیر شاہ بنام حکومت و مسعود  
 دعویٰ سرور کا پھیل +  
 جرم باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام کلیدی سہارا کیلئے / عزیز الرحمن، امداد اللہ، دیا گل کلس مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل احتیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا یہ مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

المرقوم 23 ماہ اکتوبر 13ء

العبد گداہ شاہ العبد

Accepted and  
 Accepted by

کے لئے منظور ہے

بمقام کلیدی سہارا =

*[Signature]*

*[Signature]*

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

---

Service Appeal No. \_\_\_\_\_ of 2013

*Said Amir Shah Forester Kalam Forest Division.*

*...Appellant*

**VERSUS**

*The Chief Conservator of Forest, Peshawar and Other.*

*...Respondents*

**APPLICATION FOR PLACING  
ADDITIONAL DOCUMENTS ON FILE.**

---

*Respectfully Sheweth:*

- i. That the above titled case is pending before this Honourable Tribunal and is fixed for hearing for today.*
- ii. That the appellant in order to support his version of determination of seniority and the discrimination being done to him the annexed documents are necessary to be placed on file.*
- iii. That the appellant prays that his seniority be calculated from the date of his initial entry into service just like other similarly placed persons, but the same is not being considered by the respondent department for the reasons best known to them. In order to show the discrimination the documents are being annexed herewith.*

It is, therefore, very respectfully prayed that on acceptance of this application these documents be allowed to be placed on file so that this Honourable Tribunal may reach just conclusion.

Applicant/appellant

Through Counsel,

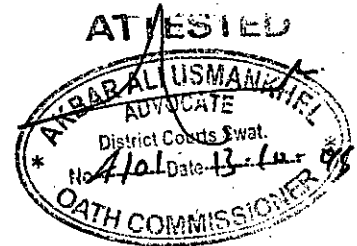
*Imdad*  
Imdad Ullah

Advocate Swat

Affidavit:

It is stated on Oath that all the contents of this application are true and correct to the best of my knowledge and belief.

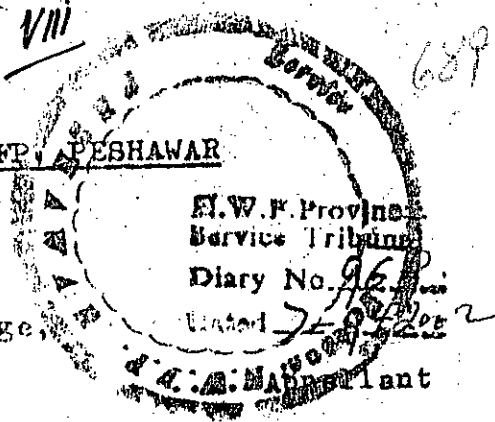
Deponent  
*Said Amir Shah*  
Said Amir Shah



VIII

BEFORE THE SERVICE TRIBUNAL, NWFP, PESHAWAR

Service Appeal No. 764 / 2002



✓ Mian Said Akbar Jan, Forester, Swat Range,  
s/o Mian Jan, r/o Village Islampur  
District Swat.

VERSUS

1. Chief Conservator of Forests, NWFP, Peshawar.
2. Conservator of Forests, Malakand Circle, Mingora, Swat.
3. Secretary Forests, NWFP, Peshawar.
4. D.F.O. Mingora, Swat. .... Respondents

d to-day

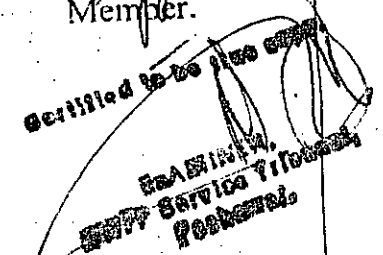
*7/9/02*

\*\*\*\*\*  
Appeal against Respondent No.2's Order dated 25-6-2002, conveyed on 21-8-2002 (copy annexed hereto marked "A"), rejecting the Appellant's representation/appeal dated 15-6-2002, (copy annexed hereto marked "B").  
\*\*\*\*\*

PRAYER IN APPEAL:

On acceptance of this Appeal, the impugned Seniority List be set aside and the appellant may be restored in the New Seniority List by placing him according to his seniority.  
\*\*\*\*\*

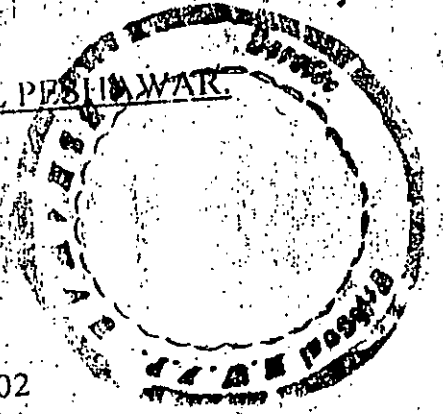
		20.11.2004	<p style="text-align: center;">Parties present with their counsels.</p> <p>Arguments heard. Vide our detailed judgment of today in Appeal No.765/2002 Izat Sher, this appeal is accepted. No order as to costs. File be consigned to the record.</p> <p style="text-align: center;"><u>ANNOUNCED.</u> 20.11.2004.</p> <p style="text-align: right;"><i>[Signature]</i> Member.</p> <p style="text-align: right;"><i>[Signature]</i> Member.</p>
Date of Decision	Name of Applicant	Date of Presentation of Applicant	Number of Petition
Total	Urgent	Coping Fee	Date of Presentation of Applicant



عزت مسرہ  
651  
BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR.

Appeal No. 765/2002

Date of institution - 07.09.2002  
Date of decision - 20.11.2004



Izat Sher, Forester, R/O village Khwaza Khela Swat  
and 7 others.....(APPELLANTS)

VERSUS

1. Chief Conservator of Forests, NWFP, Peshawar.
2. Conservator of Forests, Malakand Circle, Mingora.
3. Secretary Forests, NWFP Peshawar.
4. D.F.O. Mingora, Swat.....(RESPONDENTS)

Mr. Attiqur Rehman Qazi and  
Mr.M. Zaffar Tahirkheli Advocates..... For appellants.  
Mr. Zulfiqar Ali Government Pleader..... For respondents.

MIAN SAHIB JAN.....MEMBER.  
MR. MUHAMMAD SHAUKAT.....MEMBER.

JUDGMENT.

MIAN SAHIB JAN, MEMBER: This judgment is intended to dispose of the appeal filed by Mr. Izat Sher, Forester, Forest Department Government of NWFP against the seniority list circulated vide letter dated 17.04.2002 excluding the name of the appellant there-from, order dated 25.06.2002 whereby his appeal for inclusion of his name in the seniority list of Foresters has been rejected and order dated 10.05.2002 whereby his

ATTESTED  
EXAMINER  
NWFP Service Tribunal  
Peshawar

departmental representation has been rejected praying that the impugned seniority list be set aside and the name of the appellant be restored and placed at S.No. 50 of the seniority list of Foresters.

2. The facts of the case as stated in the memo of appeal are that the appellant was appointed as Forester on 30.11.1989. The appellant having fulfilled all the conditions of his appointment has been serving the department at various places to the satisfaction of his superiors. The seniority of Foresters was issued in the year 1994 in which the name of the appellant appeared at S.No. 118. The appellant was issued a notice for termination of his service w.e.f. 31.05.2000 being considered by the respondent department as project employee. The appellant challenged the termination notice, claiming to be not a project employee but a regular employee of the department whom should have not been issued show cause notice for termination of his service as a project employee through Appeal No. 246 of 2000. The Service Tribunal vide its judgment dated 28.05.2001 accepted the appeal, set aside the termination notice, declared the appellant as a regular employee working on temporary basis and directed the respondents to allow all the benefits of a regular employee. The judgment of the Tribunal was not challenged by the respondents and hence it attained finality. Subsequently respondent No. 2 issued a seniority list dated 17.04.2002 wherefrom the name of the appellant had been excluded. The appellant submitted a departmental appeal for inclusion of his name in the seniority list but his appeal was rejected. The appellant thus filed the instant appeal in the Service Tribunal.

EXAMINER  
OFFICE  
ATTESTED

3. The appeal was contested by the parties. The respondents filed their written comments and the appellant filed rejoinder to the parawise comments, both repeating their claims and counter claims. The learned counsel for the appellant contended that the appellant was a regular employee which point has already been decided by the Service Tribunal in its earlier decision declaring the appellant as a regular employee of the department. The learned Government Pleader contended that the appellant was appointed against project post and is still working against the project post and hence not a regular employee of the department whose seniority cannot be maintained jointly with the regular cadre Foresters.

4. The issue before the Tribunal to be determined is that whether the appellant is a project employee whose services would be terminable on completion of the project or a regular employee of the Forest Department entitled to service benefits including seniority. After having heard the arguments of the learned counsels for the parties and having perused the material placed on record, the position of the case would emerge as under :-

a. The appellant being considered as a project employee was issued a notice for termination of his service w.e.f. 31.05.2000 on completion of project in which he was working. The appellant challenged his termination notice in the Service Tribunal through Appeal No. 2461 of 2000 which was set aside by the Service Tribunal vide its judgment dated 21.05.2000 after having scrutinized the record of his case declared the appellant to be in a continuous temporary service with all back benefits. The judgment of the Tribunal not having been challenged in the appellate court has thus been accepted by the respondents, has got finality according to which the status of service of the appellant has been declared not to be a project employee



ATTESTED



but a regular employee of the department entitled for all service benefits including seniority.

b. The appellant, being considered a regular Forester of the department, his name was included in the consolidated seniority list of Foresters as it stood on 01.06.1994 at S.No. 118 from the date of his entry into service on successful completion of one year training on 01.10.1990. However, the name of the appellant was not included in the seniority list of Foresters of Malakand Circle circulated vide letter dated 17.04.2002. The department in its parawise comments still holds the view that the appellant is a project employee which is not correct as the status of service of the appellant has already been determined by the Service Tribunal vide its judgment dated 21.05.2001, referred to above. Exclusion of the name of the appellant from the seniority list of regular Foresters is, therefore, not justified. The points now being raised by the respondent department in parawise comments were also raised in reply to his earlier appeal No. 2461/2000 which were duly adjudicated and settled by the Service Tribunal while announcing its judgment dated 21.05.2001 on the said appeal which cannot be raised in subsequent litigation between the parties.

c. The appellant is considered a regular Forester of the department for all purposes except seniority vis-a-vis other Foresters. The appellant has been granted move-over from BPS-7 to BPS-8 vide order dated 20.12.2003 w.e.f. 01.12.2001 on the basis of his satisfactory performance. Under the rules, move-over is allowed only to employee holding appointment on regular basis and not to project employees. Considering the service of an employee for the purpose of move-over on regular basis and considering his same service not regular for the purpose of seniority is not a tenable proposition.

5. In consequence of the above discussion, the Tribunal has no hesitation to accept the appeal and to direct the respondent department to fix the inter-se seniority of the appellant being a regular Forester with other regular Foresters of the cadre at proper place from the date of his

ATTESTED  
EXAMINER  
MWP Service Tribunal  
Feshawar

*[Handwritten signature]*



continuous officiation as Forester i.e. 01.10.1990 to meet the ends of justice.

6. In addition, the appeals of the following Foresters whose cases are identical by containing the same facts and points of law involved and pending before the Tribunal and whose services have been declared regular by the Service Tribunal or by the respondent department by withdrawing their termination notices in pursuance of the decision of the Service Tribunal in similar cases; are also accepted and the respondents are directed to fix their seniority from the date of their continuous officiation as Foresters on regular basis with other Foresters at appropriate due places accordingly.

<u>S.No.</u>	<u>Name of appellant.</u>	<u>Appeal No./year.</u>
1.	Mian Said Akbar Jan.	764/2000
2.	Muhammad Saleem	766/2000
3.	Sarfaraz Khan	767/2000
4.	Qazi Bashir Ahmad	768/2000
5.	Muhammad Karim	769/2000
6.	Riaz Hussain	770/2000
7.	Sultan Salahuddin	778/2000

7. Parties are left to bear their own costs. File be consigned to record.

ANNONCED.  
20.11.2004.

Delivered to the file.  
E.A. (10/11/04)  
Staff Serv. Secy. (10/11/04)  
Peshawar

*Muhammad Shaukat*  
(MUHAMMAD SHAUKAT)  
MEMBER.

*Mian Sahib Jan*  
(MIAN SAHIB JAN)  
MEMBER.

0/5, 0000

GOVERNMENT OF  
NWFP SERVICE TRIBUNAL  
PESHAWAR.

No. 853 /ST,  
Dated Peshawar the 30/2/2008.

To

The Divisional Forest Officer,  
Swat Forest Division,  
Mingora, Swat.

Subject:- APPEAL NO. 371/2006 MOMIN KHAN Forester  
APPEAL NO. 372/2006 Fazal Ali  
APPEAL NO. 986/2006 Fazal Ali

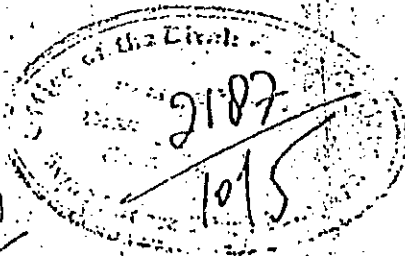
VERSUS

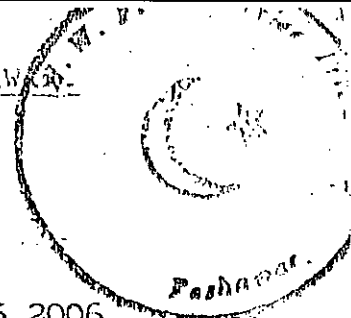
Divisional Forest Officer Swat Forest Div: Swat etc:

✓ I am directed to forward herewith a certified copy of  
judgment/order dated 19.4.2008 passed by this Tribunal in the above  
mentioned appeal for information and necessary action.

Encl: As above.

M.A.A.  
REGISTRAR  
NWFP SERVICE TRIBUNAL  
PESHAWAR.





SERVICE APPEAL NO. 371/2006

Date of institution ... 11.05.2006

Date of decision ... 19.04.2006

Momin Khan, Forester,  
Swat Forest Division,  
Mingora.

.. (Appellant)

VERSUS

1. Chief Conservator of Forests,  
Peshawar.
2. Conservator of Forests,  
Malakand Circle, Saidu, Swat.
3. Divisional Forest Officer (DFO),  
Swat Forest Division, Mingora.
4. Mian Said Akbar Jan, Forester  
Kalam Forest Division, Saidu, Swat  
(placed ex-parte).

.. (Respondents)

Appeal against the Order dated 15.4.2006 (conveyed  
vide No. 6651-52/G, dated Mingora the 28.4.2006)  
(copy annexed hereto Marked "A"), rejecting the  
appellant's departmental appeal dated 15.2.2006  
(Copy annexed hereto marked "B").

Mr. Atiq-ur-Rehman, Qazi  
Advocate.

.. For appellant

Mr. Tahir Iqbal,  
Addl: Govt. Pleader.

For respondents

Mr. Justice (R) Salim Khan,  
Dr. Abdur Rauf.

Chairman  
Member

JUDGMENT

JUSTICE (R) SALIM KHAN, CHAIRMAN:

Momin Khan

filed appeal No. 371 of 2006. He submitted that he was

EXAMINER  
NWFP Service Tribunal  
Peshawar

ATTESTED



5. We heard the arguments and perused the record.

6. The learned counsel for the appellants relied on the judgment of Izat Sher in appeal No. 2461 of 2000 instituted on 25.10.2000 and decided on 28.5.2001, in the light of appeal No. 2399/2000 instituted on 21.10.2000 and decided on 28.5.2001 (Shabir Ahmad, Forester-vs-DFW, Upper Swat ERP Division at Shagai, Saidu Sharif, Swat & others). It has clearly been mentioned in paragraph-5 of the judgment that a notice was issued to Izat Sher regarding termination of his service w.e.f 31.5.2000 on the ground that he was a project employee and the project was going to close on the above mentioned date. Vide appeal No. 2461 of 2000 decided on 28.5.2001, the record was scrutinized and the appellant was declared to be in continuous temporary service with all back benefits. It was ordered in appeal No. 765 of 2002 decided on 20.11.2004 that the seniority of Izat Sher be fixed as a regular Forester with other regular Foresters of the cadre at proper place from the date of continuous officiation as Forester with effect from 1.10.1990.

7. Momin Khan was promoted as Forester w.e.f 16.4.94 while Fazal Ali was so promoted w.e.f 9.6.1994. The case of the appellants is not different from the case of Izat-Sher. They have been project employees but their services were retained for a long period and they were considered as regular employees. It was for the same reasons that they were promoted from the post of Forest Guard to the post of Forester and they had actualized their promotion, which

ATTESTED  
EXAMINER

- 4 -

order has never been withdrawn, being already acted upon.

8. We, therefore, hold that the appellants are regular temporary employees of the Swat Forest Division, and they are entitled to their actual seniority from the date of their taking charge of their respective post of Foresters. The official respondents, therefore, have no other alternative but to fix their seniority in the seniority list at the proper place. Fazal Ali, consequently, becomes senior to respondents No. 3 to 5, and is entitled to be retained in Swat Forest Division.

9. We, therefore, accept all the three appeals, set aside the impugned orders of rejection of the appeals of the appellants and of the transfer of Fazal Ali appellant to Kalam Forest Division, and we direct the respondents to fix the seniority of the appellants at their proper place, and issue order of return of Fazal Ali to Swat Forest Division. The official respondents are at liberty to transfer the junior most Forester to Kalam Forest Division, if need be. We, however, leave the parties to bear their own costs.

ANNOUNCED

19.4.2008

Sd- Justice (R) Saleem Khan  
Chairman

Sd- (Dr. Akbar Rasool)  
Member

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GROUP SECRETARY  
Peshawar

OFFICE ORDER NO. 89 DATED SAIDU SHARIF THE: 31 MAY, 2000 BY MR. HAIDER ALI KHAN,  
CONSERVATOR OF FORESTS, MALAKAND CIRCLE, SAIDU SHARIF SWAT.

BEAR WITH

1. Seniority list of Forest Guards of Swat Forest Division as it stood on 31.12.2007 issued by DFO Swat vide his No.1010-13/G, dated 14.3.2000.
2. Appeal preferred by Mr. Azdul Haq Forest Guard of Swat Forest Division.
3. Appeal preferred by Mian Karim Shah Forest Guard of Swat Forest Division.
4. Appeal preferred by Mr. Sher Shah Ali Forest Guard of Swat Forest Division.
5. This office letter No. 9249/E, dated 15.4.2000.
6. DFO Swat letter No. 4314/G, dated 19.5.2000.

BRIEF HISTORY OF THE CASE

On expiry of the Forestry Sector Project, the appellants M/S Azdul Haq, Mian Karim Shah and Sher Shah Ali Forest Guards were adjusted in Swat Forest Division against the existing vacancies. In the seniority list of Forest Guards circulated vide DFO Swat No. 1010-13/G, dated 14.3.2000, the seniority of the appellants were considered from the date of their arrival in Swat Forest Division.

DISCUSSION

Being aggrieved the appellants preferred appeals and requested for being their seniority from the date of their appointment. The appeals were sent to the Divisional Forest Officer Swat vide this office No.9249/E, dated 15.4.2000 for his comments. In response the DFO Swat vide his letter No.4314/G, dated 19.5.2000 offered his comments wherein he referred to the seniority granted to M/S Adalat Khan, Mohammad Ali Shah Foresters whose seniority was restored from their regular appointment/date of promotions. The honorable NWFP Service Tribunal in service appeal No.765/2002 (Izaf Sher Forester versus Forest Department) vide judgment dated 20.11.2004 allowed seniority to the appellant as well as M/S Mian Said Arbab Jan, Mohammad Salim, Sarfraz Khan, Qazi Shahid Ahmad, Mohammad Karim, Riaz Hussain and Sultan Solahuddin Foresters from their date of appointment/promotion. Moreover the NWFP Service Tribunal vide judgment dated 19.4.2000 in service appeal No.111/2006 (Munir Khan Forester versus NWFP Forest Department) granted seniority to the appellant as well as Mr. Fazal Ali Forester from their date of appointment/promotion.

ORDER

In light of the afore mentioned discussion as well as decisions of the honorable NWFP Service Tribunal in various service appeals, I Haider Ali Khan, Conservator of Forests Malakand Circle in the capacity of Appellate authority hereby accept the appeals of M/S Azdul Haq, Mian Karim Shah and Sher Shah Ali Forest Guards of Swat Forest Division and ordered that the seniority of the appellants may be considered from their date of regular appointments instead of their date of reporting arrival in Swat Forest Division.

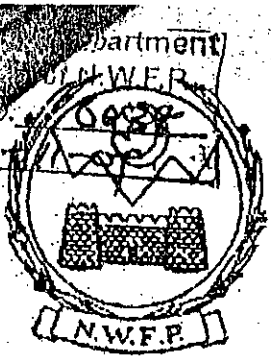
Sd/-  
(Haider Ali Khan)  
Conservator of Forests,  
Malakand Circle Shagal,  
Saidu Sharif Swat.

16/11/2008-7/10

Copy forwarded to the:

1. Divisional Forest Officer, Swat Forest Division Bhyber for information and further necessary action with reference to his No. 4314/G, dated 19.5.2000
2. M/S Azdul Haq, Mian Karim Shah, Sher Shah Ali Forest Guards C/O DFO Swat, for information and further necessary action.

CONSERVATOR OF FORESTS,  
MALAKAND CIRCLE SHAGAL,  
SAIDU SHARIF SWAT.



GOVERNMENT OF NWFP  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

(REGULATION WING)

Dated Peshawar, the 19<sup>th</sup>, November, 2009

NOTIFICATION

No.SOR-VI (E&AD)1-3/2008 : - In exercise of the powers conferred by Section 26 of the North-West-Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act No.XVIII of 1973), read with this Department's Notification No.SOR-I(S&GAD)I-206/74/Vol:V, dated 18<sup>th</sup> April 1989, the Chief Minister of the North-West-Frontier Province is pleased to direct that in the North-West-Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the following further amendment shall be made, namely:

AMENDMENT

"In rule 17, after sub-rule (3), the following new sub-rule shall be added namely:-

"(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is same, the civil servants older in age, shall be treated senior.

CHIEF SECRETARY  
GOVERNMENT OF NWFP

Endst: No. and dated even.

Copy forwarded to:-

1. Additional Chief Secretary, Govt of NWFP, Planning & Development Department.
2. Additional Chief Secretary (FATA), FATA Secretariat Peshawar.
3. Additional Chief Secretary Govt of NWFP Home & Tribal Affairs Department.
4. The Senior Member, Board of Revenue, NWFP.
5. All Administrative Secretaries to Govt. of NWFP.
6. The Secretary to Governor, NWFP.
7. The Principal Secretary to Chief Minister, NWFP.
8. All Divisional Commissioners in NWFP.
9. All Heads of Attached Departments in NWFP.
10. All District Coordination Officers in NWFP and Political Agents in FATA.
11. The Registrar Peshawar High Court, Peshawar.
12. The Registrar, NWFP Service Tribunal, Peshawar.
13. The Secretary, NWFP Public Service Commission, Peshawar.
14. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.



Job No. Annex - A (6)

OFFICE ORDER NO. 10 DATED 17/8/1985, ISSUED BY MR. SALAR MOHAMMAD KHAN DIVISIONAL FOREST OFFICER BUNER WATERSHED DIVISION, SAWARI.

The following candidates selected by the selection committee constituted for the recruitment of Forest Guards in Buner Watershed Division, are hereby appointed as temporary Forest Guards in Basic Pay scale No.2 (Rs.460-12-700) @ Rs.460/-per month plus usual allowances as admissible under the rules with effect from the date they reported themselves for duty in Buner Watershed Division Sawari:-

Sl. No.	Name/Father's name.	Home address.
1.	Mr. Ibrahim s/o Noordad Khan.	Village Torwarsak (Buner)
2.	Mr. Riaz Hussain s/o Said Kamran.	Village Nawagai. (Buner)
3.	Mr. Khanzada s/o Nawab.	Village Mawoy-Kali (Buner)
4.	Mr. Bakhti Afsar s/o Said Qamar.	Village Mulayusaf (Buner)
5.	Mr. Wilayat Khan s/o Safoor Khan.	Village China. (Buner)
6.	Mr. Nazrat Hassan s/o Ghulam Hassan.	Village Torwarsak. (Buner)
7.	Mr. Saeed Khan s/o Abdullah.	Village Matta-Nazar Abad. (Buner)
8.	Mr. Qadri Jamil s/o Bakht Jamil.	Village Agarai. (Buner)
9.	Mr. Hidayatullah s/o Palas Khan.	Village Guluno Borai. (Buner)
10.	Mr. Hidayatullah s/o Mohammad Saleem.	Village China. (Buner)
11.	Mr. Said Amir Shah s/o Yaqub Shah.	Village Annawar. (Buner)
12.	Mr. Siraj Ahmad s/o Abdur Rashid.	Village Scharand. (Buner)
13.	Mr. Mohammad Razaq s/o Saqwar Khan.	Village Kalpani. (Buner)
14.	Mr. Saifullah s/o Ajibullah.	Village Topdara. (Buner)
15.	Mr. Farid Khan s/o Sarif Shah.	Village Kalpani. (Buner)
16.	Mr. Ahmad Gani s/o Pirzada.	Village Bampoha. (Buner)
17.	Mr. Habibullah s/o Saikar.	Village Dewana Baba (Buner)

Their appointment as Forest Guard in Buner Watershed Div. is purely temporary and can be terminated at any time in accordance with the Government of West Pakistan Services and General Administration Department Notification No. SOX.VII-18/66 Dated 10.9.1968, irrespective of the fact that they are holding the charge of a post other than that for which they are originally recruited.

They will be governed by such rules and orders relating to leave, travelling allowance, medical attendance, pay, transfer etc; prevailing at the time of issue of this order and any order issued by the Government in future for the category of Government.

In case if any one of them wishes to resign at any time he will have to serve one month's notice for this purpose otherwise one month's pay would be forfeited in lieu of that.

Their recruitment is subject to the following conditions

- i. They are domiciled in Swat District.
- ii. They produce original certificates in support of their qualification and age.
- iii. They have to produce medical certificate of their fitness.
- iv. They have to produce original employment exchange card.
- v. This office order will be cancelled if no reply is received from them upto 31.8.1985.

Sd/- (Salar Mohammad Khan)  
Divisional Forest Officer  
Bunair Watershed Division  
Sawari.

Memo.No. 43 - 64 /BWS, Dated Sawari the 17/8/1985.

Copy forwarded to the:-

1. All concerned (on their home address) for information and necessary action. They should report arrival on 31.8.1985 at the latest.
2. Conservator of Forests, Buner.

(11)

OFFICE ORDER NO. 163 DATED PESHAWAR THE 14 /03/2009, BY  
MR. NAZIR MUHAMMAD CHIEF CONSERVATOR OF FORESTS NWFP, PESHAWAR.

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As desired by the Minister for Environment, Mr. Badrul Jamil Forest Guard is hereby transferred from Buner Watershed Division (Watershed Circle) to Buner Forest Division (Malakand Circle) against the available vacancy of Forest Guard on the same terms and conditions of his appointment order in the interest of public service with immediate effect.

Sd/-(Nazir Muhammad)  
Chief Conservator of Forests  
NWFP, Peshawar.

No. 4100-402/R.

Copy forwarded for information and necessary action to the :-

1. PS to Minister for Environment Govt. of NWFP, Peshawar.
2. ✓ Conservator of Forests Malakand Circle, Mingera.
3. Project Director/CF Watershed Management Project Abbottabad.

Sd/14/3  
CHIEF CONSERVATOR OF FORESTS  
NWFP, PESHAWAR.

.....

OFFICE OF THE CONSERVATOR OF FORESTS, MALAKAND CIRCLE EAST, SAIDU SHARIF.

To

The Divisional Forest Officer,  
Buner Forest Division, Sawari.

No. 397

/E, dated Saidu Sharif, the: 15 / July, 2011.

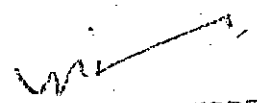
Subject:

APPEAL OF MR. BADRUL JAMIL FOREST GUARD

Memorandum:

Reference correspondence resting with your letter No.2245/G, dated 31.03.2011.

In light of documents i.e. judgment of Service Tribunal dated 20.11.2004, this office orders issued in similar nature cases as well as para wise comments received with your letter under reference, the appeal of Mr. Badrul Jamil Forest Guard is hereby accepted. You should fix the seniority of the appellant from the date of his appointment.

  
CONSERVATOR OF FORESTS,  
MALAKAND CIRCLE EAST,  
SAIDU SHARIF SWAT.

161 422  
(16) (20)

OFFICE ORDER NO. 21 / DATED 14 / 01 / 2012, ISSUED BY,  
MR. MIR WALI KHAN, DIVISIONAL FOREST OFFICER,  
BUNER FOREST DIVISION (SWARI).

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The Competent Authority IN consultation with the recommendation of Departmental Promotion Committee meeting held on 13.01.2012 is pleased to promote Mr. Badrul-Jamil Forest Guard of Buner Forest Division to the rank of Forester BPS-09 with immediate effect:-

He will be on probation for the period of one year in terms of Section 6(2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 Red with rules, 15 (i) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) rules, 1989.

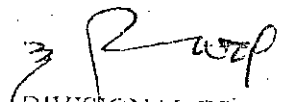
The promotion order is purely temporary and will not constitute any right of continuity on abolition of the post. He will be reverted to the original post without any notice.

Sd/-  
( MIR WALI KHAN )  
DIVISIONAL FOREST OFFICER  
BUNER FOREST DIVN: DAGGAR

No. 2025-288G,

Copy forwarded to:-

- 1- Conservator of Forests, Malakand Circle East Saidu Sharif for favour of information please.
- 2- The Range Forest Officer Chamlla/Daggar for information.
- 2- Head Clerk/Divisional Accountant for information and further necessary action.
- 3- Mr. Badrual Jamil Forester for information and necessary action.

  
DIVISIONAL FOREST OFFICER  
BUNER FOREST DIVN: DAGGAR

OFFICE ORDER NO 89 DATED PESHAWAR THE 20 / 10/ 2007. ISSUED BY  
MR. MUHAMMAD IQBAL SWATI CHIEF CONSERVATOR OF FORESTS NWFP PESHAWAR

In light of decision taken in the meeting dated 27/7/2006 and 23/8/2006 (copy enclosed) and as well options obtained, the services of the following officials of Watershed Management Project are hereby placed at the disposal of CF Hazara Forest Circle against the available vacancies in the interest of public welfare with immediate effect.

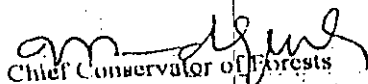
S. No	Name of Official	Designation
1	Mr. Abid Hussain	Forester
2	Mr. Liaqat Ali	Forest Guard
3	Mr. Muhammad Bakhsh	Forest Guard
4	Mr. Muhammad Salim	Forest Guard

Sd/-  
(Muhammad Iqbal Swati)  
Chief Conservator Forest  
NWFP Peshawar

No. 1846-47 /E

B-IX-73  
Copy forwarded for information and necessary action to the:-

1. Conservator of Forests Hazara Forest Circle Abbottabad. He is requested to issue their further posting order accordingly.
2. Project Director/CF Watershed Management Project Abbottabad with reference to his letter No. 77945-E dated 8/10/2007. He is requested to supply attested copies of options of above named officials to this office with their date of appointments.

  
Chief Conservator of Forests  
NWFP Peshawar

OFFICE OF THE DIVISIONAL FOREST OFFICER KALAM FOREST DIVISION  
MADYAN SWAT

To

The Conservator of Forests,  
Malakand Circle East at Shagai,  
Saidu Sharif.

No. 1913 /G,

Dated Madyan the 08 /03/2012.

SUBJECT: **TENTATIVE SENIORITY LIST OF FORESTER – Appeal  
Thereof.**

Memorandum:

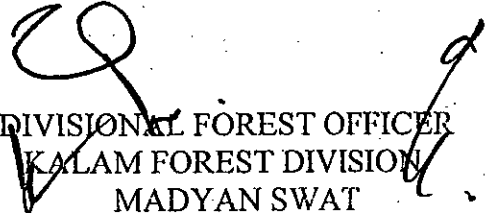
Reference your letter No. 5007/E, dated 24/2/2012.

P-799

Comments on the appeal of Said Amir Shah Forester are furnished  
as under :-

1. The appellant Syed Amir Shah was appointed as Forester against the vacant post in Buner Watershed Management Project vide Divisional Forest Officer Water Shed Management Project Buner office order No. 74 dated 23/2/1985.
2. On winding up of Watershed Management Project he was posted in Alpuri Forest Division vide Chief Conservator of Forests Khyber Pakhtunkhwa office order No. 168 dated 23/4/2010 and then transferred from Alpuri Forest Division to Kalam Forest Division vide your good self office order No. 54 dated 20/12/2010 within the jurisdiction of Malakand East Forest Circle.
3. The appellant is a well-qualified and experienced person. His so far performance as forester is satisfactory, specially in the cultured works and afforestation. His other colleagues of Watershed Management Project have been awarded the seniority from the date of their initial appointment i.e 1985. Some of them have even been promoted to the rank of Deputy Forest Rangers.

In view of the above factual position, the appellant Syed Amir Shah also deserves his genuine seniority, as Watershed Management Project was a part of Khyber Pakhtunkhwa Forest Department. It is therefore, recommended that he may be granted seniority from the date of his appointment please.

  
DIVISIONAL FOREST OFFICER  
KALAM FOREST DIVISION  
MADYAN SWAT

To

OFFICE OF THE CHIEF MADYAN SWAT DIVISION

The Conservator of Forests,  
Malakand Forest Circle East  
at Shagai Saidu Sharif Swat

No. 2414

/G, dated Madyan the 16 /04/2013.

Subject:

TENTATIVE SENIORITY LIST OF FORESTERS - Appeal thereof


Memorandum:

Reference your letter No.6473/E, dated 12/04/2013

It is submitted that comments on the subject appeal case are furnished as under:-

1. The appellant Syed Amir Shah was appointed as Forester against the vacant post in Buner Watershed Management Project vide Divisional Forest Officer Watershed Management Project Buner office order No74 dated 23/2/1985.
2. On winding up of Watershed Management Project he was posted in Alpuri Forest Division vide Chief Conservator of Forests Khyber Pakhtunkhwa office order No.168 dated 23/4/2010 and then transferred from Alpuri Forest Division to Kalam Forest Division vide your good self office order no.54 dated 20/12/2010 within the jurisdiction of Malakand East Forest Circle.
3. The appellant is a well-qualified and experienced person. His so far performance as forester is satisfactory, specially in the cultured works and afforestation. His other colleagues of Watershed Management Project have been awarded the seniority from the date of their initial appointment i.e. 1985. Some of them have even been promoted to the rank of Deputy Forest Rangers.

In view of the above factual position the appellant Syed Amir Shah also deserves his genuine seniority, as Watershed Management Project was a part of Khyber Pakhtunkhwa Forest Department. Moreover court decision in similar nature cases also confirms that seniority was granted from the date of appointment. It is therefore requested, recommended that he may be granted seniority from the date of his appointment please.

  
DIVISIONAL FOREST OFFICER  
KALAM FOREST DIVISION  
AT MADYAN SWAT.