

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

S.A.No. 812 /2018

ZawanJan Khan Mali/NQ (Rtd) Village Damrai Tehsil Allai

District Battagram.....PETITIONER

V E R S U S

Provincial Govt; Khyber Pakhtunkhawa through Secretary

Forest Peshawar & Others.....RESPONDENTS

SERVICE APPEAL

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PETITIONER

Through:



(Amanullah Khan Salik)
(Advocate High Court)
Abbottabad.

Dated:-11/04/2018

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

S.A.No. _____ /2018

1. ZawanJan Khan Mali/NQ (Rtd) Village Damrai Tehsil Allai

District Battagram.....PETITIONER

V E R S U S

1. Provincial Govt; Khyber Pakhtunkhawa through Secretary
Forest Peshawar.

2. Chief Conservator Forest Khybar Pakhtunkhawa Peshawar.

3. Conservator Watershed management circle Abbottabad.

4. Divisional Forest Officer. Daur Watershed Division

Abbottabad.....RESPONDENTS

SERVICE APPEAL, UNDER SECTION (4)

~~service Tribunal~~ ACT 1973, AGAINST THE

ORDER DATED 05.03.2018. WHEREBY

IMPOSING MAJOR PENALTY, APPELLANT

IS AWARDED THE PENALTY OF

COMPULSORY RETIREMENT.

PRAYER:-

Allowing this appeal the penalty imposed be set aside, appellant be reinstated / services be restored, with all back benefits or any other just and proper remedy, as this honourable forum deem fit.

Respectfully Sheweth;

This appeal proceeds on the following major facts and main legal grounds.

1. That, appellant appointed as Mali, in the year 85 served the department, to the best of his ability, efficiency and dutifully, at different places under all the difficult circumstances and in hard areas.
2. That, lastly appellant was transferred to Mansehra, where he reported his arrival, but was refused to be adjusted there. Documents are attached as.....***Annexure "A"***
3. That, appellant, along with one Shah Nawaz also put his case for mutual transfer but, this attempt proved a cry in the desert. Copy is.....***Annexure "B"***
4. That, all during this and without any thing brought to the Knowledge of the appellant, major penalty of compulsory retirement to imposed upon him vide order dated 05/03/2018. Copy is.....***Annexure "C"***
5. That, appellant, then moved departmental appeal. Copy is.....***Annexure "D"***

6. That, the appeal so filed by the appellant is answered in negative vide order dated 18.05.2018 and received to appellant on home address on 24.05.2018, hence this appeal. Copy is.....**Annexure "E"**

GROUND:-

- I. That, order dated 05.03.2018 is against law, facts, and arbitrary whimsical hit by the principles of natural justice and not tenable.
- II. That, the very order is harsh, self-contradictory, wherein all the facts narrated are imaginary speculative office work and has no nexus with the reality.
- III. That, why the respondent, withheld the salary and allowances of the appellants, and why used the services of his son without pay.
- IV. That, in view of the remarks contained in the impugned order and NOTIFICATION NO, SO (R-VI) C & AD /1-3/2015 dated 19.04.2016, was it not imperative to have constituted a Medical Board Notification, attached.
- V. That, respondents, throughout have acted with malafide. Once in the advance age of his services he was treated from post to pillar, then making excuse of his so called unproved absences, imposed a major penalty, while on one hand earned bad name for him at the end of lengthy service of 33 years (1985-2018) and on the other

hand shut out but out an out the door of decreased son quota to his children.

- VI. That, was not the official entitled to earned leave.
- VII. That, was not the case of appellant fit for LPR.
- VIII. That, appellant never absented, but whenever, he tried to get casual leave or to be adjusted at palace convenient to him in the last days of his services he has been shown up hill journey with the intention to create adverse circumstances.
- IX. That, ordinarily towards the end of the services, more benvelence, benign and soft hand is made but In present case, the poor work charge illetrate fellow is court marshald, rather to award him with extra benefits.

It is therefore humbly prayed that Allowing this appeal the penalty imposed be set aside appellant be reinstated / services be reinstated, with all back benefits or any other just and proper remedy, as this honourable forum deem fit

PETITIONER

Through:



(Amanullah Khan Salik)
(Advocate High Court),
Abbottabad.

Dated:- _____/2018

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

S.A.No. _____ /2018

ZawanJan Khan Mali/NQ (Rtd) Village Damrai Tehsil Allai

District Battagram.....PETITIONER

V E R S U S

Provincial Govt; Khyber Pakhtunkhawa through Secretary

Forest Peshawar & Others.....RESPONDENTS

Service Appeal

AFFIDAVIT

Zawarjan Khan Mali/NQ (Rtd) Village Demari Tehsil Allai District
Battagram. *petitioner*, do hereby solemnly affirm and declare
on Oath that the contents of instant *Writ Petition* are true and
correct to the best of my knowledge and belief and that nothing
has been concealed from this Hon'ble Court.

DEPONENT

IDENTIFIED BY:-

(Amanullah Khan Salik)
Advocate High Court,
Abbottabad.

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

S.A.No. _____ /2018

ZawanJan Khan Mali/NQ (Rtd) Village Damrai Tehsil Allai

District Battagram.....PETITIONER

V E R S U S

Provincial Govt; Khyber Pakhtunkhawa through Secretary

Forest Peshawar & Others.....RESPONDENTS

Service Appeal

ADDRESSES OF THE PARTIES

Respectfully Sheweth;

The addresses of the parties are as under

ZawanJan Khan Mali/NQ (Rtd) Village Damrai Tehsil Allai

District Battagram.....PETITIONER

1. Provincial Govt; Khyber Pakhtunkhawa through Secretary Forest
Peshawar.

2. Chief Conservator Forest Khybar Pakhtunkhawa Peshawar.

3. Conservator Watershed management circle Abbottabad.


4. Divisional Forest Officer, Daur Watershed Division


Abbottabad.....RESPONDENTS

PETITIONER

Through:

Dated:- _____ /2018


(Amanullah Khan Salik)
(Advocate High Court)
Abbottabad

FOREST DEPARTMENT UNHAR WATERSHED DIVISION MANSEHRA		Phone # 0997-920142 No. ___/UWS, Dated 03/7/2017
---	---	---

To
The Conservator of Forests/PD
Watershed Management Circle
Abbottabad

ANNEXURE

A

Subject: POSTING/TRANSFER OF NAIB QASID/CANCELLATION OF ORDER THEREOF.

Memo:
Reference your office order No. 26 dated 30.03.2017

In compliance of your above cited office order Mr. Zawan Jan Naib Qasid has reported his arrival for duty in Unhar Watershed Division Mansehra. The official is physically and mentally crippled man who can not properly hear, speak and too feeble even to walk without the support of his accompanying son. Therefore the services of Mr. Zawan Jan are hereby returned to DFO Daur Watershed Division Abbottabad for further needful.

It is therefore further requested that the office order cited in the reference may kindly be cancelled please.


Divisional Forest Officer
Unhar Watershed Division
Mansehra

No. 2223 /UWS

Attested
Salik
A.R. Salik (Advocate)
BATTAGRAM

Copy for favor of information and needful to:

1. Divisional Forest Officer Daur Watershed Division Abbottabad with reference to the Office Order cited above.
2. ✓ Mr. Zawan Jan Naib Qasid with the directives to report back to the office of DFO Daur Watershed Division Abbottabad for further needful.


Divisional Forest Officer
Unhar Watershed Division
Mansehra

B-12-03
331

OFFICE ORDER NO. 86 DATED ABBOTTABAD THE 30/03/2017, ISSUED BY MR. JAVED ARSHAD CONSERVATOR OF FORESTS/PD WATERSHED MANAGEMENT CIRCLE ABBOTTABAD

Mr. Zawan Jan Naib Qasid is hereby transferred from Daur Watershed Division to Unhar Watershed Division Mansehra in the interest of public service. The order will take effect from 01-07-2017, after retirement of Mr. Shamsul Arifeen Naib Qasid

Sd/-
(Javed Arshad)
Conservator of Forests/PD
Watershed Management Circle
Abbottabad

Copy forwarded to the:

- 1. Divisional Forest Officer Unhar Watershed Division Mansehra
 - 2. ✓ Divisional Forest Officer Daur Watershed Division Abbottabad
 - 3. Establishment Branch
- For information and necessary action.

Attested
(Signature)
I. E. Salik (Associate)
BATTAGRAM

(Signature)
Conservator of Forests/PD
Watershed Management Circle
Abbottabad

No. 1271 Rows dt 24/4/2017.

Copy forwarded to *(Signature)*
(Signature) Mr. Zawan Jan Naib Q for information and action.

(Signature)
9/4
15/4

Divisional Forest Officer
R. No. 1198
Date. 4/4/17
Daur Watershed Division Abbottabad

DIVISIONAL FOREST OFFICER			Daur Watershed Division, Abbottabad..
No. /DWS			Ph: 0992-9310305, Fax 0992-9310303
To,		Dated	/ /2017 ?

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

Subject:- APPLICATION OF NAIB QASID FOR MUTUAL TRANSFER

Memo. Reference your No.1307-8/E, dated 6.9.2017.

Mr.Zawan Jan Naib Qasid was adjusted against the post of Mali in this Division vide CF/PD Watershed Office Order No.36 dated 8.3.2012 due to non-availability of post of appropriate cadre. It is pertinent to note that Government of KPK instructed in his letter No.SOR-1(E&AD)-1/85/Vol-II) dated 15.2.2003 issued by Add. Secretary Govt. of KPK Regulation Wing Peshawar (Posting & Transfer Policy) for ensuring the posting of proper person on proper post, hence in view of above instructions the application of the Naib Qasid could not be entertained as no proper post is available in this Division please.

DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

Attested
A.H.Salikh (Advocate)
BATTAGRAMI



• 0992 9310304

• 0992 9310303

OFFICE OF THE
CONSERVATOR OF FORESTS/PD
WATERSHED MANAGEMENT CIRCLE
FOREST OFFICES, JAIL ROAD
ABBOTTABAD

No. 3265 /E-11, dated 23 / 05/2013.

To

The Divisional Forest Officer
Kohistan Watershed Division
Besham

Subject: POSTING / TRANSFER OF CLASS-IV EMPLOYEES.

Memo: Reference your letter No.597/Estt dated 24-04-2013.

As recommended vide your letter cited above, this office letter No.3640/E dated 31-05-2012 regarding detailment of Mr. Zawan Jan Naib Qasid is hereby Withdrawn.

You are advised to direct the Naib Qasid to report his arrival to Divisional Forest officer Daur Watershed Division Abbottabad immediately under intimate to this office.

[Handwritten signature]

Conservator of Forests/PD
Watershed Management Circle
Abbottabad

Attested
[Handwritten signature]
A. K. Kohistan Watershed Division
ABBOTTABAD

No. _____ /E-71,

Copy in continuation of this office letter No. 3641/Estt dated 31-05-2012, and Divisional Forest officer Kohistan Watershed Division Besham letter No.598/Estt dated 24-04-2013 forwarded to Divisional Forest officer Daur Watershed Division Abbottabad for information and necessary action.

Conservator of Forests/PD
Watershed Management Circle
Abbottabad

[Handwritten signature]

No 688/E dt 22/05/2013

copy forwarded to the
RO Besham w/cd for
final clearance.

[Handwritten signature]
22/5/13
DIVISIONAL FOREST OFFICER
Kohistan Watershed Division
Besham

ANNEXURE
B

CHIEF CONSERVATOR OF FORESTS
Northern Forest Region-II



Civil Line Forest Offices
Abbottabad
☎ 0992-9310410
☎ 0992-9310343
E-mail: ccfnorth@gmail.com

No. 1307-8/E dated Abbottabad the 06/09/2017.

To

The Divisional Forest Officer

1. Hazara Tribal Forest Division
Battagram.
2. Daur Watershed Division Abbottabad.


Subject: APPLICATION OF NAIB QASID FOR MUTUAL TRANSFER

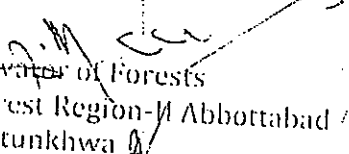
Memo:

Enclosed please find herewith a copy an application preferred by M/S Shah Nawaz and Khawan Jan Naib Qasid for mutual transfer which is self contained.

Please furnish your comments/view on mutual transfer of the aforesaid Naib Qasid at the earliest for further necessary action.

Encl: As above

Attested:

Advocate
BATTAGRAM


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

۱۵۱

مجموعہ صحابہ کرام کے تذکرہ اور ان کے سوانح حیات II (حصہ II)
رسائل صحابہ کرام کے تذکرہ اور ان کے سوانح حیات
دوست ہر آن مائیں رضامندی سے شاہ نواز خان صاحب قاسم
پیر (پیر) اور شاہ نواز خان صاحب قاسم کے ذریعے

صاحب عالی! در خواست قبیل طرف سے

شاہ نواز خان صاحب قاسم کے نام سے درخواست ہے کہ
ان کے سوانح حیات کا تذکرہ اپنے کتاب میں

شامل کیا جائے۔ ان کے سوانح حیات کا تذکرہ
اپنے کتاب میں شامل کیا جائے۔

ان کے سوانح حیات کا تذکرہ اپنے کتاب میں
شامل کیا جائے۔ ان کے سوانح حیات کا تذکرہ

اپنے کتاب میں شامل کیا جائے۔ ان کے سوانح حیات کا تذکرہ
اپنے کتاب میں شامل کیا جائے۔

ان کے سوانح حیات کا تذکرہ اپنے کتاب میں
شامل کیا جائے۔ ان کے سوانح حیات کا تذکرہ

اپنے کتاب میں شامل کیا جائے۔ ان کے سوانح حیات کا تذکرہ
اپنے کتاب میں شامل کیا جائے۔

Affiliated
A.K. S. (Punjab)
BATTAGRAM

۵۔۸۔۲۰۱۹ء

شاہ نواز خان صاحب قاسم

Shahzad
Shahzad
Shahzad

کے طور پر صوبہ گنیز ڈیپارٹمنٹ کی طرف سے کارڈ آف ایجنسی II ایسٹ آباد

درخواست بائبل اور ایسٹ آباد کے سربراہی سٹارٹنگ ٹیبلنگ
دیوارہ ٹیبلنگ ڈیپارٹمنٹ کے سربراہی اور سربراہی کے ساتھ ساتھ
دوڑ ڈیپارٹمنٹ ڈیپارٹمنٹ ایسٹ آباد

درخواست بائبل ٹیبلنگ

1. ایسٹ آباد ٹیبلنگ ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ
ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ

2. ایسٹ آباد ٹیبلنگ ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ
ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ

3. ایسٹ آباد ٹیبلنگ ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ
ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ

4. ایسٹ آباد ٹیبلنگ ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ
ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ

5. ایسٹ آباد ٹیبلنگ ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ
ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ

6. ایسٹ آباد ٹیبلنگ ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ
ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ

7. ایسٹ آباد ٹیبلنگ ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ
ڈیپارٹمنٹ کے سربراہی کے ساتھ ساتھ

خدمت جناب DFO مہاراجہ ڈوڑواٹر سٹیڈ ایسٹ آباد

جناب عالی!

گزارش بیک میڈیا ٹرانسفر 2010

میں کو بہستان ڈوڑواٹر سٹیڈ سے ڈوڑواٹر سٹیڈ ایسٹ آباد
 حویلیاں میں پوا ہے۔ میں اپنے ڈیوٹی پوری طرح
 سے سرانجام دے رہا ہوں۔ لیکن اب میرے ریٹائرمنٹ
 کا وقت نزدیک آ گیا ہے۔ اب مجھ سے میرے افسران
 جبری ریٹائرمنٹ لینا چاہتے ہیں۔ اور مجھے ڈیوٹی کرنا
 نہیں دیتے اور مجھ سے یہ حق چیننا چاہتے ہیں جبکہ یہ
 حق میرے بچوں کا ہے۔ میرے سیٹ ذبردستی مخالف کروا کر
 اپنے کسی بندے کو بھرتی کرنا چاہتے ہیں۔

لہذا مسائل کو اپنے وقت پورے ہونے تک دیوٹی کرنا دیجئے
 میرا تنخواہ باج عینوں سے بند کیا گیا ہے۔ لہذا میں شریب
 آدمی بال بچے دار ہوں میرے تنخواہ کو آزاد کر دیجئے۔

عین نوادش ہوگی

آپ کا تابعدار ملازم

نائب قاصد زوان خان

زوان خان

15

3

OFFICE ORDER NO. 34 DATED ABBOTTABAD THE 05 /10/2018 ISSUED BY
MR.MR.TAIMUR ILYAS DIVISIONAL FOREST OFFICER DAUR WATERSHED DIVISION,
ABBOTTABAD.

ANNEXURE
C

Mr.Zawan Jan Naib Qasid was transferred to Unhar Watershed Division, Mansehra vide Conservator of Forests Watershed Management Circle, Abbottabad office order No.26 dated 30.3.2017 against the vacant post of Naib Qasid and the same has been endorsed to the incumbent vide No.1271/DWS dated 4.4.2017 with the direction to report his arrival at new place of duty. The official was relieved on 1.7.2017 and reported his arrival on same date in the office of DFO Unhar Watershed Division Manshera.

The Divisional Forest Officer Unhar Watershed Division referred back the case with the remarks that "the official is physically and mentally crippled man who cannot properly hear, speak and too feeble even to walk without the support of his accompanying son". In the meanwhile, the transfer order No.26 dated 4.8.2017 has been cancelled by the Conservator of Forests Watershed Management Circle Abbottabad.

The DFO Daur Watershed Division has directed the official vide letter No.488/DWS dated 27.9.2017 that in the light of remarks passed by the DFO Unhar Watershed Division this office is unable to continue the pay and allowance till production of fitness certificate issued by the Medical Board, and he may be produced it otherwise payment of pay and allowances will not be made to him.

Consequently the official taken casual leave for 4 days on 29.9.2017 but he failed to rejoin his duty up to 3.10.2017. Resultantly, the Range Officer reported his absence to this office for appropriate action. The explanation was called vide No.544/DWS dated 9.10.2017 and Mr.Zawan Jan Naib Qasid was directed to join his duty and to justify the unlawful absence within 7days otherwise exparte action will be taken against him. The Range Officer tried to contact him telephonically and use all available sources for communication but in vain.

In view of non responding by the delinquent official the then DFO Daur Watershed Division issued charge sheet to the accused vide No.670-73/DWS, dated 25.10.2017 and assigned the enquiry to Mr. Muhammad Ashraf Superintendent along-with enquiry file to deal the matter appropriately but the enquiry officer returned the enquiry with the remarks that in existence of comments passed by the DFO Unhar Watershed Division Mansehra no departmental enquiry is required rather consider the case for his retirement.

Taking lenient view this office served a notice for resumption of his duty within 7 days vide No.880/DWS dated 21.11.2017 through register cover at his home address but the same is received back undelivered. Finally a notice of absence was published in local leading news papers dated 11.1.2018 in which he had been directed to resume his duty within fourteen (14) days but the official disregarded the directives of higher officer.

Assisted
A.K.Salikh
ATTAGRAM

In view of above circumstances the undersigned being authority reach at the conclusion that Mr.Zawan Naib Qasid is not willing to join his duty and also feeble and have mentally ailing condition.

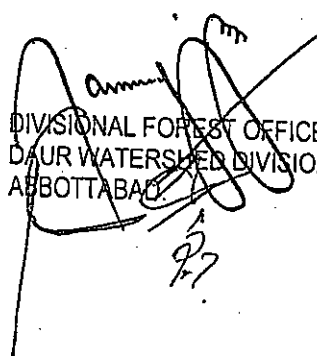
Therefore, as provided Under Section-9 of Khyber Pakhtunkhwa Efficiency and Discipline Rules,2011, the incumbent is hereby awarded major penalty of compulsory retirement with effect from the date of his absence i.e.29.9.2017 from his service in the interest of public service.

Sd/- (TAIMUR ILYAS)
DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD.

No. _____

Copy forwarded to:-

1. The Conservator of Forests, Watershed Management Circle, Abbottabad.
2. The Budget & Accounts Officer Govt. of Khyber Pakhtunkhwa Environment Department, Peshawar.
3. The Range Officer Watershed Range Havelian for information.
4. I/C Establishment Branch Daur Watershed Division, Abbottabad for information and immediate necessary action.
- ✓ 5. Mr.Zawan Jan Mali/NQ for information.


DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD.

Mustafa
Qasid
I/C Establishment Branch
Daur Watershed Division
Abbottabad

حضرت صاحب نوروں کے صاحبزادے (وارث سید) اسٹاٹ آباد

ANNEXURE

D

محلہ اسٹاٹ آباد ضلع مظفر پور مورم 5 ³/₂₅₇₈

جہاں کالی! درخواست اسٹاٹ آباد ضلع مظفر پور

1۔ سائل کا تاریخ پیدائش 1958 اور لوہن نیشن پور کا

کا تاریخ ⁶/₂₅₇₈ ہے۔

2۔ سائل نے 1965 میں محلہ ہڈا میں کوئی نوکری بہت مشکل اور مہینے
ایک مہینے تک ملنے اور محنت سے خدمات انجام دیے ہیں


3۔ سائل کو ملازمت کی آخری حقہ میں کچھ آگے سے کوٹیان اور کو
کوٹیان سے اسٹاٹ آباد سائل کو تبدیل کیا جائے گا۔ اور سائل
کے خدمات کا قدر نہیں لگائی۔ حالانکہ سائل درجہ چھٹا ملازم ہے

Attest
K. Salih (Advocate)
TEGRAM

4۔ سائل کو آخر میں محلے بیان بنانے ہوئے سائل کو جبری طور پر نیشن یافتہ
قرار دیا۔ ایک طرف ایک سال کا تجربہ سے محروم بنا دیا۔ اور دوسری
دہائی ملازم کے نیشن یافتہ کے لیون کو ملازمت سے محروم کرنے کا
نوشن لگایا۔

رہنما صاحبہ سید فدا منظور نے سائل کو مہینے
تجربہ و عطا فرمایا۔ سائل کو نیشن یافتہ قرار دینے سے محروم دہائی ملازم کے
لیون کو نیشن یافتہ سے محروم فرمایا گیا

28.3.2018
اسٹاٹ آباد

<p>Javed Arshad Conservator of Forests</p>		<p>Office of the Conservator of Forests Watershed Management Circle Jail Road Abbottabad Phone No. 0992 9310304 Fax No. 0992 9310303</p>
<p>No. <u>7233</u> /appeal</p>	<p>Dated Abbottabad the <u>18</u> /5/2018</p>	

Mr. Zawan Jan Mali (Rtd)
Village damrai PO Banna Allai
District Battagram.

APPEAL

E

Subject. APPEAL AGAINST OFFICE ORDER NO.34 DATED 5/3/2018.

Reference your application dated 23/3/2018 received on 29/3/2018

The DFO Daur Watershed Division Abbottabad vide his letter No.1961/A-B dated 11/5/2018 has reported that you have given full opportunity to save your service but you could not avail the chance, due to which the action were taken after fulfillment of the all code formalities under the provision of rules by the competent authority.

Hence, your appeal cannot be considered at this stage and has politely been rejected.

Conservator of Forests
Watershed Management Circle
Abbottabad.

Accepted
A. K. Malik
BATTGRAM

No. /appeal

Copy forwarded to DFO Daur Watershed Division Abbottabad for information with reference to his letter cited above.

Conservator of Forests
Watershed Management Circle
Abbottabad.



17
GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

Dated Peshawar the April 19, 2016

NOTIFICATION

No. SOQR-VDE&AD/1-3/2015. In exercise of the powers conferred by Section 26 of the Khyber Pakhtunkhwa Province Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of Khyber Pakhtunkhwa Province is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the following further amendments shall be made, namely:

AMENDMENTS

1. In rule 4,-

- a) in sub-rule (3), for the figures and word "3 to 15", the figures and word "6 to 15" shall be substituted; and
- b) in sub-rule (4), for the figures and word "1 and 2", the figures and word "3 and 5" shall be substituted.

2. In rule 10:-

- a) in sub-rule (2), in second proviso, for the figures and word "1 to 4" the figures and word "3 to 5" shall be substituted; and
- b) for sub-rule (4), the following shall be substituted, namely:

"(4) Where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant or if the child has not attained the age prescribed for appointment in Government service, the widow or wife as the case may be, of such civil servant, to a posts in any of the basic pay scales 3 to 11 in Provincial cadre post and basic pay scales 3 to 12 in District cadre posts:

Provided that the child or the widow or wife, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows or wives of the deceased civil servant, as the case may be, preference shall be given to the elder widow or wife:

Provided also that appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies, in different pay scales, are available at a time and the child or the widow or wife, as the case may be, possesses the qualifications eligible for appointment in more than one post, such child or the widow or wife, as the case may be, shall ordinarily be appointed to the post carrying higher pay scale:

Provided also that the provision of this sub-rule shall not be applicable to posts falling within the purview of the Commission."

Accessed
A.K. Saikh (Advocate)
PESHAWAR

3. In rule 12, in sub-rule (3), for the figures and word "1 and 2", the figures and word "3 and 5" shall be substituted.

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA.

A. E. Salik

A. E. Salik (Director)
PLANNING & STATISTICS

ENDS: NO & EVEN DATE

Copy is forwarded to:-

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

(SAIFULLAH KHAN)
SECTION OFFICER (REG-VI)

³³(4) Where a civil servant dies or is rendered incapacitated/invalidated permanently during service then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government Service, the widow/wife of such civil servant, to a post in any of the Basic Pay Scales 1-10:

Provided that the child or the widow/wife as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows/wives of the deceased civil servant, preference shall be given to the elder widow/wife.

Provided also that the appointment under this sub rule is subject to availability of a vacancy and if more than one vacancies in different pay scales are available at a time, and the child or the widow/wife, as the case may be, possesses the qualifications making him or her eligible for appointment in more than one post, he /she shall ordinarily be appointed to the post carrying higher pay scale.

Provided further that this shall not apply to any post in BPS-1-10 falling in the purview of the ³⁴[Khyber Pakhtunkhwa] Public Service Commission.

³⁵(5) Notwithstanding anything contained in any rule for the time being in force, two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates:

Explanation-I---For the purpose of reservation under this sub-rule "disability" does not include such disability which hampers in the smooth performance of the duties required of a disabled candidate.

Explanation-II---Ten per cent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

³⁶(6) Notwithstanding anything contained in any rule for the time being in force, five per cent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates hailing from earthquake affected areas of District Mansehra, Battagram, Shangla, Kohistan and Abbottabad (Calamity hit area) for a period of three years commencing from 1st February, 2006.

³⁷(7) Notwithstanding anything contained in any rule for the time being in force, ³⁸[three] percent of all the posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to—

³³ Sub rule (4) substituted vide Notification No. SOR-VI (E&AD)1-3/2011/Vol-VIII, dated 31-08-2012.

³⁴ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³⁵ Sub rule (5) substituted vide Notification No. SOR-VI (E&AD)1-10/03 (VI), dated 04-12-2007.

³⁶ Sub rule (6) inserted vide Notification No. SOR-VI(E&AD)1-3/03 (VI), dated 01-02-2006

³⁷ Sub rule (7) added vide Notification No. SOR-VI(E&AD)1-3/08, dated 06-01-2009

³⁸ Subs. vide Notification No. SORIV/E&AD/1-10(Minority)/2008, dated 08.01.2014.

Attested
A.K. Salik
A.K. Salik (Advocate)
BATTGRAM

1955 O.P. 35

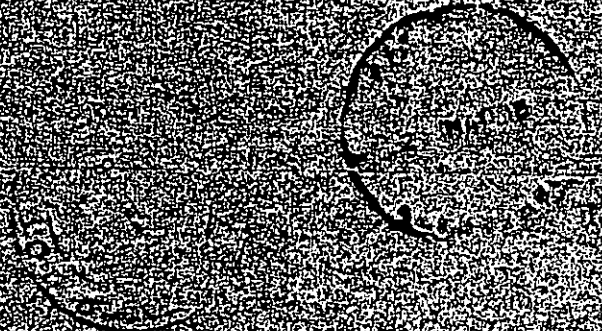
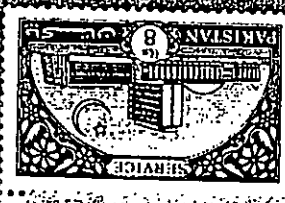
Mr. J. M. (Red)

W. J. P. O. Banna

Allah District Khatyan

0601

0601



وکالت نامہ

کورٹ فیس
قیمتی

بعدالت KHYBAR PUKHTUNKHAWA SERVICES TRIBUNAL PESHAWAR

Zawar Jan Khan نام Govt;

SERVICE APPEAL دعوے لیا جرم APPELLANT منجانب:

باعث تحریر آنکے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پٹوٹی بمقام: ARBOTT ARAD.

محمد فراز خان **امان اللہ سالک ایڈووکیٹ ہائی کورٹ (بٹگرام)** محمد مسلم

(جمال عبدالناصر، امیر محمد خان، نیلا محمد خان، عثمانیہ اللہ خان) ممبر ڈسٹرکٹ بار ایسوسی ایشن "BATTAGRAM"

کو حسب ذیل شرائط پروکیل مقرر کیا ہے کہ میں ہر پٹوٹی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پٹوٹی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہونگے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی جگہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے اور مقدمہ کچہری کے علاوہ کسی ساعت ہونے پر یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عینانہ کے واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے مجھ کو مکمل ساختہ پر داختہ صاحب موصوف مثل کرد اذات منظور و مقبول ہوگا۔ اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ درخواست اجراءے ڈگری و نظر ثانی اپیل گمرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اس پر ثالثی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت جانے میر و نجات از کچہری صدر اپیل و برآمد کی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از گرفتاری و اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ہوگی علیحدہ مختانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اس کے کسی جز کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل یا پیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے قانون کو بھی ہر امر میں دہی اور ویسے ہی اختیار حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہوگا اگر وکیل صاحب موصوف کو پوری فیس تاریخ پٹوٹی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

ATTESTED
&
ACCEPTED

Amanullah Khan Safik
Advocate, High Court
Distt: Courts, BATTAGRAM

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے مورخہ ماہ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ال عبد ال عبد ال عبد ال

زواران خان

Before The Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 812 of 2018

Zawan Jan
Daur Watershed Division Abbottabad

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Forest of Khyber Pakhtunkhwa, Peshawar.
2. Chief Conservator of Forests Khyber Pakhtunkhwa Peshawar.
3. Conservator of Forests, Watershed Management Circle Abbottabad.
4. Divisional Forest Officer, Daur Watershed Division Abbottabad.

Subject: Para –wise comments on behalf of Respondents No. 1, 2 , 3 & 4

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTIONS:

1. That the appellant has got no locus standi.
 2. That the appeal is not maintainable in its present form.
 3. That the appeal is hit by the principle of Laches.
 4. That the instant appeal is bad for mis-joinder and non-joinder of necessary parties.
 5. That the appellant is estopped by his own conduct to file the instant appeal.
 6. That the appeal is hit by the principle of Estoppel.
 7. That the appeal is time barred.
-
1. Pertain to record hence needs no comments.
 2. It is correct that the appellant was transferred from Daur Watershed Division to Unhar Watershed Division Mansehra vide CF Watershed O/O No 26 dated 30.03.2017, (Copy

annex as annexure –A) but DFO Unhar referred back with the remarks that the official is physically & mentally crippled man who cannot properly hear ,speak and too feeble even he cannot walk without the support of his son.DFO Unhar requested to C.F |Watershed for cancellation of above order vide his letter No.21/UWS dated 03.07.2017

(Copy of DFO Unhar letter is annex as annexure- B)The order has been cancelled vide Conservator of Forests Watershed Management circle Abbottabad office order No.02. dated 04.08.2017 **(Copy of office order is annex as annexure- C)**

3. It is correct but not appropriate as per instructions given by Govt of KPK vide No.SOR -1 (E-AD 1/85 Vol-II dated 15.03.2003 **(Copy of letter annex as annexure –D)**

4. Incorrect Mr. Zawan Jan was transferred from Daur Watershed to Unhar Watershed but DFO Unhar referred back him with the remarks that he is unable to perform his duties & even cannot move without help of his son. In the above circumstances this office directed the Naib Qasid for submission of medical fitness Certificate but the certificate was not provided by him.

On 03.10.2017 Range Officer Havelian has reported to this office that Mr.Zawan Jan applied for four days casual leave for Muharam-UI-Haram Holidays on 29.09.2017, but on expiry of leave period he did not rejoin his duty till 03.10.2017, **(Copy of report of RFO is annex as annexure -E)** Resultantly explanation was called vide No.542 dated 9.10.2017 **(Copy enclosed as annexure-F)** & Mr. Zawan Jan Naib Qasid was directed to rejoin his duty and to justify the unlawful absence within 7 days otherwise ex-parte action will be taken against him. The Range Officer tried to contact him

telephonically and used all available sources for communication but in vain. and on non receipt of reply a notice was served upon the Naib Qasid on his home address which was received back undelivered **(copy of notice is annex as Annexure –G)** Finally another notice was published in local news papers but no reply was received from Zawan Jan **(copy of news paper is annex as Annexure-H)** and in silence of appellant no way was left, except to initiate disciplinary proceedings against accused official & finally major penalty was awarded to him vide DFO Daur office order No.34 dated 05.03.2018.**(Copy annex as Annexure –I)**

5. As per rules in practice the appellant preferred an appeal before next higher authority i.e. CF watershed Management project & prayed for sit aside of impugned office order No.34 dated 05.03.2018. The copy of appeal **(Annexure-J)** The CF Watershed being a authority rejected the appeal vide letter No.7033/Appeal dated 18.05.2018. The copy of CF watershed letter is **(Annexure-K)**
6. As stated in Para -5

Ground

- I. Incorrect ,The opportunity was given to the official as per rules in vogue and than awarded punishment under rule 9 of E & D Rules 2011. **(Annexure-L).**
- II. Incorrect the action was taken under rules as stated in above Para No.4
- III. Incorrect ,the department has never withheld the salaries any allowances of the appellant nor used the services of his son during the period of his service up to 28.09.2017 i.e. the date of compulsory retirement **(Annexure –M)**
- IV. Incorrect the directives given in the notification are not be applicable in the instant case neither the appellant has retired on the age of superannuation nor declared invalid by the medical board .furthermore the appellant had not died during the service.

V. As stated in Para-4 above.

VI. The appellant never applied for earned leave.

VII. The appellant never applied for LPR

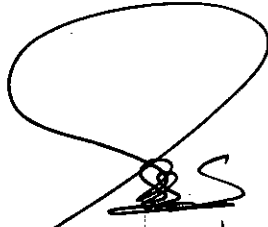
VIII. No comments

IX. In case of compulsory retirement the salary of 365 days was not allowed to the retired official on compulsory grounds provided in rules **(Annexure N)**.


It is therefore, requested that the instant appeal may kindly be dismissed with cost.

Dated ____/____/2019

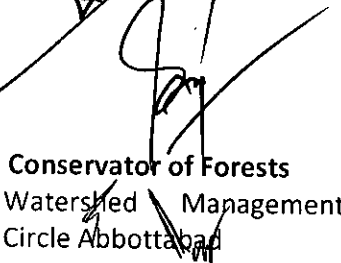
Respondent No.1


Secretary of Forests
Khyber Pakhtunkhwa, Peshawar

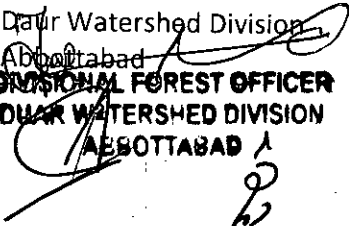
Respondent No.2


Chief Conservator of Forests
Khyber Pakhtunkhwa Peshawar

Respondent No.3


Conservator of Forests
Watershed Management
Circle Abbottabad

Respondent No.4


Divisional Forest Officer
Duar Watershed Division
Abbottabad
DIVISIONAL FOREST OFFICER
DUAR WATERSHED DIVISION
ABBOTTABAD

Annex - A

① B-12
3

OFFICE ORDER NO. 86 DATED ABBOTTABAD THE 30 /03/2017, ISSUED BY MR. JAVED ARSHAD CONSERVATOR OF FORESTS/PD WATERSHED MANAGEMENT CIRCLE ABBOTTABAD

Mr. Zawan Jan Naib Qasid is hereby transferred from Daur Watershed Division to Unhar Watershed Division Mansehra in the interest of public service. The order will take effect from 01-07-2017, after retirement of Mr. Shamsul Arifeen Naib Qasid

Sd/-
(Javed Arshad)
Conservator of Forests/PD
Watershed Management Circle
Abbottabad

Copy forwarded to the:

1. Divisional Forest Officer Unhar Watershed Division Mansehra
 2. ✓ Divisional Forest Officer Daur Watershed Division Abbottabad
 3. Establishment Branch
- For information and necessary action.

Attested

Conservator of Forests/PD
Watershed Management Circle
Abbottabad

[Signature]
Divisional Forest Officer
Daur Watershed Division
Abbottabad

No. 1271 Rows dt 24/4/20

Copy forwarded to *[Signature]*
[Signature] Mr. Zawan Jan Naib Q for information and action.



Attested

[Signature]
DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

MI EX B HJE (B) 11 4

FOREST DEPARTMENT UNHAR WATERSHED DIVISION MANSEHRA		Phone # 0997-920142 No. _____ /UWS, Dated 03/7/2017
---	---	--

To
 The Conservator of Forests/PD
 Watershed Management Circle
 Abbottabad

Subject: POSTING/TRANSFER OF NAIB QASID/CANCELLATION OF ORDER THEREOF.

Memo:
 Reference your office order No. 26 dated 30.03.2017.

In compliance of your above cited office order Mr. Zawan Jan Naib Qasid has reported his arrival for duty in Unhar Watershed Division Mansehra. The official is physically and mentally crippled man who can not properly hear, speak and too feeble even to walk without the support of his accompanying son. Therefore the services of Mr. Zawan Jan are hereby returned to DFO Daur Watershed Division Abbottabad for further needful.

It is therefore further requested that the office order cited in the reference may kindly be cancelled please.

Divisional Forest Officer
 Unhar Watershed Division
 Mansehra

No. 22-23 /UWS

A Hand

[Signature]
 Divisional Forest Officer
 Daur Watershed Division
 Abbottabad

Copy for favor of information and needful to:

1. Divisional Forest Officer Daur Watershed Division Abbottabad with reference to the Office Order cited above.
2. Mr. Zawan Jan Naib Qasid with the directives to report back to the office of DFO Daur Watershed Division Abbottabad for further needful.

Divisional Forest Officer
 Unhar Watershed Division
 Mansehra

E.C
wait for decision of the CF/PD

The official may be asked to produce a medical certificate.

Divisional Forest
 R. No. 26
 Date 6/7/17
 Daur Watershed Division

Attested

[Signature]
 DIVISIONAL FOREST OFFICER
 DAUR WATERSHED DIVISION
 ABBOTTABAD

Annex-C

97

15 B-1

40

OFFICE ORDER NO. 02 DATED ABBOTTABAD THE 04/08/2017, ISSUED BY MR. JAVED ARSHAD CONSERVATOR OF FORESTS/PD WATERSHED MANAGEMENT CIRCLE ABBOTTABAD.

This office order No. 26 dated 30/03/2017, is hereby cancelled in the interest of public service with immediate effect.

Sd/-
(Javed Arshad)
Conservator of Forests/PD
Watershed Management Circle
Abbottabad

Copy forwarded to the:-

1. Divisional Forest Officer Daur Watershed Division Abbottabad for information with reference to our discussion dated 04-08-2017.
2. Divisional Forest Officer Unhar Watershed Division Mansehra for information and necessary action. This is with reference to his NO.21/UWS dated 03/07/2017.
3. Officials concerned for information and necessary action.

Conservator of Forests/PD
Watershed Management Circle
Abbottabad

Divisional Forest Officer
R. No. 183
Date. 27/8/17
Daur Watershed Division Abbottabad

[Handwritten signature]
27/8

[Handwritten signature]
Divisional Forest Officer
Daur Watershed Division
Abbottabad

Attested

[Handwritten signature]
DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

An Index - D

17

Copy of letter No.SOR-1(E&AD)1-1/85/Vol.II), dated 15th February,2003 from Ghulam Jilani Asif, Additional Secretary (Reg.) Government of NWFP, Establishment and Administration Department (Regulation Wing) addressed to all Administrative Secretaries to Government of NWFP and others.

Subject POSTING / TRANSFER POLICY OF THE PROVINCIAL GOVERNMENT

Dear Sir,

I am directed to refer to the subject noted above and to say that in supersession of all policy instructions issued in this behalf, the competent authority has approved the following Posting Transfer Policy:

- i- All the postings / transfers shall be strictly in public interest and shall not be abused / misused to victimize the Government servants.
- ii- All Government servants are prohibited to exert political, Administrative or any other pressures upon the posting/transfer authorities for seeking posting / transfers of their choice and against the public interest.
- iii- All contract Government employees, appointed against specific posts, cannot be posted against any other post.
- iv- The normal tenure of posting shall be three years subject to the condition that for the officers / officials posted in unattractive areas, the tenure shall be two years and for the hard areas the tenure shall be one year. The unattractive and hard areas will be notified by the Government.
- v- Months of March and July are fixed for posting / transfer of the officers / officials excluding the officers in B-19 and above in the Province. Posting / transfer in Education and Health Departments shall be made in March while the remaining Departments shall make posting / transfers in July. There shall be a ban on posting / transfers throughout the year excluding the aforesaid two months. However, there shall be no restriction in cases where postings / transfers of Government employees become inevitable on other months, due to promotion / retirement / creation of new posts / return from long leave / involvement in disciplinary proceedings and adjustment of surplus staff for which specific relaxation shall be obtained from the Chief Minister.
- vi- While making postings / transfers from settled areas to FATA and vice-versa specific approval of the Governor, NWFP needs to be obtained.
- vii- Officers may be posted on executive administrative posts in the Districts of their domicile except District Coordination Officers (D.C.Os) and Superintendent of Police (SP). Similarly Deputy Superintendent of Police (DSP) shall not be posted at a place where in the Police Station (Thana) of his area residence is situated.
- viii- No postings / transfers of the officers / officials on detailement basis shall be made
- ix- Regarding the posting of husband / wife, both in Provincial services, efforts where possible would be made to post such persons at one station and this will be subject to the public interest.
- x- All the posting / transferring authorities may facilitate the postings / transfers of the unmarried female Government Servants at the station of the residence of their parents.
- xi- Officers / officials except DCOs and SPs who are due to retire within one year may be posted to their option. On posts in the Districts of their domiciles and be allowed to serve till the retirement.
- xii- In terms of Rule-17(1) and (2) read with Schedule-11 of the Government of NWFP Rules of Business 1985, transfer of officers shown in column 1 of the following table shall be made by the authorities shown against each officers in column 2 thereof:

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

Attended

DIVISIONAL FOREST OFFICE
DUAR WATER-RESERVED DIVISION
ABBOTTABAD

[Signature]

Annex - D

19

6- Officials upto the rank of Superintendent:	Secretary of the Department concerned. Secretary of the Department in consultation with Head of Attached Deptt. Concerned. Secretary (Establishment
(a) Within the same Department.	
(b) To and from an attached Department.	
(c) Within the Secretariat from one Department to another	

- xiii- While considering postings/transfers proposal at the concerned authorities shall keep in mind the following.
- a- To ensure the posting of proper persons on proper posts, the annual confidential reports, past and present record of service, performance on post held presently and in past and general reputation with focus on the integrity of the concerned officers/officials be considered.
 - b- Tenure on present post shall also be taken into consideration and the posting / transfers shall be in the best public interest.
- xiv- Government servants including District Government employees feeling aggrieved due to the orders of posting/transfers authorities may seek remedy from the next higher authority/ the appointing authority as the case may be through an appeal to be submitted within seven days of the receipt of such orders. Such appeal shall be disposed of within fifteen days. The option of appeal against posting/transfer orders could be exercised only in the following cases:
- i- Pre-mature posting/transfer or posting/transfer in violation of the provisions of this policy.
 - ii- Serious and grave personal (humanitarian) grounds.

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

S.#	Officers	Authority.
1.	Posting of District Coordination Officer and Executive District Officer in a District	Provincial Government
2.	Posting of District Police Officer	Provincial Government
3.	Other Officer in BPS-17 and above posted in the District	Provincial Government
4.	Official in BPS-16 and below	Executive District Officer in consultation with District Coordination Officer.

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

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

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

Yours faithfully,
Sd/- Ghulam Jilani Asif
Add. Secretary (REG.)

Attested

Endst. No. SOR.I(E&AD)1-1/85, dated Peshawar the 15-02-2003.

Copy forwarded to:
x.x.x.x

1 to 6
Endst. No. and date even

Sd/-Deputy Secretary (Reg-I)

Copy forwarded to:
x.x.x.x

1 to 2
No. 2600 - 2601

Sd/- Section Officer (Reg.I)

/Estt, dated Peshawar the 26-02-2003

Copy forwarded to the:
1- All Conservator of Forests in NWFP.
2- All Directors, in NWFP

[Signature]
DIVISIONAL FOREST OFFICER
DUAR WATERSHED DIVISION
ABBOTTABAD

For guidance and necessary action.

Sd/-CCF, NWFP, Peshawar

(original letter is at Page - 501 of Postings) Transfer
divisional file -

عنوان - غیر حاضری رپورٹ زوان خان حالی / گوکھارا

جانب عالی ، 31/10/2017 No 201/ROH dt

جیسا کہ علم میں ہے کہ زوان خان حالی / گوکھارا حویلیاں
ڈسٹرکٹ سٹیج ایک بورڈ آف شخصوں کے لئے اکثر بھاری بھاری ہیں اور
اس نے اپنے آپ کو دوران ڈھولی اپنے سہارے کیلئے مانگو اور اس کے
تاریخ 29/10/2017 کو اپنے سہارے کے ساتھ حرم کی طبی سرٹیفکیٹ اور آج
تاریخ 3/11/2017 تک واپس نہیں آیا ہے۔ اور سرکاری ملازمت ریٹرنج آفس
حویلیاں ضلع میں سرکاری کاغذات کے علاوہ کسی دیگر
سٹاک کو چوری سے چھیننے میں نے سرٹیفکیٹ شخص کو ان
شخصوں کے دوران غائبی طور پر ہی رہا ہے۔

جانب عالی - آج تاریخ 3/11/2017 کو بھی میرا نام نہ
صرف پر خون تیار ہے ہوتے ہیں اس نے Attend نہیں کیا
لہذا غیر حاضری رپورٹ میں ضرورت ہے۔ اور درخواست
کے آگے مندرجہ ذیل کارروائی عمل سے لڑائی جائے

31/10/2017

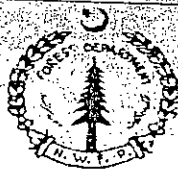
Divisional Forest Officer
Daur Watershed Division
Abbottabad

جانب عالی / طبی / زوان خان حالی / گوکھارا
Attested

Acct / Ec

DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

Annex-F

Divisional Forest Officer		Daur Watershed Forest Division Abbottabad Phone # 0992-9310305
No. <u>542</u> /B-40		Dated <u>9/10/2017</u>

To,

Mr, Zawan Jan
Naib Qasid
c/o Range Officer
Watershed Range Havelian.

B-14

Subject: WILLFUL ABSENCE FROM DUTY

Memo:

The Range Officer Watershed Range Havelian has reported that you are absent from your place of duty and your whereabouts are not known to him since 29.9.2017. He has further reported that due to your ill health you cannot perform your duty effectively. As you know that due to your absence from duty, the Government property at Havelian Watershed Range Office is at risk. In case of any mishap you will personally be responsible for the losses sustained to Govt if any.

It is therefore directed to explain your position within 7 days after receipt of this letter, else ex parte action will be taken against you, as per rules in vogue.

Please acknowledge the receipt.

DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

No. 543 B-40

Attested
alain
DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

Copy forwarded to

1. Range Forest Officer Havelian for information & necessary action with reference to his letter No.201/ROH dated 3.10.2017. He should hand over the letter to the official under proper receipt and send the same to this office for record.


[Handwritten signature]

Attested
[Handwritten signature]
DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

Annex-G

Annex-G

9

Divisional Forest Officer		Daur Watershed Forest Division Abbottabad Phone # 0992-9310305
No. 880 /B-14		Dated 2/ 10/2017

To,

Mr, Zawan Jan
Naib Qasid
Havelian .


Subject: ABSENCE FROM DUTY

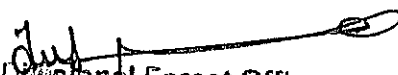
Memo: Reference this office letter No.488 dated 27.9.2017 NO.543 /DWS dated 9.10.2017 & No: 670-73 /DWS dated 25.10.2017.

You were directed vide this office letter under reference to provide the fitness certificate about your health , Instead of providing medical fitness certificate ,you are absent from your duty from 29.9.2017 .without unknown reasons. In this regard your explanation was called by the undersigned and directed to explain your position within 7 days .Today is 20.11.2017, but your reply has not been received in this office nor your whereabouts is known to your Range officer


You are once again directed to explain your position within three days after issue of this letter. In case of failure expatriate action will be initiated against you as per rules in vogue.

Attended


DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD


Divisional Forest Officer
Daur Watershed Division
Abbottabad

Attested


DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

Annex

G

Annex - G

379

To

Sub

ARROTABAD

DIVISIONAL FOREST OFFICER
DUAR WATERSHED DIVISION
ARROTABAD

Mr. Jagan
Mr. Kasra
Mr. Jagan Singh
Mr. Batra
Mr. Mahesh

Mr. Jagan Singh
Mr. Kasra
Mr. Jagan Singh
Mr. Batra
Mr. Mahesh

Mr. Jagan Singh
Mr. Kasra
Mr. Jagan Singh
Mr. Batra
Mr. Mahesh

DIVISIONAL FOREST OFFICER
DUAR WATERSHED DIVISION
ARROTABAD

5
2

~~Annex - I~~
Annex - I

OFFICE ORDER NO. 34 DATED ABBOTTABAD THE 05 ³/10/212018 ISSUED BY
MR. MR. TAIMUR ILYAS DIVISIONAL FOREST OFFICER DAUR WATERSHED DIVISION,
ABBOTTABAD.

Mr. Zawan Jan Naib Qasid was transferred to Unhar Watershed Division, Mansehra vide Conservator of Forests Watershed Management Circle, Abbottabad office order No.26 dated 30.3.2017 against the vacant post of Naib Qasid and the same has been endorsed to the incumbent vide No.1271/DWS dated 4.4.2017 with the direction to report his arrival at new place of duty. The official was relieved on 1.7.2017 and reported his arrival on same date in the office of DFO Unhar Watershed Division Mansehra.

The Divisional Forest Officer Unhar Watershed Division referred back the case with the remarks that "the official is physically and mentally crippled man who cannot properly hear, speak and too feeble even to walk without the support of his accompanying son". In the meanwhile, the transfer order No.26 dated 4.8.2017 has been cancelled by the Conservator of Forests Watershed Management Circle Abbottabad.

The DFO Daur Watershed Division has directed the official vide letter No.488/DWS dated 27.9.2017 that in the light of remarks passed by the DFO Unhar Watershed Division this office is unable to continue the pay and allowance till production of fitness certificate issued by the Medical Board, and he may be produced if otherwise payment of pay and allowances will not be made to him.

Consequently the official taken casual leave for 4 days on 29.9.2017 but he failed to rejoin his duty up to 3.10.2017. Resultantly, the Range Officer reported his absence to this office for appropriate action. The explanation was called vide No.544/DWS dated 9.10.2017 and Mr. Zawan Jan Naib Qasid was directed to join his duty and to justify the unlawful absence within 7 days otherwise exparte action will be taken against him. The Range Officer tried to contact him telephonically and use all available sources for communication but in vain.

In view of non responding by the delinquent official the then DFO Daur Watershed Division issued charge sheet to the accused vide No.670-73/DWS, dated 25.10.2017 and assigned the enquiry to Mr. Muhammad Ashraf Superintendent along-with enquiry file to deal the matter appropriately but the enquiry officer returned the enquiry with the remarks that in existence of comments passed by the DFO Unhar Watershed Division Mansehra no departmental enquiry is required rather consider the case for his retirement.

Taking lenient view this office served a notice for resumption of his duty within 7 days vide No.880/DWS dated 21.11.2017 through register cover at his home address but the same is received back undelivered. Finally a notice of absence was published in local leading news papers dated 11.1.2018 in which he had been directed to resume his duty within fourteen (14) days but the official disregarded the directives of higher officer.

A. Ashraf
Divisional Forest Officer
Daur Watershed Division
Abbottabad

Attested
Divisional Forest Officer
DAUR WATERSHED DIVISION
ABBOTTABAD

Annex-I

~~Annex-I~~

P-File

In view of above circumstances the undersigned being authority reach at the conclusion that Mr.Zawan Naib Qasid is not willing to join his duty and also feeble and have mentally ailing condition.

Therefore, as provided Under Section-9 of Khyber Pakhtunkhwa Efficiency and Discipline Rules,2011, the incumbent is hereby awarded major penalty of compulsory retirement with effect from the date of his absence i.e.29.9.2017 from his service in the interest of public service.

Sd/- (TAIMUR ILYAS)
DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD.

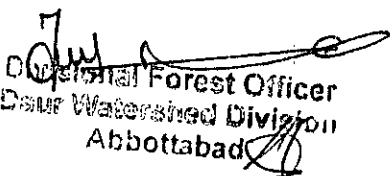
No. _____ /

Copy forwarded to:-

1. The Conservator of Forests, Watershed Management Circle, Abbottabad.
2. The Budget & Accounts Officer Govt. of Khyber Pakhtunkhwa Environment Department, Peshawar.
3. The Range Officer Watershed Range Havelian for information.
4. I/C Establishment Branch Daur Watershed Division, Abbottabad for information and immediate necessary action.
5. Mr.Zawan Jan Mali/NQ for information.

A. Khan


DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD


Divisional Forest Officer
Daur Watershed Division
Abbottabad

Attested


DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

2
ER
W

محفوظات نرونگہ (محکمہ جنگل (ڈارہ ایڈمنسٹریشن) ایبٹ آباد

ANNEXURE

D

محلانہ ایسٹریٹ فلاحی ممبرہ مورم 5 ³/₂₅₇₈

جہاں جگہ! در خواست / ایسٹریٹ فلاحی ممبرہ

1- تاریخ سائل تاریخ پیدائش 15 جون 1958 اور این نیشنل ایسٹریٹ فلاحی ممبرہ 15 ³/₂₅₇₈ ہے۔

2- تاریخ سائل نے 1965 میں محلہ ہڈا میں کوئی سکرپٹ منسلک اور ماسی ایک ممبرہ تک ملے اور محنت سے خدمات انجام دیے ہیں۔

3- کوئی ملازمت آخری حق سے کبھی آگے سے کوئی اور کوئی کوئی سائل کو تبدیل کیا جائے گا۔ اور سائل نے خدمات کا قدر نہیں لگاؤ۔ حالانکہ سائل درجہ چھٹا ملازم ہے۔

4- کوئی آخر میں حیلے بیانے بناتے ہوئے سائل کو جبری طور پر نیشنل ایسٹریٹ فلاحی ممبرہ قرار دیا۔ ایک طرف ایک سال کا تجربہ سے محروم بنا دیا۔ اور دوسری درجہ چھٹا ملازم نیشنل ایسٹریٹ فلاحی ممبرہ کے لیکن کوئی ملازمت سے محروم رہنا۔

Attested
K. Salih
TELEGRAM

Attested

رشد شاہیدہ بی بی فدا منظور فرمائے۔ سائل کو ماسیٹ

تجربہ و صلاحیت کا حوالہ دیا۔ فروری 1965 میں درجہ چھٹا ملازم کے

DIVISIONAL FOREST OFFICER
DUAR WATERSHED DIVISION
ABBOTTABAD

DIVISIONAL FOREST OFFICER
DUAR WATERSHED DIVISION
ABBOTTABAD

Attested

<p>Javed Arshad Conservator of Forests</p>		<p>Office of the Conservator of Forests Watershed Management Circle Jail Road Abbottabad Phone No. 0992 9310304 Fax No. 0992 9310503</p>
<p>No. <u>7233</u> /appeal</p>		<p>Dated Abbottabad the <u>18</u> /5/2018</p>

Mr. Zawan Jan Mali (Rtd)
Village damrai PO Banna Allai
District Battagram.

APPEAL
E

Subject. APPEAL AGAINST OFFICE ORDER NO.34 DATED 5/3/2018.

Reference your application dated 23/3/2018 received on 29/3/2018

The DFO Daur Watershed Division Abbottabad vide his letter No.1961/A-B dated 11/5/2018 has reported that you have given full opportunity to save your service but you could not avail the chance, due to which the action were taken after fulfillment of the all codel formalities under the provision of rules by the competent authority.

Hence, your appeal cannot be considered at this stage and has politely been rejected.

Conservator of Forests
Watershed Management Circle
Abbottabad.


Conservator
BATTAGRAM

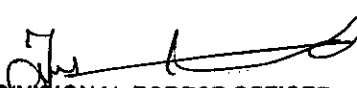
No. /appeal

Copy forwarded to DFO Daur Watershed Division Abbottabad for information with reference to his letter cited above.

Conservator of Forests
Watershed Management Circle
Abbottabad.

Attested


DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD
MS Khan (General) G II L-100
Attested


DIVISIONAL FOREST OFFICER
DAUR WATERSHED DIVISION
ABBOTTABAD

Provided that dismissal in these cases shall be with immediate effect from the date of conviction by a court of law; and

- (b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

9. Procedure in case of wilful absence.—Notwithstanding anything to the contrary contained in these rules, in case of wilful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an *ex-parte* decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant.

10. Procedure to be followed by competent authority where inquiry is necessary.— (1) If the competent authority decides that it is necessary to hold an inquiry against the accused under rule 5, it shall pass an order of inquiry in writing, which shall include-

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and

Attached

Divisional Forest Officer
Quar Watershed Division
Abbottabad

(d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fifteen days of the date of receipt of orders.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

(3) In a case where preliminary or fact finding inquiry was conducted, and the competent authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary enquiry.

11. Procedure to be followed by inquiry officer or inquiry committee.— (1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is

Attached

[Signature]
DIVISIONAL FOREST OFFICER
QUAR WATERSHED DIVISION
ABBOTTABAD

[Signature]
DIVISIONAL FOREST OFFICER
QUAR WATERSHED DIVISION
ABBOTTABAD

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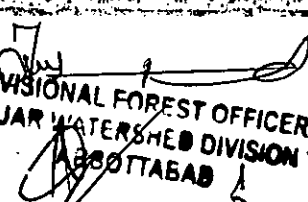
Annex M

each being charged with the following details as under:-

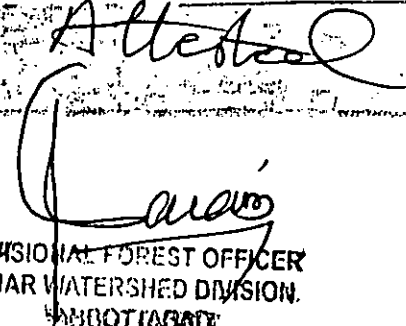
Name & Rank	Pay	HR	MA	EA	9-13	2015	2016	2017			
Javed Mirza	CF	95810	5904	4688	500	2275	1526	8809	9581	-	127
Abdullah Khando	PO	89185	3873	3770	-	2050	1350	7029	8449	-	116
M. Ashraf Supat		55670	2855	2490	-	1340	906	4667	5567	5000	78
Bhadrakhan Awan		40120	E	1751	-	980	659	3847	4112	-	51
		27575	12732	12719	570	6645	4471	23552	27575	500	203

Name & Rank	A/C No.	pay	L/Salary	HRA	CA	WA	DA	Int. Allow	MA	ARA 2013 5%	UAA	ARA 2015 2.5%	ARA 2016 10%	AR 2017 10%
Muhammad Sarwar	4132888210	45600	0	1476	2856	0	0	0	1500	1102	0	733	3845	4560
Muhammad Steno		15000	0	0	0	0	0	0	0	0	0	0	0	0
Muhammad Shamraiz Assistant		38605	0	0	5000	0	0	0	1751	888	0	594	3252	3860
Muhammad Arshad S/C	23950-3	33900	0	0	0	0	0	0	1500	790	0	526	2840	3390
Muhammad Shahana Tabassam J/C		13450	0	1234	2856	0	0	0	1500	427	0	214	1125	1345
Muhammad Dad J/C	24049-4	33690	0	1234	2856	0	0	0	1500	836	0	556	2827	3369
Muhammad Hussain Shah J/C		17850	0	1234	2856	0	0	0	1500	425	0	288	1493	1785
Muhammad Shahid Hussain Shah J/C		25770	0	1234	2856	0	0	0	1500	629	0	422	2161	2577
Muhammad Feroze J/C	4139733534	12570	0	1234	2856	0	0	0	1500	629	0	314	1051	1257
Muhammad Hamayun Driver		18455	0	1029	1785	100	0	0	1500	433	0	303	1548	1845
Muhammad Asar Ahmad Driver		23690	0	1059	1785	100	0	0	1500	569	0	395	1993	2369
Muhammad Farid Driver	17257-4	12855	0	1029	1785	100	0	0	1500	283	0	209	1078	1285
Muhammad Saikat Ali Driver	17462-5	12855	0	1029	1785	100	0	0	1500	280	0	207	1078	1285
Muhammad Arangzeb NO	30257-8	22660	0	972	1785	0	0	300	1500	552	0	378	1901	2266
Muhammad Mohd Miskeen NO	31896-3	22660	0	972	1785	0	0	300	1500	552	0	378	1901	2266
Muhammad S Maqsood Shah NO	26811-5	22660	0	0	0	0	0	300	1500	553	0	378	1901	2266
Muhammad Fida Hussain NO	32571-3	21780	0	972	1785	0	0	300	1500	517	0	348	1811	2178
Muhammad Abdur Razaq NO	21997-2	20900	0	972	1785	0	0	300	1500	508	0	348	1753	2090
Muhammad Mohd Javed NO	24010-9	21340	0	972	1785	0	0	300	1500	500	0	341	1773	2134
Muhammad Sadaqat Ali NO	17302-9	11535	0	942	1785	0	0	300	1500	270	0	189	967	1154
Muhammad Muhammad Shahzad NO	173323	11535	0	0	0	0	0	300	1500	270	0	189	967	1154
Muhammad Munsif D/Runner	17349-4	20460	0	972	1785	100	100	0	1500	500	0	341	1716	2046
Muhammad Zawan Jan Mali	32421-5	20900	0	972	1785	100	100	0	1500	508	0	348	1753	2090
Muhammad Yasir Mehmood Mali	17328-9	11150	0	942	1785	100	100	0	1500	247	0	176	932	1115
Muhammad Abdul Hakim Chow.	32535-8	20900	0	0	0	100	100	0	1500	517	0	348	1753	2090

Attested



DIVISIONAL FOREST OFFICER
DUAR WATERSHED DIVISION
ABBOTTABAD



DIVISIONAL FOREST OFFICER
DUAR WATERSHED DIVISION
ABBOTTABAD

Annex N Annex

GOVERNMENT OF NWFP
FINANCE DEPARTMENT
(REGULATION WING)

Annex-1

SUBJECT: - LEAVE ENCASHMENT ALLOWANCE

Will the Budget & Account Officer (Environment) Government of NWFP, Environment Department please refer to his Memo No. B&A/Pen-General/5019, dated 29.06.2002 on the subject noted above?

Administrative Department is advised that since in terms of S&CA Department's letter No. SOR-I(S&CAD)1-46/80, dated 30.06.1988, the LPR is not admissible to a Government Servant compulsorily retired, as a measure of punishment under provisions of NWFP Government Servants (E&D) Rules, 1973, therefore the question of encashment of LPR in their case does not arise.

Handwritten notes:
1672

Signature
(SIRAJUL HAQ) 577
SECTION OFFICER (FR)

THE BUDGET & ACCOUNTS OFFICER (Environment)
GOVERNMENT OF NWFP, ENVIRONMENT DEPARTMENT.

U.O. NO. SO (FR) / FD / 5-92/88/KC. Dated Peshawar, the 05.07.02

Handwritten: Akbar

Signature
Divisional Forest Officer
Duar Watershed Division
Abbottabad

Signature

Attested

Signature
DIVISIONAL FOREST OFFICER
DUAR WATERSHED DIVISION
ABBOTTABAD

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