

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	08.12.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1451/2013</p> <p>(Muhammad Sabir-vs-Govt: of Khyber Pakhtunkhwa through Secretary Environment Department, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Counsel for the appellant (Mr. Shahzada Irfan Zia, Advocates) and Mr. Nisar Ahmed, Sub Divisional Forest Officer alongwith Mr. Ziaullah, GP for official respondents No. 1 to 4 and counsel for private respondents (Mr. Noor Muhammad Khattak, Advocate) present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the impugned seniority list dated 20.10.2011 whereby the name of the appellant has been shown at S.No. 104 below the name of respondents No.5 to 105, who are far juniors to the appellant, and his departmental appeal against the impugned seniority list was rejected by respondent No.4 vide order dated 05.08.2013 communicated to the appellant on 14.10.2013. He prayed that on acceptance of this appeal the impugned final order of respondent No.4 dated 05.08.2013 and</p>

the impugned seniority list No. 1053-56 dated 20.10.2011 stood on 30.09.2011 may graciously be set aside, being illegal, void, against the rules, directing the respondents No.1 to 4 to place the name of the appellant at appropriate place, showing the names of respondents No.5 to 105 below the name of the appellant by issuing a revised seniority list in accordance with the rules.

3. Brief facts giving rise to the instant appeal are that the appellant is a regular member of Provincial Civil Service, serving as Forest Guard in Forest Department under the administrative control of respondent No.4. That the appellant joined Forest Department on 12.3.1977. That on 1.3.2010 the appellant was transferred from Siran Forest Division Mansehra to Kaghan Forest Division, Garhi Habibullah in the interest of public service. Respondent No. 4 on 20.10.2011 issued/circulated the seniority list of Forest Guards of Kaghan Forest Division, but it was astonishing that name of the appellant in the said impugned seniority list was shown at serial No. 104, despite of the fact that the Forest Guards whose names have been shown at serial No. 1 to 102, they all are far juniors to the appellant, but their names have been shown above the name of the appellant due to certain underground reasons, without any justification against the principle and rules of seniority. That it is pertinent to mention that the date of initial appointment of the appellant and private respondents would reveal that the appellant is senior than his rival colleagues as per seniority dated 20.10.2011, but the appellant

Q.F.L.

has been relegated to lower position at serial No. 104 while the name of his junior colleagues/respondents have been shown at serial No. 1 to 102. That against the impugned seniority list dated 20.10.2011 the appellant preferred departmental appeal which was rejected by the respondents No. 4 vide order dated 5.8.2013 communicated to the appellant on 14.10.2013. That the seniority of the appellant has been changed without the process of law, without serving any show cause notice, hearing to the appellant, hence the change in seniority position of the appellant is against the law/rules and natural justice, hence the present appeal.

4. The learned counsel for the appellant argued that the appellant was appointed as Forest Guard on 12.03.1977 in the Siran Forest Division and was transferred to the Kaghan Forest Division on 01.03.2010. He further argued that seniority list of Forest Guard issued by respondent No.4 on 20.10.2011 where name of the appellant was placed at S.No. 104 inspite of the fact that private respondents at serial No 1 to 102 of the seniority list were much junior to the appellant. He argued that transfer of the appellant to the Kaghan Forest Division was made in the public interests and appellant never gave any option/willingness for the said transfer, hence the placement of the appellant at the bottom of Forest Guards of the Kaghan Forest Division was illegal, without any lawful authority and not maintainable under the law. He further argued that seniority of the appellant was changed without any show cause notice and without process of law hence the same was against

AC-1

the law and natural justice. He prayed that on acceptance of this appeal, the impugned order dated 5.8.2013 may be set aside and the appellant may be restored at the relevant position in seniority list of the Forest Guards on the basis of his date of regular appointment as prescribed in the Appointment, Promotion and Transfer Rules of the Government of Khyber Pakhtunkhwa. He relied on 2014 SCMR 1289.

5. The learned counsel for private respondents argued that the appellant was appointed in a Project "Kunhar Valley Watershed Project Abbottabad" of the Forest Department funded by the Federal Government till 2010 and on winding up of the said Project the appellant was adjusted in the Kaghan Forest Division after obtaining of his willingness by the concerned conservator of Forests. He further argued that seniority of Forest Guards was maintained at Divisional level under the Forest Department Divisional Service Rules 1962 and on transfer from Siran Division to Kaghan Forest Division, seniority of the appellant was correctly fixed below the private respondents being permanent employees of the said Division. He also relied on Rule-8 of the APT Rules 1989 according to which seniority on Provincial transfer was fixed at the bottom and the same principle was also applicable to the case of the appellant. He also referred to Establishment Division Government of Pakistan OM dated 31.1.2014 followed by Khyber Pakhtunkhwa Establishment Department Circular dated 25.02.2014 which clearly disallowed back-dated seniority to non-civil servants in terms of the judgment of

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Supreme Court of Pakistan dated 12.6.2013. The learned Government Pleader also adopted the arguments advanced by the counsel for private respondents and prayed that the appeal being devoid of any merits may be dismissed. He relied on 2013 SCMR 911, 2002 SCMR 875, 2006 SCMR 453, 2009 SCMR 1435, 2002 SCMR 875, 2002 SCMR 889, 2006 SCMR 453 and 2011 SCMR 676.

6. Arguments of learned counsels for the parties heard and record perused with their assistance.

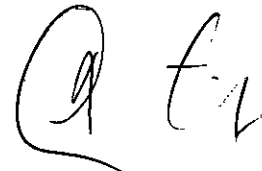
7. From perusal of the record, it transpired that the appellant was initially appointed in a project in the Siran Forest Division which was funded by the Federal Government and on winding of the said scheme he was adjusted/absorbed in the Kaghan Forest Division on 31.3.2010. Besides being an employee of a project the appellant through-out remained an employee of the Siran Forest Division and his services were regulated for all practical purposes under the Forest Department, Forest Guard (Divisional Service Rules, 1962 where seniority was maintained at divisional level being borne on divisional cadre. Record also revealed that prior to his adjustment in Kaghan Forest Division, willingness of the appellant was also obtained by the relevant authorities to save him and other employees of the said scheme from rendering surplus. His seniority in the Kaghan Forest Division was thus correctly fixed at the bottom of the seniority list of the private respondents who had already got vested rights over the

Q.F.V.

particular seniority position by virtue of their being permanent members of the cadre . There was therefore no legal force in the claim of the appellant for back-dated seniority in the Kaghan Forest Division and the appeal being devoid of any merits is dismissed. Parties are left to bear their own costs. File be consigned to the record.



(PIR BAKHSH SHAH)  
MEMBER



(ABDUL LATIF)  
MEMBER

ANNOUNCED  
08.12.2015

24.08.2015

Appellant with counsel and Mr. Ziaullah, GP for respondents present. Arguments heard. To come up for order on 06-10-2015.



Member



Member

06.10.2015

Appellant in person, Mr. Anwar Abbasi, Range Forest Officer alongwith Mr. Ziaullah, GP for official respondents No. 1 to 4 and counsel for private respondents present. Learned counsel for private respondents present today and submitted that he may be given opportunity of hearing. Since learned counsel for the appellant is not in attendance today therefore, to come up for arguments on 8-12-15



Member



Member

29.10.2014

Appellant in person and Mr. Muhammad Jan, GP with Sultan Mahmood, Range Officer for the official respondents present. Mr. Noor Muhammad Khattak, Advocate for private respondents No. 6, 7, 9, 10, 11, 12, 14, 16, 20, 32, 33, 35, 36, 41, 43, 47, 50, 54, 55, 59, 60, 81, 82, 91, 102, 103 and 105 present and requested for time to file proper Wakalatnama and written reply. To come up for written reply of aforementioned private respondents on 10.12.2014.

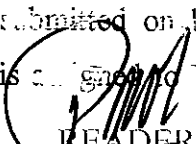
  
MEMBER

10.12.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Sultan Mahmood, SDFO for the official respondents and private respondent No. 53 with counsel for private respondents No. 6, 7, 9, 10, 11, 12, 14, 16, 20, 32, 33, 35, 36, 41, 43, 47, 50,

12.02.2015

54, 55, 59, 60, Counsel for the appellant, Addl: AC with Sultan Mahmood, SDFO for the official respondents and counsel for private respondents No. 53 to 105 present. Written reply submitted on behalf of private respondents No. 5 to 105. The case is assigned to D.B for rejoinder and final hearing for 24.08.2015.

  
READER

12.02.2015

Counsel for the appellant, Addl: A.G with Sultan Mahmood, R.O for official respondents and counsel for private respondents present. Written reply submitted on behalf of private respondents No. 5 to 105. The case is assigned to D.B for rejoinder and final hearing for 24.08.2015.

  
Chairman



1451/13

21.05.2014

Appellant with counsel and Mr. Muhammad Jan GP with Aitizaz Mahfooz, SDFO and Sultan Mahmood Range Officer for the official respondents No. 1 to 4 present and reply filed. Copy handed over to counsel for the appellant. Private respondent No. 53 in person as well as on behalf of Private respondents No. 6, 7, 9, 10, 11, 12, 14, 16, 20, 32, 33, 35, 36, 41, 43, 47, 50, 54, 55, 59, 60, 79, 81, 82, 91, 102, 103, and 105 present and power of attorney placed on file. He requested for time. To come up for submission of their written reply on 27.6.2014. However, none is available on behalf of other private respondents despite proclamation in daily "Aaj" dated 8.5.2014, hence placed ex-parte.

MEMBER

MEMBER

27.06.2014

Counsel for the appellant and AAG with Sultan Mahmood Range Officer for official respondents and private respondent No. 53 in person as well as on behalf of private respondents No. 6, 7, 9, 10, 11, 12, 14, 16, 20, 32, 33, 35, 36, 41, 43, 47, 50, 54, 55, 59, 60, 81, 82, 91, 102, 103 and 105 present and requested for time. To come up for written reply on 05.09.2014.

MEMBER

MEMBER

05.09.2014

Appellant with counsel, Mr. Muhammad Jan, GP with Sultan Mahmood, Range Officer for the official respondents and Mr. Noor Muhammad Khattak, Advocate for private respondents No. 53 as well as on behalf of private respondents No. 6, 7, 9, 10, 11, 12, 14, 16, 20, 32, 33, 35, 36, 41, 43, 47, 50, 54, 55, 59, 60, 81, 82, 91, 102, 103 and 105 present. Counsel for private respondents submitted Wakalatnama which is incomplete and returned to him for completion. He also requested for time to file written reply. To come up for written reply of aforementioned private respondents on 29.10.2014.

MEMBER

Appeal No. 1451/2013  
Mr. Muhammad Saif

27.12.2013

Appellant with counsel present. Preliminary arguments heard and case file perused. Contended that the appellant has not been treated in accordance with law/rules. Rule-5 of the Civil Servants (Appeal) Rules 1986 has not been properly followed while rejecting departmental appeal of the appellant for fixation of seniority from date of his initial appointment i.e 12.03.1977. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 10.03.2014.

Appellant deposited  
Process fee & Security  
of Rs. 2000/- Balance Receipt  
attached with file

Member

27.12.2013

This case be put before the Final Bench II for further proceedings.

Chairman

10.3.2014

Appellant with counsel, and Muhammad Jan, GP with Sultan Mahmood, Range Officer for official respondents and private respondents No. 9, 11 and 53 in person present and requested for time. Counsel for the appellant submitted before the court that number of respondents is large, therefore, it would be proper to inform them through proclamation in newspaper. Request is accepted. Respondents be informed through proclamation in a leading newspaper of the province on the expense of the appellant. To come up for written reply on 21.5.2014.



MEMBER

MEMBER

Form- A  
FORM OF ORDER SHEET

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

Case No. 1451/2013


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 Mr. Muhammad Sabir resubmitted today by Mr. Shahzada Irfan Zia 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	4-11-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>27-12-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Muhammad Sabir Forest Guard received today i.e. on 24.10.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondent Nos. 5 to 105 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal Rules 1974.
- 2- Copy of first departmental appeal preferred by the appellant against the impugned seniority list which was rejected on 26.03-2013 by respondent No.3 is not attached with the appeal which may be placed on it.
- 3- Copy of office order bearing no. GL-4987 dated 26.03.2013 mentioned in the heading of the 2<sup>nd</sup> departmental appeal is not attached with the appeal which may be placed on it.

No. 1512 /S.T,

Dt. 24/10 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

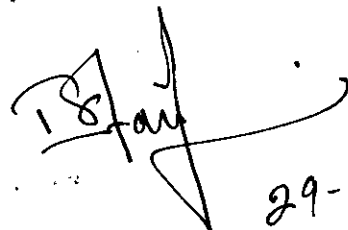
Mr. Shahzada Irfan Zia Adv. Peshawar.

1. It is submitted that the addresses are complete for purpose of service. It is worth to mention that connected appeal No. 08/2012 titled Shoukat Khan vs Province of K.P.K etc was also filed on the same addresses but no objection of such nature was raised and the service was completed on the same addresses in the said appeal, hence objection is futile.

2. Only one appeal dated 24-6-2013 was filed by appellant, for seniority and the rejection order was communicated to the appellant vide order dated 05-8-2013 by resp: No-4, hence objection is untenable.

3. The order dated 26-3-2013 was ~~not~~ communicated to the appellant, ~~once objection is untenable~~ but the copy of the said order is not available.

The appeal may kindly be placed before the Court.

  
29-10-2013

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

Service Appeal No. 1451 / of 2013

Muhammad Sabir, Forest Guard, son Taj Muhammad ... Appellant

VERSUS

Province of Khyber Pakhtunkhwa through  
Secretary Environment Department and others.. .... Respondents

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6.	Vakalat Nama		

*m Sabir*  
Appellant

Through:

Dated: 22.10.2013

*18/10/13*  
*Shahzada Irfan Zia*  
(Shahzada Irfan Zia)  
Advocate, Peshawar.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No.

1451 / of 2013

Muhammad Sabir, Forrest Guard son of Taj Muhammad,  
Garhi Habibullah Forest Range, Kaghan Forest  
Division, Garhi Habibullah

Appellant

VERSUS

~~CONFIDENTIAL~~  
~~1512~~  
~~24-10-13~~

1. Province of Khyber Pakhtunkhwa through Secretary Environment Department, Peshawar.
2. Chief Conservator of Forests, Khyber Pakhtunkhwa Peshawar.
3. Conservator of Forests, Lower Hazara Forest Circle, Abbottabad.
4. Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
5. Mohammad Ilyas, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- ⑥. Muhammad Rafique, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- ⑦. Muhammad Sualkheen, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
8. Muhammad Asaf, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- ⑨. Muhammad Safdar-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- ⑩. Wali Ur Rehman-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- ⑪. Muhammad Farooq-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- ⑫. Muhammad Yousaf, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
13. Abdul Khaliq, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- ⑭. Mehmood, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
15. Mussarat Khan, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- ⑮. Wali Ur Rehman-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
17. Muhammad Shafique, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
18. Abid Hussain Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
19. Babar Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.

re-submitted to  
and filed

29/10/13

- 20. Muhammad Zahoor, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 21. Raja Aftab Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 22. Manzoor Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 23. Qaisar Hayat, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 24. Muhammad Tufail, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 25. Jamil Ahmad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 26. Tariq Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 27. ~~27.~~
- 22. Lal Akhtar Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 28. Wazir Muhammad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 29. Liaqat-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 30. Muhammad Younis, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 31. ~~31.~~
- 33. Khan Bahadar, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 32. Tassadiq Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 33. Ghulam Mohi-ud-Din, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 34. Muhammad Arshad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 35. Muhammad Fareed-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 36. Muhammad Iqbal-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 37. Muhammad Asfhaq-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 38. Muhammad Saleem-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 39. Nazir Hussain-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 40. Sabir Hussain-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 41. Muhammad Waheed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 42. Taj Muhammad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 43. Azmat Hussain Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 44. Muhammad Riaz-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.

- Officer, Kaghan Forest Division Garhi Habibullah.
45. Farash Ahmad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  46. Liaqat Ali-III, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  47. Muhammad Faridon, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  48. Muhammad Hayat, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  49. Khair Ullah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  50. Muhammad Anwar, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  51. Latif Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  52. Attiq ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  53. Muhammad Fareed-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  54. Mian Shabir Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  55. Akhtar Zaman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  56. Nazir Hussain-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  57. Waqar Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  58. Chanzeb, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  59. Mahawali, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  60. Muhammad Iqbal-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  61. Gul Nawaz Durrani, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  62. Muhammad Tahir, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  63. Basharat Ali, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  64. Shafique Hussain Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  65. Muhammad Safdar-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  66. Muhammad Ishaq, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  67. Muhammad Arifeen, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
  68. Abdur Rashid, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.



- 69. Raja Dildar Ahmad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 70. Amir Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 71. Muhammad Riaz-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 72. Nafees Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 73. Muhammad Rashid, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 74. Faiz Ali Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 75. Waheed Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 76. Muhammad Siddique , Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 77. Shah Alam, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 78. Rafi Ullah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 79. Manzoor Hussain-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 80. Noor Ur Arfieen, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 81. Muhammad Farash, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 82. Shah Nawaz, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 83. Muhammad Faisal, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 84. Muhammad Saleem-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 85. Muhammad Hanif, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 86. Muhammad Ayub, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 87. Imdad Hussain Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 88. Nisar Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 89. Muhammad Jehangir, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 90. Dilpazir, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 91. Iftikhar Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 92. Ejaz Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 93. Basharat Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.

- Officer, Kaghan Forest Division Garhi Habibullah.
- 94. Muhammad Saleem-III, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 95. Muhammad Bukhsh, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 96. Liaqat-IV, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 97. Faiz Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 98. Muhammad Waqas, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 99. Muhammad Sohaib, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 100. Zia Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 101. Sajjad Khan, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 102. Aamir Bashir, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 103. Dildar Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 104. Muhammad Khalid, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 105. Anayat Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah. Respondents

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APPEAL UNDER SECTION 4 OF NWFP/KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED SENIORITY LIST DATED 20.10.2011 WHEREBY THE NAME OF THE APPELLANT HAS BEEN SHOWN AT SERIAL NO.104 BELOW THE NAME OF RESPONDENTS NO.5 TO 105, WHO ARE FAR JUNIORS TO THE APPELLANT, AND HIS DEPARTMENTAL APPEAL AGAINST THE IMPUGNED SENIORITY LIST WAS REJECTED BY RESPONDENT NO.4 VIDE ORDER DATED 05.08.2013 COMMUNICATED TO THE APPELLANT ON 14.10.2013.

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Respectfully Sheweth:

FACTS OF THE CASE

1. That the appellant is a regular member of Provincial Civil Service, serving as Forest Guard in Forest Department under the administrative control of respondent No.4.
2. That the appellant joined Forest Department on 12.3.1977 and about 36 years meritorious service is at his credit. His entire service career is spotless and no cause of complaint was ever reported against him.
3. That on 01.03.2010 the appellant was transferred from Siran Forest Division, Mansehra to Kaghan Forest Division, Garhi Habibullah in the interest of public service. The appellant performed his statutory functions at his new place of posting to the entire satisfaction of his superiors. Respondent No. 4 on 20.10.2011 issued/circulated the seniority list of Forest Guards of Kaghan Forest Division, but it was astonishing that name of the appellant in the said impugned seniority list was shown at serial No. 104, despite of the fact that the Forest Guards whose names have been shown at serial No.1 to 102, they all are far juniors to the appellant, but their names have been shown above the name of the appellant due to certain underground reasons, without any justification against the principle and rules of seniority. (Annex 'A' & 'B').
4. That it is pertinent to mention that the date of initial appointment of the appellant and private respondents would reveal that the appellant

is senior than his rival colleagues as per seniority list dated 20.10.2011, but the appellant has been relegated to lower position at Serial No.104, while the names of his junior colleagues/respondents have been shown at Serial No.1 to 102.

5. That against the impugned seniority list dated 20.10.2011 wherein the name of the appellant has been shown below the name of private respondents, the appellant filed his departmental appeal, which was rejected by respondent No.4, vide order dated 05.08.2013 communicated to the appellant on 14.10.2013. (Annex 'C' & 'D').

6. That the date of initial appointment of the appellant is 12.03.1977 and he is senior to all the private respondents. The transfer of the appellant from Siran Forest Division was made in public/government interest, therefore, he is entitled for his original seniority and his seniority is required to be fixed from the date of his initial appointment i.e. 12.03.1977, according to law and seniority rules.

7. That the seniority of the appellant has been changed without the process of law, without serving any Show Cause Notice, hearing to the appellant, hence the change in seniority position of the appellant is against the law/rules and natural justice, hence the present appeal is being filed with the following prayer.

In view of the aforementioned facts and circumstances of the case it is, therefore, humbly prayed that the impugned Final Order of respondent No.4 dated 05.08.2013 and the impugned seniority list No.1053-56 dated

20.10.2011 stood on 30.9.2011 may graciously be set aside, being illegal, void, against the rules, directing the respondents No.1 to 4, to place the name of the appellant at appropriate place, showing the names of respondents No 5 to 105 below the name of the appellant by issuing a revised seniority list in accordance with the rules.

Any other relief though not specifically asked for to which the appellant is found entitled in the circumstances of the case may also be granted to the appellant.

*m. Sabin*  
Appellant

Through:

*(Shahzada Irfan Zia)*

Dated: 22.10.2013

(Shahzada Irfan Zia)  
Advocate, Peshawar.

CERTIFICATE:

Certified that as per instructions of my client, no such appeal on behalf of the appellant has earlier been filed in this Honourable Tribunal on the subject matter.

*(Shahzada Irfan Zia)*  
Advocate.

OFFICE ORDER NO. 107 DATED ABBOTTABAD THE 01/03/2010  
BY SYED KHURSHID ANWAR, CONSERVATOR OF FORESTS,  
ABBOTTABAD CIRCLE, ABBOTTABAD.

(Annex A)  
9

Following postings / transfers amongst the Forest Guards of Abbottabad Circle are hereby ordered with immediate effect in the interest of public service:

S.#	Name of Forest Guard	From	To
1.	Mr. Muhammad Zubair	Kaghan Forest Division Garhi Habibullah	Galis Forest Division Abbottabad against the existing vacancy
2.	Mr. Muhammad Sabir	Siran Forest Division Manshra	Kaghan Forest Division Garhi Habibullah

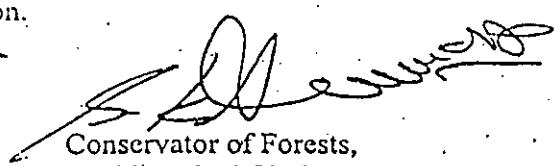
Sd/- Syed Khurshid Anwar,  
Conservator of Forests,  
Abbottabad

Memo.

Copy forwarded to the Divisional Forest Officers:

- 1- Kaghan Forest Division, Garhi Habibullah.
- 2- ✓ Siran Forest Division, Manshra.
- 3- Galis Forest Division, Abbottabad.

For information and necessary action.

  
Conservator of Forests,  
Abbottabad Circle,  
Abbottabad

C/E




No. 7283 /GE Dated Manshra the 25/03/2010

Copy forwarded to Range Forest Officer Hilkot Range for information and necessary action. He is directed to relieve Mr. Muhammad Sabir Forest Guard under local arrangement and submit his departure report to this office for further course of action.

  
Divisional Forest Officer  
Siran Forest Division Manshra

RF O Hilkot

attested  


(4)

(Annex: B)

10

## INTEGRATED SENIORITY LIST OF FOREST GUARD OF KAGHAN FOREST DIVISION AS STOOD ON 30/09/2011

S#	Name of Forest Guard	Qualification	Trained/ untrained	Date of birth	Date of 1 <sup>st</sup> entry into Govt. service.	Present grade(BPS)	Parent Division	Date arrival KFD	of in	Remark
1.	Liaqat Ali-I	Matric	Trained	24/05/1956	22/08/1977	BPS-7	Kunhar W/Shad	15/05/1993		--
2.	Mohammad Ilyas	Matric	Trained	16/05/1958	22/08/1977	BPS-7		19/05/1993		--
3.	Mohammad Rafique	Matric	Trained	12/09/1956	02/06/1979	BPS-7	K.F.D	02/06/1979		--
4.	Mohammad Sualkheen	Middle	Trained	05/04/1957	02/06/1979	BPS-7	K.F.D	02/06/1979		--
5.	Mohammad Asaf	Matric	Trained	01/04/1956	02/06/1979	BPS-7	K.F.D	02/06/1979		--
6.	Mohammad Safdar-II	Matric	Trained	03/03/1959	02/06/1979	BPS-7	K.F.D	02/06/1979		--
7.	Wali-ur-Rehman-I	Matric	Trained	18/05/1956	02/06/1979	BPS-7	K.F.D	02/06/1979		--
8.	Mohammad Farooq-I	Matric	Trained	13/11/1956	03/06/1979	BPS-7	K.F.D	03/06/1979		--
9.	Mohammad Yousof	U/Metric	Trained	25/11/1958	17/06/1980	BPS-7	K.F.D	17/06/1980		--
10.	Abdul Khaliq	Matric	Trained	08/04/1962	17/06/1980	BPS-7	K.F.D	17/06/1980		--
11.	Mehmood	U/Metric	Trained	01/01/1960	18/06/1980	BPS-7	K.F.D	18/06/1980		--
12.	Mussarat Khan	Matric	Trained	02/05/1960	16/07/1980	BPS-7	K.F.D	16/07/1980		--
13.	Wali-ur-Rehman-II	Matric	Trained	09/05/1957	20/07/1980	BPS-7	W/Plan	04/06/1985		--
14.	Mohammad Shafique	FA	Trained	18/01/1958	08/03/1981	BPS-7	K.F.D	08/03/1981		--
15.	Abid Hussain Shah	Matric	Trained	16/03/1960	11/04/1981	BPS-7	H.T.F.D	29/03/1982		--
16.	Babar Hussain	Matric	Trained	06/01/1963	27/08/1981	BPS-7	K.F.D.	27/08/1981		--
17.	Mohammad Zahoor	FA	Trained	04/11/1958	29/08/1981	BPS-7	K.F.D.	29/08/1981		--
18.	Raja Aftab Ahmed	U/Metric	Trained	20/04/1958	29/08/1981	BPS-7	K.F.D.	29/08/1981		--
19.	Manzoor Hussain	Matric	Trained	02/04/1959	29/08/1981	BPS-7	K.F.D.	29/08/1981		--
20.	Qaiser Hayat	Matric	Trained	01/01/1959	30/08/1981	BPS-7	K.F.D.	30/08/1981		--
21.	Mohammad Tufail	Matric	Trained	02/05/1960	30/08/1981	BPS-7	K.F.D.	30/08/1981		--

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22.	Jamil Ahmed	Matric	Trained	01/04/1961	31/08/1981	BPS-7	K.F.D.	31/08/1981	--
23.	Tariq Hussain	Matric	Trained	01/02/1962	01/09/1981	BPS-7	K.F.D.	01/09/1981	--
24.	Lal Akhtar Shah	U/Matric	Trained	08/04/1956	09/09/1981	BPS-7	K.F.D.	09/09/1981	--
25.	Wazir Mohammad	Matric	Trained	01/04/1963	27/09/1981	BPS-7	K.F.D.	27/09/1981	--
26.	Liaqat-II	Matric	Trained	10/03/1959	01/10/1981	BPS-7	K.F.D.	01/10/1981	--
27.	Mohammad Younis	Matric	Trained	14/02/1962	27/10/1981	BPS-7	K.W.S	27/10/1981	--
28.	Khan Bahadar	Matric	Trained	21/02/1957	07/01/1982	BPS-7	K.F.D.	07/01/1982	--
29.	Tassadiq Hussain	Matric	Trained	15/02/1956	16/08/1982	BPS-7	K.F.D.	16/08/1982	--
30.	Ghulam Mohi-ud-Din	Matric	Trained	10/01/1961	17/08/1982	BPS-7	K.F.D.	17/08/1982	--
31.	Mohammad Arshad	Matric	Trained	01/03/1962	17/08/1982	BPS-7	K.F.D.	17/08/1982	--
32.	Mohammad Fareed-I	Matric	Trained	07/05/1962	17/08/1982	BPS-7	K.F.D.	17/08/1982	--
33.	Mohammad Iqbal-I	Matric	Trained	01/05/1960	18/08/1982	BPS-7	K.F.D.	18/08/1982	--
34.	Mohammad Ashfaq-I	Matric	Trained	12/01/1961	18/08/1982	BPS-7	K.F.D.	18/08/1982	--
35.	Mohammad Saleem-I	Matric	Trained	01/07/1953	21/08/1982	BPS-7	K.F.D.	21/08/1982	--
36.	Nazir Hussain-I	Matric	Trained	31/12/1959	23/08/1982	BPS-7	K.F.D.	23/08/1982	--
37.	Sabir Hussain-I	Matric	Trained	26/03/1960	24/08/1982	BPS-7	K.F.D.	24/08/1982	--
38.	Mohammad Waheed	Matric	Trained	12/08/1963	23/09/1982	BPS-7	K.F.D.	23/09/1982	--
39.	Taj Mohammad	Matric	Trained	03/02/1955	05/10/1982	BPS-7	K.F.D.	05/10/1982	--
40.	Azmat Hussain Shah	Matric	Trained	15/03/1966	13/11/1984	BPS-7	K.F.D.	13/11/1984	--
41.	Mohammad Riaz-I	B.A.	Trained	06/06/1967	13/11/1984	BPS-7	K.F.D.	13/11/1984	--
42.	Farash Ahmed	F.A.	Trained	07/08/1961	19/11/1984	BPS-7	K.F.D.	19/11/1984	--
43.	Liaqat-Ali-III	F.A.	Trained	12/04/1966	22/11/1984	BPS-7	K.F.D.	22/11/1984	--
44.	Mohammad Faridon	Matric	Trained	28/02/1961	24/11/1984	BPS-7	K.F.D.	24/11/1984	--
45.	Mohammad Hayat	Matric	Trained	10/01/1963	24/11/1984	BPS-7	K.F.D.	24/11/1984	--
46.	Khajrullah	F.A.	Trained	03/03/1967	24/11/1984	BPS-7	K.F.D.	24/11/1984	--

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[Signature]



47.	Mohammad Anwar	F.A	Trained	21/10/1963	04/12/1985	BPS-7	K.F.D.	04/12/1985	--
48.	Latif Hussain	F.A.	Trained	13/02/1964	05/12/1985	BPS-7	K.F.D.	05/12/1985	--
49.	Attiq-ur-Rehman	F.A.	Trained	03/03/1963	15/12/1985	BPS-7	K.F.D.	15/12/1985	--
50.	Mohammad Fareed-II	Matric	Trained	18/12/1963	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
51.	Mian Shabir Hussain	B.A.	Trained	12/04/1966	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
52.	Akhtar Zaman	Matric	Trained	14/04/1966	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
53.	Nazir Hussain-II	F.A	Trained	13/12/1966	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
54.	Waqar Ahmed	Matric	Trained	20/03/1968	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
55.	Chanzeb	F.A	Trained	01/01/1965	22/10/1986	BPS-7	K.F.D.	22/10/1986	--
56.	Mahwali	Matric	Trained	29/04/1965	08/02/1987	BPS-7	K.F.D.	08/02/1987	--
57.	Mohammad Iqbal-II	F.A.	Trained	14/01/1967	08/02/1987	BPS-7	K.F.D.	08/02/1987	--
58.	Gul Nawaz Durrani	Matric	Trained	13/03/1966	31/12/1987	BPS-7	K.F.D.	31/12/1987	--
59.	Mohammad Tahir	F.A.	Trained	01/04/1967	05/03/1988	BPS-7	K.F.D.	05/03/1988	--
60.	Basharat Ali	F.A.	Trained	28/03/1969	05/10/1988	BPS-7	K.F.D.	05/10/1988	--
61.	Shafique Hussain Shah	Matric	Trained	02/02/1968	06/10/1988	BPS-7	S/Nullah	14/10/2003	--
62.	Mohammad Safdar-I	Matric	Trained	01/01/1961	21/02/1981	BPS-7	S/Nullah	01/02/2001	--
63.	Mohammad Ishaq	Matric	Trained	15/10/1959	07/08/1980	BPS-7	Siran WS	02/02/2001	--
64.	Mohammad Arifeen	Middle	Trained	01/01/1958	31/08/1982	BPS-7	Siran WS	15/05/1993	--
65.	Abdur Rashid	F.A.	Trained	09/10/1963	09/09/1985	BPS-7	K.W.S.	20/11/1993	--
66.	Raja Dildar Ahmed	F.A	Trained	01/01/1965	08/01/1986	BPS-7	K.W.S.	02/02/2001	--
67.	Amir-ur-Rehman	F.A	Trained	04/05/1965	12/01/1986	BPS-7	K.W.S.	02/02/2001	--
68.	Mohammad Riaz-II	Matric	Trained	20/06/1962	13/01/1986	BPS-7	K.W.S.	02/02/2001	--
69.	Nafees-ur-Rehman	Matric	Trained	08/11/1968	14/01/1990	BPS-7	K.F.D.	14/01/1990	--
70.	Mohammad Rashid	Matric	Trained	14/04/1964	03/08/1985	BPS-7	Siran WS	14/11/2001	--
71.	Fiaz Ali Shah	Matric	Trained	24/06/1969	02/04/1990	BPS-7	IFP, Mansehra	04/11/2001	--

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72.	Waheed Ahmed	Middle	Trained	20/04/1959	28/08/1977	BPS-7	K.W.S	25/04/2002	
73.	Mohammad Siddique	Matric	Trained	01/01/1959	02/04/1977	BPS-7	Siran WS	17/08/2002	
74.	Shah Alam	Matric	Trained	18/04/1970	19/05/1990	BPS-7	U/Kaghan	04/11/2003	
75.	Rafullah	F.A.	Trained	01/10/1970	17/09/1990	BPS-7	U/Kaghan	05/03/2003	
76.	Manzoor Hussain-II	Matric	Trained	07/06/1954	18/09/1990	BPS-7	U/Kaghan	09/10/2003	
77.	Noor-ur-Arfeen	Matric	Trained	04/02/1970	01/04/1991	BPS-7	U/Kaghan	08/07/2004	
78.	Mohammad Farash	Matric	Trained	04/01/1973	18/09/1991	BPS-7	U/Kaghan	01/07/2003	
79.	Shah Nawaz	Matric	Trained	25/02/1976	08/07/1996	BPS-7	U/Kaghan	15/12/2003	
80.	Mohammad Faisal	Matric	Trained	04/04/1977	18/09/1996	BPS-7	U/Kaghan	05/08/2003	
81.	Mohammad Saleem-II	B.A.	Trained	02/03/1968	25/02/1991	BPS-7	U/Kaghan	13/04/2005	
82.	Mohammad Hanif	F.A.	Trained	12/11/1970	05/10/1992	BPS-7	Siran FD	01/04/2005	
83.	Mohammad Ayub	Matric	Trained	09/06/1957	01/10/1986	BPS-7	Siran WS	22/07/2001	Working in District Government
84.	Imdad Hussain Shah	Matric	Trained	08/04/1966	05/01/1987	BPS-7	Siran WS	22/07/2001	
85.	Nisar Ahmed	Matric	Trained	04/05/1966	07/01/1987	BPS-7	Siran WS	22/07/2001	
86.	Mohammad Jehangir	Matric	Trained	20/02/1959	28/02/1987	BPS-7	Siran WS	22/07/2001	
87.	Dilpazir	Matric	Trained	07/11/1968	02/01/1988	BPS-7	Siran WS	22/07/2001	
88.	Iftikhar Hussain	Matric	Trained	16/08/1976	30/10/1996	BPS-7	U/Kaghan		
89.	Ejaz Ahmed	Matric	Trained	08/04/1965	04/04/2007	BPS-7	K.F.D.	04/04/2007	
90.	Basharat Hussain	FSc	Trained	08/02/1966	04/04/2007	BPS-7	K.F.D.	04/04/2007	
91.	Mohammad Saleem-III	Matric	Trained	06/11/1959	16/12/1978	BPS-7	K.W.S	21/11/2007	
92.	Mohammad Bukhsh	Middle	Trained	10/04/1957	21/06/1981	BPS-7	K.W.S	21/11/2007	
93.	Liaqat-IV	B.A.	Trained	01/01/1965	16/06/1985	BPS-7	K.W.S	26/11/2007	
94.	Fiaz-ur-Rehman	Matric	Trained	02/01/1981	30/01/2008	BPS-7	K.F.D.	30/01/2008	
95.	Mohammad Waqas	Matric	Trained	20/10/1984	30/01/2008	BPS-7	K.F.D.	30/01/2008	
96.	Mohammad Sohaib	F.A	Trained	15/04/1987	13/02/2008	BPS-7	K.F.D.	13/02/2008	

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97.	Zia-ur-Rehman	BSc	Trained	13/03/1987	01/03/2006	BPS-7	K.F.D.	01/03/2006	--
98.	Sajjad Khan	BSc	Trained	05/01/1989	05/08/2006	BPS-7	K.F.D.	05/08/2006	--
99.	Aamir Bashir	FA	Trained	02/02/1983	09/03/2009	BPS-7	K.F.D.	09/03/2009	--
100.	Dildar Hussain	Matric	Trained	22/01/1991	09/03/2009	BPS-7	K.F.D.	09/03/2009	--
101.	Mohammad Khalid	Matric	Trained	20/11/1954	27/11/1977	BPS-7	W/Shed	17/04/2009	--
X 102.	Anayat-ur-Rehman	Matric	Trained	10/11/1990	11/06/2009	BPS-7	K.F.D.	11/06/2009	--
✓ 103.	Shoukat Khan	F.A.	Trained	01/02/1957	12/03/1977	BPS-7	K.W.S.	22/06/2009	--
104.	Mohammad Sabir	Matric	Trained	18/04/1959	12/03/1977	BPS-7	K.W.S.	26/03/2010	--
105.	Mufti Mohammad Iddress	Matric	Trained	01/05/1966	29/01/1987	BPS-7	K.W.S.	08/02/2010	--
106.	Arshad Hussain Shah	Matric	Trained	05/02/1971	18/02/1991	BPS-7	K.W.S.	14/05/2010	--
107.	Asad Jillani	Matric	Trained	11/11/1984	11/08/2007	BPS-7	K.W.S.	19/09/2007	--
108.	Irshad Hussain Shah	F.A.	Trained	09/02/1973	23/10/1993	BPS-7	U/Kaghan	19/09/2007	--

No. 1053-56 /E. dated Garhi habibullah the 29/10/2011.

Forwarded to all Sub Divisional Forest officer/Range Forest Officers in Kaghan Forest Division for information, circulation amongst all concerned and pointing out the omission/discrepancies, if any to this office for necessary action. Any objection representation should reach the undersigned within one month; otherwise it will be presumed that the seniority list is in order.

Attested  
 G. Qureshi 25/10/2011  
 I/c Kaghan Forest Sub Division  
 Kaghan

Divisional Forest Officer  
 Kaghan Forest Division  
 Garhi Habibullah.

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خدمت جناب چیف کنزرویٹرز جناب ایبٹ آباد  
لوسالٹ جناب ڈی. ایف. او جناب کاغان فارسٹ ڈویژن گڑھی جھبٹ

عنوان: اپیل برخلاف آرڈر نمبر GE-4987 مورخہ 26/03/53 از دفتر لوہر نزارہ  
کنزرویٹرز سیکل ایبٹ آباد (سیناریٹ حکم)

جناب عالی :-

اپیل کی جاتی ہے کہ کنزرویٹرز لوہر نزارہ سیکل ایبٹ آباد کا  
آرڈر نمبر GE-4987 مورخہ 26/03/53 منسوخ فرما کر اپیل کنندہ کو اس تاریخ  
سے سیناریٹ دی جائے جس دن سے اس نے سردیوں اختیار کی (12-03-1977)۔  
مختصر روداد اپیل :-

1 جناب عالی اپیل کنندہ بحوالہ آفس آرڈر نمبر 16 مورخہ 12-03-1977  
کینہار واٹر شید ڈویژن میں بطور فارسٹ گارڈ مقرر ہوا اور وہاں سال 2009 تک  
اپنی سرکاری ڈیوٹی انجام دیتا رہا۔ (ضمیمہ 1)

2 یہ کہ مورخہ 05/09/55 کو جناب چیف کنزرویٹرز جناب بحوالہ آفس آرڈر نمبر 62 مورخہ 05/09/55  
اپیل کنندہ کی تبدیلی واٹر شید سیکل سے سرن فارسٹ ڈویژن میں بطور فارسٹ گارڈ  
حالی پوسٹ پر عوامی حاد میں کر دی۔ (ضمیمہ 2)

3 یہ کہ اپیل کنندہ سرن فارسٹ ڈویژن میں ڈپوٹی ڈیپوٹی تھا کہ جناب کنزرویٹرز جناب  
لوہر نزارہ نے بحوالہ آفس آرڈر نمبر 107 مورخہ 01/03/51 اپیل کنندہ کی تبدیلی سرن فارسٹ  
سے کاغان فارسٹ ڈویژن میں عوامی حاد سے پیش نظر کر دی۔ (ضمیمہ 3)

4 یہ کہ اپیل کنندہ نے کاغان فارسٹ ڈویژن میں 26/03/50 کو اپنے فرائض منصبی سمجھائے تو  
جناب ڈی. ایف. او کاغان ڈویژن نے اپیل کنندہ کی سیناریٹ ڈویژن کے فارسٹ گارڈز  
کے آخر میں رکھ دی۔ (سیناریٹ لسٹ - ضمیمہ 4)

5 یہ کہ اپیل کنندہ نے جناب ڈی. ایف. او جناب کو اپنی سیناریٹ درست کرنے کی بابت 06/02/56  
کو درخواست دی جو خارج کر دی گئی کہ NWFP (2) 8 سول سردنٹ مقرر ہوئی، ترقی  
اور ٹرانسفر کے قانون 1979 کے تحت اپیل کنندہ کی سیناریٹ

تعمیر شدہ

اس تاریخ سے ہوگی جس تاریخ کو اس کاغان فارسٹ ڈویژن میں حلفی کی ہے (ضمیمہ 5) کے مطابق یہ کہ اپیل کنندہ نے جناب کنزرویٹر صاحب کو پرزوارہ سیکرٹری ایسٹ آباد کے پاس ڈی ایف او صاحب کے فیصلے کے خلاف اپیل کی جو کہ انہوں نے ڈی ایف او صاحب کاغان کے فیصلے کو پرزوارہ رکھتے ہوئے اپیل خارج کر دی۔ (نقل اپیل - ضمیمہ 6)

جناب عالی :-

① جناب ڈی ایف او صاحب اور کنزرویٹر صاحب کا یہ موقوفہ کہ رول (2) 8 کے مطابق اپیل کنندہ کی سنیاریں اس دن سے شروع ہوئی جس دن اس نے کاغان فارسٹ ڈویژن میں حلفی کی ہے اس بناء پر درست ہیں کہ جب کوئی اپیل مرضی سے ایک ڈویژن سے دوسرے ڈویژن میں تبدیلی کروائے جبکہ اپیل کنندہ کی تبدیلی جناب چیف کنزرویٹر صاحب اور کنزرویٹر صاحب نے عوامی مفاد میں کی تھی۔

② لیاقت علی فارسٹ گارڈ، حمد الیاس فارسٹ گارڈ اور حمد مارون فارسٹ گارڈ کی کنہار ڈائریکٹ ڈویژن سے کاغان فارسٹ ڈویژن میں آئے انہوں نے کورٹ سے اپنی سنیاریں کاغان فارسٹ ڈویژن میں بھرتی تاریخ سے حاصل کی جس کے مطابق لیاقت علی نے پرورش حاصل کر کے کاغان فارسٹ ڈویژن میں اب فارسٹ لفٹیننٹ ہے اور حمد الیاس سنیاریں لسٹ میں پہلے نمبر پر ہے۔

③ کورٹ فیصلے کے مطابق یہ کہ رول (2) 8 میں عراجت سے اکٹھا کیا ہے کہ اس شخص کی سنیاریں سب سے نیچے ہوگی جس سے خود تبدیلی کی استدعا کی ہو۔ نہ کہ اس شخص کی جس کی تبدیلی عوامی مفاد میں کی گئی ہو۔

④ یہ کہ سرپلس سٹاف کھپانے کیلئے حکومت نے پریسٹ ہڈر لیم - ii - 2/66/79 - H No 07/80 جاری کی جس میں انہوں نے عراجت کے ساتھ اکٹھا کیا ہے کہ ایسے شخص کی سنیاریں

سروس سنیاریں کیلئے شمار کی جائے گی اور اسے سنیاریں اس کی (Date of appointment) سے دی جائے گی نہ کہ اس تاریخ سے جس تاریخ سے وہ (Adjust) کیا گیا ہے (ضمیمہ 7)

attested  
15

خواب عالی:

اپیل کنندہ ایک غریب گھرانے سے تعلق رکھنے والا فارسٹ گارڈ ہے جس کی کنزرویٹو اور چیف کنزرویٹو جی بی ایچ رسائی ناممکن ہے۔ اپیل کنندہ کاغان فارسٹ ڈویژن میں سب سے سینئر فارسٹ گارڈ ہے۔ اس سے پہلے بھی واٹرشڈ ڈویژن سے آئے ہوئے فارسٹ گارڈز نے سنیارٹی اور پرموشن حاصل کی ہے۔ سنیارٹی لسٹ کے مطابق عنایت الرحمان فارسٹ گارڈ بھی مجھ سے سینئر ہے جبکہ مذکورہ فارسٹ گارڈ کی تاریخ پیدائش کے وقت اپیل کنندہ کی سروس 14 سال تھی۔

خواب عالی مندرجہ بالا حقائق کو مدنظر رکھتے ہوئے سائل کی اپیل منظور منظور فرمائی جائے۔ سائل آپ کیلئے ہمیشہ دعاگو رہے گا۔ امید ہے سائل کے ساتھ خود انصاف فرمائیں گے۔

اعتراف: 26-06-2013

العارض

محمد صابر ولد نانا محمد فارسٹ گارڈ سٹیٹل صحرائہ، ریجن گروچی جیلہ اللہ  
 کاغان فارسٹ ڈویژن

24/06/2013

استغاثہ

(Annex D)

18

OFFICE OF THE DIVISIONAL FOREST OFFICER KAGHAN FOREST DIVISION  
GARHI HABIBULLAH.

To

Mr. Muhammad Sabir Forest Guard  
C/O Range Forest Officer,  
Garhi-Habibullah Forest Range.

No. 455

/E dated Garhi Habibullah the 25/03/2013.

Subject:

APPEAL OF MR. MUHAMMAD SABIR FOREST GUARD S/O TAJ  
MUHAMAMD KHAN OF SHOHAL MAHZULLAH.

Reference:

your appeal 24/06/2013.

Since the appeal preferred by you for the same purpose has since been rejected by the Conservator of Forests, Lower Hazara Forest Circle, Abbottabad vide his office letter No.4987/GE, dated 26/03/2013. Hence the appeal in hand preferred to the undersigned cannot footile, therefore the appeal is hereby rejected.

*[Signature]*  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

ایسے عہدہ کا پی ڈی اے  
*[Signature]*  
14/10/2013

attested  
18/10

5-8-2013  
14-10-2013  
24-10-13

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR**

**Service Appeal No.1451 of 2013.**

Muhammad Sabir Forest Guard, Kaghan                      Appellant  
Forest Division, Garhi Habibullah.....

**VERSUS**

1. Secretary Environment Govt. of  
Khyber Pakhtunkhwa  
Peshawar.
2. Chief Conservator of Forests  
Northern Forest Region-II Abbottabad  
Khyber Pakhtunkhwa
3. Conservator of Forests, Lower Hazara  
Forest Circle, Abbottabad.
4. Divisional Forest Officer, Kaghan  
Forest Division, Garhi Habibullah.

**Respondent**

1. To 105 others.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

IN RE:

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

Muhammad Sabir, Forest Guard, son Taj Muhammad ... Appellant

VERSUS

Province of Khyber Pakhtunkhwa through  
Secretary Environment Department and others.. .... Respondents

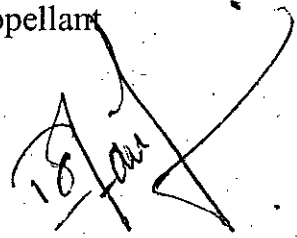
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6.	Vakalat Nama		

Appellant

Through:

Dated: 22.10.2013

  
(Shahzada Irfan Zia)  
Advocate, Peshawar.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

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

Muhammad Sabir, Forrest Guard son of Taj Muhammad,  
Garhi Habibullah Forest Range, Kaghan Forest  
Division, Garhi Habibullah ..... Appellant

VERSUS

1. Province of Khyber Pakhtunkhwa through  
Secretary Environment Department, Peshawar.
2. Chief Conservator of Forests,  
Khyber Pakhtunkhwa Peshawar.
3. Conservator of Forests, Lower Hazara Forest  
Circle, Abbottabad.
4. Divisional Forest Officer, Kaghan Forest  
Division, Garhi Habibullah.
5. Mohammad Ilyas, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
6. Muhammad Rafique, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
7. Muhammad Sualkheen, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
8. Muhammad Asaf, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
9. Muhammad Safdar-II, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
10. Wali Ur Rehman-I, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
11. Muhammad Farooq-I, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
12. Muhammad Yousaf, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
13. Abdul Khaliq, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
14. Mehmood, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
15. Mussarat Khan, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
16. Wali Ur Rehman-II, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
17. Muhammad Shafique, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
18. Abid Hussain Shah, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.
19. Babar Hussain, Forest Guard C/O Divisional Forest  
Officer, Kaghan Forest Division Garhi Habibullah.

20. Muhammad Zahoor, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
21. Raja Aftab Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
22. Manzoor Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
23. Qaisar Hayat, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
24. Muhammad Tufail, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
25. Jamil Ahmad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
26. Tariq Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
22. Lal Akhtar Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
28. Wazir Muhammad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
29. Liaqat-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
30. Muhammad Younis, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
33. Khan Bahadar, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
32. Tassadiq Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
33. Ghulam Mohi-ud-Din, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
34. Muhammad Arshad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
35. Muhammad Fareed-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
36. Muhammad Iqbal-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
37. Muhammad Asfhaq-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
38. Muhammad Saleem-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
39. Nazir Hussain-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
40. Sabir Hussain-I, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
41. Muhammad Waheed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
42. Taj Muhammad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
43. Azmat Hussain Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
44. Muhammad Riaz-I, Forest Guard C/O Divisional Forest

- 45. Officer, Kaghan Forest Division Garhi Habibullah.  
Farash Ahmad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 46. Liaqat Ali-III, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 47. Muhammad Faridon, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 48. Muhammad Hayat, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 49. Khair Ullah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 50. Muhammad Anwar, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 51. Latif Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 52. Attiq ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 53. Muhammad Fareed-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 54. Mian Shabir Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 55. Akhtar Zaman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 56. Nazir Hussain-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 57. Waqar Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 58. Chanzeb, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 59. Mahawali, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 60. Muhammad Iqbal-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 61. Gul Nawaz Durrani, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 62. Muhammad Tahir, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 63. Basharat Ali, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 64. Shafique Hussain Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 65. Muhammad Safdar-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 66. Muhammad Ishaq, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 67. Muhammad Arifeen, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 68. Abdur Rashid, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.

- 69. Raja Dildar Ahmad, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 70. Amir Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 71. Muhammad Riaz-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 72. Nafees Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 73. Muhammad Rashid, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 74. Faiz Ali Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 75. Waheed Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 76. Muhammad Siddique , Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 77. Shah Alam, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 78. Rafi Ullah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 79. Manzoor Hussain-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 80. Noor Ur Arfiyen, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 81. Muhammad Farash, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 82. Shah Nawaz, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 83. Muhammad Faisal, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 84. Muhammad Saleem-II, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 85. Muhammad Hanif, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 86. Muhammad Ayub, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 87. Imdad Hussain Shah, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 88. Nisar Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 89. Muhammad Jehangir, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 90. Dilpazir, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 91. Iftikhar Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 92. Ejaz Ahmed, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 93. Basharat Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.

- 94. Officer, Kaghan Forest Division Garhi Habibullah.
- 95. Muhammad Saleem-III, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 96. Muhammad Bukhsh, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 97. Liaqat-IV, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 98. Faiz Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 99. Muhammad Waqas, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 100. Muhammad Sohaib, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 101. Zia Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 102. Sajjad Khan, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 103. Aamir Bashir, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 104. Dildar Hussain, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 105. Muhammad Khalid, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah.
- 105. Anayat Ur Rehman, Forest Guard C/O Divisional Forest Officer, Kaghan Forest Division Garhi Habibullah. Respondents

APPEAL UNDER SECTION 4 OF NWFP/KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED SENIORITY LIST DATED 20.10.2011 WHEREBY THE NAME OF THE APPELLANT HAS BEEN SHOWN AT SERIAL NO.104 BELOW THE NAME OF RESPONDENTS NO.5 TO 105, WHO ARE FAR JUNIORS TO THE APPELLANT, AND HIS DEPARTMENTAL APPEAL AGAINST THE IMPUGNED SENIORITY LIST WAS REJECTED BY RESPONDENT NO.4 VIDE ORDER DATED 05.08.2013 COMMUNICATED TO THE APPELLANT ON 14.10.2013.

Respectfully Sheweth:

FACTS OF THE CASE

1. That the appellant is a regular member of Provincial Civil Service, serving as Forest Guard in Forest Department under the administrative control of respondent No.4.
2. That the appellant joined Forest Department on 12.3.1977 and about 36 years meritorious service is at his credit. His entire service career is spotless and no cause of complaint was ever reported against him.
3. That on 01.03.2010 the appellant was transferred from Siran Forest Division, Mansehra to Kaghan Forest Division, Garhi Habibullah in the interest of public service. The appellant performed his statutory functions at his new place of posting to the entire satisfaction of his superiors. Respondent No. 4 on 20.10.2011 issued/circulated the seniority list of Forest Guards of Kaghan Forest Division, but it was astonishing that name of the appellant in the said impugned seniority list was shown at serial No. 104, despite of the fact that the Forest Guards whose names have been shown at serial No.1 to 102, they all are far juniors to the appellant, but their names have been shown above the name of the appellant due to certain underground reasons, without any justification against the principle and rules of seniority. (Annex 'A' & 'B').
4. That it is pertinent to mention that the date of initial appointment of the appellant and private respondents would reveal that the appellant

is senior than his rival colleagues as per seniority list dated 20.10.2011, but the appellant has been relegated to lower position at Serial No.104, while the names of his junior colleagues/respondents have been shown at Serial No.1 to 102.

- 5. That against the impugned seniority list dated 20.10.2011 wherein the name of the appellant has been shown below the name of private respondents, the appellant filed his departmental appeal, which was rejected by respondent No.4, vide order dated 05.08.2013 communicated to the appellant on 14.10.2013. (Annex 'C' & 'D').
- 6. That the date of initial appointment of the appellant is 12.03.1977 and he is senior to all the private respondents. The transfer of the appellant from Siran Forest Division was made in public/government interest, therefore, he is entitled for his original seniority and his seniority is required to be fixed from the date of his initial appointment i.e. 12.03.1977, according to law and seniority rules.
- 7. That the seniority of the appellant has been changed without the process of law, without serving any Show Cause Notice, hearing to the appellant, hence the change in seniority position of the appellant is against the law/rules and natural justice, hence the present appeal is being filed with the following prayer.

In view of the aforementioned facts and circumstances of the case it is, therefore, humbly prayed that the impugned Final Order of respondent No.4 dated 05.08.2013 and the impugned seniority list No.1053-56 dated

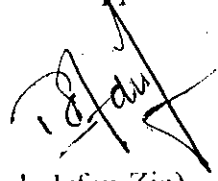


20.10.2011 stood on 30.9.2011 may graciously be set aside, being illegal, void, against the rules, directing the respondents No.1 to 4, to place the name of the appellant at appropriate place, showing the names of respondents No.5 to 105 below the name of the appellant by issuing a revised seniority list in accordance with the rules.

Any other relief though not specifically asked for to which the appellant is found entitled in the circumstances of the case may also be granted to the appellant.

Appellant

Through:

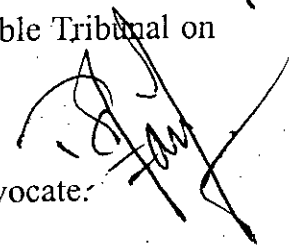


(Shahzada Irfan Zia)  
Advocate, Peshawar.

Dated: 22.10.2013

CERTIFICATE:

Certified that as per instructions of my client, no such appeal on behalf of the appellant has earlier been filed in this Honourable Tribunal on the subject matter.



Advocate.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**Service Appeal No. 1451/2013 of 2013**

Muhammad Sabir, Forest Guard, son of Taj Muhammad, Kaghan Forest Division, Garhi Habibullah.....

Appellant

**VERSUS**

1. Province of Khyber Pakhtunkhwa through Secretary Environment Department, Peshawar.
2. Chief Conservator of Forests, Northern Forest Region-II Abbottabad Khyber Pakhtunkhwa,
3. Conservator of Forests, Lower Hazara Forest Circle, Abbottabad.
4. Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
5. Muhammad Ilyas, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
6. Muhammad Rafique, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
7. Muhammad Sualkheen, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
8. Muhammad Asaf, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
9. Muhammad Safdar-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
10. Wali-ur-Rehman-I, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
11. Muhammad Farooq-I, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
12. Muhammad Yousaf, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
13. Abdul Khaliq, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
14. Mehmood, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
15. Mussarat Khan, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
16. Wali-ur-Rehman-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
17. Muhammad Shafique, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
18. Abid Hussain Shah, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
19. Babar Hussain, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
20. Muhammad Zahoor, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
21. Raja Aftab Ahmed, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
22. Manzoor Hussain, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
23. Qaisar Hayat, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
24. Muhammad Tufail, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
25. Jamil Ahmed, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.

26. Tariq Hussain, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
27. Lal Akhtar Shah, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
28. Muhammad Wazir, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
29. Liaqat-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
30. Muhammad Younis, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
31. Khan Bahadar, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
32. Tassadique Hussain, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
33. Ghulam Mohi-ud-Din, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
34. Muhammad Arshad, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
35. Muhammad Fareed-I, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
36. Muhammad Iqbal-I, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
37. Muhammad Ashfaq, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
38. Muhammad Saleem-I, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
39. Nazir Hussain-I, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
40. Sabir Hussain-I Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division Garhi-Habibullah.
41. Muhammad Waheed, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
42. Taj Muhammad, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
43. Azmat Hussain Shah, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
44. Muhammad Riaz-I, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
45. Farash Ahmed, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
46. Liaqat Ali-III, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
47. Muhammad Faridon, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
48. Muhammad Hayat, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
49. Khairullah, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
50. Muhammad Anwar, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
51. Latif Hussain, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
52. Attiq-ur-Rehman, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.

53. Muhammad Fareed-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
54. Mian Shabir Hussain, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
55. Akhtar Zaman, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
56. Nazir Hussain-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah. (On LPR)
57. Waqar Ahmed, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
58. Chanzeb, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
59. Mahwali, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
60. Muhammad Iqbal-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
61. Gul Nawaz Durrani, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
62. Muhammad Tahir Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah. (died)
63. Basharat Ali, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
64. Shafique Hussain Shah, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
65. Muhammad Safdar-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
66. Muhammad Ishaq Forest Guard Muhammad Arifeen, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.(transfer to Watershed Division)
67. Muhammad Arifeen, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
68. Abdur Rashid, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
69. Raja Dildar Ahmed, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
70. Amir-ur-Rehman, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
71. Muhammad Riaz-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
72. Nafees-ur-Rehman, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
73. Muhammad Rashid, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
74. Fiaz Ali Shah, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
75. Waheed Ahmed, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
76. Muhammad Siddiqe, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
77. Shah Alam, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
78. Rafiullah, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
79. Manzoor Hussain-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.

80. Noor-ul-Arifeen, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
81. Muhammad Farash, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
82. Shah Nawaz, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
83. Muhammad Faisal, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
84. Muhammad Saleem-II, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
85. Muhammad Hanif, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
86. Muhammad Ayub Forest Guard Muhammad Arifeen, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.(transfer to Watershed Division)
87. Imdad Hussain Shah, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
88. Nisar Ahmed, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.(transfer to Watershed Division)
89. Muhammad Jehangir, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
90. Dipazir, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.(transfer to Watershed Division)
91. Iftikhar Hussain, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
92. Ejaz Ahmed, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
93. Basharat Hussain, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
94. Muhammad Saleem-III, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
95. Muhammad Bukhsh, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
96. Liaqat Ali-IV, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
97. Fiaz-ur-Rehman, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
98. Muhammad Waqas, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
99. Muhammad Sohaib, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
100. Zia-ur-Rehman, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
101. Sajjad Khan, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
102. Aamir Bashir, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
103. Dildar Hussain, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.
104. Muhammad Khalid Forest Guard Muhammad Arifeen, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah.  
(Retired from service)
105. Anayat-ur-Rehman, Forest Guard c/o Divisional Forest Officer, Kaghan Forest Division, Garhi Habibullah

Respondent

### Preliminary Objections.

- 1- The appellant has got no cause of action.
- 2- The appellant is legally estopped by his own conduct to bring the present appeal.
- 3- The appellant has no locus standi.
- 4- The appeal is time barred.
- 5- The seniority of the appellant dated 20/10/2011 *has been maintained in accordance with the provision of Rules 8(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989* vide notification No. SOR-II(S&GAD) 2/ (1)/86, dated 14/06/1989, as the appellant has joined his duty in Kaghan Forest Division on 22/06/2009 in compliance with Conservator of Forests, Lower Hazara Forest Circle, office order No. 137, dated 15/06/2009, thus not eligible for promotion.
- 6- That the appeal is bad due to non joinee and misjoinee of necessary parties.

### FACTS OF THE CASE.

- 1- In-correct. The appellant was appointed as Forest Guard in Kunhar Watershed Division, Mansehra vide office order No.16 dated 12/03/1977 and that time **project is directly under the control of Federal Government and not member of Provincial Government (Annexure-1).**

Before joining the duty in Kaghan Forest Division, the appellant was adjusted in Siran Forest Division vide Chief Conservator of Forests, Khyber Pakhtunkhwa Peshawar office order No. 62 dated 05/11/2009 where he served more than 120 days. The appellant was further adjusted in Kaghan Forest Division Garhi Habibullah against the vacancy vacated due to transfer of Mr. Muhammad Zubair, Forest Guard as it is evident vide Conservator of Forests, Lower Hazara Forest Circle, office order No. 107, dated 01/03/2010. (**Annexure-2**).

- 2- In-correct. The appellant was appointed in Kunhar Watershed Division, Mansehra where the appellant served maximum period of 33 years qualifying services As the official was initially appointee of Watershed Management Project, therefore his seniority claim is against the service Rules as notified by the Government of Khyber Pakhtunkhwa vide Rules 8(2) of Appointment, Promotion and Transfers Rules 1989 and Notification No. SO (Estt) Env/1-4/2k11/1629-50, dated 05/10/2012.
- 3- In-correct. The appellant was initially appointee of the Kunhar Watershed Management Mansehra where he served 33 years qualifying service. He was adjusted in Siran Forest Division, Mansehra vide Chief Conservator of Forests, Khyber Pakhtunkhwa Peshawar office order No. 62 dated 05/11/2009 and then transferred Kaghan Forest Division in place of Mr. Muhammad Zubair Forest Guard as it is evident vide office order No. 107, dated 01/03/2010 without any consent of DFO Kaghan.

The DFO, Kaghan Forest Division has correctly circulated the seniority of Forest Guards as stood on 30/09/2011 vide endorsement No.1053-56/E, dated 20/10/2011 in compliance with Rules 8(2) of Appointment, Promotion and Transfers Rules 1989. After lapse of more than 01 year 10 months and 09 days, the appellant preferred an appeal to DFO, Kaghan vide his application dated 06/02/2012 for restoring his seniority accordingly to his date of appointment which was timely rejected vide letter No.2784/E, dated 08/03/2012.

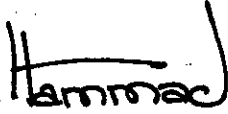
After rejection of his appeal, the appellant preferred another appeal before Conservator of Forests, Lower Hazara Forest Circle, Abbottabad on 31/03/2012 which was also rejected vide CF, LHFC, Atd letter No.4987/GE, dated 26/03/2013 under intimation to DFO Kaghan vide endorsement No. 4988/GE, dated 26/03/2013. The appellant received the same from DFO Office on 10/04/2013. (**Annexure 3**).

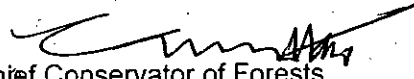
Instead to preferred appeal in Khyber Pakhtunkhwa Service Tribunal intime, the appellat as per past practiced, preferred **repeated appeals** before the authorities of Forest Department for seniority claim which was timely rejected vide No. 455/E, dated 05/08/2013 and the same was found time barred (**Annexure-4 to 6**). **The seniority of Forest Guard has been maintained at Divisional level in accordance to the service rules in vogue.**


- 4- Incorrect. As explained in para-3 above.
- 5- Incorrect. As explained in para-3 above.
- 6- Incorrect. As explained in para-3 above
- 7- In-correct. The seniority of the appellat has been maintained under the provision of Rules 8(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification No. SOR-II(S&GAD) 2/ (1)/86, dated 14/06/1989 and Govt. of West Pakistan vide Notification No. SOXIX-22/60, dated 12/02/1962 had formulated rules call "Forest Department, Forest Guard(Divisional Service Rules 1962 under Rule-3 and 9 provides that:


Relevant Rules.	Contents
8	Constitution and composition of service (1). The service shall be constituted on Division basis that is a separate service shall be formed for each Forest Division.
9	Seniority. The seniority inter-se of the member of the service shall be determined in accordance with the orders of their appointment provided that if two or more persons are appointed on the same date or by the same order their inter- se seniority shall be determined in accordance with the order of merit assigned by the DFO.

In view of the aforementioned narrated facts and circumstances of the case, it is therefore, humbly prayed that appeal is not competent, unjustified and against the law may kindly be dismissed in the honorable Service Tribunal please.

  
 Secretary Environment  
 Govt. of Khyber Pakhtunkhwa  
 Peshawar.

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

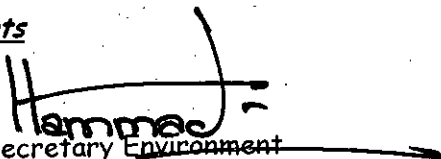
  
 Conservator of Forests  
 Lower Hazara Forest Circle,  
 Abbottabad.

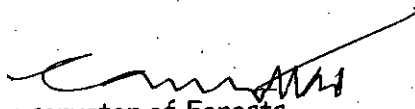
  
 Divisional Forest Officer  
 Kaghan Forest Division  
 Garhi Habibullah


COUNTER AFFIDAVIT


We the undersigned do hereby solemnly affirm and declare on oath that the contents of our written reply in the appeal are correct to the best of our knowledge and record and nothing has been concealed from the Tribunal

Respondents

  
Secretary Environment  
Govt. of Khyber Pakhtunkhwa  
Peshawar.

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

  
Conservator of Forests  
Lower Hazara Forest Circle,  
Abbottabad

  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah.



OFFICE OF THE DIVISIONAL FOREST OFFICER KAGHAN FOREST DIVISION GARHI  
HABIBULLAH

To

✓  
The Government Pleader,  
GoKhyber Pakhtunkhwa Service Tribunal  
Peshawar.

No. 2942

/E dated Garhi Habibullah the 05/03/2014.

Subject:

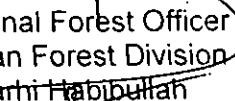
APPEAL NO. 1451/2013 MR. MUHAMMAD SABIR FOREST  
GUARD V/S SECRETARY ENVIRONMENT GOKHYBER  
PAKTHUYNKHWA PESHAWAR ETC.

Memorandum:

It is submitted that Mr. Muhammad Sabir Forest Guard of Kaghan Forest Division has filed an service appeal No.1451/2013 before the Honorable Chairman GoKhyber Pakhtunkhwa Service Tribunal, Peshawar for trial.

Therefore, the following documents are sent herewith for favour of study and vetting so that the same could be submitted to the Government for accord of sanction and defending the same in the Khyber Pakhtunkhwa Service Tribunal, Peshawar please.

- 1- Photo copy of the plaint.
- 2- Annotated comments on the plaint alongwith supporting documents.

  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

No. —

/E.

Copy forwarded to Mr. Sultan Mehmood, Range Forest Officer, Garhi-Habibullah Forest Range, for information. He is directed to attend the honorable Service Tribunal, GoKhyber Pakhtunkhwa Peshawar on 10/03/2014 in service appeal No.1451/2013 in addition to attend the office of Government Pleader, GoKhyber Pakhtunkhwa Service Tribunal for the purpose under intimation to this office.

Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

Preliminary Objections.

- 1- The appellant has got no cause of action because the appeal has become infructuous.
- 2- The appellant is legally <sup>as</sup> stopped by his own conduct to bring the present appeal.
- 3- The appellant has no locus standi.
- 4- The appeal is time barred.
- 5- The seniority of the appellant dated 20/10/2011 *has been maintained in accordance with the provision of Rules 8(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989* vide notification No. SOR-II(S&GAD) 2/ (1)/86, dated 14/06/1989, as the appellant has joined his duty in Kaghan Forest Division on 01/03/2010 in compliance with Conservator of Forests, Lower Hazara Forest Circle, office order No. 107, dated 01/03/2010.

*(6) That the appeal is bad due to non joinder and misjoinder of necessary parties.*

FACTS OF THE CASE.

- 1- In-correct. The appellant was appointed as Forest Guard in Kunhar Watershed Division, Mansehra vide office order No.16 dated 12/03/1977 and that time project is directly under the control of Federal Government and not member of Provincial Government (Annexure-1).

Before joining the duty in Kaghan Forest Division, the appellant was adjusted in Siran Forest Division vide Chief Conservator of Forests, Khyber Pakhtunkhwa Peshawar office order No. 62 dated 05/11/2009 where he served more than 120 days. The appellant was further adjusted in Kaghan Forest Division Gaili Habibullah against the vacancy vacated due to transfer of Mr. Muhammad Zubair, Forest Guard as it is evident vide Conservator of Forests, Lower Hazara Forest Circle, office order No. 107, dated 01/03/2010. (Annexure-2).

- 2- In-correct. The appellant was appointed in Kunhar Watershed Division, Mansehra where the appellant served maximum period of 33 years qualifying services. As the official was initially appointee of Watershed Management Project, therefore his seniority claim is against the service Rules as notified by the Government of Khyber Pakhtunkhwa vide Rules 8(2) of Appointment, Promotion and Transfers Rules 1989 and Notification No. SO (Estt) Envvt/1-4/2k11/1629-50, dated 05/10/2012.

- 3- In-correct. The appellant was initially appointee of the Kunhar Watershed Management Mansehra where he served 33 years qualifying service. He was adjusted in Siran Forest Division, Mansehra vide Chief Conservator of Forests, Khyber Pakhtunkhwa Peshawar office order No. 62 dated 05/11/2009 and then transferred Kaghan Forest Division in place of Mr. Muhammad Zubair Forest Guard as it is evident vide office order No. 107, dated 01/03/2010 without any consent of DFO Kaghan.

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After rejection of his appeal, the appellant preferred another appeal before Conservator of Forests, Lower Hazara Forest Circle, Abbottabad on 31/03/2012 which was also rejected vide CF, LHFC, Atd letter No.4987/GE, dated 26/03/2013 under intimation to DFO Kaghan vide endorsement No. 4988/GE, dated 26/03/2013. The appellant received the same from DFO Office on 10/04/2013. (Annexure 3 & 4).

Instead to preferred appeal in Khyber Pakhtunkhwa Service Tribunal intime, the appellant as per past practiced, preferred repeated appeals before the authorities of Forest Department for seniority claim which was timely, <sup>rejected</sup> vide No. 455/E, dated 05/08/2013 and the same was found time barred. The seniority of Forest Guard has been maintained at Divisional level in accordance to the service rules in vogue.

*Handwritten notes and signatures on the left margin:*  
 55/12/51  
 10/9/14  
 [Signature]

- 4- Incorrect. As explained in para-3 above.
- 5- Incorrect. As explained in para-3 above.
- 6- Incorrect. As explained in para-3 above
- 7- In-correct. The seniority of the appellant has been maintained under the provision of Rules 8(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification No. SOR-II(S&GAD) 2/ (1)/86, dated 14/06/1989 and Govt. of West Pakistan vide Notification No. SOXIX-22/60, dated 12/02/1962 had formulated rules call "Forest Department, Forest Guard(Divisional Service Rules 1962 under Rule-3 and 9 provides that:

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In view of the aforementioned narrated facts and circumstances of the case, it is therefore, humbly prayed that appeal is not competent, unjustified and against the law may kindly be dismissed in the honorable Service Tribunal please.

Secretary Environment  
Govt. of Khyber Pakhtunkhwa  
Peshawar.

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

*Refer subject to connection  
Annexes, Affidavit and  
AAC/Co. of P. Annual*

Conservator of Forests  
Lower Hazara Forest Circle,  
Abbottabad.

*Cal*  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah.

*10/3/14*  
Govt. P. Leader  
Khyber Pakhtoon Khwa  
Svc. Tribunal Peshawar

*Sr. J.P./AAG*

*Approved*

*10/3/14*  
Senior Govt. Pleader  
Khyber Pakhtoon Khwa  
Service Tribunal Peshawar.

Annexure-I

The following names have been selected by the Selection Board constituted for the recruitment of Forest Guards in Kunhar Valley, District Abbottabad for the posts of Forest Guards in the rank of Forest Guards in Pakistan Army (P.A.F.) under the rule, with effect from the date they report for duty in Kunhar Valley District Project Abbottabad.

No. Name of Candidate

1. Mohammed Hussain s/o Zaynab of village Khar.
2. Abdul Wahid s/o Abdul Wahid of village Pishkot.
3. Mohammed Gulifiaz s/o Muhammad of village Dargi.
4. Mohammed Hanif s/o Saidullah of village Khar.
5. Mohammed Habib s/o Abbas Khan village of Khar.
6. Mustafa Hussain s/o Malik Khan of village Pishkot.
7. Mohammed Hassan s/o Ali Khan of village Khar, Pishkot.
8. Mohammed Akbar s/o Saidullah of village Khar, Pishkot.
9. Mohammed Ahmad s/o Khan Khan of village Dargi.
10. ✓ Shahid Khan s/o Abdul Wahid of village Dargi.
11. ✓ Mohammed Amir s/o Mir Mohammed Pishkot.
12. Mohammed Imran s/o Mohammed Akbar of village Pishkot.
13. Gulam Hassan s/o Gulam Akbar of village of Khar.
14. Asif-Ullah s/o Muhammad of village of Khar, Pishkot.
15. Abdul Wahid s/o Gulam Hassan of village Dargi.
16. Mohammed Farooq s/o Mirza Khan of village Pishkot.
17. A. Mir Hussain s/o Mir Ali Khan of village Khar.
18. Mohammed Mansoor s/o Mohammed Hassan of village Khar.
19. Sumandar Khan s/o Mohammed Hussain of village Khar.
20. Sajid Hussain s/o Khudad Khan of village Khar.

ATTESTED

*(Signature)*  
 Divisional Forest Officer  
 Kaghan Forest Division  
 Garhi Habibullah

Their appointment as Forest Guards in Kunhar Valley District Project Abbottabad Divn: are purely temporary and their services can be terminated any time in accordance with the post: of Pakistan service and General Administration Department Notification No: VIII-1-3/65 dated 10.9.1968 promulgated the West Pakistan Temporary employment rules, 1968 at any time irrespective of the fact that they are holding the charge of a post other than that for which they were originally recruited.

They will be governed by such rules and orders relating to leave, travelling allowances, medical attendance, P.F.Y, transfers etc. prevailing at the time of issue of this order any orders issued by the Government in future for the category of Government servants to which they belong.

Annexure-I

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

They have to join their duties at their own expenses.

They have to deposit Rs: 1000/- Pledged to the D.F.O. Kunhar Valley W/shed in any Post Office as Service security before joining the service.

Sd/-  
(FAZAL REHMAN KHAN)  
DIVISIONAL FOREST OFFICER  
KUNHAR VALLEY WATERSHED  
1455 KUTCHARY ROAD  
ABBOTTABAD.

MEMO

Copy forwarded to the:-

- 1) Conservator of Forests, Abbottabad Circle, Abbottabad for favour of information please.
- 2) All the above individuals for information.
- 3) Range Officers, Balakot/Shohal Watershed Ranges for information.
- 4) Divisional Accountant for information and necessary action.

The candidates will under go one month practical training and after completion of the Training they will be put in charge of beats detail of Training is separately sent at the Range Forest Officers.

All the Candidates should report their arrivals to the Range Forest Officer, shohal Forest Watershed Range after Medical Cheaking.

*F.R.K.*  
*12/5*  
(FAZAL REHMAN KHAN)  
DIVISIONAL FOREST OFFICER  
KUNHAR VALLEY WATERSHED  
1455 KUTCHARY ROAD  
ABBOTTABAD./

ATTESTED

Siddique

*ckh*  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

Annexure-2

29

No. F. 4-15/05-F-III  
Government of Pakistan  
Ministry of Environment

Islamabad, August 29, 2009

The Secretary  
Environment Department  
Government of NWFP  
Peshawar

Subject: **Environmental Rehabilitation and Poverty Reduction through Participatory Watershed Management in Tarbela Reservoir Catchment**

I am directed to refer Project Director of subject projects letter No. 419-23/B&A dated August 07, 2009 regarding the subject cited above and to state that as mentioned in the letter, about 85% of the allocation of Rs 70.00 million will be utilized on the disbursement of salaries of project staff, which is not justified. More than 400 persons mostly from transfer basis from the regular staff of Forest Department, have been appointed under the project. Since no major activities are likely to be carried out under the project during the current financial year, you are requested to please, if possible, take measure to reduce the staff to the extent of actual requirement of the project.

Further, since the current financial year is the last year of its implementation, you are requested to please devise a mechanism well in time, under intimation to Ministry, for the settlement of the project staff after completion of the project. Following options may be considered:

- i) Initiatives may be taken to bring the minimum required staff on non-development budget of the department;
- ii) Some staff members may be repatriated to the Forest Department;
- iii) Some staff members, if possible, may be transferred to another project titled "Development of Forestry Sector Resources for Carbon Sequestration in NWFP" sponsored by Ministry of Environment.

**ATTESTED**

*(Signature)*

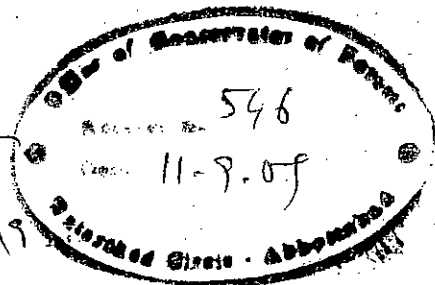
(Syed Ahmad Raza Asif)  
Section Officer (F-III)

**Divisional Forest Officer  
Kaghan Forest Division  
Sgt. Habibullah**

CC:

- 1) PS to IGF, Ministry of Environment
- 2) Deputy Secretary (Development), Ministry of Environment
- ✓ 3) Project Director of the subject project;
- 4) Section Officer (Admn.IV), Ministry of Environment

*(Handwritten initials and marks)*





No. 834-38 /E-2, dated Abbottabad the 12/09/2009

Copy forwarded to all Divisional Forest Officers in Watershed Management Project for immediate comprehensive comments.

They are further directed that from now onward no fresh recruitment should be made in their respective Divisions against the available vacancies till final decision of the Federal Govt regarding extension of the Project for further period.

**Please acknowledge the receipt!**

  
Project Director/CF  
Watershed Management Project  
Abbottabad 



Tel: 0992 9310304  
Fax: 0992 9310303

OFFICE OF THE  
PROJECT DIRECTOR/CF  
WATERSHED MANAGEMENT PROJECT  
FOREST OFFICES, JAIL ROAD  
ABBOTTABAD

No. 843 /E-2 dated 14 /09/2009

To The Conservator of Forests  
Hazara Forest Circle  
Abbottabad

Subject: Environmental Rehabilitation and Poverty Reduction through  
Participatory Watershed Management in Tarbela Reservoir  
Catchment- Adjustment of staff thereof

The Watershed Management Project is running in its final year of the current phase and fate of the project extension for another term by the Federal Govt is uncertain. The Federal Ministry of Environment (Sponsoring Agency) vide their letter No. F.4-15/05-F:III dated August 29, 2009 has advised this office to retrench the staff presently working in the project by adjusting them in the department both on developmental and non-developmental sides, besides repatriation of the staff to the parent Divisions due to budget constraints.

It is requested not to fill the available vacant posts in your circle and let this office know the available cadre-wise/District-Wise vacancies in Hazara Forest Circle, so that, the CCF, NWFP is approached for the transfer of staff from Watershed Management Project to Hazara Forest Circle against the available vacancies.

An early response is requested please.

*[Signature]*  
Project Director/CF  
Watershed Management Project  
Abbottabad

No. 844-46 /E-2  
Copy forwarded to:-


1. The Chief Conservator of Forests, NWFP, Peshawar for information and necessary action.
2. The Conservator of Forests, Malakand Circle Mingora-Swat for similar n/action.
3. All DFOs in the project for information and necessary action.

*[Signature]*  
Project Director/CF  
Watershed Management Project  
Abbottabad

**ATTESTED**

*[Signature]*  
Divisional Forest Officer  
Kaghan Forest Division  
Garni Habibullah



	Tel: 0992 9310304 Fax: 0992 9310303	OFFICE OF THE PROJECT DIRECTOR/CF WATERSHED MANAGEMENT PROJECT FOREST OFFICES, JAIL ROAD ABBOTTABAD
		No. 1150 /E, dated 24 /10/2009

To The Chief Conservator of Forests,  
NWFP Peshawar

Subject:- ENVIRONMENTAL REHABILITATION AND POVERTY REDUCTION THROUGH PARTICIPATORY WATERSHED MANAGEMENT IN TARBELA RESERVOIR CATCHMENT-ADJUSTMENT OF STAFF THEREOF

Reference your letter No. 1266/E, dated 29.9.2009 & C.F A'Abad letter No. 632-33/GE, dated 3.1.2009 addressed to this office and copy endorsed to your office.

It is submitted that the following Forest Guards of this Project are willing for their transfer/adjustment against the vacant posts in Hazara Circle Abbottabad:-

Name of Division	Name of Forest Guards	Name of Forest Division	Date of appointment	Status
Daur W/Shed	1- Ishtiaq Ahmad	Galis Forest Division Abbottabad.	29.07.1979	Regular
	2- Qaiser Hayat		10.08.1985	
	3- Muhammad Ajmal		13.07.1980	
Kunhar W/Shed	1- Muhammad Sabir	Siran Forest Divn: Mansehra.	15.03.1977	
	2- Abdur Rashid		12.03.1977	
	3- Musharaf Hussain		12.03.1977	
	4- Muhammad Farooq		12.03.1977	
Unhar W/Shed	5- Mufti Muhammad Idrees	Kaghan Forests Division Ghari Habibullah.	29.01.1987	
	1- Taj Muhammad		08.04.1977	
	2- Mohibullah		20.02.1980	
	3- Faiz-ur-Rehman		10.02.1983	
	4- Jamshaid Khan		19.01.1984	
Kohistan W/Shed	5- Muhammad Anwar	Agror Tanawal Forest Division Mansehra.	08.08.1986	
	1- Mr. Najeebullah	Upper Kohistan Forest Division Dassu.	01.10.1983	

It is therefore requested to transfer the above Project staff to Abbottabad Circle so as to minimize the Watershed Project staff.

*[Signature]*  
Project Director/CF  
Watershed Management Project  
Abbottabad

**ATTESTED**

*[Signature]*  
Divisional Forest Officer  
Kaghan Forest Division  
Ghari-Habibullah

No. 1151 /E,

Copy forwarded to the Conservator of Forest Hazara Circle Abbottabad for information with reference to his letter No. 632/GE, dated 3.1.2009 for favour of information please.

*[Signature]* No. 1253

OFFICE ORDER NO 62 DATED PESHAWAR THE 05 /11/ 2009 ISSUED BY  
MR. NAZIR MUHAMMAD CHIEF CONSERVATOR OF FORESTS NWFP PESHAWAR

21  
Annexure-2

As recommended by CF Hazara Lower and PD/CF Watershed the following Forest Guards are hereby transferred from Watershed Management Project to Hazara Circles against the available vacancies as noted against each in the interest of public service with immediate effect:-

S. No	Name of Forest Guard	From	To
1	Mr. Ishtiaq Ahmad	Daur Watershed Division	Galis Forest Division Abbottabad P. 277
2	Mr. Qaiser Hayat	Daur Watershed Division	Galis Forest Division Abbottabad P. 277
3	Mr. Muhammad Ajmal	Daur Watershed Division	Galis Forest Division Abbottabad P. 277
4	Mr. Muhammad Sabir	Kunhar Watershed Division	Siran Forest Division Mansehra P. 673
5	Mr. Abdur Rashid	Kunhar Watershed Division	Siran Forest Division Mansehra P. 673
6	Mr. Musharaf Hussain	Kunhar Watershed Division	Siran Forest Division Mansehra P. 673
7	Mr. Muhammad Farooq	Kunhar Watershed Division	Siran Forest Division Mansehra P. 673
8	Mufti Muhammad Idres	Kunhar Watershed Division	Siran Forest Division Mansehra P. 673
9	Mr. Taj Muhammad	Unhar Watershed Division	Hazara tribal Forest Division P. 597
10	Mr. Muhibullah	Unhar Watershed Division	Hazara tribal Forest Division P. 597
11	Mr. Faiz-ur- Rahman	Unhar Watershed Division	Hazara tribal Forest Division P. 597
12	Mr. Jamshid Khan	Unhar Watershed Division	Agror Tanawal Forest Division P. 245
13	Mr. Muhammad Anwar	Unhar Watershed Division	Agror Tanawal Forest Division P. 245
14	Mr. Najeebullah	Kohistan Watershed Division	Upper Kohistan Dassu P. 615

Sd/-

(MR. NAZIR MUHAMMAD)  
Chief Conservator of Forests  
NWFP Peshawar

No. 1897-1900 /E  
B 74-39

Copy forwarded for information and necessary action to the:-

1. CF Hazara Lower Circle Abbottabad.
2. CF Hazara Upper Circle Abbottabad.
3. PD/CF Watershed with reference to his letter No. 1150/E dated 24/10/2009. He is advised not to make fresh appointment against the resultant vacancies so that decision of the Federal Govt. could be implemented in letter and spirit.
4. Regional Accountant Head Office.

ATTESTED

*(Signature)*  
Assistant Forest Officer  
Hazara Forest Division  
Peshawar

119-E-21

*(Signature)*  
Chief Conservator of Forests  
NWFP Peshawar

ANNEXURE-2

OFFICE ORDER NO. 107 DATED ABBOTTABAD THE 01/02/2010  
BY SYED KHURSHID ANWAR, CONSERVATOR OF FORESTS,  
ABBOTTABAD CIRCLE, ABBOTTABAD.

873

Following postings / transfers amongst the Forest Guards of Abbottabad Circle are hereby ordered with immediate effect in the interest of public service:

S.#	Name of Forest Guard	From	To
1.	Mr. Muhammad Zubair	Kaghan Forest Division Garhi Habibullah	Galis Forest Division Abbottabad against the existing vacancy
2.	Mr. Muhammad Sabir	Siran Forest Division Mansehra	Kaghan Forest Division Garhi Habibullah

Sd/- Syed Khurshid Anwar,  
Conservator of Forests,  
Abbottabad

ATTESTED

*[Signature]*

Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

Memo.

Copy forwarded to the Divisional Forest Officers:

- 1- ✓ Kaghan Forest Division, Garhi Habibullah.
- 2- Siran Forest Division, Mansehra.
- 3- Galis Forest Division, Abbottabad.

For information and necessary action.

Ec  
R  
D  
2/3

*[Signature]*  
Conservator of Forests,  
Abbottabad Circle,  
Abbottabad

Ennexe-2.

محبت صباپ ڈی. ای. آر. کاغان فارسٹ ڈویژن گڑھی صباپ

(58) صباپ عالی

گزارش صفا فرسہ کا تبادلہ بحوالہ آفس آرڈر نمبر 107 کنٹرولنگ آفس ریٹ آباد

سرن فارسٹ ڈویژن مالبرہ سے کاغان فارسٹ ڈویژن گڑھی صباپ میں

حوالہ ہے

فرسہ آفس آرڈر نمبر 26<sup>03</sup>/<sub>2010</sub> بحوالہ آرڈرنگ کاغان فارسٹ ڈویژن میں

حاضر حوالہ ہے

ATTESTED ہذا حوالہ کی کاپی پیش کرتا ہے

العادل  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

فرسہ محمد حیدر فارسٹ ڈویژن

محمد حیدر

26 مارچ 2010

Ec.

DTG  
Kaghan


## Annexure-3(ii)

(An)

## INTEGRATED SENIORITY LIST OF FOREST GUARD OF KAGHAN FOREST DIVISION AS STOOD ON 30/09/2011.

S#	Name of Forest Guard	Qualification	Trained/ untrained	Date of birth	Date of 1 <sup>st</sup> entry into Govt. service.	Present grade(BPS)	Parent Division	Date arrival KFD	of in	Remark
1.	Liaqat Ali-I	Matric	Trained	24/05/1956	22/08/1977	BPS-7	Kunhar W/Shed	15/05/1993		--
2.	Mohammad Ilyas	Matric	Trained	16/05/1958	22/08/1977	BPS-7		19/05/1993		--
3.	Mohammad Rafique	Matric	Trained	12/09/1956	02/06/1979	BPS-7	K.F.D	02/06/1979		--
4.	Mohammad Sualkheen	Middle	Trained	08/04/1957	02/06/1979	BPS-7	K.F.D	02/06/1979		--
5.	Mohammad Asaf	Matric	Trained	01/04/1956	02/06/1979	BPS-7	K.F.D	02/06/1979		--
6.	Mohammad Safdar-II	Matric	Trained	03/03/1959	02/06/1979	BPS-7	K.F.D	02/06/1979		--
7.	Wali-ur-Rehman-I	Matric	Trained	18/05/1959	02/06/1979	BPS-7	K.F.D	02/06/1979		--
8.	Mohammad Farooq-I	Matric	Trained	13/11/1956	03/06/1979	BPS-7	K.F.D	03/06/1979		--
9.	Mohammad Yousof	U/Metric	Trained	25/11/1958	17/06/1980	BPS-7	K.F.D	17/06/1980		--
10.	Abdul Khaliq	Matric	Trained	08/04/1962	17/06/1980	BPS-7	K.F.D	17/06/1980		--
11.	Mehmood	U/Metric	Trained	01/01/1960	18/06/1980	BPS-7	K.F.D	18/06/1980		--
12.	Mussarat Khan	Matric	Trained	02/05/1960	16/07/1980	BPS-7	K.F.D	16/07/1980		--
13.	Wali-ur-Rehman-II	Matric	Trained	09/05/1957	20/07/1980	BPS-7	W/Plan	04/06/1985		--
14.	Mohammad Shafique	FA	Trained	18/01/1958	08/03/1981	BPS-7	K.F.D	08/03/1981		--
15.	Abid Hussain Shah	Matric	Trained	16/03/1960	11/04/1981	BPS-7	H.T.F.D	29/03/1982		--
16.	Babar Hussain	Matric	Trained	06/01/1963	27/08/1981	BPS-7	K.F.D.	27/08/1981		--
17.	Mohammad Zahoor	FA	Trained	04/11/1955	29/08/1981	BPS-7	K.F.D.	29/08/1981		--
18.	Raja Aftab Ahmed	U/Metric	Trained	20/04/1958	29/08/1981	BPS-7	K.F.D.	29/08/1981		--
19.	Manzoor Hussain	Matric	Trained	02/04/1959	29/08/1981	BPS-7	K.F.D.	29/08/1981		--
20.	Qaiser Hayat	Matric	Trained	01/01/1959	30/08/1981	BPS-7	K.F.D.	30/08/1981		--
21.	Mohammad Tufail	Matric	Trained	02/05/1960	30/08/1981	BPS-7	K.F.D.	30/08/1981		--

ATTESTED

  
 Divisional Forest Officer  
 Kaghan Forest Division  
 Garbi Habibullah

Annexure-3(i)

22.	Jamil Ahmed	Matric	Trained	01/04/1961	31/08/1981	BPS-7	K.F.D.	31/08/1981	--
23.	Tariq Hussain	Matric	Trained	01/02/1962	01/09/1981	BPS-7	K.F.D.	01/09/1981	--
24.	Lal Akhtar Shah	U/Metric	Trained	08/04/1956	09/09/1981	BPS-7	K.F.D.	09/09/1981	--
25.	Wazir Mohammad	Matric	Trained	01/04/1963	27/09/1981	BPS-7	K.F.D.	27/09/1981	--
26.	Liaqat-II	Matric	Trained	10/03/1959	01/10/1981	BPS-7	K.F.D.	01/10/1981	--
27.	Mohammad Younis	Matric	Trained	14/02/1962	27/10/1981	BPS-7	K.W.S	27/10/1981	--
28.	Khan Bahadar	Matric	Trained	21/02/1957	07/01/1982	BPS-7	K.F.D.	07/01/1982	--
29.	Tassadiq Hussain	Matric	Trained	15/02/1956	16/08/1982	BPS-7	K.F.D.	16/08/1982	--
30.	Ghulam Mohi-ud-Din	Matric	Trained	10/01/1961	17/08/1982	BPS-7	K.F.D.	17/08/1982	--
31.	Mohammad Arshad	Matric	Trained	01/03/1962	17/08/1982	BPS-7	K.F.D.	17/08/1982	--
32.	Mohammad Fareed-I	Matric	Trained	07/05/1962	17/08/1982	BPS-7	K.F.D.	17/08/1982	--
33.	Mohammad Iqbal-I	Matric	Trained	01/05/1960	18/08/1982	BPS-7	K.F.D.	18/08/1982	--
34.	Mohammad Ashfaq-I	Matric	Trained	12/01/1961	18/08/1982	BPS-7	K.F.D.	18/08/1982	--
35.	Mohammad Saleem-I	Matric	Trained	01/07/1953	21/08/1982	BPS-7	K.F.D.	21/08/1982	--
36.	Nazir Hussain-I	Matric	Trained	31/12/1959	23/08/1982	BPS-7	K.F.D.	23/08/1982	--
37.	Sabir Hussain-I	Matric	Trained	26/03/1960	24/08/1982	BPS-7	K.F.D.	24/08/1982	--
38.	Mohammad Waheed	Matric	Trained	12/08/1963	23/09/1982	BPS-7	K.F.D.	23/09/1982	--
39.	Taj Mohammad	Matric	Trained	03/02/1955	05/10/1982	BPS-7	K.F.D.	05/10/1982	--
40.	Azmat Hussain Shah	Matric	Trained	15/03/1966	13/11/1984	BPS-7	K.F.D.	13/11/1984	--
41.	Mohammad Riaz-I	B.A.	Trained	06/06/1967	13/11/1984	BPS-7	K.F.D.	13/11/1984	--
42.	Farash Ahmed	F.A.	Trained	07/08/1961	19/11/1984	BPS-7	K.F.D.	19/11/1984	--
43.	Liaqat-Ali-III	F.A.	Trained	12/04/1966	22/11/1984	BPS-7	K.F.D.	22/11/1984	--
44.	Mohammad Faridun	Matric	Trained	28/02/1961	24/11/1984	BPS-7	K.F.D.	24/11/1984	--
45.	Mohammad Hayat	Matric	Trained	10/01/1963	24/11/1984	BPS-7	K.F.D.	24/11/1984	--
46.	Khairullah	F.A.	Trained	03/03/1967	24/11/1984	BPS-7	K.F.D.	24/11/1984	--

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Original record of the  
Kashmir Forest Deptt.  
Srinagar

## Annexure-3(i)

47.	Mohammad Anwar	F.A.	Trained	21/10/1963	04/12/1985	BPS-7	K.F.D.	04/12/1985	--
48.	Latif Hussain	F.A.	Trained	13/02/1964	05/12/1985	BPS-7	K.F.D.	05/12/1985	--
49.	Attiq-ur-Rehman	F.A.	Trained	03/03/1963	15/12/1985	BPS-7	K.F.D.	15/12/1985	--
50.	Mohammad Fareed-II	Matric	Trained	18/12/1963	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
51.	Mian Shabir Hussain	B.A.	Trained	12/04/1966	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
52.	Akhtar Zaman	Matric	Trained	14/04/1966	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
53.	Nazir Hussain-II	F.A.	Trained	13/12/1966	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
54.	Waqar Ahmed	Matric	Trained	20/03/1968	14/10/1986	BPS-7	K.F.D.	14/10/1986	--
55.	Chanzeb	F.A.	Trained	01/01/1965	22/10/1986	BPS-7	K.F.D.	22/10/1986	--
56.	Mahawali	Matric	Trained	29/04/1965	08/02/1987	BPS-7	K.F.D.	08/02/1987	--
57.	Mohammad Iqbal-II	F.A.	Trained	14/01/1967	08/02/1987	BPS-7	K.F.D.	08/02/1987	--
58.	Gul Nawaz Durrani	Matric	Trained	13/03/1966	31/12/1987	BPS-7	K.F.D.	31/12/1987	--
59.	Mohammad Tahir	F.A.	Trained	01/04/1967	05/03/1988	BPS-7	K.F.D.	05/03/1988	--
60.	Basharat Ali	F.A.	Trained	28/03/1969	05/10/1988	BPS-7	K.F.D.	05/10/1988	--
61.	Shafique Hussain Shah	Matric	Trained	02/02/1968	06/10/1988	BPS-7	S/Nullah	14/10/2003	--
62.	Mohammad Safdar-II	Matric	Trained	01/01/1961	21/02/1981	BPS-7	S/Nullah	01/02/2001	--
63.	Mohammad Ishaq	Matric	Trained	15/10/1959	07/08/1980	BPS-7	Siran WS	02/02/2001	--
64.	Mohammad Arifeen	Middle	Trained	01/01/1958	31/08/1982	BPS-7	Siran WS	15/05/1993	--
65.	Abdur Rashid	F.A.	Trained	09/10/1963	09/09/1985	BPS-7	K.W.S.	20/11/1993	--
66.	Raja Dildar Ahmed	F.A.	Trained	01/01/1965	08/01/1986	BPS-7	K.W.S.	02/02/2001	--
67.	Amir-ur-Rehman	F.A.	Trained	04/05/1965	12/01/1986	BPS-7	K.W.S.	02/02/2001	--
68.	Mohammad Riaz-II	Matric	Trained	20/06/1962	13/01/1986	BPS-7	K.W.S.	02/02/2001	--
69.	Nafees-ur-Rehman	Matric	Trained	08/11/1968	14/01/1990	BPS-7	K.F.D.	14/01/1990	--
70.	Mohammad Rashid	Matric	Trained	14/04/1964	03/08/1985	BPS-7	Siran WS	14/11/2001	--
71.	Fiaz Ali Shah	Matric	Trained	24/06/1969	02/04/1990	BPS-7	IFP, Manshra	04/11/2001	--

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Annexure-3(i)

72.	Waheed Ahmed	Middle	Trained	20/04/1959	28/08/1977	BPS-7	K.W.S.	25/04/2002	--
73.	Mohammad Siddique	Matric	Trained	01/01/1953	02/04/1977	BPS-7	Siran WS	17/08/2002	--
74.	Shah Alam	Matric	Trained	18/04/1970	19/05/1990	BPS-7	U/Kaghan	04/11/2003	--
75.	Rafiqullah	F.A.	Trained	01/10/1970	17/09/1990	BPS-7	U/Kaghan	05/03/2003	--
76.	Manzoor Hussain-II	Matric	Trained	07/06/1954	18/09/1990	BPS-7	U/Kaghan	09/10/2003	--
77.	Noor-ur-Arfeen	Matric	Trained	04/02/1970	01/04/1991	BPS-7	U/Kaghan	08/07/2004	--
78.	Mohammad Farash	Matric	Trained	04/01/1973	18/09/1991	BPS-7	U/Kaghan	01/07/2003	--
79.	Shah Nawaz	Matric	Trained	25/02/1976	08/07/1996	BPS-7	U/Kaghan	15/12/2003	--
80.	Mohammad Faisal	Matric	Trained	04/04/1977	18/09/1996	BPS-7	U/Kaghan	05/06/2003	--
81.	Mohammad Saleem-II	B.A.	Trained	02/03/1968	25/02/1991	BPS-7	U/Kaghan	13/04/2005	--
82.	Mohammad Hanif	F.A.	Trained	12/11/1970	05/10/1992	BPS-7	Siran FD	01/04/2005	--
83.	Mohammad Ayub	Matric	Trained	09/06/1957	01/10/1986	BPS-7	Siran WS	22/07/2001	Working in District Government
84.	Imdad Hussain Shah	Matric	Trained	08/04/1966	05/01/1987	BPS-7	Siran WS	22/07/2001	
85.	Nisar Ahmed	Matric	Trained	04/05/1966	07/01/1987	BPS-7	Siran WS	22/07/2001	
86.	Mohammad Jehangir	Matric	Trained	20/02/1959	28/02/1987	BPS-7	Siran WS	22/07/2001	
87.	Dilpazir	Matric	Trained	07/11/1968	02/01/1988	BPS-7	U/Kaghan	--	
88.	Iftikhar Hussain	Matric	Trained	16/08/1976	30/10/1996	BPS-7	K.F.D.	04/04/2007	
89.	Ejaz Ahmed	Matric	Trained	08/04/1985	04/04/2007	BPS-7	K.F.D.	04/04/2007	
90.	Basharat Hussain	FSc	Trained	08/02/1986	04/04/2007	BPS-7	K.W.S.	21/11/2007	
91.	Mohammad Saleem-III	Matric	Trained	06/11/1959	16/12/1978	BPS-7	K.W.S.	21/11/2007	
92.	Mohammad Bukhsh	Middle	Trained	10/04/1957	21/06/1981	BPS-7	K.W.S.	26/11/2007	
93.	Liaqat-IV	B.A.	Trained	01/01/1965	16/06/1985	BPS-7	K.F.D.	30/01/2008	
94.	Fiaz-ur-Rehman	Matric	Trained	02/01/1981	30/01/2008	BPS-7	K.F.D.	30/01/2008	
95.	Mohammad Waqas	Matric	Trained	20/10/1984	30/01/2008	BPS-7	K.F.D.	13/02/2008	
96.	Mohammad Schaib.	F.A.	Trained	15/04/1987	13/02/2008	BPS-7			

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Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah



Annexure-3(i)

97.	Zia-ur-Rehman	BSc	Trained	13/03/1987	01/03/2008	BPS-7	K.F.D.	01/03/2008	--
98.	Sajjad Khan	BSc	Trained	05/01/1989	05/08/2008	BPS-7	K.F.D.	05/08/2008	--
99.	Aamir Bashir	FA	Trained	02/02/1983	09/03/2009	BPS-7	K.F.D.	09/03/2009	--
100.	Dildar Hussain	Matric	Trained	22/01/1991	09/03/2009	BPS-7	K.F.D.	09/03/2009	--
101.	Mohammad Khalid	Matric	Trained	20/11/1954	27/11/1977	BPS-7	W/Shed	17/04/2009	--
102.	Anayat-ur-Rehman	Matric	Trained	10/11/1990	11/06/2009	BPS-7	K.F.D.	11/06/2009	--
103.	Shoukat Khan	F.A.	Trained	01/02/1957	12/03/1977	BPS-7	K.W.S.	22/06/2009	--
104.	Mohammad Sabir	Matric	Trained	18/04/1959	12/03/1977	BPS-7	K.W.S.	26/03/2010	--
105.	Mufti Mohammad Iddress	Matric	Trained	01/05/1966	29/01/1987	BPS-7	K.W.S.	08/02/2010	--
106.	Arshad Hussain Shah	Matric	Trained	05/02/1971	18/02/1991	BPS-7	K.W.S.	14/05/2010	--
107.	Asad Jillani	Matric	Trained	11/11/1984	11/08/2007	BPS-7	K.W.S.	19/09/2007	--
108.	Irshad Hussain Shah	F.A.	Trained	09/02/1973	23/10/1993	BPS-7	U/Kaghan	19/09/2007	--

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No. 1053-56 /E. dated Garhi Habibullah the 20/10/2011.

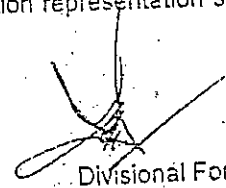
Forwarded to all Sub Divisional Forest officer/Range Forest Officers in Kaghan Forest Division for information, circulation amongst all concerned and pointing out the omission/discrepancies, if any to this office for necessary action. Any objection representation should reach the undersigned within one month; otherwise it will be presumed that the seniority list is in order.

**ATTESTED**

*Attested*

Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

*25/10/2011*  
*Kaghan Forest Sub Division*  
*Kaghan*



Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah.

بخدمت جناب ڈویژنل فارسٹ آفیسر صاحب کاغان فارسٹ ڈویژن گڑھی حبیب اللہ خان

Annexure- 3(ii)  
بوسادت

ریجن آفیسر صاحب گڑھی حبیب اللہ خان

سینارٹی بلحاظ سینئر ترین فارسٹ گارڈ

عنوان :-

- 1 - گزارش ہے کہ فدوی بحوالہ آفس آرڈر نمبر 16 مجریہ 12/03/1977 کو واٹرشید ڈویژن مانسہرہ میں بطور فارسٹ گارڈ بھرتی ہوا اور 05/11/2009 تک اپنے فرائض ایمانداری سے سرانجام دیتا رہا۔
  - 2 - فدوی کو بحوالہ C.E.F خیبر پختون خواہ آرڈر نمبر 62 مجریہ 05/11/2009 کے تحت واٹرشید سرکل سے سرن فارسٹ ڈویژن میں ٹرانسفر کر دیا گیا جو کہ فدوی کی مرضی کے خلاف کی گئی ہے۔
  - 3 - فدوی کو بحوالہ کنزرویٹو آف فارسٹ لوئر ہزارہ سرکل ایبٹ آباد کے آرڈر نمبر 107 مجریہ 04/03/2010 سے سرن فارسٹ ڈویژن سے کاغان فارسٹ ڈویژن میں ٹرانسفر کر دیا گیا۔
  - 4 - فدوی اس وقت کاغان فارسٹ ڈویژن میں 26/03/2010 اپنے فرائض منصبی سرانجام دے رہا ہے۔
  - 5 - DFO کاغان کی جاری کردہ سینارٹی لسٹ میں فدوی کو Bottom پر رکھا گیا ہے۔ جبکہ فدوی 15/03/1977 کا بھرتی ہے اور ان تمام ٹیس سے سینئر ترین ہے۔ یہ کہ فدوی کے ساتھ یہ دوقی ہے۔
- جناب عالی! استدعا ہے کہ فدوی کی ٹرانسفر اور پوسٹنگ جو کہ تماشاً بقہ سروس کے سلسل کے ساتھ ہوئی ہے، جبکہ اس سے پہلے بھی واٹرشید کنہار ڈویژن سے آئے ہوئے فارسٹ گارڈز کو کاغان فارسٹ ڈویژن نے سینارٹی اپروموشن دی ہے۔ کاغان ڈویژن میں اس وقت جو فارسٹ گارڈز سینارٹی میں ٹاپ پر ہیں وہ بھی واٹرشید سے آئے ہوئے ہیں جو کہ فدوی سے تقریباً 6 ماہ جو نیئر ہیں۔
- استدعا ہے کہ مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے فدوی کی سروس کے لحاظ سے کاغان ڈویژن میں سینارٹی دی جائے تاکہ فدوی اپنی پروموشن کے جملہ حقوق حاصل کر سکے۔

ATTESTED

شکریہ

Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

فدوی محمد صابر فارسٹ گارڈ ولد تاج محمد خان گڑھی حبیب اللہ ریجن کاغان ڈویژن گڑھی حبیب اللہ

العارض

الرقوم 6 : فروری 2012ء

Forwarded to D.P.O. Kaghan Forest  
Division Garhi Habibullah for  
of n/a please

Handwritten signature and date: 7/2/12

Handwritten signature and date: 6/2/12

Annexure- 3(ii)

OFFICE OF THE DIVISIONAL FOREST OFFICER KAGHAN FOREST DIVISION  
GARHI HABIBULLAH.

To

Mr. Muhammad Sabir  
Forest Guard c/o Range Forest Officer,  
Garhi Habibullah Range.

No.

2784

/E dated Garhi Habibullah the 08 /03/2012.

Subject:


SENIORITY CLAIM.


Reference:

your application dated 06/02/2012.

It is to inform you that under the provision of Rules 8(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification No. SOR-II(S&GAD)2/(1)/86, dated 14/06/1989 your request cannot be considered as the seniority of Forest Guard is being maintained on Divisional level and under the rules as well as instructions on the subject your seniority has been maintained from the date of your arrival i.e. 26/03/2010 in Kaghan Forest Division, Garhi Habibullah.

ATTESTED

  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

خدمت جناب کنزرویٹرز صاحب محکمہ جنگلات لوئر ہزارہ فارسٹ سرکل ایبٹ آباد

یوساٹ۔ جناب DFO صاحب کاغان فارسٹ ڈویژن

عنوان۔ اپیل بر خلاف آرڈر نمبر۔ 2784/E مجریہ مورخہ 08/03/2012 از دفتر DFO کاغان فارسٹ ڈویژن گڑھی حبیب اللہ (سیناریٹی کلیم)

جناب عالی!

اپیل کی جاتی ہے کہ DFO کاغان کا آرڈر نمبر 2784 مجریہ مورخہ 08/03/2012 کو منسوخ فرما کر اپیل کنندہ کو اس تاریخ سے سیناریٹی دی جائے جس دن سے اس نے سروس اختیار کی۔  
مختصر روادا اپیل۔

1۔ جناب عالی اپیل کنندہ بحوالہ آفس آرڈر نمبر 16 مجریہ 12/03/1977 واٹرشید ڈویژن میں بطور فارسٹ گارڈ بھرتی ہوا اور وہاں سال 2009 تک ڈیوٹی سح انجام دیتا رہا۔ (ضمیمہ نمبر 1)

2۔ یہ کہ مورخہ 05/11/2009 جناب چیف کنزرویٹرز صاحب نے بحوالہ آفس آرڈر نمبر 62 مجریہ مورخہ 05/11/2009 اپیل کنندہ کی تبدیلی واٹرشید سرکل سے سرن فارسٹ ڈویژن بطور فارسٹ گارڈ خالی پوسٹ / عوامی مفاد میں کر دی۔ (ضمیمہ نمبر 2)

3۔ یہ کہ اپیل کنندہ سرن فارسٹ ڈویژن میں ڈیوٹی دے رہا تھا کہ جناب کنزرویٹرز صاحب محکمہ جنگلات لوئر ہزارہ فارسٹ سرکل نے بحوالہ آفس آرڈر نمبر 107 مجریہ 01/03/2010 اپیل کنندہ کی تبدیلی سرن فارسٹ ڈویژن سے کاغان فارسٹ ڈویژن میں، عوامی مفاد میں کر دی۔

4۔ یہ کہ اپیل کنندہ نے کاغان فارسٹ ڈویژن میں 26/03/2010 کو اپنے فرائض منصبی سنبھالے۔ تو جناب DFO کاغان فارسٹ ڈویژن نے اپیل کنندہ کی سیناریٹی ڈویژن کے فارسٹ گارڈز میں سب سے آخر میں رکھ دی۔ (سیناریٹی لسٹ کی نقل ضمیمہ نمبر 3)

5۔ یہ کہ اپیل کنندہ نے جناب DFO صاحب کو اپنی سیناریٹی کی درستگی کے بابت 06/02/2012 جو یہ کہہ کر خارج کر دی گئی کہ قاعدہ نمبر 8(2) NWFP

سول سرونٹ (Appointment promotion & transfer rules) 1989 کے تحت اپیل کنندہ کی سیناریٹی اس تاریخ سے ہو گی جس تاریخ کو اس نے کاغان فارسٹ ڈویژن میں رپورٹ کی ہے۔ (26/03/2010)

**ATTESTED**

وجوہات اپیل

جناب عالی!

Divisional Forest Officer  
Kaghan Forest Division  
Muzim Habibullah

1۔ جناب DFO صاحب کا یہ موقف کہ رول 8(2) کے مطاب اپیل کنندہ کی سیناریٹی اس دن سے شروع ہوگی، اس بنا پر درست نہیں کہ یہ اس صورت میں ہے کہ جب کوئی اپنی مرضی سے تبدیلی ایک ڈویژن سے دوسرے ڈویژن میں کر دے، جبکہ اپیل کنندہ کی تبدیلی جناب چیف کنزرویٹرز صاحبان نے عوامی مفاد میں کی تھی نہ کہ فرد کی التجا پر۔

2۔ یہ کہ رول 8(ii) پارٹ (ii) میں صراحت سے لکھا گیا ہے کہ اس شخص کی سیناریٹی سب سے نیچے ہوگی جس نے خود تبدیلی کی استدعا کی ہو، نہ کہ اس شخص کی جس کی تبدیلی عوامی مفاد میں کی گئی ہو۔

3۔ یہ کہ surplus staff کھپانے کیلئے حکومت نے جو ہدایت بذریعہ CMO No. 2/66/79-D-ii مجریہ 07/06/1980 جاری کی ہیں ان میں صراحت کے ساتھ لکھا گیا ہے کہ ایسے شخص کی سابقہ سروس سناریٹی کیلئے شمار کی جائے گی اور اسے سناریٹی اس کی تاریخ فرائض منصبی (date of appointment) سے دی جائے گی۔ نہ کہ اس تاریخ سے جس تاریخ سے وہ adjust کیا گیا ہے۔

عالی جاہ!

اس ضمن میں سروس ٹریبونل KPK نے اپنے ایک Decision نمبر (661/2000) محمد ہارون فارسٹ گارڈ کے فیصلے میں وضاحت سے لکھا ہے کہ عوامی مفاہم میں تبدیل کئے گئے کسی بھی ملازم کی سناریٹی اس طرح متاثر نہیں ہوگی، بلکہ اس کی سناریٹی سروس دورانہ کے مطابق مرتب کی جائے گی۔ فیصلے کی نقل (ضمیمہ No. 5) میں شامل کی جاتی ہے۔

جناب عالی!

درج بالا حقائق سے واضح ہے کہ اپیل کنندہ کی سناریٹی غلط مرتب کی گئی ہے اور اس کی درخواست حقائق کے منافی واقعات کی بنا پر خارج کی گئی ہے۔

لہذا اپیل کی جاتی ہے کہ اپیل کنندہ کی اپیل منظور فرما کر DFO کاغان کے احکامات مندرجہ چٹھی نمبر 2784/E مجریہ 08/03/2012 منسوخ فرما کر DFO صاحب کو ہدایت کی جائے کہ اپیل کنندہ کی سناریٹی اس کی بھرتی ہونے کی تاریخ یعنی 12/03/1977 سے مقرر کی جائے۔

اپیل کنندہ

محمد صابر فارسٹ گارڈ ولد تاج محمد خان ساکن شوہال معزز اللہ گڑھی حبیب اللہ رینج کاغان فارسٹ ڈویژن

المرقوم۔ 31/03/2012

No. 158/59 dt 2.4.012

ATTESTED

Forwarded to D.F.O. Kaghan Forest Division  
Garhi Habibullah for further order

Range Forest Officer  
Garhi Habibullah

Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

Process the appeal  
as per Rules.

Answer placed to  
proceeding

DFO  
31/03/2012

Annexure-3(V)

OFFICE OF THE DIVISIONAL FOREST OFFICER KAGHAN FOREST DIVISION GARHI  
HABIBULLAH

To

The Conservator of Forests,  
Lower Hazara Forest Circle  
ABBOTTABAD.

No. 3841

/E dated Garhi Habibullah the 24/04/2012.

Subject:

APPEAL AGAINST DFO KAGHAN LETTER NO. 2784/E,  
DATED 08/03/2012-SENIORITY CLAIM THEREOF.

Memorandum

It is submitted that para wise comments on the application of Mr. Muhammad Sabir, Forest Guard is furnished as under:

- 1- The appellant was appointed as Forest Guard in Kunhar Valley Watershed Project Abbottabad vide DFO, Kunhar Valley Watershed Division, Abbottabad office order No. 16 dated 12/03/1977 and the said project remained directly under the control of Federal Government upto 30/06/2010 where appellant served upto 30/11/2009.
- 2- In-correct. On the recommendation of Conservator of Forests, Lower Hazara Circle and Project Director/CF, Watershed Management Project, Abbottabad, the appellant and others senior most Forest Guards were adjusted against the vacant posts of various Territorial Forest Divisions due to their long service which can suffered due to expiry of the project after 30/06/2010 vide Chief Conservator of Forests, Gokhyber Pakhtunkhwa, Peshawar order No. 62 dated 05/11/2009.
- 3- The appellant was further transferred to Kaghan Forest Division vide Conservator of Forests, Lower Hazara Forest Circle, office order No. 107, dated 01/03/2010 against the vacant post which was vacated due to transferred of Mr. Muhammad Zubair, Forest Guard to Galies Forest Division, Abbottabad.
- 4- Correct. The seniority of the appellant has been maintained in accordance with the provision of Rules 8(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification No. SOR-II(S&GAD) 2/ (1)/86, dated 14/06/1989, as the appellant has joined his duty in Kaghan Forest Division on 26/03/2010 in compliance with Conservator of Forests, Lower Hazara Forest Circle, office order No. 107, dated 01/03/2010.
- 5- Correct.

According to the provision of Rules 8(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification No. SOR-II(S&GAD) 2/ (1)/86, dated 14/06/1989 and Govt. of West Pakistan Notification No. SOXIX-22/60, dated 12/02/1962 had formulated rules call "Forest Department, Forest Guard (Divisional Service) Rules 1962 under Rule-3 and 9, the appellant cannot claim his seniority in Kaghan Forest Division, thus his appeal may kindly be rejected and the case for his transfer from Kaghan Forest Division to Watershed Management Project may kindly be process where he can claim his seniority according to his date of appointment please.

**ATTESTED**

Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

OFFICE OF THE DIVISIONAL FOREST OFFICER KAGHAN FOREST DIVISION GARHI HABIBULLAH

To

The Conservator of Forests,  
Lower Hazara Forest Circle  
Abbottabad.

Annexure-3(Vi)

No.

245

/E dated Garhi Habibullah the 01/02/2013.

Subject:

APPEAL AGAINST SENIORITY OF FOREST GUARD CIRCULATED BY  
CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE  
ABBOTTABAD WHEREBY THE NAME OF APPELLANTS HAS NOT BEEN  
INCORPORATED IN THE SENIORITY LIST.

Reference:

your office letter No.3843/GE, dated 01/02/2013.

It is submitted that para wise comments on the application of Mr. Muhammad Sabir, Forest Guard is furnished as under:

- 1- Correct.
- 2- Correct.
- 3- Correct.
- 4- Correct.
- 5- Correct.
- 6- Correct.

7-

In-correct as the appellant was appointed as Forest Guard in Kunhar Valley Watershed Project Abbottabad vide DFO, Kunhar Valley Watershed Division, Abbottabad office order No. 16 dated 12/03/1977 and the said project remained directly under the control of Federal Government upto 30/06/2010 where appellant served upto 30/11/2009. On the recommendation of Conservator of Forests, Lower Hazara Circle and Project Director/CF, Watershed Management Project, Abbottabad, the appellant and others senior most Forest Guards were **adjusted** against the vacant posts of various Territorial Forest Divisions due to their long service which can suffered due to expiry of the project after 30/06/2010 vide Chief Conservator of Forests, GoKhyber Pakhtunkhwa, Peshawar order No. 62 dated 05/11/2009. The appellant was further transferred/adjusted in Kaghan Forest Division in place of Mr. Zubair Forest Guard vide Conservator of Forests, Lower Hazara Forest Circle, office order No. 107, dated 01/03/2010. The seniority of the appellant has been maintained in Kaghan Forest Division. In accordance with the provision of Rules 8(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification No. SOR-II(S&GAD) 2/ (1)/86, dated 14/06/1989, the plea of official is against the service rules, as the official was appointed in Kunhar Watershed Division Mansehra where he served more then 32 years qualifying service and his seniority was maintained in Kunhar Watershed Division. As he joined his duty in Kaghan Forest Division on 26/03/2010.

According to the provision of Rules 8(2) of NWFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification No. SOR-II(S&GAD) 2/ (1)/86, dated 14/06/1989 and Govt. of West Pakistan Notification No. SOXIX-22/60, dated 12/02/1962 had formulated rules call "Forest Department, Forest Guard (Divisional Service) Rules 1962 under Rule-3 and 9, and Chief Conservator of Forests, Northern Forest Region-II Abbottabad letter No.290-91/E, dated 11/10/2012 clearly speaks that the seniority of Forester & Forest Guard may be prepared on their appointment order in parent Division. It is further pointed out that the comments on his previous applications has already been sent to your good office vide No.3841/E, dated 24/04/2012.

**ATTESTED**

*[Signature]*  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

*[Signature]*  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

<p>OFFICE OF THE CONSERVATOR OF FORESTS LOWER HAZARA FOREST CIRCLE ABBOTTABAD</p>		<p>No. _____ /GE, Dated <u>26/3</u> /2013</p>
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Muhammad Sabir  
Forest Guard C/O  
Divisional Forest Officer  
Kaghan Forest Division, Garhi Habibullah

Subject **APPEAL AGAINST SENIORITY OF FOREST GUARD  
CIRCULATED BY CONSERVATOR OF FORESTS  
LOWER HAZARA FOREST CIRCLE ABBOTTABAD  
WHEREBY THE NAME OF APPELLANTS HAS NOT  
BEEN INCORPORATED IN THE SENIORITY LIST**

Reference Your appeals dated 31-03-2012 and 12-10-2012

Based on the comments furnished by Divisional Forest Officer Kaghan vide his letter No. 3841/E, dated 24-04-2012 and No. 2415/E, dated 01-03-2013, your appeals cited above are hereby rejected.

Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

No. 4988 /GE

ATTESTED

*[Handwritten signature]*  
Divisional Forest Officer  
Kaghan Forest Division

Copy forwarded to the Divisional Forest Officer Kaghan Forest Division, Garhi Habibullah for information with reference to his letters cited above.

Conservator of Forests  
Lower Hazara Forest Circle  
Abbottabad

*[Handwritten notes in Urdu:]*  
کاپی ارسال کی گئی ہے  
تاریخ: 26/3/13

*[Handwritten signature]*

16/04  
2013



خدمت جناب چیف کنزرویٹرز صاحب محکمہ جنگلات ہزارہ سسرل ایبٹ آباد  
لوساطت: جناب ڈی ایف او صاحب کاغان فارسٹ ڈویژن گڑھی جمبھڑ

عنوان "اپیل بر خلاف آرڈر نمبر (GE-4987) تہ 26-03-013 از دفتر  
لوہر ہزارہ کنزرویٹرز سسرل ایبٹ آباد (سٹیٹنگ سکیم)

جناب عالی

اپیل کی جاتی ہے کہ کنزرویٹرز لوہر ہزارہ سسرل ایبٹ آباد

آرڈر نمبر (GE-4987) تہ 26-03-013 منسوخ و فٹا کر اپیل کنندہ کو  
تاریخ تقریباً سے سٹیٹنگ دی جائے (12-03-1977)

"روداد اپیل"

جناب عالی ۱۰ اپیل کنندہ بحوالہ آفس آرڈر نمبر 16 تہ 12-03-1977

کنیار واٹر شیڈ ڈویژن میں بطور فارسٹ گارڈ لگائی گئی اور وہاں 2009ء  
سے کارڈ ڈیولپمنٹ سرانجام دیا گیا۔ (ضمیمہ نمبر ۱)

۲۔ یہ کہ صورت (05-11-09) کہ جناب چیف کنزرویٹرز صاحب بحوالہ آفس آرڈر نمبر 52  
تہ 05-11-09 اپیل کنندہ کی تبدیلی و واٹر شیڈ سسرل سے سسرل فارسٹ ڈویژن  
میں بطور فارسٹ گارڈ خالی پوسٹ / عوامی علاقہ میں کر دی (ضمیمہ نمبر 2)

۳۔ یہ کہ اپیل کنندہ سسرل فارسٹ ڈویژن میں ڈیولپمنٹ دے رہا تھا۔ جناب کنزرویٹرز صاحب  
نے بحوالہ آفس آرڈر نمبر 107 تہ 01-03-2010 اپیل کنندہ کی تبدیلی  
سسرل فارسٹ ڈویژن سے کاغان فارسٹ ڈویژن میں عوامی علاقہ میں نظر کر دی (ضمیمہ نمبر 3)

۴۔ یہ کہ اپیل کنندہ کاغان فارسٹ ڈویژن میں (26-03-2010) کو اپنے علاقہ  
میں سٹیٹنگ لگوائی۔ جناب ڈی ایف او کاغان نے اپیل کنندہ کی سٹیٹنگ کو  
(bottom) میں رکھ دی۔ (سٹیٹنگ لسٹ ضمیمہ نمبر 4)

۵۔ یہ کہ اپیل کنندہ نے جناب ڈی ایف او صاحب کاغان اپنی سٹیٹنگ درستگی ثابت  
کے طور پر خواست دی جو یہ لہجہ رکھتا ہے کہ (06-02-012)  
Rule 8 (2) NWFP PTD

کتابت جسٹس - فیض آباد - تقریریں - 14/10/2013

Annexure-5

Handwritten notes in Urdu, including the number 84 and the date 24-06-2013.

14/10/2013

Handwritten signature and notes at the top of the typed section.

14/10/2013

Forwarded to DFO Kaghan Forest Division Gashi-Habibullah that Mr. Mohammad Sabir Fg has appealed with despatch No 84/19 dated 24-06-2013 for demanding Seniority in Kaghan Forest Division Gashi-Habibullah

ATTESTED

Range Forest Officer Gashi Habibullah 14/10/2013

Handwritten initials and signatures: E S, DFO, and a signature over the official stamp.

Divisional Forest Officer Kaghan Forest Division Gashi Habibullah

14/10/2013

OFFICE OF THE DIVISIONAL FOREST OFFICER KAGHAN FOREST DIVISION  
GARHI HABIBULLAH.

To

*Annexure 6*

Mr. Muhammad Sabir Forest Guard  
C/O Range Forest Officer,  
Garhi-Habibullah Forest Range.

No. *455*

/E dated Garhi Habibullah the *05* / *05* /2013.

Subject:

APPEAL OF MR. MUHAMMAD SABIR FOREST GUARD S/O TAJ  
MUHAMAMD KHAN OF SHOHAL MAHZULLAH.

Reference:

your appeal 24/06/2013.

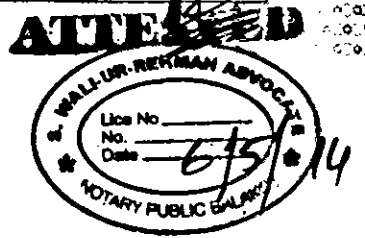
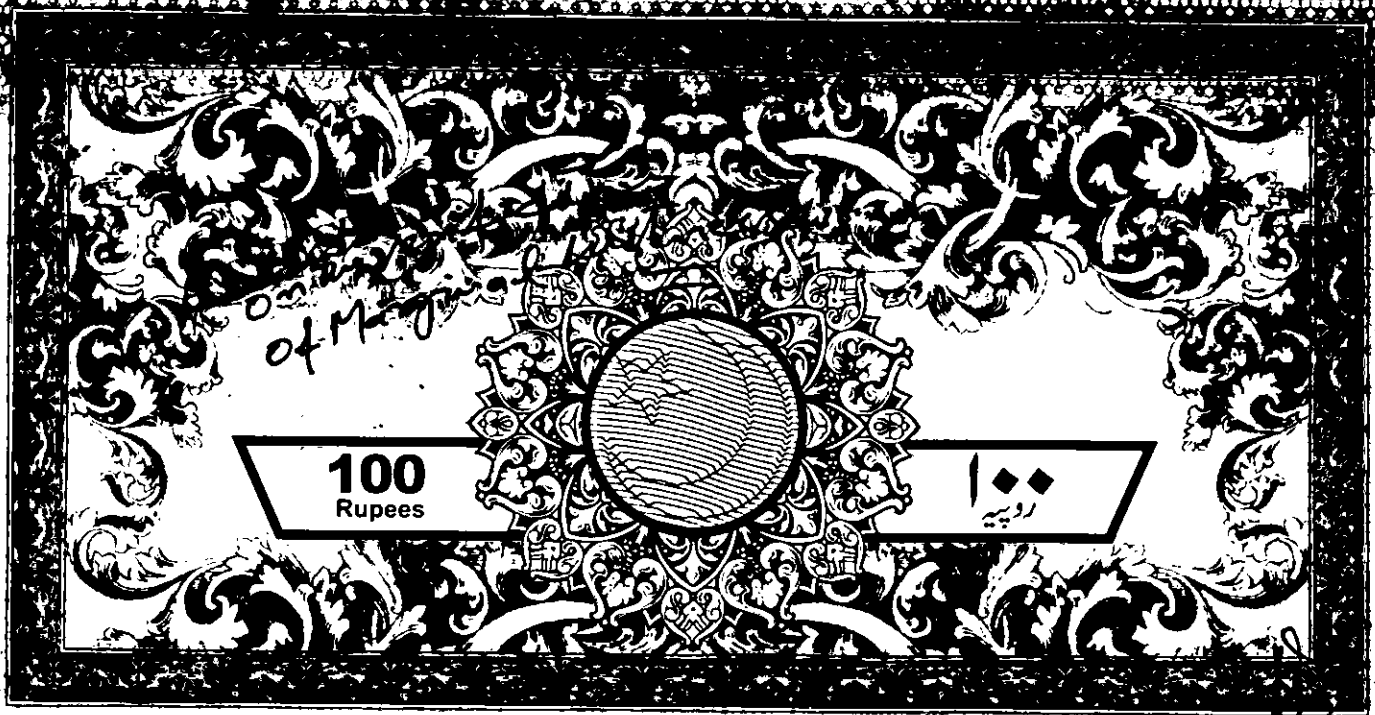
Since the appeal preferred by you for the same purpose has since been rejected by the Conservator of Forests, Lower Hazara Forest Circle, Abbottabad vide his office letter No.4987/GE, dated 26/03/2013. Hence the appeal in hand preferred to the undersigned cannot footile, therefore the appeal is hereby rejected.

*Handwritten notes:*  
14/06/2013  
cc

**ATTESTED**

*Signature*  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah

*Signature*  
Divisional Forest Officer  
Kaghan Forest Division  
Garhi Habibullah



## مختار نامہ خاص

برچار قطعات استامپ مالیتی 100 + 100 + 30 + 30 = 260/- روپیے

# بعدالت جناب سروس ٹریبیونل خیبر پختونخواہ پشاور

سیکرٹری انوار منٹ ڈیپارٹمنٹ پشاور وغیرہ  
(ریپانڈنس)

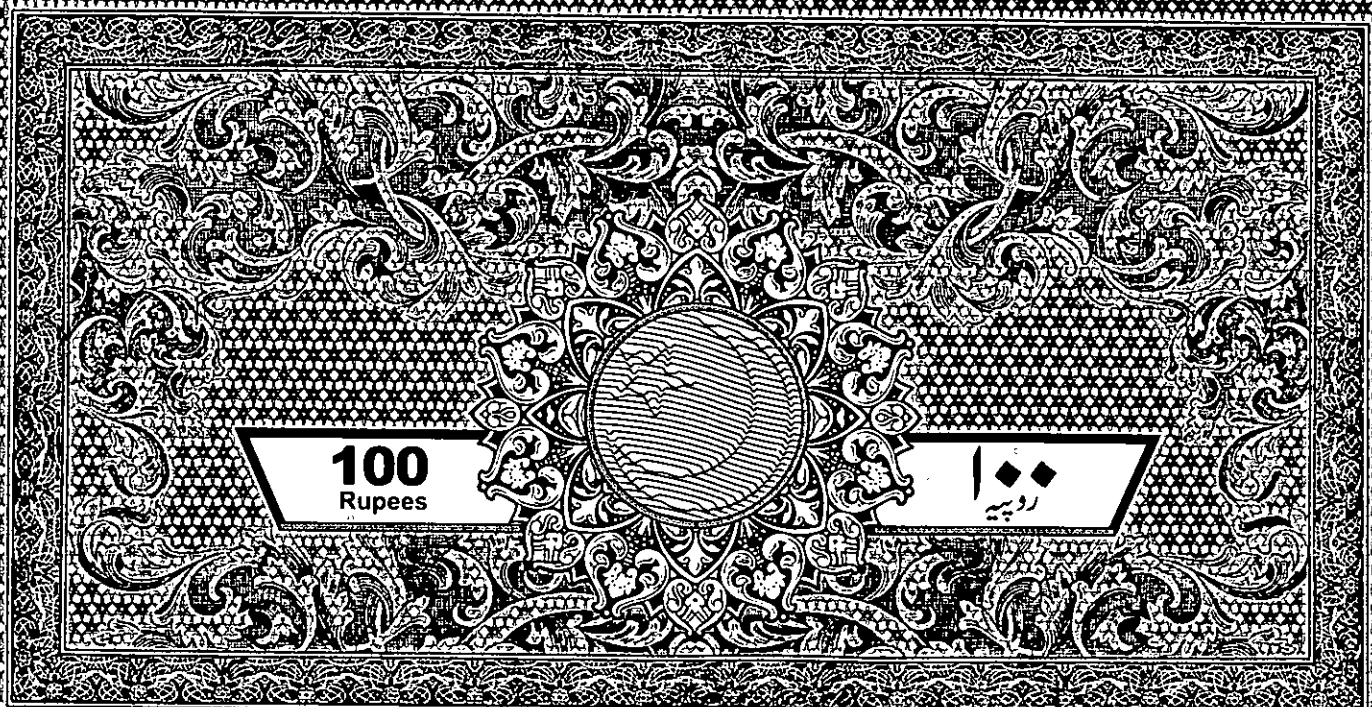
بنام

محمد صابر قاریسٹ گارڈ  
(اپیلانٹ)

## اپیل نمبر 1451

2013

مایا ننگہ ریپانڈنس نمبر (6) محمد رفیق (7) محمد صالحین (9) محمد صفدر (10) ولی الرحمان (11) محمد فاروق (12) محمد یوسف (14) محمود (16) ولی الرحمان (20) محمد ظہور (32) تصدق حسین (33) غلام محی الدین (35) محمد فریدا (36) محمد اقبال (41) محمد وحید (43) غلطی شاہ (47) محمد فریدون (50) محمد انور (54) میاں شبیر حسین (55) اختر زمان (59) ماہولی (60) محمد اقبال (79) منظور حسین (81) محمد فراش (82) شاہ نواز (91) افتخار حسین (102) عامر بشیر (103) دلدار حسین (105) عنایت الرحمان فارسیٹ نگار ڈان کاغان قاریسٹ ڈویژن گڑھی حبیب اللہ تحصیل بالا کوٹ ضلع مانسہرہ کے ہیں۔ اقراری ہیں کہ مامقران بوجہ ملازمت و مصروفیات خود اصالتاً حاضر ہو کر بیروی مقدمہ کرنے سے قاصر ہیں۔ لہذا اپنی جانب سے اعتمادی خود مسکی محمد فرید ولد محمد حسین (ریپانڈنس نمبر 53) قاریسٹ گارڈ کاغان قاریسٹ ڈویژن گڑھی حبیب اللہ تحصیل بالا کوٹ ضلع مانسہرہ شناختی کارڈ نمبر 13501-1330044-3 کو مختار خاص مقرر کر کے اختیار دیتے ہیں کہ مختار خاص مذکورہ ہماری جانب سے حاضر عدالت ہو کر بیروی مقدمہ کرے۔ دعویٰ دائر کرے۔ جواب دعویٰ دے۔ جواب الجواب داخل کرے۔ حکم درمیانی کے خلاف اپیل نگرانی نظر ثانی کرے۔ ترمیمی عرضید دعویٰ داخل کرے۔ تائید دعویٰ کرے۔ تصدیق دعویٰ کرے۔ وکیل قانونی مقرر کرے۔ درخواست سرسبزی مثل دے۔ وکالت نامہ پر دستخط کرے۔ بیان دیوے۔ بیان حلفی دیوے۔ اہل کمیشن مقرر کرے۔ ثالث مقرر کرے مصلحت کرے۔ فہرست گواہان داخل کرے۔ خرچہ گواہان داخل و برآمد کرے۔ کسی قسم کی رقم داخل و برآمد کرے۔ زرڈگری و خرچہ وصول کرے۔ اپیل دراپیل۔ اپیل ثانی۔ نظر ثانی کرے۔ صورت ڈگری اجراء کرے۔ حلف لے، حلف دے۔ درخواست منسوخی کارروائی کی نظر فرم دے۔ دخل نامہ تصدیق کرے، بدوران مقدمہ ہر قسم



100  
Rupees

۱۰۰  
روپیہ

درخواست دیوے، درخواست توہین عدالت دیوے، جواب درخواست دیوے۔ راضی نامہ پیش کرے۔ غرضیکہ مقدمہ عنوان بالا میں ازابتدائی عدالت تا عدالت عالیہ جملہ کاروائی کرنے کا مختیار خاص مذکور کو حق و اختیار حاصل ہوگا جو کہ مامقران کی ذات کو قبول و منظور ہوگا۔

## لہذا مختار نامہ خاص سنداً تحریر ہے۔

التقوم: 06-05-2014

محمد صفدرا  
M. Saffdar

محمد صالحین  
M. Saleem

محمد رفیق  
M. Rafiq

محمد یوسف  
M. Yusuf

محمد فاروق  
M. Farooq

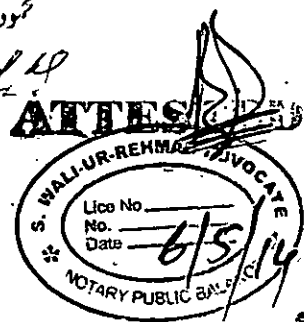
ولی الرحمان  
Wali Rehman

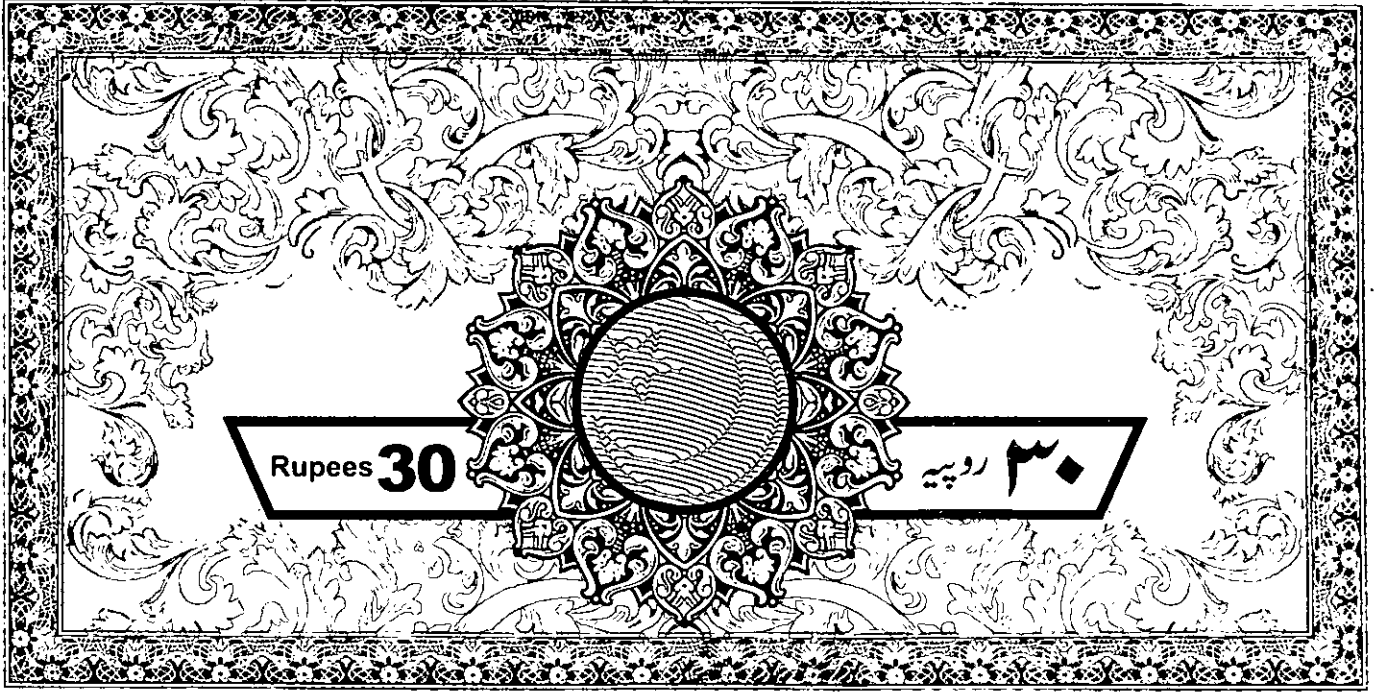


محمد ظہور  
M. Zahoor

ولی الرحمان  
Wali Rehman

محمد  
M. Muhammad





محمد فریدا

غلام محی الدین

تصدق حسین

عنایت شاہ

محمد وحید

محمد اقبال

میاں شبیر حسین

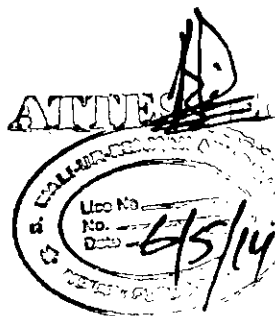
محمد انور

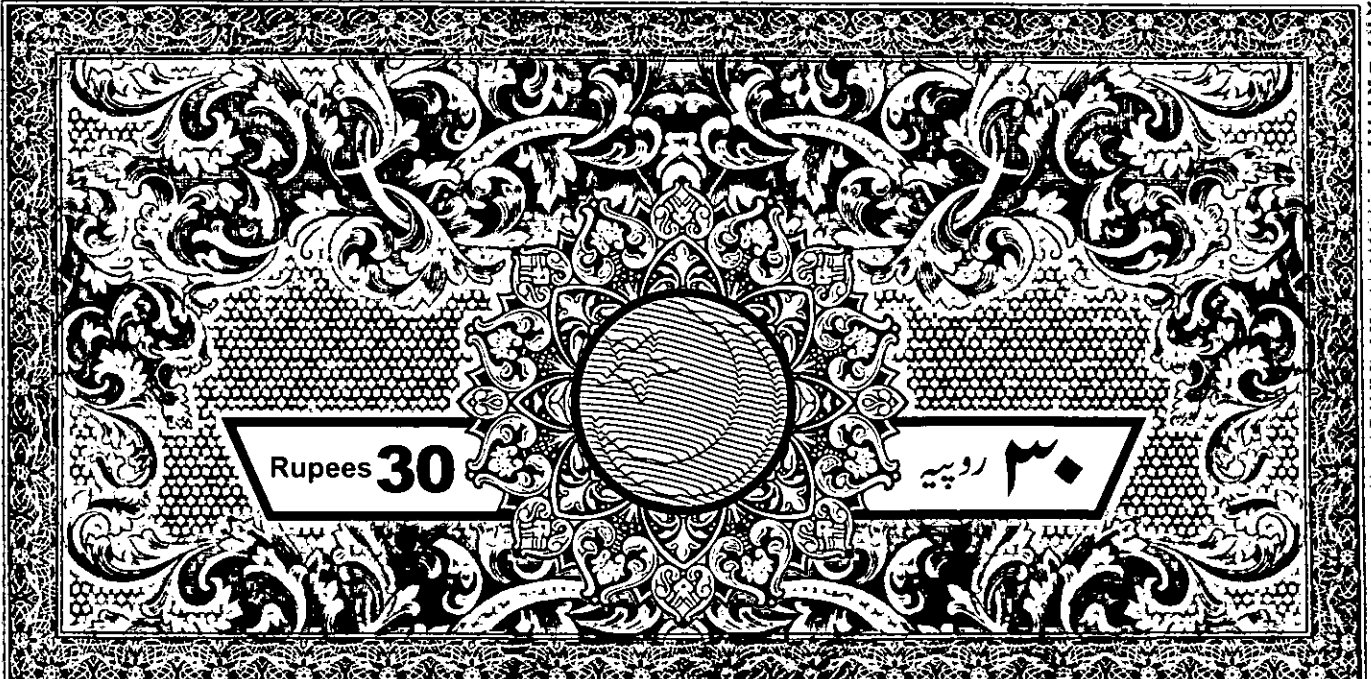
محمد فریدون

محمد اقبال

ماہولی

اختر زمان





Rupees 30

۳۰ روپیہ

شاہ نواز

محمد فراس

M-Karash

منظور حسین

عامر بشیر

افتخار حسین

عنایت الرحمان

ولدار حسین

محمد فرید ولد حمید اللہ سکنتہ کینت سر اش تحصیل بالا کوٹ ضلع مانسہرہ

13501-1307891-1

غلام جان ولد سائیں سکنتہ پمبارہ تحصیل بالا کوٹ ضلع مانسہرہ

13501-1313238-9



VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

1457/13

OF 2014

Mohammad Sabir

(APPELLANT)

(PLAINTIFF)

(PETITIONER)

VERSUS

as Forest Department

(RESPONDENT)

(DEFENDANT)

I/We Mohammad Fareed (R-No. 53) Attorney for Rest  
Do hereby appoint and constitute **NOOR MOHAMMAD** No. 6-7-9  
**KHATTAK, Advocate, Peshawar** to appear, plead, act, 10-11, 12,  
compromise, withdraw or refer to arbitration for me/us as 14, 16, 20  
my/our Counsel/Advocate in the above noted matter, 32, 33, 35  
without any liability for his default and with the authority to 36, 41, 43,  
engage/appoint any other Advocate Counsel on my/our cost. 47, 50, 54  
I/we authorize the said Advocate to deposit, withdraw and 55, 59, 60  
receive on my/our behalf all sums and amounts payable or 79, 81, 82  
deposited on my/our account in the above noted matter: 91, 102, 103  
and 105

Dated. 21 / 5 /2014

CLIENT

ACCEPTED

**NOOR MOHAMMAD KHATTAK**  
**(ADVOCATE)**

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141