


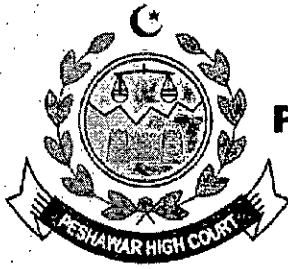
## FORM OF ORDER SHEET

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

Case No. \_\_\_\_\_

2092/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/10/2023	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Abbottabad Bench and the Hon'ble High Court vide its order dated 20.09.2023 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. This case is entrusted to touring Single Bench at A.Abad for preliminary hearing to be put up there on</p> <p>By the Order of Chairman</p> <p> REGISTRAR</p>



THE  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH.**

PH: 0992-921058  
FAX: 0992-921055  
www.peshawarhcatd.gov.pk

No: 1195

Dated Abbottabad 12-10- /2023

From

The Additional Registrar,  
Peshawar High Court,  
Abbottabad Bench.

To

The Registrar,  
Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Subject: WRIT PETITION NO. 216-A of 2022.

**Niaz Muhammad Khan.**

.....Petitioner

**VERSUS**

**Khyber Pakhtunkhwa  
Service Tribunal**

Dist. 8436

**Govt. of Khyber Pakhtunkhwa & others.**

Dated 19-10-2023

.....Respondents

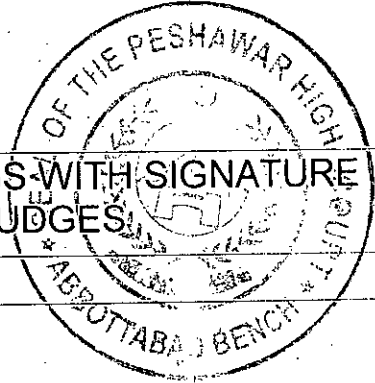
*Memo,*


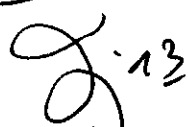
I am directed to forward herewith a copy of Order dated 20.09.2023 passed by the Honorable Court D.B in the above noted case alongwith subject writ petition in original for **Information & Compliance.**

  
**Additional Registrar**

Encl: Copy of Order dated 20.09.2023 alongwith WP No. 216-A/2022(In Original) is attached.

PESHAWAR HIGH COURT,  
ABBOTTABAD BENCH  
FORM 'A'  
FORM OF ORDER SHEET



Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
20.09.2023	<p><b><u>WP No. 216-A/2022</u></b></p> <p>Present: Mr. Muhammad Zareed Qureshi, Advocate for the petitioner.</p> <p>Malik Amjid Anayat, AAG for the respondents.</p> <p>***</p> <p><b><u>KAMRAN HAYAT MIANKHEL, J.</u></b>-Learned counsel for the petitioner inter-alia contends that he filed this petition when Khyber Pakhtunkhwa Service Tribunal was not functional but now the Service Tribunal has become functional, so this petition be sent to the Khyber Pakhtunkhwa Service Tribunal. Request of learned counsel for the petitioner seems justified, hence accepted. Office is directed to send this petition to the Khyber Pakhtunkhwa Service Tribunal for its adjudication, by retaining copy of the same for record. Till first hearing of the petition before Khyber Pakhtunkhwa Service Tribunal, operation of impugned order dated 09.02.2022 shall remain suspended.</p> <p style="text-align: right;"> JUDGE</p> <p style="text-align: right;"> JUDGE</p>

**IN THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**  
**OPENING SHEET FOR WRIT BRANCH**

Case No. \_\_\_\_\_

Date of Filing: \_\_\_\_\_

District: \_\_\_\_\_

Case Type: WRIT PETITION

Category Code:

Nature of Original Proceedings:

(Categories & Sub Categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of

Writ of;  Habeas Corpus  Prohibition  Mandamus  Quo Warranto  Certiorari

If Certiorari;

Forum	Date	Interlocutory /Final Order	Caste Pertains to
			<input type="checkbox"/> SB
			<input type="checkbox"/> DB

<b>Petitioner Name</b>	Niaz Muhammad Khan son of Muhammad Zareen Khan.
<b>Mobile No.</b>	
<b>Address</b>	Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram.
<b>CNIC No.</b>	
<b>Email Address</b>	

<b>Counsel for Petitioner(s)</b>	Muhammad Zareed Qureshi
<b>Mobile No.</b>	0333-5064929
<b>Address</b>	Office at District Courts, Abbottabad
<b>CNIC No.</b>	13101-0990215-1
<b>Email Address</b>	Zareedqureshi0007@gmail.com

**ADDITIONAL REGISTRAR**  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH**

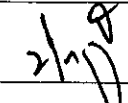
<b>Respondent(s)</b>	Govt. of Khyber Pakhtunkhwa through Secretary Forestry Environment and Wildlife Department Peshawar & others.
<b>Address</b>	Correctly given in the heading of writ petition.

**Original Order/ Action/ Inaction Complained of;**  
Writ Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

**Prayer;**  
On acceptance of instant writ petition, impugned transfer order No. SO(Estt.)FE&WD/11-8/2021, dated 09.02.2022 may be set-aside and respondent No. 2 may be directed to restore the order No. SO(ESTT)FE&WD/11-8/2020 dated 17.09.2020 of the petitioner. Any other relief which this Honourable Court deems fit and proper in the circumstances of the case may also be granted to the petitioner.

**Law/Rules/Governing the original proceedings/action/Inaction**

1. Constitution of Islamic Republic of Pakistan, 1973
- 2.
3. Other relevant case law will be cited at the bar.

Signature: 

**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

*Appeal No. 2092/2023*

Writ Petition No. 216 -A/2022

Niaz Muhammad Khan son of Muhammad Zareen Khan, resident of Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram.

....PETITIONER

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Forestry Environment and Wildlife Department Peshawar & others.

....RESPONDENTS

**WRIT PETITION**

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5.	Copies of advertisement and appointment order	16 to 18	"A" & "B"
6.	Copy of termination orders of newly appointed Wildlife Watchers	19 to 20	"C"
7.	Copy of transfer order dated 16.01.2020 of petitioner	21	"D"
8.	Copy of transfer order dated 25.02.2020 of petitioner	22	"E"
9.	Copy of transfer order dated 25.08.2020 of petitioner	23 to 24	"F"
10.	Copy of cancellation of transfer order of petitioner vide order/ notification No. SO(Estt.)FE&WD/11-8-2020 dated 17.09.2020	25	"G"
11.	Copy of order of Chief Election Commission of Pakistan	26 to 28	"H"
12.	Copy of advertisement	29	"I"
13.	Copy of impugned transfer order dated 09.02.2020	30	"J"
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15.	Copy of notice and postal receipts	33 to 34	"L"
16.	Court fee stamp paper worth Rs. 500/-		
17.	Wakalatnama		

**SCANNED**  
15 FEB 2022

Dated: 14/02/2022 Through

**ADDITIONAL REGISTRAR**  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH**  
15/2/22

Through  
*(Signature)*  
**(Muhammad Zareed Qureshi)**  
Advocate High Court, Abbottabad

1

**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

Khyber Pakhtunkhwa  
Service Tribunal

*Appeal No. 2092/2023*

Diary No. 8486

Dated 19-10-2023

Writ Petition No. 216 -A/2022

Niaz Muhammad Khan son of Muhammad Zareen Khan, resident of Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram.

....PETITIONER

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary Forestry Environment and Wildlife Department Peshawar.
2. Secretary Forestry Environment and Wildlife Department Peshawar.
3. Chief Conservator Wildlife Department Khyber Pakhtunkhwa, Peshawar.
4. Chief Secretary Khyber Pakhtunkhwa, Peshawar.
5. Muhammad Faique, Divisional Wildlife Officer, Kohistan, Wildlife, Division.

....RESPONDENTS

**WRIT PETITION** UNDER ARTICLE 199 OF  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN FOR DECLARATION TO THE  
EFFECT THAT THE PETITIONER WAS  
POSTED FROM DIVISIONAL WILDLIFE  
OFFICER TORGHAR TO SUB-DIVISIONAL

*No. 933*  
*15-02-22*

**FILED FOR**  
**ADDITIONAL REGISTRAR**  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH**  
*15/2/22*

WILDLIFE OFFICER CHOTA LAHORE SUB-DIVISIONAL WILDLIFE OFFICER, CHOTA LAHORE MARDAN WILDLIFE DIVISION ON 16.01.2020 AND THEREAFTER WITHIN A PERIOD OF ONE MONTH THE PETITIONER HAS BEEN TRANSFERRED FROM SUB-DIVISIONAL WILDLIFE OFFICER CHOTA LAHORE (MARDAN WILDLIFE DIVISION TO DIVISIONAL WILDLIFE OFFICER BATTAGRAM WILDLIFE DIVISION), ON 25.02.2020, THEREAFTER WITHIN THE PERIOD OF SIX MONTHS ON 25.08.2020, PETITIONER WAS AGAIN TRANSFERRED FROM DIVISIONAL WILDLIFE OFFICER BATTAGAM WILDLIFE DIVISION TO DIVISIONAL WILDLIFE OFFICER TORGHAR WILDLIFE DIVISION AND ON 17.09.2020 THE TRANSFER ORDER AGAIN CANCELLED BY THE RESPONDENTS AND ON 09.02.2020 RESPONDENTS AGAIN WRONGLY BEEN POSTED/ TRANSFERRED, THE PETITIONER VIDE NOTIFICATION NO. SO/(Estt.)FE & WD/11-8/2021 DIVISIONAL WILDLIFE OFFICER BATTAGRAM TO SUB-DIVISIONAL WILDLIFE OFFICER GHAZI

FILED  
 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTTABAD BENCH  
 9/8/22

WILDLIFE SUB-DIVISION AND  
 RESPONDENT NO. 5 WAS POSTED IN PLACE  
 OF THE PETITIONER, IMPUGNED  
 TRANSFER ORDER 09.02.2022 BESIDE THE  
 PETITIONER IS GOING TO BE RETIRED ON  
 SUPERANNUATION, HENCE THE TRANSFER  
 ORDER OF THE PETITIONER IS  
 PREMATURE, DISCRIMINATORY, AGAINST  
 THE LAW AND POLICY AND IS LIABLE TO  
 BE SET-ASIDE.

---

**PRAYER:** ON ACCEPTANCE OF INSTANT  
 WRIT PETITION, IMPUGNED TRANSFER  
 ORDER NO. SO(Estt.) FE7WD/11-81/2021 Dated  
 09.02.2022 MAY BE SET-ASIDE AND  
 RESPONDENT NO. \_ MAY BE DIRECTED  
 TO RESTORE THE ORDER  
 NO. SO(ESTT)FE&WD/11-8/2020 DATED  
 17.09.2020 OF THE PETITIONER. ANY OTHER  
 RELIEF WHICH THIS HONOURABLE COURT  
 DEEMS FIT AND PROPER IN THE  
 CIRCUMSTANCES OF THE CASE MAY ALSO  
 BE GRANTED TO THE PETITIONER.

---

FILED  
 ADDITIONAL REGISTRAR  
 CIVIL & CRIMINAL COURT  
 ABBOTTABAD BENCH  
 8/3/22



Respectfully Sheweth:-

The facts forming the background of the instant writ petition are arrayed as under:-

1. That the petitioner was serving as Divisional Wildlife Officer Torghar Wildlife Division and while his posting on the same post about 12 vacancies of Wildlife Watcher BPS-7 were required to be filled for which petitioner gave advertisement in newspapers and made the recruitments on merit in accordance with law. Copies of advertisement and appointment order are annexed as Annexure "A" & "B".
2. That the MPA of concerned area pressurized the petitioner for induction of his blue eyed but petitioner had not compromised on merit, resultantly the services of newly appointed Wildlife Watchers were terminated and an inquiry launched against

FILED TODAY  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
18/2/22

the petitioner. Copies are annexed as Annexure "C".

3. That keeping grudges in mind MPA concerned transferred the petitioner from Divisional Wildlife Officer Torghar to Sub-Divisional Wildlife Officer Chota Lahore Mardan Wildlife Division on 16.01.2020. Copy is annexed as Annexure "D".

4. That Khyber Pakhtunkhwa Service Tribunal set-aside the termination orders of Wildlife Watcher and declared the appointment orders transparent and in accordance with law.

5. That on 25.02.2020 the petitioner was again transfer from Sub-Divisional Wildlife Officer Chota Lahore Mardan Wildlife Division to Divisional Wildlife Officer Battagam Wildlife Division vide notification No. SO(Estt)FE/&WD/11-8/2020 dated

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ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
03/02/20

25.02.2020. Copy is annexed as Annexure "E".

6. That on 25.08.2020 respondent No. 2 again transferred the petitioner from Divisional Wildlife Officer Battagram to Divisional Wildlife Officer Torghar Wildlife Division. Copy is annexed as Annexure "F".
7. That petitioner took the charge as a Divisional Wildlife Officer Torghar and started services there but unfortunately the transfer order was cancelled vide order/ notification No. SO(Estt.)FE&WD/11-8-2020 dated 17.09.2020. Copy is annexed as Annexure "G".
8. That meanwhile Chief Election Commission of Pakistan imposed ban on postings/ transfers orders. Copy is annexed as Annexure "H".

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
9/3/20

9. That petitioner advertised posts of Wildlife Watcher at Battagram District and again said MPA pressurized the petitioner to appoint his recommended persons belong to Torghar District of his constituency and upon refusal of petitioner on the ground that the posts are of District cadre and persons from Toghar could not be appointed at District Battagram. Copy of advertisement is annexed as Annexure "I".
10. That on 09.02.2022 respondent No. 2 again transferred the petitioner from Divisional Wildlife Officer Battagram Wildlife Division to Sub-Divisional Wildlife Officer Ghazi Haripur Wildlife Division vide order No. SO(Estt.)FE&WD/11-8/. Copy of order is annexed as Annexure "J".
11. That the transfer order of petitioner No. SO(Estt.)FE&WD/11-8/2021 dated 09.02.2022 is illegal, against the rules, law and posting transfer policy, against which

ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
15/2/22

petitioner filed departmental appeal (Annexure "K") but no reply from concern quarter and Service Tribunal is not functional, hence the instant writ petition is filed inter-alia on the following grounds:-

**GROUND:-**

- a. That the impugned orders dated 09.02.2022 of petitioner is patently illegal, based on malafide and without authority, hence are liable to be set-aside.
- b. That respondents illegally and malafidely issued the orders inspite of clear directions of Election Commission of Pakistan as respondent No. 5 is already notified as Returning Officer Kohistan.
- c. That the impugned transfer order dated 09.02.2022 of petitioner is

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ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
25/2/22

premature, against the tenure, policy and same is liable to be set-aside.

- d. That petitioner is being politically victimized by the Local MPA of District Torghar and about five transfer orders were made within the space of the two years.
- e. That petitioner is near to retirement age as and per law and rules he has prerogative to serve his near station during last year of service.
- f. That there is no other alternate adequate remedy available to the petitioner except the titled petition.
- g. That notice/ intimation of filing the instant writ petition against the respondents have duly been served upon the respondents through registered post. Copies of notice &

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
S/P/M

receipts are attached as Annexure  
“L”.

- h. That court fee stamp worth Rs. 500/-  
is attached with the petition.
- i. That any other ground will be raised  
at the time of arguments with the  
permission of this Honourable.

It is, therefore, very humbly prayed that on acceptance of instant writ petition, impugned transfer order No. SO(Estt.)FE&WD/11-8/2021, dated 09.02.2022 may be set-aside and respondent No. 2 may be directed to restore the order No. SO(ESTT)FE&WD/11-8/2020 dated 17.09.2020 of the petitioner. Any other relief which this Honourable Court deems fit and proper in the circumstances of the case may also be granted to the petitioner.

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
9/5/22

**INTERIM RELIEF;**

Meanwhile the operation of impugned order No. SO(Estt.)FE&WD/11-8/2021 dated 09.02.2022 may graciously be suspended and respondents be directed to restore withdrawal of transfer order No. SO(Estt.)FE&WD/11-8/2020 dated 17.09.2020 till final disposal of the titled writ petition.

Dated: 14/02/2022

Through

*[Signature]* ...PETITIONER

(Muhammad Zareed Qureshi)  
Advocate High Court, Abbottabad

**VERIFICATION:-**

Verified on oath that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.

*[Signature]*  
....PETITIONER

FILED  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
*[Signature]*



**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

Writ Petition No. 216 -A/2022

Niaz Muhammad Khan son of Muhammad Zareen Khan, resident of Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram.

....PETITIONER

VERSUS

Govt. of Khyber Pakhtunkhwa through Secretary Forestry Environment and Wildlife Department Peshawar & others.

....RESPONDENTS

**WRIT PETITION**

**AFFIDAVIT**

I, *Niaz Muhammad Khan son of Muhammad Zareen Khan, resident of Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram* do hereby declare on oath that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.

13202-0782114-9

AFFIDAVIT  
S.No: 875/295 Petition No: 295  
I, the above named, do hereby declare on Solemn Oath that the contents of the above writ petition are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Court.  
15 day of Feb 2022  
Niaz Muhammad Khan who is personally known to me  
Batta Mohri

*[Signature]*  
DEPONENT

Oath Commissioner  
(Additional Registrar)  
High Court Abbottabad Bench

18/2/22

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
*[Signature]*

**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

Writ Petition No. 216 -A/2022

Niaz Muhammad Khan son of Muhammad Zareen Khan, resident of Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram.

....PETITIONER

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Forestry Environment and Wildlife Department Peshawar & others.

....RESPONDENTS

**WRIT PETITION**

**CERTIFICATE**

*Certified that no such like writ petition has earlier been filed by the petitioner on the subject.*

*It is further certified that notice of writ petition alongwith grounds of writ has been dispatched to the respondents.*

  
...PETITIONER

Dated: 14/02/2022

Through

(Muhammad Zareed Qureshi)  
Advocate High Court, Abbottabad

**FILED TODAY**  
**ADDITIONAL REGISTRAR**  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH**  
8/2/22

**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

Writ Petition No. 216 -A/2022

Niaz Muhammad Khan son of Muhammad Zareen Khan, resident of Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram.

....PETITIONER

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Forestry Environment and Wildlife Department Peshawar & others.

....RESPONDENTS

**WRIT PETITION**

**LIST OF BOOKS**

1. Constitution of Islamic Republic of Pakistan, 1973
- 2.
3. Other relevant case law will be cited at the bar.

Dated: 14/02/2022

Through

...PETITIONER

(Muhammad Zareed Qureshi)  
Advocate High Court, Abbottabad

**FILED**  
**ADDITIONAL REGISTRAR**  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH**

**BEFORE THE PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH**

Writ Petition No. 216 -A/2022

Niaz Muhammad Khan son of Muhammad Zareen Khan, resident of Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram.

....PETITIONER

**VERSUS**

Govt. of Khyber Pakhtunkhwa through Secretary Forestry Environment and Wildlife Department Peshawar & others.

....RESPONDENTS

**WRIT PETITION**

**ADDRESSES OF THE PARTIES**

Respectfully Sheweth;-

Addresses of the parties is as under;-

Niaz Muhammad Khan son of Muhammad Zareen Khan, resident of Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram.

....PETITIONER

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa through Secretary Forestry Environment and Wildlife Department Peshawar.
2. Secretary Forestry Environment and Wildlife Department Peshawar.
3. Chief Conservator Wildlife Department Khyber Pakhtunkhwa, Peshawar.
4. Chief Secretary Khyber Pakhtunkhwa, Peshawar.
5. Muhammad Faique, Divisional Wildlife Officer, Kohistan, Wildlife, Division.

....RESPONDENTS

...PETITIONER

Dated: 14/02/2022

Through

2/1/22  
(Muhammad Zareed Qureshi)  
Advocate High Court, Abbottabad

**FILED TODAY**  
**ADDITIONAL REGISTRAR**  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH**  
15/2/22

Amr "A"

اللہ ہی کیلئے ہیں شرق و غرب القرآن

DAILY MASHRIQ PESHAWAR

روزنامہ مشرق

پشاور کے لیے

سید تاج مہر شاہ

☆ ☆ ☆ ☆ ☆

ABC CERTIFIED

پشاور اور اسلام آباد سیکرٹریٹ کے تحت شائع ہونے والا کثیر الاشاعت قومی اخبار

جلد 51

جمعا المبارک 26 ربیع الاول 1439ھ 15 دسمبر 2017ء 30 مگر قیمت 13 روپے

شمارہ 116

### حکومت کی نئی پالیسی کے تحت ان کے لئے ملازمتوں کی فراہمی

## آسامیاں خالی ہیں

عوامی خدمات سوسائٹی میں 12 اور 01 آسامیاں خالی ہیں۔ ان کے لئے ملازمتوں کی فراہمی کے لئے درخواستیں جمع کروانی ہیں۔

(BPS-06) کی پوزیشن کے لئے درخواستیں جمع کروانی ہیں۔ اس پوزیشن کے لئے درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔

(BPS-07) کی پوزیشن کے لئے درخواستیں جمع کروانی ہیں۔ اس پوزیشن کے لئے درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔

آسامیوں کی تفصیل	تعمیراتی نمبر	مہلک	تعداد
1. پوزیشن (BPS-07) کے لئے درخواستیں جمع کروانی ہیں۔ اس پوزیشن کے لئے درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔	12	30	12
2. پوزیشن (BPS-06) کے لئے درخواستیں جمع کروانی ہیں۔ اس پوزیشن کے لئے درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔	01	40	01

نوٹ: (1) آسامیوں کی تفصیل (C.V) کے ساتھ ساتھ درخواستیں جمع کروانی ہیں۔

(2) درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔

(3) درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔

(4) درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔

(5) درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔

(6) درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔

(7) درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔

(8) درخواست دہندگان کو 30 مئی 2018ء تک درخواستیں جمع کروانی ہیں۔

ڈائریکٹر جنرل (نمائندہ سرکاری)

0341-8388820

0340-9731733

www.khyberpaktunkwa.gov.pk

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Annex "B"  
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**MINUTES OF THE MEETING OF DEPARTMENTAL SELECTION COMMITTEE HELD ON 13-11-2018 FOR THE SELECTION OF WILDLIFE WATCHER BPS-07 IN TORGHAR WILDLIFE DIVISION.**

The following Departmental Selection Committee was constituted vide Divisional Forest Officer Wildlife Torghar Office Order No.04 dated 30-10-2018 for selection of Wildlife Watchers in Torghar Wildlife Division.

- 1. Divisional Forest Officer Wildlife  
Torghar Wildlife Division  
Torghar.....Chairman.
- 2. Representative of  
Govt: of Khyber Pakhtunkhwa,  
Forestry, Environment and Wildlife Department  
Peshawar.....Member
- 3. Representative of  
Chief Conservator Wildlife Khyber Pakhtunkhwa  
Peshawar.....Member

12 posts of Wildlife Watchers BPS-07 in Torghar Wildlife Division were created afresh by the Finance Department during 2017-18. These posts were advertised through leading News Papers which appeared in Daily Mashraq Peshawar on 15<sup>th</sup> December, 2017. Applications were invited from candidates as per provisions of the existing service rules as well as the recruitment policy of the Provincial Government in vogue.

Physical test and marathon race of the candidates was conducted by a committee constituted for the purpose.

The Section Officer Establishment Govt: of Khyber Pakhtunkhwa, Forestry, Environment and Wildlife Department nominated Mr. Faiz Ur Rehman Divisional Forest Officer Torghar to attend the meeting on behalf of the Administrative Department.

An interview was conducted by the Departmental Selection Committee on 13-11-2018. The Departmental Selection Committee after examination of applications, academic certificates, interviewing the candidates called for interview, prepared a merit list (Annex-I) and recommended the following candidates against the vacant post of Wildlife Watchers (BPS-07) in order of merit. They will be on probation as per Rules-15 of Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989.

**Merit Position**

S. No	Name	Father Name	Merit Position
1	Fazal Nawaz Khan	Mir Nawaz Khan	1st
2	Faiz Ur Rehman	Sahib Ur Rehman	2nd
3	Anwar Khan	Asar Khan	3rd
4	Hafeez Ur Rehman	Sahib Ur Rehman	4th
5	Hazrat Ullah	Bakhr Ullah	5th
6	Hussain Ahmad	Abdul Halcem	6th
7	Riaz Ahmad	Muhammad Saleh	7 <sup>th</sup>
8	Muhammad Irfan	Muhammad Tahir	8th
9	Majid Khan	Azmat Khan	9th
10	Mubasher Ahmad	Momin Gul	10 <sup>th</sup>
11	Haroon Khan	Hazrat Hussain	11th
12	Muhammad Tayyab	Nawab Nabi	12th

*[Handwritten Signature]*  
Divisional Forest Officer  
Torghar Wildlife Division

*[Handwritten Signature]*  
M. Ullah

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WAITING LIST POSITION

S. No	Name	Father Name	Merit Position
1	Umer Farooq	Umer Khitab	1 <sup>st</sup>
2	Nazim Ullah	Imdad Ullah	2nd

Divisional Forest Officer  
 Torghar Forest  
 Representative of  
 Forestry, Environment & Wildlife  
 Department Govt: of Khyber Pakhtunkhwa  
 Peshawar  
 (Member)

*[Signature]*  
 Superintendent Wildlife Head Office  
 Representative of  
 Chief Conservator Wildlife  
 Khyber Pakhtunkhwa  
 Peshawar  
 (Member)

*[Signature]*  
 Divisional Forest Officer  
 Torghar Wildlife Division  
 Torghar  
 (Chairman)

*[Signature]*  
 Divisional Forest Officer  
 Torghar Wildlife Division  
 Torghar

**OFFICE ORDER NO. 21 DATED BATTAGRAM THE 20/12/2021 ISSUED BY MR. NIAZ MOHAMMAD KHAN DIVISIONAL FOREST OFFICER BATTAGRAM WILDLIFE DIVISION**

The following 12 Wildlife Watchers were appointed in defunct Torghar Wildlife Division now Battagram Wildlife Division vide DFO Wildlife Torghar order mentioned against each:-

S#	Name of Wildlife Watcher	Office Order No. and date
1.	Mr. Fazal Nawaz Khan	Office order No. 06 dated Torghar the 14-11-2018
2.	Mr. Faiz Ur Rehman	Office order No. 07 dated Torghar the 14-11-2018
3.	Mr. Anwar Khan	Office order No. 08 dated Torghar the 14-11-2018
4.	Mr. Hafeez Ur Rehman	Office order No. 09 dated Torghar the 14-11-2018
5.	Mr. Hazratullah	Office order No. 10 dated Torghar the 14-11-2018
6.	Mr. Hussain Ahmad	Office order No. 11 dated Torghar the 14-11-2018
7.	Mr. Muhammad Irfan	Office order No. 13 dated Torghar the 14-11-2018
8.	Mr. Majid Khan	Office order No. 14 dated Torghar the 14-11-2018
9.	Mr. Mubasher Ahmad	Office order No. 15 dated Torghar the 14-11-2018
10.	Mr. Haroon Khan	Office order No. 16 dated Torghar the 14-11-2018
11.	Mr. Muhammad Tayyab	Office order No. 17 dated Torghar the 14-11-2018
12.	Mr. Umer Farooq	Office order No. 20 dated Torghar the 14-11-2018

On the complaint dated 24-11-2018 of Mr. Laiq Muhammad Khan Member Provincial Assembly, an enquiry against the above appointments was conducted through Provincial Inspection Team and besides other actions the Provincial Inspection Team recommended cancellation of appointment of the above 12 Wildlife Watchers. The inquiry report was conveyed through Government of Khyber Pakhtunkhwa Forestry, Environment and Wildlife Department vide letter No.SO(Estt)/FE&WD/11-6/DSC/2765-69, dated 25-07-2019 and endorsed vide Conservator Wildlife Southern Circle Peshawar No.1570/WL(SC) dated the 02/08/2019 for implementation.

In compliance of directives of Administrative Department, the appointments of above 12 Wildlife Watchers were cancelled vide DFO Wildlife Torghar office order No. 04 dated 22-08-2019. The said 12 Ex-Wildlife Watchers preferred appeal to the appellate authority i.e. Conservator Wildlife Southern Circle Peshawar on 29-08-2019 and rejected on 20-09-2019.

After rejection of their appeals by the Appellate Authority, the incumbent 12 Ex-Wildlife Watchers filed service appeal before the Khyber Pakhtunkhwa Service Tribunal Peshawar vide appeal No. 1211, 1212, 1312 to 1320, 1610 of 2019. The Honorable Service Tribunal Peshawar decided the case on 12-10-2021 in favour of the appellants, restored the appointment with all consequential benefits. The last para of the Judgement of the court is reproduced below:

*"The appeal in hand is allowed by setting-aside the impugned orders and the appointment order of the appellant stand restored with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room."*

The judgment and the appeals were sent to Law Department through Administrative Department vide letter No. SO(Lit:)/FE&WD/1-137/2021/Mubashir Ahmad/828-29 dated 09-11-2021 with the request to place the case before the scrutiny committee for examination and further necessary action. The Law Department convened meeting of the



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scrutiny committee on 24-11-2021 whereby decided that the case is not fit for appeal in the honorable Supreme Court. The minutes were received through Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar endorsement No 5188-89/WL(E) dated 20-12-2021. The contents of the discussion point and decision of the minutes are as under:-

i. *The Scrutiny Committee perused the record of the case and the impugned judgment which revealed that the appellants were appointed as Watchers after fulfilling the codal requirements and thereafter the appellants served about 09 months. Perusal of the record further revealed that no proper inquiry was conducted in the matter as no charge sheet/statement of allegations or any show cause notice was served upon the appellants and no opportunity of defence was provided to the appellant.*

ii. *The Scrutiny Committee noticed that the appellants served for about 09 months for which they were paid salaries after appointment by the competent authority on the posts. The Scrutiny Committee held that the principle of locus poenitentia does not permit the competent authority to undue the appointments of the appellants on the ground that there were irregularities/defects in the process of their appointment. The Scrutiny Committee held that no plausible grounds exist against which CPLA in the upper forum could be filed.*

**ADVICE:**

*Hence in view of above, it was decided with consensus by the Scrutiny Committee that the subject cases may be returned to the Administrative Department as unfit.*

Keeping in view the above decisions, the cancelation of appointments vide Order No. 04 dated 22-08-2019 issued by DFO Wildlife Torghar is set aside. The above Ex-Wildlife Watchers are hereby re-instated in service with re-transfective effect and the appointment order as mentioned against each above is hereby re-stored accordingly.

(Niaz Muhammad Khan)  
Divisional Forest Officer  
Battagram Wildlife Division  
Battagram

No. 416-22 /WL-BM

Copy forwarded for information and necessary action to the:-

1. Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar
2. Conservator Wildlife Hazara Circle Abbottabad
3. Sub Divisional Wildlife Officer Torghar
4. Range Officer Wildlife Madakhel Torghar
5. Head Clerk Divisional Office Wildlife Battagram
6. Official concerned
7. Personal file of the concerned officials.

Divisional Forest Officer  
Divisional Forest Officer  
Battagram Wildlife Division  
Battagram

Dated Peshawar, 16<sup>th</sup> January, 2020

**NOTIFICATION**

**No. SO (Estt)/FE&WD/II-8/2019:** The Competent Authority is pleased to order posting of Mr. Muhammad Niaz, Sub Divisional Wildlife Officer (BS-17) presently working as Divisional Wildlife Officer, Torghar Wildlife Division (In his own pay & scale) and post him as Sub Divisional Wildlife Officer, Chota Lahore Wildlife Sub Division of Mardan Wildlife Division relieving Mr. Usman Kamal, SDWO (BS-17), Mardan from the additional charge of the said post, in the interest of public service, with immediate effect, till further orders.

Consequent upon above, Mr. Muhammad Shakeel, Divisional Wildlife Officer, Battagram Wildlife Division is authorized to hold the additional charge of the post of Divisional Wildlife Officer, Torghar Wildlife Division, in addition to his own duties, till further orders.-

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE  
DEPARTMENT

**Endst: No. SO (Estt)/FE&WD/II-8/2019** **Dated Pesh: the 16<sup>th</sup> January, 2020**


Copy is forwarded to:-

- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa, Peshawar.
- 2) Conservator Wildlife Southern Circle, Peshawar.
- 3) Director Budget and Accounts Cell, FE&W Department.
- 4) Director I&HRD&M Directorate of Forest Department, Peshawar.
- 5) Divisional Wildlife Officers, Mardan, Torghar and Battagram Wildlife Divisions.
- 6) PS to Secretary FFE&W Department, Khyber Pakhtunkhwa.
- 7) Officers concerned.
- 8) Personal files of the officers.
- 9) Master file.
- 10) Office order file.

  
(Zia-ur-Rahman)  
SECTION OFFICER (ESTT)

No. 643-63 ZMWL (E) Dated Peshawar the 17-01 2020.

Copy Forwarded to Conservators Wildlife Southern and Northern Circles, Divisional Forest Officers Wildlife Mardan, Torghar and Battagram for information and necessary action.

*Handwritten note: Copy may be forwarded to Mardan, Torghar and Battagram.*  
  
Chief Conservator Wildlife

No. 9361-63 MWL (SC) dated Peshawar the 22-01-2020.

Copy forwarded to Divisional Forest Officer Wildlife Mardan Torghar and Battagram for information.

*Handwritten note: 11.11.1987*

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22

Date. 10-02-2020  
DFO Wildlife Torghar

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

Annex "E"

Dated Peshawar, 25<sup>th</sup> February, 2020

**NOTIFICATION**

**No.SO(Estt)FE&WD/II-8/2020:** The Competent Authority is pleased to order postings/transfers of the following officers of Wildlife Department Khyber Pakhtunkhwa, in the interest of public service, with immediate effect, till further orders.

#	Name of Officer	From	To
1	Muhammad Shakeel, DWO (BS-18).	Divisional Wildlife Officer, Battagram Wildlife Division.	Divisional Wildlife Officer, Torghar Wildlife Division
2	Mr. Niaz Muhammad, SDWO (BS-17)	SDWO Chota Lahore Wildlife Sub Division of Mardan Wildlife Division	Divisional Wildlife Officer, Battagram Wildlife Division (in his own pay & scale) vice S.No.1 relieving Muhammad Shakeel, DWO, Battagram from the additional charge of the post of DWO Torghar.

**SECRETARY TO GOVT; OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE  
DEPARTMENT**

**Endst: No. SO (Estt)Env/II-8/2020**

**Dated Pesh.; the 25<sup>th</sup> February, 2020**

Copy is forwarded to:-

- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 2) Conservator Wildlife Southern Circle, Peshawar.
- 3) Conservator Wildlife Northern Circle, Swat.
- 4) Director Budget and Accounts Cell, FE&W Department.
- 5) Director I&HRD&M Directorate of Forest Department, Peshawar.
- 6) Divisional Wildlife Officers, Peshawar, Torghar & Battagram Wildlife Divisions.
- 7) PS to Secretary FFE&W Department, Khyber Pakhtunkhwa.
- 8) Officers concerned.
- 9) Personal files of the officers.
- 10) Master file.
- 11) Office order file.

*Seen & Filed*

*Zia-ur-Rahman*  
(Zia-ur-Rahman)  
SECTION OFFICER. (ESTT)

23

Annex "G"



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar, 25<sup>th</sup> August 2020

**NOTIFICATION**

**No. SO(F&E)FE&WD/II-8/2020:** The Government Authority in pursuance of the  
postings transfers of the following officers of Wildlife Department in the year  
2020-21 in the interest of public service with immediate effect. All further  
orders.

#	Name & Designation of Officer	From	To
1	Mr. Saad Ali, Divisional Wildlife Officer (BS-18)	...	...
2	...	...	...
3	...	...	...
4	Mr. Asmat Ullah, Divisional Wildlife Officer (BS-18)	...	...
5	Mr. Nawaz Ahmad, Sub-Divisional Wildlife Officer (BS-17)	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE  
DEPARTMENT

Endst: No. SO (Estt)Envt/II-8/2020

Dated Pesh: the 25<sup>th</sup> August, 2020

Copy is forwarded to:-

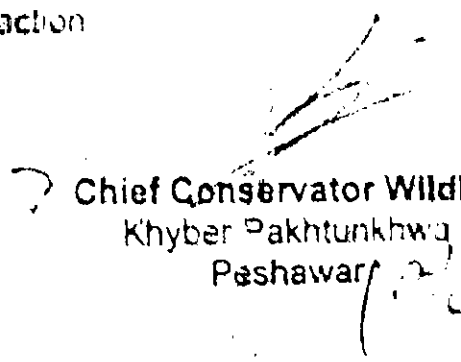
- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 2) Conservators Wildlife Southern and Northern Circles, Peshawar/Swat.
- 3) Director Budget and Accounts Cell, FE&W Department.
- 4) Divisional Wildlife Officers, Peshawar, Mardan, Bannu, Dir, Chitral, Chitral Gol National Park, Battagram, Abbottabad, Mohmand, Khyber & Bajaur Wildlife Divisions.
- 5) PS to Secretary FE&W Department, Khyber Pakhtunkhwa.
- 6) Officers concerned.
- 7) Personal files of the officers.
- 8) Master file.
- 9) Office order file.

  
(Zia-ur-Rahman)  
SECTION OFFICER (ESTT)

No. 1258-1302  
TWL (E)

Dated Peshawar the 25<sup>th</sup> August, 2020

Copy forwarded to all Conservators Wildlife Khyber Pakhtunkhwa for information and necessary action

  
Chief Conservator Wildlife  
Khyber Pakhtunkhwa  
Peshawar

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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

**Dated Peshawar, 25<sup>th</sup> August, 2020**

**NOTIFICATION**

No. SO(Estt) FE&WD/II-8/2020: The Competent Authority is pleased to order postings/ transfers of the following officers of Wildlife Department, Khyber Pakhtunkhwa, in the interest of public service, with Immediate effect, till further order:-

#	Name & Designation of Officer	From	To
1.	Mr. Sajjad Ali, Divisional Wildlife Officer (BS-18)	DWO Dir Wildlife Division	DWO Mohmand Wildlife Division against the vacant post.
2.	Muhammad Israr, Divisional Wildlife Officer (BS-18)	DWO Peshawar Wildlife Division	DWO Khyber Wildlife Division against the vacant post. He will also hold the additional charge of the post of DWO Peshawar in addition to his own duties.
3.	Muhammad Shakeel, Divisional Wildlife Officer (BS-18)	DWO Torghar Wildlife Division	DWO Battagram Wildlife Division vice S. No. 6
4.	Mr. Niamat Ullah, Divisional Wildlife Officer (BS-18)	DWO Chitral Gol National Park Chitral	DWO Bannu Wildlife Division vice S. No. 5. He will also hold the additional charge of the post of DWO North Waziristan in addition to his own duties.
5.	Mr. Naveed-ul-Haq, Sub Divisional Wildlife Officer (BS-17)	DWO Bannu Wildlife Division (OPS)	DWO Dir Wildlife Division (OPS) vice S. No. 1. He will also hold the additional charge of the post of DWO Bajaur in addition to his own duties.
6.	Mr. Niaz Muhammad Sub Divisional Wildlife Officer (BS-17)	DWO Battagram Wildlife Division (OPS)	DWO Torghar Wildlife Division (OPS) vice S. No. 3
7.	Syed Sarmad Hussain, Sub Divisional Wildlife Officer (BS-17)	SDWO Haripur Wildlife Sub Division of Abbottabad Wildlife Division	DWO Chitral Gol National Park Chitral (OPS) Vice S.No.4
8.	Mr. Farhad Khan, Sub Divisional Wildlife Officer (BS-17)	SDWO Swabi Wildlife Sub Division of Mardan Wildlife Division	SDWO Haripur Wildlife Sub Division of Abbottabad Wildlife Division vice S. No. 7
9.	Muhammad Awais Khan, Range Officer (BS-16)	SDWO Battagram Wildlife Sub Division of Battagram Wildlife Division (OPS)	SDWO Swabi Wildlife Sub Division of Mardan Wildlife Division (OPS) vice S. No. 8

**Secretary to Govt; of Khyber Pakhtunkhwa  
Forestry, Environment & Wildlife  
Department**

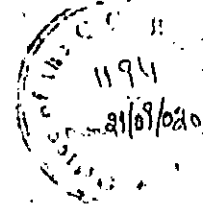
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Annex "G"



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT



DATED PESHAWAR, 17<sup>TH</sup> SEPTEMBER, 2020

NOTIFICATION

**No: SO (Estt)FE&WD/11-8/2020:** The Competent Authority is pleased to order withdrawal/cancellation of this department's earlier Notification of even number dated 25<sup>th</sup> August, 2020 to the extent of posting/transfer in respect of Muhammad Shakeel, Divisional Wildlife Officer, Torghar Wildlife Division and Mr. Niaz Muhammad, Sub Divisional Wildlife Officer/Divisional Wildlife Officer, Battagram Wildlife Division (OPS).

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE  
DEPARTMENT

Endst: No: SO(Estt)FE&WD/11-8/2020 Dated Peshawar the, 17<sup>th</sup> September, 2020

Copy is forwarded to:-

- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 2) Conservator Wildlife, Southern Circle, Peshawar.
- 3) Divisional Wildlife Officer, Torghar Wildlife Division.
- 4) Divisional Wildlife Officer, Battagram Wildlife Division.
- 5) Director Budget and Accounts Cell, Forestry, Environment & Wildlife Department.
- 6) PS to Secretary Forestry, Environment & Wildlife Department.
- 7) Officers concerned.
- 8) Personal file of the officers.
- 9) Master file.
- 10) Office order file.

  
(ZIA-UR-RAHMAN)  
SECTION OFFICER (ESTT)

No. 2074-77 WL(B-IX-2) Dated Peshawar the 22/09/2020.

Copy forwarded to Conservator Wildlife Southern Circle Peshawar, Conservator Wildlife Northern Circle Swat, Divisional Forest officers Wildlife Torghar and Battagram for information, necessary action.

No. 2851-52 WL (SC) dated Peshawar the 23-09-2020.

Copy forwarded to Divisional Forest Officers Wildlife Battagram and Torghar for information and necessary action.

  
Conservator Wildlife Southern Circle  
Peshawar.

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Annex "H"

**ELECTION COMMISSION OF PAKISTAN**  
**NOTIFICATION**

Islamabad, the 20<sup>th</sup> January, 2022

Subject:- **SCHEDULE FOR CONDUCT OF LOCAL GOVERNMENT ELECTION (SECOND PHASE) IN KHYBER PAKHTUNKHWA.**

No.F.16(1)/2021-LGE-KP:- In exercise of the powers conferred upon it under Articles 140A (2) and 219(d) of the Constitution of the Islamic Republic of Pakistan read with Section 219 of the Elections Act, 2017, sub-section (1) of Section 75 & Section-86 of the Khyber Pakhtunkhwa Local Government Act, 2013, sub-rule (1) of Rule-15 of the Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules, 2021 and all other powers enabling it in that behalf; the Election Commission of Pakistan hereby calls upon the voters of Tehsil/City Councils, Village/ Neighbourhood Councils to elect their representatives to the seat of Mayor or Chairman and Members of Village Councils/ Neighborhood Councils of districts Abbottabad, Manshera, Battagram, Torghar, Kohistan Upper, Kohistan Lower, Kolai Palas Kohistan, Swat, Malakand, Shangla, Lower Dir, Upper Dir, Chitral Upper, Chitral Lower, Kurram, Orakzai, North Waziristan, and South Waziristan of Khyber Pakhtunkhwa Province and in connection therewith appoints the following dates of various activities of election to the aforesaid Councils:-

Sl#	Activity	Days	Date
1	Public Notice inviting nomination papers to be issued by the Returning Officers on	1 Day	04.02.2022
2	Dates for filing of nomination papers with the Returning Officers by the candidates	5 Days	07.02.2022 to 11.02.2022
3	Publication of names of the nominated candidates on	1 Day	12.02.2022
4	Last date for Scrutiny of nomination papers by the Returning Officer	3 Days	14.02.2022 to 16.02.2022
5	Last date for filing of appeals against decisions of the Returning Officer rejecting / accepting the nomination papers.	3 Days	17.02.2022 to 19.02.2022
6	Last date for deciding of appeals by the Appellate Tribunal	5 Days Excluding Sunday on 20.02.2022	22.02.2022
7	Publication of revised list of candidates	1 Day	23.02.2022
8	Last date for withdrawal of candidature and publication of revised list of candidates	1 Day	25.02.2022
9	Allotment of Election Symbols to contesting candidates and publication of list of contesting candidates	1 Day	28.02.2022
10	Polling day on		27.03.2022
11	Consolidation of Results	5 Days	01.04.2022

2. To ensure that elections to the Local Government are conducted honestly, justly, fairly in accordance with law and to ensure that the corrupt practices are guarded against, the Election Commission of Pakistan directs that:-

- All Executive Authorities in the Federation and in the Provinces shall neither announce any development project nor use State Resources in Local Government Elections calculated to influence the elections in favor of a particular candidate;*



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- ii. If any person in Government Service misuses his official position in any manner in order to influence results of the elections, he shall be liable to be proceeded against under the Law;
- iii. Districts in respect of which election schedule of local government elections has been issued, no transfers / postings of the Government Officers and Officials including Autonomous Bodies/ Authorities shall be made without prior approval of the Commission till the publication of election results;
- iv. After the issuance of Election Schedule, the President, Prime Minister, Chief Minister, Governor, Speaker and Deputy Speaker of any assembly, Chairman and Deputy Chairman, of Senate, Federal and Provincial Ministers, Advisors to the Prime Minister or Chief Minister or any other holder of public office shall not visit the area of any local council to announce any development scheme or to canvass or campaign for any candidate or any political party. In case if someone is resident of the district where election are being held he may visit the district however shall not take part in any kind of political activity.
- v. District in respect of which election schedule has been issued, no leave of the Government Officers and Officials including Autonomous Bodies/ Authorities will be granted after the issuance of Election Schedule of the Local Government Elections without prior approval of the Commission till the publication of election results. In case leave has already been sanctioned, the officer will not relinquish his charge without approval of the Hon'ble Commission.
- vi. Any holder of public office, who is found to have violated any provision of Election Laws or the instructions issued by the Election Commission, shall be proceeded against as mandated in law:

**Note:-**

- i. The offices of the Election Commission as well as the offices of District Returning Officer and Returning Officer shall remain open on all public holidays if any activity provided in the schedule falls on that day.
- ii. All electoral activities mentioned in the aforesaid schedule shall be undertaken during office hours and the said timing will also be followed on public holidays fixed for any electoral activity of the schedule.
- iii. Polling Hours will be observed from 08:00 AM to 05:00 PM.
- iv. Appellate Tribunals may start proceedings of hearing/deciding of appeals simultaneously from 17.02.2022 to 22.02.2022 (Excluding Sunday on 20.02.2022)

By the order of the Election Commission of Pakistan

(NAVEED-UR-REHMAN)  
Deputy Director (I.GE-KP)

29/01/22

To  
The Manager,  
Printing Corporation of Pakistan Press,  
Islamabad.

[For publication in the Gazette of Pakistan,  
Extraordinary (Part-III) of today's date]

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-3-

I. Copy forwarded for information to the:-

1. Secretary to the President, Aiwan-e-Sadar, Islamabad.
2. Secretary to the Prime Minister, Prime Minister's Secretariat, Islamabad.
3. Secretary, Establishment Division, Islamabad.
4. Secretary, Cabinet Division, Islamabad.
5. Secretary, Ministry of Law & Justice, Islamabad.
6. Secretary, Ministry of Parliamentary Affairs, Govt. of Pakistan, Islamabad.
7. Chief Secretary, Government of the Khyber Pakhtunkhwa, Peshawar.
8. Secretary, Local Government Department, Khyber Pakhtunkhwa, Peshawar.
9. Secretary, Establishment Department, Government of the Khyber Pakhtunkhwa, Peshawar.

II. Copy forwarded for information and necessary action to:-

1. The Provincial Election Commissioners, Khyber Pakhtunkhwa.
  2. All the District Returning Officers, concerned
  3. All the Returning Officers, concerned
  4. All the Regional Election Commissioners, concerned
  5. All the District Election Commissioners, concerned
- (Through PEC-Khyber Pakhtunkhwa)

III. Copy also forwarded to the:-

- i. PSO to the Hon'ble CEC.
- ii. Director to the Hon'ble CEC.
- iii. PSs / PAs to the Hon'ble MEC-I & II
- iv. Staff Officer to the Secretary.
- v. PA to the Special Secretary.
- vi. Additional Secretary (Admn).
- vii. Director General (Law).
- viii. Director General (LGE).
- ix. Director General (IT).
- x. Additional Director General (MCO).
- xi. Additional Director General (Electoral Rolls).
- xii. Additional Director General (TR&E).
- xiii. Additional Director General (Budget).
- xiv. Additional Director General (Elections-I & II).
- xv. Additional Director General (Gender Affairs).
- xvi. Director (MIS)
- xvii. Deputy Director (LGE-S).
- xviii. Deputy Director (LGE-Punjab).
- xix. Deputy Director (Cord).
- xx. Deputy Director (GS).
- xxi. Deputy Director (PR).
- xxii. Deputy Director (Budget).
- xxiii. Deputy Director (Monitoring).
- xxiv. Deputy Director (TR&E).
- xxv. Deputy Director (Web) for uploading the same on ECP's website.

(NAVEED-UR-REHMAN)  
Deputy Director (LGE-KP)

## حقیقی حیات: بازار آؤنی اثاثہ بنان کی ضمانت کریں

### ترمیمی اشتہار "اسامیاں خالی ہیں"

حقیقی حیات صوبہ بھر کے ممتاز اور محترم ہائیکو آؤنی فراہم کنندگان اور بینکاروں میں منظر شدہ مارکیٹ میں سے 27-08-2021 کو روزنامہ ایکسپریس میں منظر شدہ اشتہاروں میں مندرجہ ذیل ترمیم کی جاتی ہے جس پر برقی کیلے ٹیڈنگ کے طور پر حقیقی حیات اور ترمیم کے مستقل اشتہاروں سے 01-10-2021 تک درخواستیں طلب ہیں۔ آؤنی فراہم کنندگان کی اسامی کی تعداد کم ہو رہی ہے۔

رقم سال:	تعلیمی قابلیت	عمر کی حد	تعداد اسامی	رقم سال
1- رقم سال 5x6 کم از کم 2- پوائنٹ 34-37 کم از کم 3- نمبر 8 V میت کے ساتھ ایئر کی گروہر 2x6x6 4- رقم سال 2 کم از کم اور پیکل کرنا	سی کی مندرجہ ذیل سے ملکر (مانٹری) پینڈ اور سی ایس ایف پیڈ اور پین	18-28 سال	کل اسامی-04 (بھرتہ-03) (آفیت-01)	رقم سال 7 (م) (BPS-07)
رقم سال 2	1- ٹیڈنگ 2-LTV لانچنگ کے لئے رقم سال 2 3- ٹیڈنگ اور لانچنگ کا تجربہ ہے	20-40 سال	01	رقم سال 6 (م) (BPS-06)

### عمومی شرائط

1. فراہم کنندگان کو The Examiner Training & Evaluation Services (Pvt. Ltd) کی ویب سائٹ <https://www.examiner.org.pk> پر دستیاب ہے۔
2. طلب شدہ معلومات فراہم کنندگان کو اپنی آؤنی کے ذریعے فراہم کرنا ہیں اور ای میل ان اور نمبر کے ساتھ ایلیٹ P O Box No. 50 پشاور گینٹ پورہ سائیڈ کریں۔
3. ال ایڈیٹریٹ سائٹ ایڈریٹل ہر <https://www.examiner.org.pk> پر سائٹ سے پرنٹ کریں۔
4. ایڈیٹریٹ اور ایڈیٹریٹ کے ساتھ تمام معلومات "فوری تصویر" ہونے کی صورت میں آؤنی ترمیمی فراہم کرے گی۔
5. تمام معلومات فراہم کرنے کی صورت میں فراہم کنندگان کو اس کا کارڈ فراہم کرنا ہونا ہے گا۔
6. ترمیمی فراہم کنندگان کو 50 فیصد سے زیادہ فراہم کرنا ہے گا۔ اس کے ساتھ ساتھ فراہم کنندگان کو اس کے ساتھ ساتھ فراہم کنندگان کو فراہم کرنا ہے گا۔
7. فراہم کنندگان کو فراہم کنندگان کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔
8. فراہم کنندگان کو فراہم کنندگان (BPS-07) کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔
9. فراہم کنندگان کو فراہم کنندگان کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔
10. فراہم کنندگان کو فراہم کنندگان کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔
11. فراہم کنندگان کو فراہم کنندگان کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔
12. فراہم کنندگان کو فراہم کنندگان کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔
13. فراہم کنندگان کو فراہم کنندگان کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔
14. فراہم کنندگان کو فراہم کنندگان کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔
15. فراہم کنندگان کو فراہم کنندگان کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔
16. فراہم کنندگان کو فراہم کنندگان کے مطابق فراہم کنندگان کے مطابق فراہم کنندگان کو فراہم کرنا ہے گا۔

30



Annex "J"

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the, 9<sup>th</sup> February, 2022

NOTIFICATION

No.SO(Estt)FE&WD/II-8/2021: The Competent Authority (Minister Forestry, Environment & Wildlife, Khyber Pakhtunkhwa) is pleased to order transfer of Mr Niaz Muhammad, SDWO (BS-17) Divisional Wildlife Officer, Battagram Wildlife Division and post him as SDWO Ghazi Wildlife Sub Division of Haripur Wildlife Division against the vacant post, in the interest of public service with immediate effect, till further orders

Consequent upon above, the competent authority (Minister Forestry, Environment & Wildlife, Khyber Pakhtunkhwa) is further pleased to authorize the following officers to hold the additional charge of the vacant positions as noted against each in the interest of public service with immediate effect, till further orders

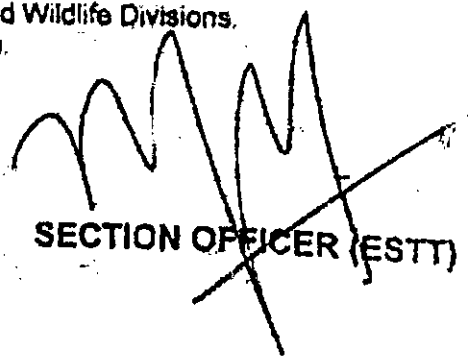
#	Name, Designation & of officer	Present place of posting	Additional charge
1	Muhammad Faque Khan DWO (BS-18)	Divisional Wildlife Officer, Kohistan Wildlife Division	Divisional Wildlife Officer, Battagram Wildlife Division
2	Mr Kiramat Shah, DWO BS-18	Divisional Wildlife Officer, Mardar Wildlife Division	Divisional Wildlife Officer, Mohmand Wildlife Division

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE  
DEPARTMENT

Endst: No & DATE EVEN

Copies forwarded to:-

- 1) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 2) Conservators Wildlife, Central, Malakand, Bannu and Hazara Wildlife Circles, Peshawar/Swat/Bannu and Abbottabad.
- 3) Director Budget and Accounts Cell, FE&W Department.
- 4) DWOs Battagram, Haripur, Kohistan, Mardan and Mohmand Wildlife Divisions.
- 5) PS to Secretary FFE&W Department, Khyber Pakhtunkhwa.
- 6) Officers concerned.
- 7) Personal files of the officers.
- 8) Master file.
- 9) Office order file

  
SECTION OFFICER (ESTT)

(32)

بخدمت عزت مآب جناب چیف سیکرٹری صاحب صوبہ خیبر پختون خواہ پشاور

عنوان اپیل بر خلاف نوٹفکیشن: No SO ( ESTT) FE & WD/11-8-2021

Dated Peshawar the 09/02/2022

جناب عالی

سائل مارچ 2021 سے بطور ڈویژنل فارسٹ آفیسر وائلڈ لائف بگرام اپنے فرائض منصبی اپنی انتہائی ایمانداری جانفشانی اور لگن سے سرانجام دے رہا ہے۔ قبل ازیں سائل نے تورغرو وائلڈ لائف ڈویژن میں تعیناتی کے دوران سیاسی دباؤ کو بالائے طاق رکھتے ہوئے خالصتاً میرٹ پر وائلڈ لائف واچر (BPS.7) 12 خالی آسامیوں پر تقرریاں کیں جس پر مقامی MPA نے اپنے اور اپنے بھائی کے سیاسی اثر و رسوخ کو استعمال کرتے ہوئے میرے خلاف وزیر اعلیٰ انسپکشن ٹیم سے یکطرفہ انکوآری کرائی اور اس مبینہ اور یکطرفہ انکوآری کے نتیجے میں نہ صرف میری سالانہ ترقی بند کرادی گئی بلکہ بھرتی ہونے والی سٹاف کو سرکاری ملازمت سے برطرف کر دیا گیا جس پر متاثرہ سٹاف نے خیبر پختون خواہ سروس ٹریبونل سے رجوع کیا۔ دو سال بعد معزز ٹریبونل نے ان بھرتیوں کو شفاف قرار دے کر ان ملازمین کو سرکاری ملازمت پر باعزت طور پر بحال کر دیا۔ جو الحمد للہ اپنی اپنی Beats پر اپنی سرکاری ڈیوٹی احسن طریقے سے انجام دے ہیں۔ تاہم معزز رکن اسمبلی کے ایماء پر میرے بار بار تبادلے کیے جا رہے ہیں جن کی تفصیل ذیل ہے تقرریوں کے فوراً بعد میرا تبادلہ مردان کر دیا گیا۔ ایک ماہ کے وقفہ کے بعد مجھے مردان سے واپس بگرام تبدیل کر دیا گیا۔ بگرام میں ایک ماہ گزارنے پر مجھے تورغرو وائلڈ لائف ڈویژن ٹرانسفر کر دیا گیا اور اگلے ہی ماہ مجھے تورغرو سے واپس بٹ گرام تعینات کر دیا گیا۔

احکام کی جانب سے جاری کئے گئے پے در پے تبادلوں کی نقول، Anx A, B, C, D لفظ ہذا ہیں جبکہ انکسٹیشن آف پاکستان نے بددیانتی سے انہماک سے اس سلسلے میں ایک بار پھر میرا تبادلہ بٹ گرام وائلڈ لائف ڈویژن سے بطور SDWO غازی ہری پور کر دیا گیا ہے نقل آرڈر Anx-E لفظ ہذا ہے

جناب والا! ایسے وقت میں جب من سائل کی مدت ملازمت میں صرف 2 سال سے کم عرصہ رہ چکا ہے میری عمر 58 سال سے زائد ہے اس بڑھاپے میں من سائل کے پے در پے تبادلے لمحض مجھے ازیت اور نارچر دینے کے مترادف ہیں۔ جو سراسر نا انصافی، ظلم اور حکومتی پالیسی کے خلاف ہیں۔ جناب سے اپیل ہے کہ معاملہ عنوان میں مداخلت کرتے ہوئے جناب سیکرٹری صاحب کی جانب سے جاری حکم نامہ کو یکطرفہ پر Sit-aside کیا جائے تاکہ سائل اپنے فرائض کسی نارچر کے بغیر اپنی انتہائی محنت، جانفشانی اور لگن سے انجام دے سکے۔

یہ کہ سائل اس سلسلہ میں ذاتی شنوائی کا بھی خواہاں ہے۔

العارض

(نیاز محمد خان)

ڈویژنل فارسٹ آفیسر وائلڈ لائف ڈویژن بگرام

۱۰ - ۰۲ - ۲۰۲۲

Copies  
(In Advance)

کاپی بخدمت  
1- سیکرٹری صاحب جنگلات، ماحولیات، جنگلی حیات خیبر پختون خواہ پشاور  
2- چیف کنٹرولر وائٹ سٹاف وائلڈ لائف خیبر پختون خواہ پشاور

33

Annex 'L'

**OFFICE OF MUHAMMAD ZAREED QURESHI**

Advocate High Court, office at Abbottabad

To

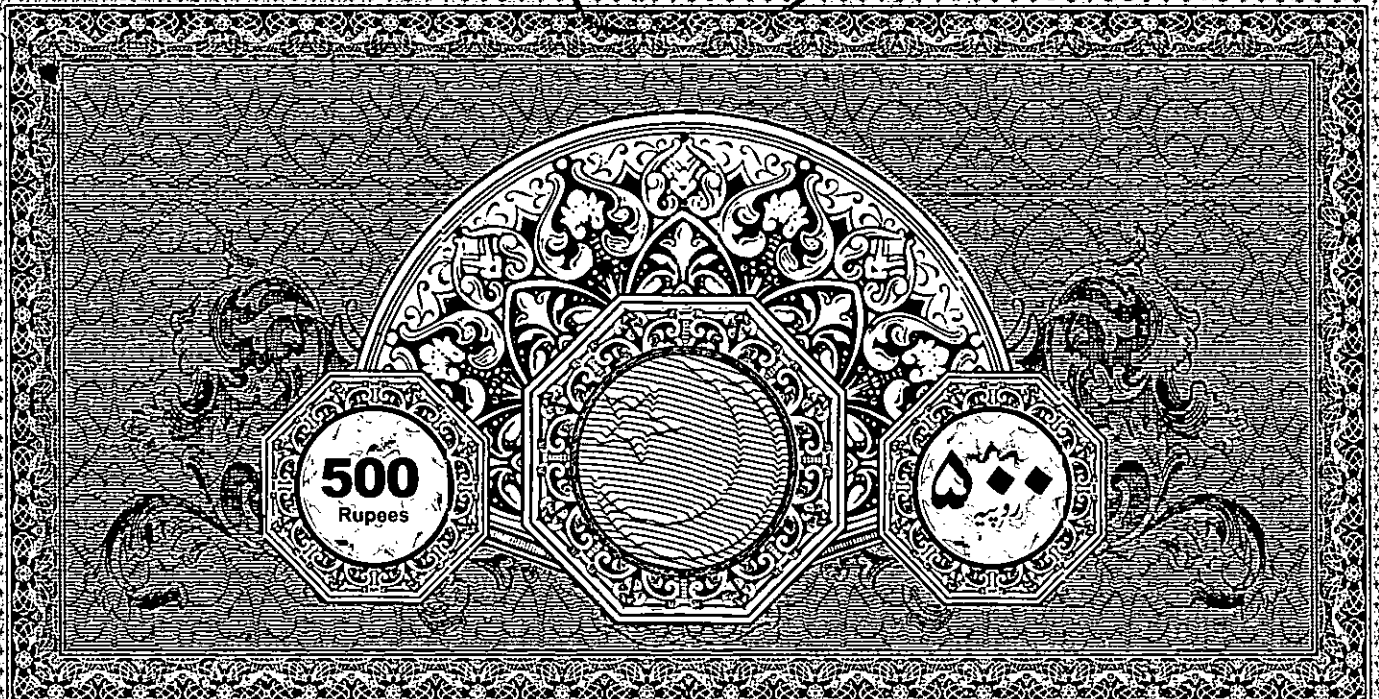
1. Govt. of Khyber Pakhtunkhwa through Secretary Forestry Environment and Wildlife Department Peshawar.
2. Secretary Forestry Environment and Wildlife Department Peshawar.
3. Chief Conservator Wildlife Department Khyber Pakhtunkhwa, Peshawar.
4. Chief Secretary Khyber Pakhtunkhwa, Peshawar.
5. Muhammad Faique, Divisional Wildlife Officer, Kohistan, Wildlife, Division.

Subject: **NOTICE OF FILING OF WRIT PETITION.**

On the advice of my client *Niaz Muhammad Khan son of Muhammad Zareen Khan, resident of Batta Mohri District Battagram, presently Divisional Forest Officer, Wildlife Division Battagram* a writ petition is being filed against you before the Honourable Peshawar High Court, Abbottabad Bench. A notice/ intimation of the same is being sent to you for information/ necessary action under the law. Copy of writ petition is attached herewith.

Dated: 14/02/2022

(Muhammad Zareed Qureshi)  
Advocate High Court, Abbottabad



500  
Rupees

PAKISTAN COURT FEE

Court fee.

Niaz Muhammad

vs

Govt of KPK & others.

CANCELLED

CANCELLED

CANCELLED

ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
4/5/2012

(1)

**BEFORE THE PESHAWAR HIGH COURT  
ABBOTTABAD BENCH**

Writ Petition No. 216-A/2022

Niaz Muhammad .....  
PETITIONER

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Forestry, Environment and  
Wildlife Department, Peshawar and others.

..... RESPONDENTS

**COMMENTS ON BEHALF OF RESPONDENTS**

**INDEX**

S. No	Particulars of Documents	Pages
1.	Comments	01 - 06
2.	Affidavit	07
3.	Annexure - 1	08 - 24
4.	Annexure -II	25 - 38

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
11/9/22

**02 SEP 2022**  
Sign: \_\_\_\_\_



NIAZ MUHAMMAD \_\_\_\_\_ (Petitioner)

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS THROUGH SECRETARY  
(FORESTARY, ENVIRONMENT & WILDLIFE DEPARTMENT).

(Respondents)

W.P No. 216-A/2022

Para wise Comments on behalf of Respondents

Preliminary Objections

1. That petitioner has no cause of action and locus standing to file present writ petition.
2. That petitioner is estopped to file the writ petition.
3. That Petitioner has not come to court with clean hands and as such, he is not entitled for extraordinary discretionary relief.
4. That Petitioner has filed the petition with malafide intention just to pressurize the respondents, which is liable to be dismissed.
5. That petitioner in hand is time barred by Law, hence not maintainable in light of the principle laid in maxim "vigilantibus nondormientibusjura subveniunt"
6. That petitioner has got no cause of action therefore the instant petition is liable to be dismissed.
7. That the facts have been concealed as well as misrepresented by the petitioner in the present Writ Petition.
8. The present petition does not qualify the criteria of service petition.

*Y.M.C.*  
Assistant Advocate General  
Khyber Pakhtunkhwa  
Abbottabad

No. 2763  
01/09/2022

ON FACTS

Correct to the extent that; keeping in view the deficit of BS-18 officers (Divisional Forest Officer Wildlife) in Wildlife Department, Khyber Pakhtunkhwa, the petitioner was posted as Divisional Forest Officers Wildlife (BS-18), Torghar Wildlife Division (in his own pay & scale), while he posted as DFO Wildlife Torghar (OPS), he made recruitment,

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PESHAWAR HIGH COURT  
ABBOTTABAD BENCH.  
01/09/22

appointed against 12 vacant posts of Wildlife Watcher in Torghar Wildlife Division, wherein on the directions of the Chief Minister, Khyber Pakhtunkhwa, an inquiry was conducted by the Provincial Inspection Team (PIT), Khyber Pakhtunkhwa. The PIT submitted its report, confirming that the appointment of 12 Wildlife Watcher was made against the spirit of merit, therefore, the appointment may be cancelled and re-advertised. Besides, the PIT recommended initiation of disciplinary action against the petitioner (DFO Torghar Wildlife Division) and members of the Police and Wildlife Committee for the irregularities/ omission made in the recruitment process.

Based on the finding/ recommendations of PIT's inquiry report and by the approval of the competent authority (Chief Secretary), a formal inquiry was conducted under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 against the petitioner and other three officer/ officials involved in the illegal recruitment of Wildlife Watcher. The Inquiry Committee submitted its report in which the charges against the petitioner were proved. The Inquiry Committee, in its report, inter-alia, recommended that the petitioner (the then DFO Wildlife Torghar) may not be posted against the post of appointing authority, which was approved by the competent authority (Chief Minister). After considering the findings of the inquiry report, the minor penalty of "withholding of two annual increments for two years" was imposed upon the petitioner by the competent authority (Chief Minister).

2. Correct to the extent that; the services of newly recruited staff were terminated in the light of recommendations of enquiry committee (as per Annex-I), nonetheless, the petitioner was supposed to act in accordance with relevant service rules, however, he remained fail to resist against the political pressure and inducted staff against the merit. Moreover, the post of DFO Wildlife is independent & authorized to act under relevant law & rules, instead of yielding any pressure.
3. Incorrect, since the transfer/posting in any department is a routine matter and the petitioner was transferred to his original post (SDWO BS-17), since the petitioner was posted at Torghar on elevated position as DFO Wildlife on own pay scale (OPS) as stop-gap arrangement. Upon posting of regular DFO, the petitioner was posted out from Torghar to Chota Lahore against the available vacant post in the department. Moreover, the enquiry report explicitly recommended that the petitioner may not be posted on administrative post such as DFO Wildlife due to his low academic qualification (copy annexed as Annex-III)
4. No comments, since not related with instant case.

*Handwritten signature*  
 Khyber Pakhtunkhwa  
 Abbottabad

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 ABBOTTABAD BENCH  
 21/9/22

5. Correct to the extent that; the said posting was initiated as a result of political interference instead of regular posting/ transfer initiated by the head of attached department.
6. Correct to the extent that; the same posting was made as stop-gap arrangements purely on temporary basis.
7. Correct to the extent that; the withdrawal of posting order is prerogative of Competent Authority (Minister & Secretary Forestry, Environment & Wildlife Department).
8. Correct to the extent, but the quoted restrictions of election Commissioner were for those officers who were either engaged by election commission for conduction of election as Returning Officer, Assistant Returning Officers & Monitoring officer. The Petitioner was neither engaged for the purpose nor he was posted out to the district where election was being held.
9. Incorrect, since the transfer of the petitioner was made in compliance with the recommendations of enquiry committee (consisting on various officers of Khyber Pakhtunkhwa Provincial Inspection Team), moreover neither existing transfer/posting policy supports interference of any MPAs nor said posting was made on the recommendation of referred MPA (as per Annex-II).
10. Correct, since the petitioner was posted on elevated position on own pay scale (OPS) and the said posting was made by competent authority (Minister & Secretary Forestry, Environment & Wildlife Department) and the petitioner was reposted back to his original post i-e SDWO BS-17.
11. Incorrect, since the posting of the petitioner was made by adopting approved mechanism which consists, the proposal was initiated by the Chief Conservator Wildlife (head of attached department) and the proposal was converted into note by the Secretary Forestry, Environment & Wildlife Department for final approval from the Competent Authority (Minister of Forestry, Environment & Wildlife Department). Minister of Forestry, Environment & Wildlife Department was pleased to approve the note as initiated and transfer of the petitioner was issued by relevant section of the department. Worth to mention that; the petitioner was posted on elevated position on own pay scale (OPS) on stop gap arrangement and he was reposted back to his original position through instant notification. Moreover, the recruitment against four posts of Wildlife Watchers is under process in Battagram Wildlife Division and that the inquiry committee had recommended that the petitioner may not be posted where he would exercise the powers of the appointing authority. The most important factor is that the petitioner **being low qualification (matriculate) has no knowledge of the relevant rules, i.e., APT Rules 1989, Recruitment Policy and other criteria to be followed in the recruitment**

*Y. A. S.*  
 Assistant Advocate General  
 Khyber Pakhtunkhwa  
 Abbottabad

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 ADDITIONAL REGISTRAR  
 PESHAWAR HIGH COURT  
 ABBOTTABAD BENCH  
 2/11/20

process of Wildlife Watchers, for fair trial and merit based recruitment.

That was why the petitioner was transferred from the post of Divisional Wildlife Officer, Battagram Wildlife Division and was posted as SDWO Ghazi Wildlife Sub-Division of Haripur Wildlife Division, for ensuring transparency and merit in the recruitment process of Wildlife Watchers in Battagram Wildlife Division in the best public interest. The departmental appeal of the petitioner was also rejected by the appellate authority (Chief Secretary) and the petitioner was informed accordingly.

**GROUND**

- a. Incorrect, since transfer order was being issued by the Competent Authority (Minister Forestry, Environment & Wildlife Department) by adopting all legal formalities and approved mechanism/policy of such transfer/posting. Moreover, the petitioner was posted on elevated position on own pay scale (OPS) as narrated above and reposted back to his original position i-e SDWO BS-17.
- b. Incorrect, since respondent No.5 was not transferred as alleged, as he was assigned additional charge of the post. Moreover, restrictions of election Commissioner were for those officers who were either engaged by election commission for conduction of election as Returning Officer, Assistant Returning Officers & Monitoring officer. The Petitioner was neither engaged for the purpose nor he was posted out to the district where election was being held.
- c. Incorrect, since the petitioner was enjoying perks & privileges of higher post on OPS (own pay scale) basis as explained in Para-a, tenure does not apply on such cases, since posting of petitioner was made as stop-gap arrangements purely on temporary basis on elevated position/own pay scale (OPS).
- d. Incorrect, since nothing on record which lead posting of petitioner was made on political basis, hence allegation is against the facts and hence denied.
- e. Incorrect, as explained in para-a, the petitioner was posted on elevated position on own pay scale (OPS) and said policy does not apply on such cases.
- f. Incorrect, being government service, the Khyber Pakhtunkhwa Service Tribunal is appropriate platform where such petition/ appeal can be lodged.
- g. No comments.
- h. No comments.
- i. No comments.

*Handwritten signature*

Assistant Attorney General  
Khyber Pakhtunkhwa  
Abbottabad

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PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
21/9/22

It is therefore humbly prayed that writ Petition may graciously be dismissed, since the petitioner concealed the facts from honorable court.

Dated \_\_\_\_\_/06/2022

Secretary  
Govt: of Khyber Pakhtunkhwa  
Forestry, Environment & Wildlife Department  
Peshawar  
(Respondent No.1)

*vetted by,  
M.C.*

Secretary  
Govt: of Khyber Pakhtunkhwa  
Forestry, Environment & Wildlife  
Department  
Peshawar  
(Respondent No. 2)

183962011  
Khyber Pakhtunkhwa  
Abbottabad

Chief Conservator Wildlife  
Khyber Pakhtunkhwa  
Peshawar  
(Respondent No. 3)

Chief Secretary  
Khyber Pakhtunkhwa  
Peshawar  
(Respondent No. 4)

Divisional Forest Officer  
Kohistan Wildlife Division  
Kohistan  
(Respondent No. 5)

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR/HIGHT COURT  
ABBOTTABAD BENCH  
2/9/22

BEFORE THE PESHAWAR HIGH COURT, BENCH ABBOTTABAD

NIAZ MUHAMMAD \_\_\_\_\_ (Petitioner)

VERSUS

GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS THROUGH SECRETARY  
(FORESTARY, ENVIRONMENT & WILDLIFE DEPARTMENT).

(Respondents)

W.P No. 216-A/2022

Writ Petition/Comments

AFFIDAVIT

I, Mr. Muhammad Faique Khan, Divisional Wildlife Officer, Kohistan do hereby solemnly affirm and declare on oath that; the contents of Para wise comments are true and correct to the best of my knowledge and nothing has been concealed from this honorable court.

Dated 16/06/2022

  
Deponent

CNIC No. 15602 - 0506937 - 1

AFFIDAVIT

S.No: 6052/719 Receipt No: 718

Certified that the above was verified on Solemn affirmation At before me on this

16 day of 08 - 2022

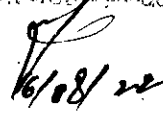
Muhammad Faique Khan at Kohistan

Divisional Wildlife Officer who is personally known to me

Oath Commissioner

(Additional Registrar)

Registrar of High Court Abbottabad Bench

  
16/08/22

Identified by  
Yusuf Khan

Identified by  
Yusuf Khan  
Advocate General  
Khyber Pakhtunkhwa  
Abbottabad

**FILED TODAY**  
ADDITIONAL REGISTRAR  
PESHAWAR HIGH COURT  
ABBOTTABAD BENCH  
16/9/22

CONFIDENTIAL



PROVINCIAL INSPECTION TEAM, KHYBER PAKHTUNKHWA

INQUIRY REPORT

SUBJECT: INQUIRY AGAINST ILLEGAL APPOINTMENT IN WILDLIFE DEPARTMENT DISTRICT TORGHAR.

1. ORDER OF INQUIRY

Orders of the inquiry were received to Provincial Inspection Team from Chief Minister's Secretariat, Khyber Pakhtunkhwa vide letter No. SO/1/CMS/KPK/3-8/2018/22343-44 W/E dated 14.12.2018 (Annex: A).

2. COMPLAINT:

Mr. Lari Muhammad Khan, MPA PK-35, Torghar submitted a letter to Chief Minister Khyber Pakhtunkhwa wherein he raised the issue of illegal appointment of Wildlife Watcher in Wildlife division District Torghar (Annex: B).

The gist of the allegations is as under.

According to him, Wildlife Torghar advertised 12 posts of Wildlife Watcher and 27 candidates were shortlisted after conducting physical. Medical test on 27.2.2018. The Selection Committee found the testimonials of the 27 candidates correct and accord approval. But astonishingly, after 9 months physical test was re-arranged on 13.1.2018 which was an illegal act.

After 9 months, the chest and height of some candidates were reduced and out of 27 candidates, 12 blue eyed candidates were finalized.

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These candidates were appointed by taking bribe which was injustice with other candidates.

- iii. The honourable MPA requested to cancel these illegal appointments in Wildlife division District Torghar and to re-advertise the said posts so that the eligible candidates could be able to get their right.

### 3. INQUIRY PROCEEDINGS

- a. After receipt of the reference, a two member team of PIT visited District Torghar in connection with the subject inquiry (Annex: C).
- b. PIT requested Divisional Forest Officer (DFO), Torghar to provide attendance register of the newly appointed Wildlife Watcher vide letter dated 11.1.2019 (Annex: D). In response, DFO, Torghar replied vide letter dated 11.1.2019 (Annex: E).
- c. The officials of District Police Office (DPO), Torghar and DFO Wildlife, Torghar recorded their statement as per given detail;

S.No	Name	Designation	Annexure
1.	Abdul Sami	Asst. Member of the 1 <sup>st</sup> Committee	F
2.	Muhammad Ali	Head Constable Member of the 1 <sup>st</sup> Committee	
3.	Khan Muhammad	Head Constable Member of the 1 <sup>st</sup> Committee	
4.	Sajid	Head Constable Member of the 1 <sup>st</sup> Committee	
5.	Aamir Khan Swati	Head Constable Member of the 2 <sup>nd</sup> Committee	G
6.	Khan Muhammad	Head Constable Member of the 2 <sup>nd</sup> Committee	
7.	Syed Afzal	LHC, Member of the 2 <sup>nd</sup> Committee	H
8.	Sardar Ali Khan	Range Officer, Wildlife Torghar	I
9.	Asif Nawaz	Watcher, Wildlife Torghar	J
10.	Fazal Wahab	Deputy Ranger, Wildlife Torghar	

- d. DFO Wildlife Torghar recorded his statement vide (Annex: K). later on, he attended PIT on 7.2.2019 and recorded his supplementary statement vide (Annex: L).
- e. PIT served a questionnaire upon DFO Wildlife Torghar vide letter dated 13.2.2019 followed by reminder dated

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19.2.2019(Annex: M). DFO Wildlife responded to the same letter dated 19.2.2019(Annex: N).

**OBSERVATIONS**

After scrutiny of the available record/documents, detailed discussion, written statements and replies of the concerned staff, observations of are as under:-

i. Perusal of the record showed that Divisional Forest Officer (D) Wildlife District Torghar advertised 12 posts of Wildlife Watcher (BPS-07) through information Department in daily Mashriq dated 15-12-2017(Annex:O). Qualification for the post of Wildlife Watcher (BPS-07) was as follows;

Wildlife Watcher (BPS-07)	a) At least 2 <sup>nd</sup> class Intermediate Certificate with Matric Science from a recognized Board; and	18-30 years	By initial recruitment.	Annex:P
	b) <u>Physical fitness:</u> i. Height: five feet and six inches (minimum); ii. Chest Size: 34-36, inches(minimum); and iii. Eye Sight: V-6J(with glasses), each eye 6x6.		Note: The candidates who have been recruited will have to undergo compulsory one year Training Course of Forest Guard or Wildlife Watcher at the Khyber Pakhtunkhwa Forest School, Thal Abbottabad."	
	Note: It is essential that the candidate will have to qualify Marathon race of 2-Km within 20 minutes			

ii. In the said advertisement, it was mention in the conditions that candidates will have to submit eye certificate with regard to correct eye sight issued by eye specialist alongwith bio-data(CV) to the office of DFO Wildlife Division Torghar till 10.01.2018. After closing date i.e. 10.01.2018, total 251 applications were received. DFO Wildlife notified a Scrutiny Committee, for Scrutiny documents of the candidate vide his office order dated 6.2.2018 comprised of the following members.

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- i. Mr. Sardar Ali Khan Rang Officer, Wildlife Torghar
- ii. Fazal Wahab, Deputy Ranger
- iii. Asif Nawaz, Watcher Wildlife, Torghar

iii. The Scrutiny Committee submitted a verified list on 12.2.2018(Annex:Q). According to the list, 153 applicants were found eligible while 98 applicants were found ineligible. Afterwards, DFO Wildlife Torghar notified another committee, having the same members of the scrutiny committee, for the physical test vide his office order dated 6.2.2018(Annex:R). On the same day, DFO Wildlife Torghar requested DPO Torghar to depute three officials to conduct physical test i.e. including 2 Km Marathon, height and Chest Measurement. In response, DPO Torghar deputed the following four (4) officials for physical test (Annex: S):

- i. ASI Sami Khan SRC/DPO Office
- ii. HC Sajid Khan A/LO Police Line
- iii. LHC Khan Muhammad A/OHC DPO Office
- iv. FC Pervaiz No. 73/NOHC DPO Office

iv. Physical test of 153 candidates was conducted on 27.2.2018, wherein 27 candidates qualify the test (Annex:T). Member of both committees (Police & Wildlife) signed the list of 27 candidates who qualified the physical test and the same was forwarded to DFO Wildlife, Torghar for further process (Annex:U). Meanwhile, District Nazim Torghar wrote a letter to Chief Conservator, Wildlife KP on 6.9.2018 wherein he stated that he received various complaints of the general public about embezzlement/political involvement during the physical test of Wildlife Watcher Torghar. In the said letter, he requested to cancel and re-arrange the physical test (Annex: V).

v. The request of District Nazim Torghar was honoured and DFO Wildlife Torghar re-arranged the physical test. The DFO Wildlife deputed the same committee who conducted the 1<sup>st</sup> physical test while DPO Torghar changed the members of the committee for 2<sup>nd</sup> physical test. The District Nazim Torghar also recommended two

(02) candidates who disqualified the 1<sup>st</sup> test. The 2<sup>nd</sup> physical test of 29 candidates (27 qualified candidates of 1<sup>st</sup> test and 2 candidate recommended by District Nazim Torghar) was conducted on 13.11.2018. In the 2<sup>nd</sup> physical test, 15 candidates qualified the test while 14 candidates including the two (2) recommended candidate of District Nazim disqualified the test(Annex:W). List of the 15 qualified candidates duly signed by the members of police committee and countersigned by DPO Torghar was furnished to DFO Wildlife Torghar on 15.11.2018(Annex: X).

- vi. Thereafter, Departmental Selection Committee (DSC), notified vide office order dated 30.11.2018, conducted interview of 15 candidates on the same day and recommended 12 candidates for the post of Wildlife Watcher(BPS-7) while two (2) candidates were placed on waiting list(Annex:Y).
- viii. The inquiry team visited District Torghar wherein they directed DFO Wildlife Torghar to present the qualified and disqualified candidates of 2<sup>nd</sup> physical test before the team so as to re-measure their chest size & height to substantiate as the levelled allegations were true or otherwise. On 9.1.2019, out of 14 disqualified candidates, only six (6) appeared before inquiry team. The detail of their re-measurement of chest size & height and comparison with 2<sup>nd</sup> physical test is given as under;

S. No	Name of Candidate	Father Name	Measurement in the 2 <sup>nd</sup> Physical test		Actual Measurement in the presence of inquiry team		Annexure
			Height	Chest	Height	Chest	
1.	Ihtisham Khan	Qasam Khan	5x9	33x35 <sup>1/2</sup>	5x9	32x34 <sup>1/2</sup>	2
2.	Saeed Khan	Taj Mahmood	5x8 <sup>1/2</sup>	33x35	5x8 <sup>1/2</sup>	33x35 <sup>1/2</sup>	
3.	Izhar Ahmad	Hikmat Khan	5x6 <sup>1/2</sup>	33x35 <sup>1/2</sup>	5x6 <sup>1/2</sup>	33x36	
4.	Azeem ul Haq	Naseebullah	5x6	33x35	5x6	33 <sup>1/2</sup> x35 <sup>1/2</sup>	
5.	Syed Juhid Shah	Khadi Shah	5x5 <sup>1/2</sup>	33 <sup>1/2</sup> x35 <sup>1/2</sup>	5x5 <sup>1/2</sup>	33x36	
6.	Syed Hameedullah	Mukaram Shah	5x8 <sup>1/2</sup>	33x35	5x8 <sup>1/2</sup>	33x35	

- vii. The above comparison showed some increase/decrease in height/chest of the 6 candidates but none of the candidate full the required qualifying criteria. (i.e. height: 5 feet 6 inches & cl 34x36 inches).
- viii. On 10.1.2019, out of 12 selected candidates, 11 appeared before team except Mr. Majid Khan, who according to DFO Wile Torghar, was ill and was unable to appear before inquiry to Detail of the re-measurement of height/chest of the selected candidates and comparison with the 2<sup>nd</sup> physical test is given under;

S.No	Name of Candidate	Father Name	Measurement in the 2 <sup>nd</sup> Physical test		Actual Measurement in the presence of Inquiry team	
			Height	Chest	Height	Chest
1.	Hussain Ahmad	Abdul Haleem	5x7	36x38 <sup>1/2</sup>	5x7 <sup>1/2</sup>	36x39
2.	Anwar Khan	Asar Khar	5x6 <sup>1/2</sup>	34x36 <sup>1/2</sup>	5x6 <sup>1/2</sup>	35x37
3.	Mubashir Ahmad	Momin Gul	5x8	34x36 <sup>1/2</sup>	5x8	34 <sup>1/2</sup> x3
4.	Fazal Nawaz Khan	Mir Nawaz Khan	5x7 <sup>1/2</sup>	34x36	5x7 <sup>1/2</sup>	34 <sup>1/2</sup> x3
5.	Muhammad Irfan	Muhammad Tahir	5x6	34x36	5x6 <sup>1/2</sup>	34x36
6.	Riaz Ahmad	Muhammad Saleh	5x7 <sup>1/2</sup>	34x36	5x8	34x36 <sup>1/2</sup>
7.	Faiz ur Rehman	Sahib ur Rehman	5x7	38x40	5x7 <sup>1/2</sup>	37x39
8.	Haron Khan	Hazrat Hussain	5x7 <sup>1/2</sup>	35 <sup>1/2</sup> x38	5x8 <sup>1/2</sup>	36x38 <sup>1/2</sup>
9.	Hafeez ur Rehman	Sahib ur Rehman	5x7 <sup>1/2</sup>	35x37	5x7 <sup>1/2</sup>	34x36
10.	Muhammad Tayyab	Nawab Nabi	5x8 <sup>1/2</sup>	34x36	5x8 <sup>1/2</sup>	35x37
11.	Hazrat Ullah	Bakhrullah	5x6 <sup>1/2</sup>	35x37 <sup>1/2</sup>	5x7	35x38

- vii. The above comparison showed some increase/decrease in height/chest of the 11 candidates but besides these changes their size (chest/height) was found according to the required criteria. None of the selected candidate was found below the required criteria (i.e. height: 5 feet 6 inches & chest 34x36 inches). Hence, the result of the 2<sup>nd</sup> test in term of chest/height was found correct.

ix. It is pertinent to mention that out of 27 candidates, 17 candid (11 qualified + 6 disqualified) of 2<sup>nd</sup> test appeared before the inquiry team for re-measurement of chest/height. As the above observation confirmed the accuracy of the result of 2<sup>nd</sup> test to great extent. Hence, it is casted doubts that the 1<sup>st</sup> test might not be conducted accurately and favour was extended to those 12 qualified candidates who disqualified the 2<sup>nd</sup> test.

x. To ascertain the factual position, DFO Wildlife Torghar was directed to present all the candidates who were declared disqualified in 1<sup>st</sup> physical test. In response, out of 126 candidates (153-27), six (6) candidates appeared before the inquiry team. The details of their re-measurement of height/chest and comparison with physical test is given as under:

S.No	Name of Candidate	Father Name	Measurement in the 1 <sup>st</sup> Physical test		Actual Measurement in the presence of the inquiry team	
			Height	Chest	Height	Chest
1.	Fateh ullah	Amrullah	5x6 <sup>1/2</sup>	37x39 <sup>1/2</sup>	5x7	35x38
2.	Suleman Khan	Yakmin Khan	5x5	31x32 <sup>1/2</sup>	5x5	29x31
3.	Hameed ur Rehman	Zaibullah	5x5 <sup>1/2</sup>	33x34	5x5 <sup>1/2</sup>	33x34
4.	Namzood Khan	Mahabat	5x9	31x35	5x9.5	29 <sup>1/2</sup> x32
5.	Zabehullah	Sabit ullah	5x8	33x34 <sup>1/2</sup>	5x8 <sup>1/2</sup>	31x33
6.	Sakhi Badohs	Muhammad Zahir shah	5x5 <sup>1/2</sup>	33 <sup>1/2</sup> x35	5x7	32x34 <sup>1/2</sup>

xi. The above comparison showed that the last five (5) candidates, who were disqualified in the 1<sup>st</sup> physical test, did not qualify the required passing criteria even before inquiry team. However, the size of chest/height of Mr. Fateh Ullah S/o Amrullah (the candidate at S.No 1) was found according to the set criteria of Wildlife Watcher and as per result he passed the 1<sup>st</sup> physical test but his name was not reflected in the list of 27 qualified candidates signed by all the members of the committee. This made the result of 1<sup>st</sup> physical test dubious. Therefore, the result of 1<sup>st</sup> physical test was examined and tallied with the list of 27 qualified candidates which transpired the following defects/flaws/irregularities in the 1<sup>st</sup> test:

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- a. None of the candidate recorded their signature against their result/measurement in the column meant for the purpose. With regard to this query, DFO Wildlife replied that the list was handed over to Police for mentioning of result in the list. The police had not recorded the signature of candidates in the signature column in the said list due to unknown reason. The reply of DFO Wildlife raised questions that why they were not ask to do so and what was the purpose/duty of DFO committee in the physical test. Hence, non-availability of signature of candidates against their result casted doubts and put question mark on the sanctity/validity of result of 1<sup>st</sup> test.
- b. The result of Marathon & Eye Certificate was not provided and due to lack of proper attention, was recorded in a vague manner in the list. These columns were either left blank or filled by recording tick mark which did not give clue about the score/result of the process. In this regard, DFO Wildlife replied that for the result of marathon race slips were handed over to the police. After marathon the police officials returned the same and recommended that all candidates were qualified due to easy marathon i.e. 2 Km in 20 minutes. But no such remarks were found on the record. The token provided by DFO Wildlife Torghar contain Name, F/Name and Signature of the candidate but did not contain the result i.e. whether he qualified/disqualified the test and what was his score.
- c. Similarly, according to advertisement/service rules, the criteria for eye sight was V-6J (with glasses), each eye 6x6, which was part of the physical fitness and was required to be checked during the test but it was observed that the eye sight was not checked on the spot of the test instead candidates were requested to provide eye certificate from eye specialist alongwith application till closing date of advertisement. The same was confirmed by DFO Wildlife vide his reply that eye sight test were checked during submission of documents and all

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the candidates found fit and called for further process. The reply of DFO was suffice to prove the process defective as the eye sight was checked 16 days before the physical test and that too by any eye specialist.

- d. A candidate Mr. Haroon Khan at S.No.18 fulfilled the required height/chest criteria while his Eye Certificate/ Marathon columns were left blank. On the basis of this result, he was considered qualified and his name was included in the list of 27 qualified candidates and later on he was selected against the post of wildlife watcher. However, the name of Mr. Zahid Shah at S. No. 60(though some overwriting was observed in his measurement) was not included in the list of 27 qualified candidates who had almost the same result.
- e. Two candidate i.e. Mr. Fateh ullah at S.No 16 & Mr. Zahid Shah at S.No. 60 (as mentioned above) who qualified the test in term of chest/height were not included in the list of the 27 qualified candidates. Therefore, they did not avail the opportunity of further competition, did not appear in the 2<sup>nd</sup> test and subsequently were not called for interview. Mr. Fateh ullah appeared before the inquiry team. His chest/height was found within the required parameters of chest/height. (For reference see table at para-ix, Serial No. 1).
- f. Two candidates i.e. Mr. Ihtisham Khan at S.No. 83 & Muhammad Yaqoob at S.No. 20, who disqualified the 1<sup>st</sup> test in term of chest/height were included in the list of 27 qualified candidates. They both availed the opportunity to appeared in the 2<sup>nd</sup> test wherein they again failed the test and did not qualify for interview. Mr. Ihtisham Khan s/o Qasim Khan appeared before PIT team for re-measurement of chest/height and he did not fulfill the required criteria of Wildlife Watcher (For reference see table at para-viii, Serial No. 1). Regarding this query, DFO Wildlife replied that the names of disqualified candidates were included in qualified list by the

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police and after signature the same was provided to them. It raised a question that why the same was not verified/tallied by the members of DFO scrutiny committee instead recording signature blindly. It revealed their collusion as the recruitment process was mandate of their department not the police department.

g. The list of 27 qualified candidates of 1<sup>st</sup> physical test was not signed by Mr. Pervaiz and Mr. Asif Nawaz, the notified members of Police & Wildlife committees respectively. Instead the same was signed by Muhammad Ali Shah and Salim Shah who were not the members of the respective committees. In this regard, DFO Wildlife Torghar replied that due to some emergency, Mr. Asif Nawaz Wildlife Watcher left the same process and senior wildlife watcher Mr. Saleem Shah signed the list. Moreover, Muhammad Ali Shah signed the list instead of Mr. Pervaiz which was nominated by District Police Officer Torghar. The said incumbent was also from Police Department. The reply of DFO seems not correct as Mr. Asif Nawaz did not mention any emergency vide his statement. Furthermore, they had to issue notification for the replacement of members before initiating the process.

xii. As discussed above at para-e that Mr. Fatch ullah and Mr. Zahid Shah was dropped from further competition. Hence, it raised question that whether there was possibility of their selection if they were allowed to interview and whether they could affect the merit list. To ascertain this situation, the merit list of selected candidates and the educational qualification of the two deprived candidates, provided by DFO office Wildlife Torghar, was examined which showed the following details:



**Merit list of the selected Candidates for the post of Wildlife Watcher**

S. No	Name	Father Name	Qualification	Minimum prescribed qualification marks out of 70		Higher Qualification Marks out of 12	Experience marks out of 10	Total marks	Interview marks out of 8	Grand Total
				Metric	Inter					
1.	Fazal Nawaz Khan	Mir Nawaz Khan	SSC <sup>1st</sup> FSc <sup>1st</sup> BS(Hons)	35	35	08				
2.	Faiz ur Rehman	Sahib ur Rehman	SSC <sup>1st</sup> FSc <sup>2nd</sup> BS(Hons)	35	27	08	--	70	05	75
3.	Anwar Khan	Asar Khan	SSC <sup>1st</sup> DAE <sup>1st</sup>	35	35	--	--	70	04	74
4.	Hafeez ur Rehman	Sahib ur Rehman	SSC <sup>1st</sup> FSc <sup>1st</sup>	35	35	--	--	70	04	74
5.	Hazrat Ullah	Bakhr Ullah	SSC <sup>1st</sup> FSc <sup>2nd</sup>	35	27	--	--	62	05	67
6.	Hussain Ahmad	Abdul Haleem	SSC <sup>1st</sup> FSc <sup>2nd</sup>	35	27	--	--	62	04	66
7.	Riaz Ahmad	Muhammad Saleh	SSC <sup>1st</sup> FSc <sup>2nd</sup>	35	27	--	--	62	04	66
8.	Muhammad Irfan	Muhammad Tahir	SSC <sup>1st</sup> FSc <sup>2nd</sup>	35	27	--	--	62	03	65
9.	Majid Khan	Azmat Khan	SSC <sup>2nd</sup> FSc <sup>2nd</sup>	26	27	--	--	53	07	60
10.	Mubasher Ahmad	Momin Gul	SSC <sup>2nd</sup> FSc <sup>2nd</sup>	26	27	--	--	53	07	60
11.	Haroon Khan	Hazrat Hussain	SSC <sup>2nd</sup> FSc <sup>2nd</sup>	26	27	--	--	53	05	58
12.	Muhammad Tayyab	Nawab Nabi	SSC <sup>2nd</sup> FSc <sup>2nd</sup>	26	27	--	--	53	04	57

The academic qualification of the deprived candidates and total marks before interview as per criteria would be as under:

Name	Father Name	Qualification	Minimum prescribed qualification marks out of 70		Higher Qualification Marks out of 12	Experience marks out of 10	Total marks	Merit position before interview
			Matric	Inter				
Zahid Shah	Salami Shah	SSC 1 <sup>st</sup> DAE 1 <sup>st</sup>	26	35	..	..	61	At S No.9
Fateh Ullah	Amrullah	SSC 1 <sup>st</sup> FA 1 <sup>st</sup>	26	27	..	..	53	Fall within the brackets of S No. 10 to 12

xii. The above facts revealed that if both the deprived candidates were allowed to interview then there were chances of their selection. Especially, in the case of Mr. Zahid Shah whose selection was confirmed even though he got minimum score in the interview.

xiii. A question was asked from members of 1<sup>st</sup> Committee of Police that they declared 27 candidates successful which were re-examined by the 2<sup>nd</sup> committee of police department who declared further 14 candidates disqualified. Moreover, re-examination by PIT team, the result showed decrease in their size i.e. height & chest. What was the reason? They replied that they conducted the said test upto optimum care and responsibility so as to make it transparent. According to them, they conducted 1<sup>st</sup> test of 153 candidates with regard to 2 km Marathon, height & chest. Proper list was prepared of the candidates showing height & chest size. So far Marathon test is concerned, they stated that the tokens were allotted by Wildlife Department and the detail was available with them. Out of 153 candidates only 27 candidates were qualified fulfilling the laid down criteria which was signed by both the committees i.e. Police & Wildlife. With regard to increase & decrease in size of the candidates, they stated that they conducted the test in the month of February 2011 and the second test was conducted during the month of November 2011 which shows that a long period had been passed and due to this reason that the candidates were living beings, therefore, their physical attributes changed.

xiv. Mr. Sardar Ali Khan, Range Officer Wildlife Division Torghar (Member of Wildlife Committee) stated in his written statement that DFO Wildlife vide his notification declared him chairman for the physical test. The responsibility of physical test was assign to Police committee. The Police committee conducted test of all the 153 candidates and prepared a hand written list of qualified candidates and asked him to sign the list which he signed. With regard to exclusion of two qualified candidates from the approved list, he stated that he did not have any personal interest/prejudice with any candidate. If he had such intentions then he should disqualified them in the physical test. Probably, this was done mistakenly.

xv. Mr. Asif Nawaz Watcher Wildlife Division Torghar (Member of Wildlife Committee) stated in his written statement that he attended Police Line Judba Torghar in compliance to DFO's orders. The physical test was the responsibility of police committee and they conducted the entire process. He further stated that he did not know anything about the list and he did not sign the same.

xvi. Mr. Fazal Wahab, Deputy Ranger, Wildlife Division Torghar (Member of Wildlife Committee) stated in his written statement that DFO Wildlife Torghar nominated him for physical test but on the same day he was assigned other responsibilities. Due to the reason, he was not present at the time of physical test. At the end of the test, Police Committee asked him to sign the list immediately and according to him he signed the list. He further stated that he did not know anything about the list and being a field staff, he did not had knowledge of measurement. To a question that the names of two qualified candidates were replaced by two disqualified candidates, he replied that he knows nothing about that and after physical test he went to Forest School Thai, Abbottabad for training.

xvii. A questionnaire was served to DFO Wildlife Torghar wherein he was asked that under what authority the 2<sup>nd</sup> physical test was conducted?

He replied that the physical test was re-conducted due to complaint of District Nazim Torghar and Tehsil Nazim and their favourable two candidates after instructions of worthy Chief Conservator Wildlife, Khyber Pakhtunkhwa and Conservator Wildlife. He further stated that in the second physical test the opportunity was not given to the candidates who already disqualified the test. The reply of the DFO itself points toward the defective process of the 2<sup>nd</sup> test as if there were complaints against the 1<sup>st</sup> test then opportunity should be given to all the candidates regardless the fact that they qualified or disqualified the previous test so as to ensure transparency.

Conclusion:

The facts lead to the conclusion that both the Committees i.e. Police & Wildlife exercised great laxity and negligence while conducting 1<sup>st</sup> physical test. In the said test, the entire process was over sighted especially Marathon and Eye Sight. The result of 1<sup>st</sup> physical test was recorded in a vague manner which consisted of various defects/ flaws and irregularities which has been discussed at para-xi (a,b,c,d,e,f & g) of this report. The recruitment process was delayed for some months due to the ban imposed by Election Commission of Pakistan and due to the complaint of District Nazim Torghar. Two disqualified candidates Mr. Fatehullah S/o Amrullah and Mr. Zuhid Shah S/o Mr. Salamt Shah were restrained from further competition despite the fact that they had qualified the chest/height criteria. Hence, it was injustice with them. Similarly, two candidates Mr. Ihtisham Khan and Muhammad Yaqoob who disqualified the 1<sup>st</sup> test were included in the list of 27 qualified candidates which indicate that undue favour was extended to these two candidates. Though the result of 2<sup>nd</sup> physical test was found almost accurate in term of chest/height measurement while the remaining criteria of physical test i.e. eye sight and Marathon was totally ignored in the 2<sup>nd</sup> test and for the same the DFO relied upon previous test result which was defective, questionable and under complaints. Moreover, 2<sup>nd</sup> test was

conducted of the qualified candidates of the 1<sup>st</sup> test leaving 126 disqualified candidates of 1<sup>st</sup> test deprived which is against the principles of fair competition. Furthermore, ~~complete lack of supervision from DFO Wildlife Torghar provided opportunity to the members of the Police and DFO committee to conduct the 1st test as per their own understanding/knowledge which lead the process to a defective exercise. The record did not confirm any efforts made by DFO Wildlife to counter check/oversee the process. The DFO Wildlife and members of his committee tried to shift the burden of physical tests to the police committee despite the fact that the post of Wildlife Watcher existed in their department and they were mandated to conduct the same and the role of police committee was to assist/facilitate them in the recruitment process.~~

##### 5. FINDINGS

Based on the observations/analysis at Para-3 of this report, findings are as under:-

- I. That, Divisional Forest Officer (DFO), Wildlife District Torghar advertised 12 No. of posts of Wildlife Watcher (BPS-07).
- II. The committees constituted for the 1<sup>st</sup> physical test exercised sheer negligence and laxity while conducting the 1<sup>st</sup> physical test. Due to the reason several defects/irregularities were found in the 1<sup>st</sup> physical test such as;
  - ~~Non recording of candidate's signature.~~
  - ~~Inclusion of two (2) disqualified candidates in the list of qualified candidates.~~
  - ~~Exclusion of two (2) qualified candidates from the list of qualified candidates.~~
  - ~~Eye sight was not checked during the physical test.~~
  - ~~The result/record of marks in race was not maintained.~~

- The list of qualified candidates were not signed by two notified members instead two (2) un-notified persons signed the same.

III. 2<sup>nd</sup> physical test was conducted only of qualified candidates of 1<sup>st</sup> physical test and two recommended candidates of District Nazim which was injustice with the other disqualified candidates of 1<sup>st</sup> physical test and was against the principles of fair competition. Moreover, the 2<sup>nd</sup> physical test was confined to measurement of chest and height only and for the other criteria of physical fitness i.e. the eye sight and marathon, DFO Wildlife Torghar relied upon the result of 1<sup>st</sup> test which was already questionable. Hence, the process of 2<sup>nd</sup> test was also defective.

IV. District Nazim Torghar unlawfully intervened in the process of recruitment and by his influence two (2) physically disqualified candidates were allowed to appear in the 2<sup>nd</sup> physical test. He compelled Wildlife Department to conduct the 2<sup>nd</sup> physical test.

V. DFO Wildlife Torghar failed to resist to unlawful pressure of District Nazim and allowed two (2) disqualified candidates to appear in the 2<sup>nd</sup> physical test.

VI. The recruitment process was delayed due to the ban imposed by Election Commission of Pakistan and later on due to the complaints of irregularities/political involvement by District Nazim Torghar.

VII. The role of DFO Wildlife (being the divisional head) with regard to supervision/monitoring of the recruitment process was not confirmed by the record. Complete lack of supervision from the DFO provided an opportunity to members of Police and DFO Committee to conduct the test in a manner that did not ensure transparency.

6. **RECOMMENDATIONS**

Based on observations and findings: (i) report recommendations of PIT are as follows -

- I. Disciplinary action under the relevant rules may be taken against the members of the Police and Wildlife Committees, who conducted 1<sup>st</sup> physical test, on the grounds of negligence and omission of duties/responsibilities assigned to them.
- II. Disciplinary action against the incumbent DFO Wildlife Torghar may be taken for his negligence and non interest in his official duties and failure to overcome anomalies mentioned in this report.
- III. The appointment of 12 Wildlife Watcher District Torghar is based on irregular/defective process and fair trial for competition was not observed. The appointment of 12 No. of Wildlife Watcher was made against the spirit of merit, therefore; the appointment may be cancelled. The posts may be re-advertised and be filled strictly following the merit and criteria.
- IV. The required height and chest size of Wildlife Watcher is over and above the height and chest size required for other forces of this province. Therefore, the same may be considered to make it uniform with other force physical requirement.
- V. The District Nazim Torghar may also be proceeded under the relevant disciplinary rules on the grounds of unlawful intervention in the recruitment process and merit of the Wildlife Watcher having no such mandate.

*Noman Khan*  
 NOMAN KHAN  
 RESEARCH OFFICER  
 Provincial Inspection Team,  
 Khyber Pakhtunkhwa  
 28/2/19

*Aziz Khan Khattak*  
 Aziz Khan Khattak  
 MEMBER GENERAL  
 Provincial Inspection Team,  
 Khyber Pakhtunkhwa

*Liaqat Ali Mohmand*  
 LIAQAT ALI MOHMAND  
 MEMBER (INQUIRIES)  
 Provincial Inspection Team,  
 Khyber Pakhtunkhwa  
 01.03.2019

*Muhammad Akbar Khan*  
 Muhammad Akbar Khan  
 CHAIRMAN  
 Provincial Inspection Team,  
 Khyber Pakhtunkhwa  
 04/03/19

**ENQUIRY AGAINST OFFICERS/OFFICIALS OF WILDLIFE DEPARTMENT,  
KHYBER PAKHTUNKHWA**

**BACKGROUND**

Forestry, Environment and Wildlife Department Govt. of Khyber Pakhtunkhwa vide Notification No.SO(Estt)FE&WD/2-50(22)/2008 dated 17/12/2019 constituted Enquiry Committee comprising Mr. Majeed-ur-Rahman (PMS BS-18) Deputy Secretary (Cabinet), (as Convenor) and Muhammad Ali Conservator Wildlife (BS-19), Southern Circle Peshawar (as member) to conduct disciplinary proceedings under the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 against the Officers/ Officials of Wildlife Department Khyber Pakhtunkhwa, Torghar Wildlife Division (Copy enclosed as Annex-I).

**PROCEEDINGS**

On receipt of the Notification, the committee held preliminary meeting on 02/01/2020 and it was observed that the relevant record including Charge Sheets and Statements of Allegation were missing. The accused incumbents were called for investigation on 09/01/2020 and copy of letter dated 02/01/2020 is Annex-II. Necessary record was obtained on 06/01/2020 vide Section Officer (Estt) Forestry, Environment and Wildlife Department letter dated 08/01/2020 (Annex-III). The following accused officers/officials were heard and examined with reference to their respective allegations on date fixed, i.e. 09/01/2020;

1. Mr. Niaz Muhammad Khan Divisional Wildlife Torghar (BS-17)
2. Mr. Saddar Ali Range Officer Wildlife Torghar (BS-16)
3. Mr. Fazal Wahab Deputy Ranger Wildlife (BPS-11)
4. Mr. Asif Nawaz Wildlife Watcher (BS-7)

The accused officials were asked to submit their written reply upto 16/01/2020 which were received on due date, Annex-IV to VII. The committee scrutinized the written replies of the accused officials and they were heard again on 04/02/2020 upon request in written reply to the allegations by accused at S.No.1 and 2 above. Allegations against the accused officials with reference to their replies and discussions in the hearing sessions are elaborated individually as under:

1. **Mr. Niaz Muhammad Khan Divisional Forest Officer Wildlife Torghar**

**ALLEGATION - (I)**

You as appointing authority while making recruitment against the 12 vacant posts of Wildlife Watcher (BPS-07) in Torghar Wildlife Division have shown great negligence and non interest in your official duties and have failed to overcome the anomalies affecting transparency in the recruitment process as pointed out in the enquiry report of the Provincial Inspection Team, Khyber Pakhtunkhwa.

**REPLY OF THE ACCUSED**

The undersigned has always kept my official obligations as top priority and had always performed with due diligence and utmost honesty.

10/02/2020

~~Handwritten signature~~



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

No.SO(Estt)FE&WD/2-50(22)/2006/2020  
Dated Pesh: 12<sup>TH</sup> August, 2020

To

The Chief Conservator Wildlife,  
Khyber Pakhtunkhwa,  
Peshawar.

521  
13/08/2020

Subject: **SHOW CAUSE NOTICES**

I am directed to refer to your letter No. 727/WL(E) dated 5.8.2020 on the subject cited above and to enclose herewith a copy of the inquiry report for further course of action at your end, please.

Encl: as above

*Zia-ur-Rahman*  
(Zia-ur-Rahman)  
SECTION OFFICER (ESTT)

Endst: No.& date even

Copy is forwarded information to PS to Secretary, FE&W Department Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)

No. 951-53 WL(E)

Dated Peshawar the 13-08-2020

Copy alongwith its enclosures in-continuation of this office endst: No. 575-77 dated 29-07-2020 forwarded for information and necessary action to the:-

1. Conservator Wildlife Southern Circle, Peshawar
2. Mr. Niaz Muhammad Divisional Forest Officer Wildlife Battagram
3. Mr. Saad All Range Officer Wildlife Torghar

*Sem*  
*Mohd Ali*  
*17/8/2020*

*Zia-ur-Rahman*  
Chief Conservator Wildlife  
Khyber Pakhtunkhwa  
Peshawar

MENT

27/3/19

He was asked to read his reply to the allegations for which he excused stating that he has low educational level (Matric) and difficult for him to read but he relies on his written statement and discussion.

**FINDINGS**

- a. The lists of candidates "eligible" for physical test were not signed by the committee or appointing authority, Annex-VIII.
- b. List of physical test is marked as "list of Medical fitness" and is not signed Annex-IX.
- c. Receipt record of the Office Order No. 05 dated 06/02/2018 (Annex-X) by the members is not available and also none of the two members were involved in the scrutiny process.
- d. Receipt record of the Office Order No. 06 dated 06/02/2018 (Annex-XI) is not available and also none of the two members performed in the physical test to the desired manner.
- e. Capacity of the members of the scrutiny and physical fitness committees was so low that even the chairman of the committees did not know his responsibilities.
- f. Expecting complicated process of recruitment from non concerned, inexperienced and unguarded field officials of low formation for the reason of non-availability of ministerial staff and that too without demonstration sessions is beyond expectations.
- g. Low qualification of the accused affected the efficiency and applications of the candidates were not scrutinized to the desired level.
- h. In case the applications were scrutinized with reference to the advertised conditions, only 27 candidates were eligible for consideration against the advertised 12 posts of Wildlife Watcher. (BS-07) (Annex-IX) which were not sufficient to the minimum limit of 60 applications in this case and thus required re-advertisement.
- i. Ignoring correct entries of names with corresponding measurements of physical standards in a short list, reflects lethargy and low priority for upholding transparency on behalf of the accused in capacity of appointing authority.

**LEGATION - (ii)**

You failed to resist to the unlawful pressure of District Nazim Torghar and allowed disqualified candidates to appear in the 2<sup>nd</sup> physical test conducted for the above recruitment.

**REPLY OF THE ACCUSED**

Signature  
10/02/2020

The District Nazim is the administrative head of the district to whom all the line departments are reporting for all sort of official matters. But as explained under reply to the charge (i) above; had the undersigned may not have resisted the pressure of the District Nazim (to which earlier the Police department badly succumbed by allowing him to enter his nominees) he might have succeeded in appointing his unfit blue eyes.

Since their names were included in the first list of physically qualified candidates received from the police Department therefore were allowed for participating in the 2<sup>nd</sup> physical test. Nevertheless, it was the undersigned that resisted all such pressure

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35  
28

ALLEGATION - (II)

Not recording of candidate's signatures.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

ALLEGATION - (III)

Exclusion of two (2) disqualified candidates in the list of qualified candidates.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

ALLEGATION - (IV)

Exclusion of two (2) qualified candidates in the list of qualified candidates.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

ALLEGATION - (V)

Eye sight was not checked during the physical test.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

ALLEGATION - (VI)

The result/record of marathon race was not maintained.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

ALLEGATION - (VII)

The list of qualified candidates was not signed by two (2) notified members and instead two (2) un-notified persons signed the same.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

DISCUSSION

On 14/02/2020, the co-accused Mr. Niaz Muhammad Khan, the then DFO Wildlife Torghar and Mr. Soddar Ali Range Officer Wildlife Torghar were provided opportunity to examine their co-accused and provide proof for serving the Office Order No. 08 dated 08/02/2018 and Office Order No.08 dated 08/02/2018 upon the accused official, but the matter remained unresolved. Also they could not prove involvement of the accused in the scrutiny of record or physical test as required under the aforementioned Officer Orders. Lack of clear service of the orders and that too upon the non-concerned level benefit the accused official.

*[Handwritten signature]*

*[Handwritten mark]*

However Mr. Fazal Wahab Deputy Ranger Wildlife and Mr. Asif Nawaz Wildlife Watcher (who are relied in the process for scrutiny of record and conducting physical fitness of the candidates) stated that they have not been provided the relevant Office Orders nor were involved in the process of scrutiny of documents or physical test of the candidates as members of the committee. The issue was discussed in detail but it could not be ascertained whether the lower staff were provided the relevant Office Orders or were involved in the processes for scrutiny or physical test or otherwise. However the accused stated that the lists were prepared by clerks of other Wildlife Division because he was short of the staff and clerks. He further elaborated that the scrutiny committee was meant for management of candidates before the police committee to conduct the physical test in organized manner.

**FINDINGS**

- a. The accused officer issued controversial Office Order No.05 dated 08/02/2018 (Annex-X) and office Order No. 06,dated 06/02/2018 (Annex-XI) for scrutiny of the record relating to applications of the candidates and physical test of the candidates respectively.
- b. He also witnessed the process of physical test for sometime while police personnel were conducting the test.
- c. Lists of the successful (Annex-VIII) and rejected (Annex-XII) candidates who applied for the post of Wildlife Watcher were framed. However neither the accused officer nor any member of the scrutiny committee bothered to put signatures on the lists.
- d. The Office Order No. 05 dated 06/02/2020 and statement of the accused that "Lists were prepared by clerks of other Wildlife Division because he was short of the staff and clerks" do not match.

**2. Mr. Saddar Ali Range Officer Wildlife Torghar**

**ALLEGATION - (i)**

That you while nominated as Chairman of the committee constituted by DFO Wildlife Torghar vide his office order No. 06 dated 06-02-2018 to conduct 1<sup>st</sup> physical test of candidates applied for recruitment against the vacant posts of Wildlife Watcher (BPS-37) in Torghar Wildlife Division, have committed sheer negligence and laxity while conducting the said physical test and several defects/irregularities were found such as:

**REPLY OF THE ACCUSED**

The conduction of physical Test was overall responsibility of police Department as they have proper tools for height measurement and chest expansion levels etc (Annex I) it is worth to mention that due to certain reasons the physical test was conducted three times.

*Signature*  
3/10/2020

**DISCUSSION**

The accused had neither past experience nor guidance from the higher officer was provided. He considered that his duty was limited to keeping order by the candidates while the police committee was responsible to conduct the physical test

*Signature*

355 (30)

ALLEGATION - (iii)

Inclusion of two (2) disqualified candidates in the list of qualified candidates.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

ALLEGATION - (iv)

Exclusion of two (2) qualified candidates in the list of qualified candidates.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

ALLEGATION - (v)

Eye sight was not checked during the physical test.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

ALLEGATION - (vi)

The result/record of marathon race was not maintained.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

ALLEGATION - (viii)

The list of qualified candidates was not signed by two (2) notified members and instead two (2) un-notified persons signed the same.

REPLY OF THE ACCUSED

The above statement shows total denial of the allegation.

DISCUSSION

On 04/02/2020, the co-accused Mr. Niaz Muhammad Khan, the then DFO Wildlife Torghar and Mr. Saddar Ali Range Officer Wildlife Torghar were provided opportunity to cross examine their co-accused and provide proof for serving the Office Order No. 15 dated 06/02/2018 and Office Order No. 08 dated 06/02/2018 upon the accused official, but the matter remained unresolved. Also they could not prove involvement of the accused in the scrutiny of record or physical test as required under the aforementioned Officer Orders. Lack of clear service of the orders and that too upon official of non-concerned level benefit the accused official.

FINDINGS

The accused has neither been served upon to perform duty in the recruitment process nor he has the capacity to perform so and thus cannot be rendered responsible in this case.

*[Handwritten signature]*

*[Handwritten mark]*

349 (31)

ALLEGATION - (iv)

Exclusion of two (2) qualified candidates in the list of qualified candidates.

REPLY OF THE ACCUSED

Reply to charge (III): As In Para (III)

DISCUSSION

As recorded against allegation (i) above

FINDINGS

The accused took the matter too light and his low capacity resulted the impact more severe.

ALLEGATION - (v)

Eye sight was not checked during the physical test.

REPLY OF THE ACCUSED

The Torghar Wildlife Division being remote and have no eye specialist till now. However the candidates were asked to get eye sight certificate from certified eye specialist.

It is worth to mention that Torghar being remote area and newly created Wildlife Division was having no ministerial Staff to keep the record properly.

DISCUSSION

As a routine practice in the department, Eye sight/ medical test is conducted after recruitment process is completed, however title of the physical test was not recorded properly which gave rise to ambiguities.

FINDINGS

As routine practice of the department in such case; the physical test was required to be conducted while the medical fitness test is ensured soon after recruitment process is completed.

The non-availability of Eye Specialist was not responsibility of the accused however wrong entry on the evaluation form was resulted due to careless attitude and low qualification of the accused and appointing authority as joint venture.

ALLEGATION - (vi)

The result/record of marathon race was not maintained.

REPLY OF THE ACCUSED

The result/ record of marathon result was properly maintained (Annex-vi) can be accessed at any point of time.

DISCUSSION

Records maintained for Marathon in terms of marking in the list is sufficient as per practice in the Khyber Pakhtunkhwa Wildlife Department.

27/10/2012

Scanned with CamScanner

Scanned with CamScanner

FINDINGS

The relevant recruitment rules for the post of Wildlife Watcher provide for qualifying procedure and therefore the record maintained by the accused (Annex-XIII) is sufficient as per procedure of the department in similar cases.

ALLEGATION - (VIII)

The list of qualified candidates was not signed by two (2) notified members and instead two (2) un-notified persons signed the same.

REPLY OF THE ACCUSED

Due to non-availability of notified official and on verbal directives of DFO Wildlife Torghar two non-notified Officials signed the list for which undersigned can't be held responsible.

DISCUSSION

As elaborated earlier, Office orders No.05 and Officer Orders No. 06 dated 06-02-2018 are controversial in nature; rather to validate the process the officials present on the occasion have affixed signatures on results of the physical test.

FINDINGS

The chairman did not know about his obligations due to his academic qualification and experience levels and the nominated officials signed the lists to validate the process of physical fitness.

Mr. Fazal Wahab Deputy Ranger Wildlife Torghar

ALLEGATION - (i)

That you while nominated as member of the committee constituted by DFO Wildlife Torghar vide his office order No. 06 dated 06-02-2018 to conduct 1<sup>st</sup> physical test of candidates applied for recruitment against the vacant posts of Wildlife Watcher (BPS-17) in Torghar Wildlife Division, have committed sheer negligence and laxity while conducting the said physical test and several defects/irregularities were found such as

REPLY OF THE ACCUSED

10/02/2018

جناب مال! چارج شیٹ کا جواب ذیل ہے۔

1. یہ کہ زیر دستخطی کو زبانی ذمہ داری دی گئی ہے کہ محکمہ پولیس کے ساتھ امیدواران کا فزیکل ٹیسٹ لیا جائے زیر دستخطی مورخہ 27/02/2018 کو محکمہ پولیس کے ساتھ ٹیسٹ لیا شرع کیا۔ یہ تمام ذمہ داری فزیکل ٹیسٹ کو پولیس سٹیٹی کو سونپی تھی اور ہم تو فیڈرل سٹاف کا فزیکل ٹیسٹ میں کوئی تجربہ نہیں ہے اور نہ ہی اس سے پہلے کوئی فزیکل ٹیسٹ لیا ہے۔

2. یہ کہ زیر دستخطی کے سامنے صرف 16 امیدواروں کا ٹیسٹ لیا گیا اور اس کے بعد زیر دستخطی کو DFO صاحب نے جانب حکم ہوا کہ زیر دستخطی والی لائٹ آفس میں بیٹھ جائے اور باہر آنے والے امیدواروں کو ٹیسٹ دینے کے لئے

پولیس لائن کا کہنے اس کے بعد باقی ماندہ امیدواروں یعنی سیریل نمبر 17 سے لے کر 153 تک زیر دستخطی کی عدم موجودگی میں ناپ تول اور پینشن کی گئی۔

3. یہ کہ زیر دستخطی فزیکل ٹیسٹ لسٹ پر دستخط کرنے کی ہدایت کی گئی جس پر زیر دستخطی انکاری ہو اور صرف زیر دستخطی کی موجودگی میں جن امیدواروں کا ٹیسٹ لیا گیا (کر، سینہ ناپا گیا) اسی لسٹ کے صلے پر یعنی کہ صلحہ نمبر 1 پر زیر دستخطی نے دستخط کئے۔ زیر دستخطی باقی ماندہ کارروائی سے لا تعلق رہا اور نہ ہی زیر دستخطی نے باقی ماندہ کارروائی پر دستخط کئے۔

4. یہ کہ DFO تو فرنے آفس آرڈر نمبر 6 مورخہ 06/02/2018 کی رائے نہیں لی گئی اور نہ ہی زیر دستخطی مذکورہ کی کاپی فراہم کی گئی۔ مذکورہ بالا حقائق کی روشنی میں درج ذیل گزارشات عرض خدمت ہیں۔

- i. زیر دستخطی نے بطور ماتحت DFO کے زبانی حکم پر فزیکل ٹیسٹ جانن کی اور اس بابت کو تحریر کاغذ زیر دستخطی کو فراہم کیا گیا ہے۔
  - ii. یہ کہ زیر دستخطی کو ٹیسٹ کے دوران کوئی دوسری ذمہ داری سونپ دی گئی جس کا ذکر فقرہ نمبر 2 میں آچکا ہے اور تمام کارروائی زیر دستخطی کی عدم موجودگی میں کی گئی۔
  - iii. یہ کہ زیر دستخطی فزیکل ٹیسٹ کی لسٹ پر دستخط پر انکاری رہا اور سوائے صلحہ نمبر 1 کے باقی صفحات پر دستخط نہیں کئے۔
  - iv. یہ کہ زیر دستخطی نے اپنے متعلقہ اسر کی زبانی ہدایات کی تعمیل کی اور یہ کہ زیر دستخطی کو ٹیسٹ ممبر بنانے کا کوئی بھی تحریری حکم نامہ فراہم نہیں کیا۔
  - v. یہ کہ زیر دستخطی Job Description میں Recruitment / بھرتی نہیں آئی اور نہ ہی زیر دستخطی مذکورہ کام کوئی تجربہ رکھتا ہے۔
  - vi. یہ کہ ماسوائے فزیکل ٹیسٹ کے زیر دستخطی Recruitment کے باقی تمام کارروائیوں سے لاعلم ہے اور کے بعد زیر دستخطی کو مورخہ 01/09/2018 سے KPK ٹارگٹ سکول شمالی، ایبٹ آباد میں 02 سال کے لئے فارمٹ کورس کے لئے بھیج دیا گیا جو ابھی بھی جاری ہے۔
- مندرجہ بالا حقائق کی روشنی میں گزارش ہے کہ زیر دستخطی کو الزامات سے بری کیا جائے۔

**ALLEGATION - (ii)**

For recording of candidate's signatures.

**REPLY OF THE ACCUSED**

The above statement shows total denial of the allegation.

19/02/2020

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was asked to read his reply to the charge for which he excused stating that he has low educational level (Matric) and difficult for him to read but he relies on his written statement and discussion.

FINDINGS

- 1. ~~The accused neither knew about his responsibilities in capacity of chairman of the Scrutiny Committee/Physical Fitness Committee nor tried to understand about his role.~~
- 2. The accused being chairman, not only remained isolated in case of the scrutiny committee constituted under Office Order No.05 dated 06/02/2018, but the same way kept busy in the process and organizing the candidates for physical fitness test with no conspicuous role desired as chairman of the physical fitness committee.
- 3. ~~Being an incumbent of low academic qualification, he preferred to remain at distance in recruitment process.~~

ALLEGATION - (ii)

Non recording of candidate's signatures.

REPLY OF THE ACCUSED

The undersigned as chairman was busy in checking National Identity Card to avoid fake appearance of candidates. For the getting signature on attendance sheet, the undersigned can't be held responsible.

DISCUSSION

is recorded against allegation (i) above

FINDINGS

~~The accused had no capacity about the task assigned to him/ he shouldered~~

ALLEGATION - (iii)

inclusion of two (2) disqualified candidates in the list of qualified candidates.

REPLY OF THE ACCUSED

inclusion of disqualified 2 person was made by police department, which was followed in letter recruitment process for which undersigned can't be held responsible. The department measurements record are attached and can be verified at every point of time. (Annex-ii)

DISCUSSION

is recorded against allegation (i) above

FINDINGS

~~The accused took the matter too light and his low capacity resulted the impact more severe.~~

3/10/02/2018



Scanned with CamScanner

**Mr. Asif Nawaz Wildlife Watcher Torghar**

**ALLEGATION - (I)**

You were nominated as member of the committee constituted by DFO Wildlife Division vide his office order No. 08 dated 06-02-2018 to conduct 1<sup>st</sup> physical test of candidates applied for recruitment against the vacant posts of Wildlife Watcher (BPS-17) in Torghar Wildlife Division, have committed sheer negligence and laxity while conducting the said physical test and several defects/irregularities were found such as

**REPLY OF THE ACCUSED**

جناب عالی! چارج شیٹ کا جواب ذیل ہے۔

1. گزارش ہے کہ زبرد تھخلی عرصہ تقریباً 5 سال محکمہ وائلڈ لائف ٹورغھار میں بطور واچر اپنی ڈیوٹی سرانجام دے رہے ہیں۔ اس دوران زبرد تھخلی نے اپنی ڈیوٹی میں کوئی کوتاہی نہیں کی۔ اور نہ ہی اسرار / اسرارن والا کو کسی قسم کی شکایت موصول دیا۔
2. زبرد تھخلی کو DFO صاحب نے بذریعہ ٹیلی فون ہدایات کی کہ جدباہ میں فزیکل ٹیسٹ ہو رہا ہے لہذا آپ جلد توجہ فرمادیں اور اسرارن والا کو اسرار کے قیام کی اطلاع دے دیں۔
3. یہ کہ جسٹائی ٹیسٹ پولیس والوں کی ذمہ داری تھی لہذا اسرارن والا کو کسی قسم کی ذمہ داری ہدایت جسٹائی ٹیسٹ نہ کرنا دینی گئی۔
4. یہ کہ جسٹائی ٹیسٹ کی لسٹ پر اسرارن والا کو کوئی بھی دستخط نہیں ہے۔
5. یہ کہ زبرد تھخلی کو اپنے آفس کی طرف سے کسی بھی قسم کا کئی ایئر جاری نہیں کیا کہ آپ کبھی کے ممبر ہیں۔
6. یہ کہ زبرد تھخلی چونکہ وائلڈ لائف واچر ہے اور فیلڈ میں اپنی ڈیوٹی سرانجام دے رہا ہے اسرارن والا کو پولیس کبھی کے ساتھ کوئی تعلق یا واسطہ نہیں ہے اور اس تمام کارروائی میں زبرد تھخلی مکمل طور پر لاعلم ہے۔ نقل لسٹ جسٹائی ٹیسٹ اسرارن والا کو لے لی۔
7. یہ کہ اسرارن والا کو غلط اور بے بنیاد اسرارن والا میں ملوث کیا گیا جو کہ اسرارن والا کو زیادتی ہے۔
8. اور Provision Inspection Team نے بھی اس حوالے سے انکوائری کی ہے۔ اسرارن والا نے ان کو موقع پر سبب حقیقت سے آگاہ کیا۔

لہذا آپ سے استدعا ہے کہ مذکورہ بالا جو اہانت کی روٹینی میں چارج شیٹ، محکمہ وائلڈ لائف ٹورغھار کی مزید کارروائی کے ذریعہ

دلت فرمایا جاوے۔  
15/02/2020

*(Signature)*

from all the quarters including the District Nazim, and re-conducted the physical test for screening out the unfit in which among others his nominees to were declared unfit and never convened for the final interview. It is therefore requested that the allegation being unfounded may be dropped please

DISCUSSION

The District Nazim desired that his nears and dears may be allowed to appear before the selection committee for interview and be selected ultimately which the accused officer did not fulfilled. The District Nazim submitted complaint to the Senior Management and they directed the accused to conduct the physical fitness afresh.

FINDINGS

- a. The accused officer did not entertain illegal demand of the District Nazim for clearing his candidate and thus the Nazim preferred complaint to the senior officers.
- b. The senior officers directed the accused to hold subsequent physical test which was conducted with more accuracy and the blue eyed of District Nazim were neither qualified again in the 2<sup>nd</sup> test nor adjusted otherwise.
- c. The pressure of District Nazim was politely diluted by the accused in fair manner.

ALLEGATION - (III)

According to the inquiry report of the Provincial Inspection Team, Khyber Pakhtunkhwa, your role (being appointing authority) with regard to supervision/monitoring of the recruitment process of Wildlife Watchers in Torghar Wildlife Division was not confirmed by the record. Complete lack of your supervision, provided an opportunity to members of both the police and your committee, to conduct the physical test of candidates in a manner that did not ensure transparency.

REPLY OF THE ACCUSED

As explained under reply to the charge (I) above, the undersigned duly took all possible measure within the given circumstances for ensuring transparency of the process. Beside, personally visited the site of the physical test and observed the process Annex-v) No doubt the undersigned later came to know that the first team of the police Department was not only involved in the foul play but also allowed the District Nazim for inclusion of his blue eyes in the first list, which too was timely spoiled. Moreover as explained above the course correction was timely made by resisting all sort of pressure and re-conducting of the physical test before final interview and ultimate selection of the Wildlife Watchers purely on merit. It is therefore humbly requested that the allegation being unfound may be annulled please.

*[Handwritten signature]*

DISCUSSION


The accused officer stated that he constituted committee for scrutiny of the record and requested the police for conducting physical test. Also supervised the process of physical test personally which shows his interest in the recruitment process.


**FINDINGS**

The accused has neither been served upon to perform duty in the recruitment process nor he has the capacity to perform so and thus cannot be rendered responsible in this case.

**RECOMMENDATIONS**

1. Mr. Niaz Muhammad Khan Divisional Wildlife Torghar (BS-17) may be awarded minor penalty of withholding three (03) increments for a period of three (03) years as provided under rule 4(1)(a)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and may not be posted against the post of appointing authority in future; keeping in view his low academic qualification.
2. Mr. Sadder Ali Range Officer Wildlife Torghar (BS-16) may be awarded minor penalty of withholding two (02) increments for a period of two (02) years as provided under rule 4(1)(a)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011;
3. Mr. Fażal Wahab Deputy Ranger Wildlife (BPS-11) may be exonerated in the case;
4. Mr. Asif Nawaz Wildlife Watcher (BS-7) may be exonerated in the case.

  
 (Muhammad Ali)  
 Conservator Wildlife Southern Circle  
 Peshawar 10/02/2022  
 (member)

  
 (Mr. Mujeeb-ur-Rehman)  
 Secretary Regional Transport Authority  
 Mardan Division  
 Mardan  
 (Convener)



As far as the recruitment in question is concerned, as a matter of fact, the process of recruitment for appointment of Wildlife Watchers (BPS-7) is consisting of a "Physical fitness test followed by interview".

Since the division has been recently created with skeleton staff therefore for ensuring transparency in the process, the following steps were taken for maintaining the ultimate merit;

- i. A departmental committee (Annex-I) headed by Mr. Sadar All Range Officer (BPS-16) was constituted for scrutiny of documents submitted by the candidates;
- ii. The services of Police department having expertise and experience in the matter were hired (Annex-II) for conducting the physical test of the candidate who applied for the post of Wildlife Watchers;
- iii. A departmental committee (Annex-I) headed by Mr. Sadar All Range Officer (BPS-16) was constituted for overseeing the process and assisting the Police Department in conducting the physical test (Annex-III); and

Upon receipt of the complaint regarding favoritism by personnel's of the Police Department, re-conducted the physical test through another team of the Police Department (Annex-IV) for up keeping the merit high.

It is clear from the above that had the undersigned may not have been vigilant and did not play the due role as appointing authority; the process of recruitment may not have been fulfilled on merit.

Since due diligence has been made during the process of recruitment by maintaining the merit, therefore, the allegation of negligence and lack of interest in official duties and that failing to overcome the anomalies affecting transparency in the recruitment process as pointed out in the enquiry report of the Provincial Inspection Team, Khyber Pakhtunkhwa is unfounded, therefore the allegation having no basis, I humbly request to set aside this charge please.

DISCUSSION

5/10/2020

Capacity of the members of the scrutiny and physical fitness committees was discussed and their experience and capabilities for the assigned task were questioned. The accused officer informed that he was short of field and ministerial staff and he was compelled to rely on the members of the committees because he considered them to be capable for the purpose. Responding to the point relating to training of members of the committee for the purpose; or arrangement of the demonstration session by the appointing authority, he responded that he was also not clear about the matters because of his low education level.

The accused officer stated that police committee prepared report and the committee appointed by him managed the candidates to be in order. He argued that twenty seven (27) candidates qualified the physical test but while preparing the list of passed candidates, the police officials mistakenly entered a non-qualified candidate in addition and dropped two qualified candidates by mistake. Similarly two nominees of the District Nazim were allowed to appear before the 2<sup>nd</sup> physical test committee to satisfy them that they were not on physical standards. However the remaining candidates declared unfit in the first test were not invited to appear again.

~~---~~



THE  
**PESHAWAR HIGH COURT**  
**ABBOTTABAD BENCH.**

PH: 0992-9310058  
FAX: 0992-9310055

No: 825-828

Dated Abbottabad 23/2 /2022

From

The Additional Registrar,  
Peshawar High Court,  
Abbottabad Bench.

To

1. The Secretary,  
Forestry Environment & Wildlife Department,  
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary,  
Forestry Environment & Wildlife Department, Peshawar.
3. The Chief Conservator Wildlife Department,  
Khyber Pakhtunkhwa, Peshawar.
4. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- ✓ 5. Mr. Muhammad Faique,  
Divisional Wildlife Officer, Kohistan Wildlife Division.

Subject: WRIT PETITION NO. 216-A/2022.

Niaz Muhammad

Petitioner

VERSUS

Govt. of Khyber Pakhtunkhwa & others

Respondents

Memo,

Reproduce order of the Honourable Division Bench dated 16.02.2022 passed in the subject writ petition for compliance.

*"Comments be called from the respondents, so as to reach this Court within a fortnight.*

Interim Relief:

*Notice for a short date. In the meanwhile, operation of the impugned order dated 09.02.2022 shall remain suspended."*

In the light of above order you are directed to submit your comments in quadruplicate duly supported by an attested affidavit within a fortnight positively, failing which the petition will be placed before Honourable Division Bench for appropriate order.

(Copy of writ petition has already been sent by petitioner/ Counsel vide Registered Receipt dated 15.02.2022. The same has already been received by the Additional Advocate General, from where the same can be obtained.)

(Additional Registrar)

HCBA Reg No. 3 5 8 -

BC No. -

Place of Practice

Name of Advocate محمد زریں قریشی

S. No. 23889



## وکالت نامہ

بعدالت: جناب عدالت عالیہ لیٹا اور ہائیڈرو پاور ایجنسی آباد

عنوان: نیاز محمد بنام: گورنمنٹ KPIK وعلیہ

منجانب: پینشنر نوعیت مقدمہ: رابطہ

باعث تحریر آئندہ: حیدر

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ بمقام ایجنسی آباد کے لیے محمد زریں قریشی ایڈووکیٹ ہائیڈرو پاور

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی 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 پیشی 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 ہوئے گا۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل یا پکھری کے اوقات میں ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ ہونے یا بروز تعطیل یا پکھری کے اوقات میں ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختانہ کے واپس کرانے میں صاحب موصوف ذمہ دار نہ ہوئے گا۔ مجھ کو کل ساختہ پر ملازمت صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل وغیرہ 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 ڈگری کرانے اور ہر قسم کے بیان دینے اور اس پر ثالثی و راضی نامہ و فیصلہ برحلف کر سنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے پیر و نجات از پکھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفر درخواست علم امتناعی یا ترقی یا اگر فاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختانہ پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار حاصل ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کارروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہونگے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ ہر جگہ ہر جائے التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی 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۔

مورخہ: 2022/02/11

دن مہینہ سال

محمد زریں قریشی ایڈووکیٹ ہائیڈرو پاور

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

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

Accepted.  
11/2

محمد زریں قریشی ایڈووکیٹ ہائیڈرو پاور