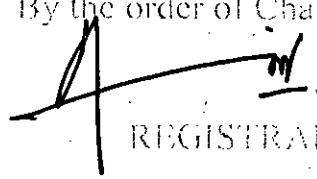


FORM OF ORDER SHEET

Court of

Appeal No. 2307/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/11/2023	<p>The appeal of Mr. Muhammad Sajid presented today by Mr. Hazrat Said Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

**BEFORE THE KHYBER-PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR**

Service Appeal NO: 2307 /2023

Muhammad Sajid S/O Abdul Qayyum..... (Appellant)

**Versus**

Government of Khyber-Pakhtunkhwa..... (Respondents)

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Appellant

Through

  
**HAZRAT SAID KHAN**

Advocate Supreme Court of Pakistan  
Office: 4-A, Haroon Masnion,  
Khyber Bazar, Peshawar.

Dated: 06 /11/2023.

(1)

**BEFORE THE KHYBER-PAKHTUNKHWA SERVICES**  
**TRIBUNAL, PESHAWAR**

Service Appeal NO: 2307 /2023

Muhammad Sajid S/O Abdul Qayyum

R/O Khwaja Bagh Near Mian Gul Kalay,

Tehsil and District Mardan.....(Appellant)

**Versus**

1. Government of Khyber-Pakhtunkhwa, through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary to Government of Khyber-Pakhtunkhwa, Climate Change, Forestry, Environment & Wildlife Department, Civil Secretariat, Peshawar.
3. Secretary to Government of Khyber-Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
4. Chief Conservator Central Southern Forest Region-I, Khyber-Pakhtunkhwa, Shami Road Peshawar.....(Respondents)

**SERVICE APPEAL U/S-04 OF THE**  
**KHYBER-PAKHTUNKHWA SERVICES**  
**TRIBUNAL ACT, 1974.**

**Respectfully Sheweth:**

1. That the appellant is a Master Degree holder in Forestry in the Session-2000-02 from Pakistan Forest Institute, University Campus, Peshawar (**Ann-A**).
2. That the appellant was recommended as Range Forest Officer (RFO) BPS-16 by the Khyber-Pakhtunkhwa Public Service Commission wherein: the appellant falls in the Merit Order after Muhammad Shakeel (RFO) BPS-16 (**Ann-B**).
3. That the appellant joined the Forest Department as a Regular Employee vide Office Order NO: 48, Dated: 20.08.2007 and as per the Commission Merit List was at Serial No: 02 (**Ann-C**).

- (2)
4. That as per the Notified Service Rules-2007, Twenty Percent (20%) Quota is reserved for Promotion of the officials of the Forest Department (**Ann-D**).
  5. That as per the final seniority list of RFOs, endorsed by the Chief Conservator of Forests, Central Southern Forest Region-I, Khyber Pakhtunkhwa, Peshawar vide endorsement No. 542-45/E, dated; 01.09.2014, shows that Muhammad Shakeel is at S# No. 08 and the appellant at S# No. 09 after Muhammad Shakeel (**Ann-E**).
  6. That according to the Said Rules the Departmental Selection Committee (DPC) meeting was held on 20.11.2014, whereby the Working Paper highlighted **Eighty Nine (89)** sanctioned posts of Sub-Divisional Forest Officers (SDFOs) BPS-17 in which **Fifty One (51)** posts were already filled/ working on the said posts while **Thirty Eight (38) new posts of SDFOs** were created (**Ann-F**).
  7. That Muhammad Shakeel (RFO) senior to the appellant was at Serial No: 08 in the seniority list of (RFOs) was promoted by the DPC held on 20.11.2014 to the post of SDFO (BPS-17) on regular basis vide Notification NO: SO (Estt)ENV/1-3/2k15:, Dated: 15<sup>th</sup> January, 2015 (**Ann-G**).
  8. That at the time of holding of the DPC i.e 20.11.2014, the appellant was at Serial No: 09 and having no other Regular Post available; the appellant was promoted to the rank of SDFO (BPS-17) on Acting Charge Basis (ACB) vide Notification NO: SO (Estt)ENV/1-3/2k15/204-211: Dated: 15<sup>th</sup> January, 2015 (**Ann-H**).
  9. That in the meanwhile, when the appellant was performing his duty as SDFO on ACB, one Mr. Jan Nisar a regular SDFO (BPS-17) of PROMOTION QUOTA promoted in the same DPC held on 20.11.2014 under **S.NO: 06**, got retired on Superannuation on 13.05.2015 as such from 13.05.2015, the appellant got right for the Regular Promotion (**Ann-J**).
  10. That the appellant was senior and was having all the requisite competency and fitness for regular promotion on the date of retirement of Mr. Jan Nisar i.e **13.05.2015** and besides that also possessed the neat and more than qualified length of service record for **07 Years, 08 Months and 24 Days**, the Department did not promote the appellant on regular basis as SDFO (BPS-17) due to non-conduction of DPC for a number of Years from 21.11.2014 to 2018, while having no Financial burden on the Department despite the fact that a

Regular Seat/Post under Promotion Quota after retirement of Mr. Jan Nisar was available.

- 11. That the appellant submitted an application for the redressal of his grievances, so the stance of appellant is evident from the correspondence of the respondents, whereas it has been conceded for regular promotion w.e.f 13.05.2015 after retirement of Mr. Jan Nisar by the Department vide Chief Conservator of Forests, Central Southern Forest Region-I, Khyber Pakhtunkhwa, Peshawar letter NO:1024/E, Dated:11.08.2023 **(Ann-K)**.
  
- 12. That the Secretary to Government of Khyber-Pakhtunkhwa, Climate Change, Forestry, Environment & Wildlife Department **(Respondent NO: 02)**, Civil Secretariat, Peshawar has admitted the right of the appellant in his letter addressed to the Secretary Establishment **(Respondent NO: 03)**, Civil Secretariat, Peshawar for seeking advice vide NO: SO(Estt)/FE&WD/1-50(174)/PF, Dated: 20.09.2023, that unfortunately the **(Respondent NO: 03)** ignored the said letter on the simple ground of opening of the Pandora Box and compelled the appellant for an un-necessary litigation/ interference of this Honorable Tribunal, despite decisions/ judgments of the August High Court and Supreme Court of Pakistan on the availability of a vacancy and extending the benefit in identical cases even to Non-litigants to avoid wastage of energies and precious time of the Honorable Courts and ensure dispensing of justice to the appellants **(Ann-L, M, N & P respectively)**.
  
- 13. That the Department initiated an enquiry against the appellant in the Year 2016 which has been closed and the appellant has been exonerated as such the linking of promotion with charge sheet/initiation of enquiry from 27.09.2016 is in contradiction with the fact that vacancy under Promotion Quota was available on 13.05.2015 as referred above. As a matter of fact, the promotion should have been with immediate effect just after the availability of the vacancy. The fault for not holding of DPC shows the malafide on the part of the Department due to which the appellant has been deprived of his due right till date i.e since last 08 Years **(Ann-Q)**.

In case of availing, the right of promotion from the date of availability of the vacancy i.e. 13.05.2015, the seniority of the appellant as per the Khyber Pakhtunkhwa Public Service Commission's merit order would automatically get restored after **Muhammad Shakeel**, who is batch fellow of the appellant, currently serving as **DFO Khyber (BPS-18) since 2022** on regular basis **(Ann-R)**.

(4)

According to Part-VI Rule-17(1) (a) of the Khyber-Pakhtunkhwa Government Servants (Appointment, Promotion and transfer) Rules 1989, the seniority Inter-se of Civil Servants (appointed to a service, cadre or post) shall be determined in accordance with the order of merit assigned by the Public service commission **(Ann-S)**.

14. That the appellant has been dragged in the so called enquiry for more than 03 Years, 08 Months and 14 Days, which is the violation of Rule-11 (07) of the E&D Rules, 2011. According to this, the enquiry proceedings must have been ended within 30 days **(Ann-T)**.
15. That the appellant has been acquitted after 04 Years from the charges leveled against the appellant vide Notification No: SO(Estt)/FE&WD/1-50(31)/PF, Dated: 11.06.2020, represents that the appellant has been victimized just for nothing so for on his part and a number of promotions/ inductions have been made and the seniority of the appellant has been violated **(Ann-U)**.
16. That the Respondents are going to hold Provincial Selection Board (PSB) in the near future for the promotion of the officials of the Forest Department as is evident from the letter No. SO(PSB)ED/1-25/2023(01), dated; 28.09.2023 of the Section Officer (PSB), Establishment Department Khyber Pakhtunkhwa, Peshawar **(Ann-V)**.

That having no other adequate remedy, the appellant submits the instant appeal on the following grounds inter alia:

**GROUND:**

- A: That the appellant was recommended for appointment by the Khyber-Pakhtunkhwa Public Service Commission and rendering his services to the Department honestly with full devotion and zeal since 20.08.2007 to till date for more than **16 Years** on regular basis and his promotion/seniority has been bypassed with malafide intention violating the Laws, Rules and Regulations, as such has no weightage in the eyes of the Law hence is not binding on the appellant.
- B. That although, the Department has admitted that the appellant is on the top of seniority list from the date of the promotion of the appellant on ACB vide

(5)

Notification, dated: 15.01.2015 and the vacancy under Promotion Quota was available on 13.05.2015, soon after 04 months of his promotion on ACB, thus the appellant was entitled for promotion from the date of occurrence of vacancy. The Department (**Respondents**) kept him working on ACB as SDFO, instead of regular promotion on regular basis by not extending him his due right, which is based on malafide & ill will, against the norms of justice, fair play as such is not binding on the appellant.

- C. That the appellant was/ is fulfilling all the criteria for promotion against the available post, having **08 Years'** service with neat and clean service record and no stigma at all, which speak loudly about the right of the appellant.
- D. That **immediate senior to the appellant (Mr. Shakeel has become DFO in the PSB held in 2021 and promoted to the post of DFO, BPS-18 on regular basis)** and as a Principle of justice the appellant should have been promoted and now falls on S.NO: 15 of current seniority list of SDFOs, having no chances of getting Grade-18 as DFO in the near future, which shows the malafide intention of the Respondents.
- E. That the appellant has already moved a mercy appeal to the Respondents for redressal of his grievances but his representation is still to be entertained and not deciding it in the stipulated time (**90 days**), indicating their evil will.
- F. That there was no deficiency on the part of the appellant hindering him from promotion and was fit for promotion both in terms of seniority cum fitness, as such not promoting the appellant speaks about the mal-administration of the Respondents.
- G. That the Department admits that the appellant has been deprived from promotion w.e.f 13.05.2015 after availability of vacancy on the retirement of Mr. Jan Nisar SDFO under Promotion Quota, but they did not fulfill their duties.
- H. That holding of any PSB by the Respondents without considering the senior official i.e. appellant is not tenable in the eyes of the Law and will have no effect on the promotion/ seniority of the appellant as such like PSB is illegal, against the Services Rules and Regulations.

It is therefore, humbly prayed that on acceptance of this appeal with cost, the Respondents may kindly be directed to recommend the appellant with seniority/ regular promotion in the cadre of SDFO (BPS-17) since the date of availability of the vacancy

(6)

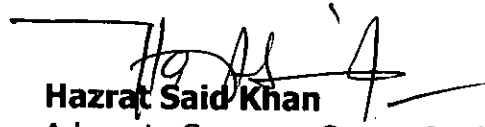
w.e.f 13.05.2015 under Promotion Quota, on the retirement of SDFO Jan Nisar and to restore his assigned seniority by the PCS after Muhammad Shakeel (currently serving as DFO, Khyber BPS-18).

In addition to the above, any other relief, which this Honorable Court deems appropriate, may please be awarded to meet the end of justice.


  
Appellant

Through

Dated: 06 /11/2023

  
Hazrat Said Khan  
Advocate Supreme Court of Pakistan

&

  
Muhammad Amin Khan  
Advocate Peshawar



(7)

**BEFORE THE KHYBER-PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR**

Service Appeal NO: \_\_\_\_\_/2023

Muhammad Sajid S/O Abdul Qayyum..... **(Appellant)**

**Versus**

Government of Khyber-Pakhtunkhwa etc..... **(Respondents)**

**AFFIDAVIT**

I, Muhammad Sajid S/O Abdul Qayyum, Sub-Divisional Forest Officer, Khyber-Pakhtunkhwa Climate Change, Forestry, Environment & Wildlife Department, Peshawar, Resident of Village and Post Office Hathian, Tehsil Takht Bhai & District, Mardan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



**DEPONENT:**  
**CNIC: 16102-0407368-9.**  
**Cell: 0330-9195489.**

18

**BEFORE THE KHYBER-PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR**

Service Appeal NO: \_\_\_\_\_/2023

Muhammad Sajid S/O Abdul Qayyum..... (Appellant)

**Versus**

Government of Khyber-Pakhtunkhwa..... (Respondents)


**APPLICATION FOR INTERIM RELIEF:**

**Respectfully Sheweth:**

1. That the appellant has filed the above captioned service appeal before this Honorable Service Tribunal, wherein; no date of hearing has been fixed as yet and the contents of the same may be read as part and parcel of the subject application.
2. That the Respondent No. 01 i.e. Government of Khyber-Pakhtunkhwa, through Chief Secretary, Civil Secretariat Peshawar has sought the names/ lists of the eligible officials for promotion in the upcoming Provincial Selection Board (PSB).
3. That the appellant has vested right to be promoted to the post of DFO (BPS-18) in the upcoming PSB as such if the PSB is held without including the name of the appellant, the appellant will suffer irreparable loss.
4. That the balance of convenience lies in favor of appellant being a senior Officer of the Department fulfilling all the requirements for the promotion.

It is therefore, humbly prayed that the Respondents may please;

- i. Be restrained from holding the PSB on the date fixed or;
- ii. One seat / post of Divisional Forest Officer be reserved for the appellant in the PSB till the disposal of the instant appeal.

*Appellant*  
  
  
**Hazrat Said Khan**  
Advocate Supreme Court of Pakistan

**BEFORE THE KHYBER-PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR**

Service Appeal NO: \_\_\_\_\_/2023

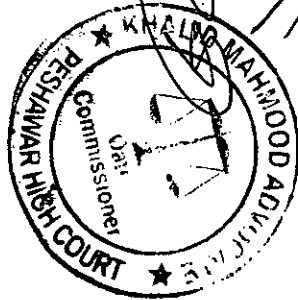
Muhammad Sajid S/O Abdul Qayyum..... (Appellant)

**Versus**

Government of Khyber-Pakhtunkhwa etc.....(Respondents)

**AFFIDAVIT**

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**DEPONENT:**  
**CNIC: 16102-0407368-9.**  
**Cell: 0330-9195489.**

(10)

**BEFORE THE KHYBER-PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR**

Service Appeal NO: \_\_\_\_\_/2023

Muhammad Sajid S/O Abdul Qayyum..... (Appellant)

**Versus**

Government of Khyber-Pakhtunkhwa etc..... (Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Muhammad Sajid S/O Abdul Qayyum  
Village & Post Office, Hathian  
Tehsil Takht Bhai & District, Mardan.

**RESPONDENTS:**

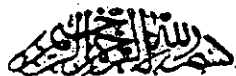
1. Government of Khyber-Pakhtunkhwa, through Chief Secretary, Civil Secretariat Peshawar.
2. Secretary to Government of Khyber-Pakhtunkhwa, Climate Change, Forestry, Environment & Wildlife Department, Civil Secretariat, Peshawar.
3. Secretary to Government of Khyber-Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
4. Chief Conservator Central Southern Forest Region-I, Khyber-Pakhtunkhwa, Shami Road Peshawar.

  
Appellant

Through

Dated: 06 /11/2023

  
**HAZRAT SAID KHAN**  
Advocate Supreme Court of Pakistan



# University of Peshawar (Pakistan)

Session ANNUAL 2002

MUHAMMAD SAJID SON OF ABDUL QAYUM and a student  
of PAKISTAN FOREST INSTITUTE, PESHAWAR having passed the prescribed examination

held in NOVEMBER 2002 ~~19~~, is this day admitted by the University of Peshawar,

to the Degree of

## Master of Science in Forestry

in the FIRST Class

The Examination was taken as a whole / ~~in parts~~

Serial No. 000485

Registration No. 2000-F-1892

Roll No. 2

Result declared on 12TH DEC, 2002



ATTESTED

Registrar

Vice-Chancellor

# UNIVERSITY OF PESHAWAR

No 001993

( PAKISTAN )

Roll No 62



## Detailed Marks Certificate

M.Sc. Forestry 5th Term Examination - 2002 (Annual/Supplementary)

Name Muhammad Sajid FATHER'S NAME Abdul Qayum

Certified that candidate secured the following marks and is placed in First Division.

SUBJECTS	MAXIMUM MARKS	M A R K S O B T A I N E D	
		In Figures	MARKS IN WORDS
1. Forest Management Plan	100	53	Fifty three
2. Specification/Thesis	200	156	one Hundred & Fifty six
3. Conduct of Extra curricular activities	100	70	Seventy only
4. Viva voce	100	59	Fifty nine
<b>Total of 5th Term</b>	<b>500</b>	<b>338</b>	<b>Three Hundred &amp; Thirty eight</b>
4 4 4th Term	100	71	Seventy one
4 4 3rd Term	1000	684	Six Hundred & eighty four
4 4 2nd Term	1000	671	Six Hundred & Seventy one
4 4 1st Term	400	322	Three Hundred & Twenty two
<b>Total</b>	<b>3000</b>	<b>2086</b>	<b>Two Thousand &amp; Eighty six.</b>

Errors & omissions are subject to subsequent rectification.

The examination was passed as a Whole / in Parts

Date 12 DEC 2002  
**ATTESTED**

Verified and Found Correct  
*[Signature]*  
Controller of Examinations  
University of Peshawar

*[Signature]*  
Controller of Examinations  
University of Peshawar

(12)



No. NWFP-136-SRA/30811

Dated: 23/6/07

To.

The Secretary to Govt: of NWFP,  
Environment Department Peshawar.

Subject:

RECTT: OF 7 RANGE FOREST OFFICER B-16 IN ENVIRONMENT DEPTT:

Sir,

I am directed to refer to your letter NO.SO(ESTT)ENV/I-6/244225 dated 18.11.2006 on the subject noted above and to state that the Commission recommends the following for appointment for the subject cited posts:-

Vacancy rotation	Allo: Merit order	Name with Father's Name	Domicile/Zone
1st	Merit 01	Pervez Manan S/O Fazli Manan	MKD Agy/3
2nd	Zone-1 03	Muhammad Shakkel S/O Fazli Rehman	Baj: Agy/1
3rd	Zone-2 02	Jan-E-Alam S/O Misal Khan	Nowshera/2
4th	Zone-3 04	Munawar Zeb S/O Jehanzeb	Swat/3
5th	Merit 05	Muhammad Sajid S/O Abdul Qayyum	Kardan/2
6th	Zone-4 21	Alangir Khan S/O Ayub Khan	L.Harwat/4

- Recommendations in favour of the recommendees are provisional subject to Medical Fitness.
- Recommendation in favour of one candidate will be communicated subsequently.
- Original applications (with enclosures) of the recommendees are enclosed for your record. Please acknowledge receipt.

Yours faithfully,

(SIRAJUDDIN)  
Deputy Secretary-III

20E  
write to  
Medical  
Character Vazir  
23/6

10/11/07  
25-6-07

Scanned with CamScanner

ATTESTED

OFFICE ORDER NO 48 DATED PESHAWAR IIII: 20 / 11/ 2007 ISSUED BY  
CHIEF CONSERVATOR OF FORESTS NWFP PESHAWAR

In pursuance of the recommendation of the NWFP Public Service Commission the following candidates are hereby appointed as Forest Rangers (BPS-16) in the NWFP Forest Department:-

S. No	Name and parentage	Postal address
1	Mr. Pervez Manan S/O Fazli Manan	Muhallah Azikhel Village & P. O. Dehri Alladhand Malakand Agency.
2	Mr. Muhammad Shakeel S/O Fazali Rahman	C/O Haji Fazali Rahman A.O. Bajour Area Development Project at Khar Bajour Agency.
3	Mr. Jane-c-Alam S/O Misal Khan	C/O Fakhre Alam Reporter APP, Laila Tower Khyber Supper Peshawar Cantt
4	Mr. Munawar Zeb S/O Jehanzeb	Mohallah Mir Ahmad Khel, Village and P.O. Ghalegay, Tehsil and District Swat
5	Mr. Muhammad Sajid S/O Abdul Qayyum	Village and P.O. Hathan (Agriculture Colony) Tehsil Takhbai, District Mardan
6	Mr. Alamgir Khan S/O Ayub Khan	Village and P.O. Abba Khel, Mohallah Lalla Khel, Tehsil & District Lakkhi Marwat

Their appointment is subject to the terms and conditions mentioned hereunder:-

- They shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, they shall be entitled to receive such amount contributed by them toward contributory Provident Fund (C.P.F) alongwith the contribution made by Govt: to their account in the said fund, in the prescribed manner.
- They shall be governed by the NWFP Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
- They shall, initially be on probation for a period of two years extendable up-to three years.
- Their services shall be liable to termination during initial/extended period of probation without any notice.
- Their services will be liable to termination at any time without assigning any reason thereof, if their work is not found satisfactory. In such an event, they will be given a month's notice of termination from service or one month's pay in lieu thereof. In cases they wish to resign at any time, one month's notice will be necessary or in lieu thereof a month's pay will be forfeited.
- They will not be entitled to any TA/DA on their first appointment as Forest Rangers.



15

If the above terms and conditions are acceptable to them they should report to the CCF NWFP for duty within 14 days of the receipt of this order. In case of failure to do so the offer will be considered as with drawn.

Sd/-

Chief Conservator Forest  
NWFP Peshawar

No. 877-79 /E

128-26

Copy forwarded for information and necessary action to the:-

1. Section Officer (Estt) Govt: of NWFP Environment Department Peshawar, with reference to his letter No. SO (Estt)ENV/1-6/2K5/3287 dated 11/8/2007.
2. Superintendent Budget and Accounts Head Office Peshawar.
3. Official concerned.

*(Handwritten signature)*

Chief Conservator of Forests  
NWFP Peshawar

ATTESTED



Annex-III

# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 27TH FEBRUARY, 2018.

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE  
ENVIRONMENT DEPARTMENT.

## NOTIFICATION

Dated: 6<sup>th</sup> March, 2007.

**NO. SO(Est)/Env/1-465/2k5/:** In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Environment Department, in consultation with the Establishment Department and the Finance Department, hereby directs that in the Forestry, Fisheries and Wildlife Department Notification No. SO (FT:II)AD/1-465/88/Vol- IV, dated 28/01/1993, the following amendments shall be made, namely:

## AMENDMENT

In the Appendix, under the heading "FOREST WING" in PART-1, PROFESSIONAL POSTS, for the existing entries against S.No.3,4 & 5, the following shall be substituted, in the respective Columns, namely:-

1.	2.	3.	4.	5.
3.	Divisional Forest Officer/Deputy Conservator			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Sub Divisional Forest Officers (BPS-17) who have completed such qualifying service as prescribed by Government and have successfully completed such training or passed such department examination as prescribed by Government for the purpose.
4.	Sub Divisional Forest Officer	Master's Degree in Forestry from a recognized University/Institute; or Second Class Bachelor's Degree in Forestry from a recognized University/ Institute; Or Second Class Bachelor's Degree in Agriculture or other Science subjects from a recognized University.	21 to 32 years	(a) Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of posts of Forest Rangers having five years service as such; and (b) Eighty percent by initial recruitment.  <b>NOTE:</b> Appointment of candidates selected for the post by the Public Service Commission shall be made subject to the following conditions:- i) The selected candidates shall undergo and successfully complete

				<p>the training at the Pakistan Forest Institute leading to Master's Degree in Forestry. Those already having Master's Degree in Forestry from PFI shall be exempted from such training.</p> <p>ii) The selected candidates shall produce certificate from the Standing Medical Board at Peshawar regarding their physical and mental fitness for performing the duties requires of them.</p> <p>iii) The selected candidates shall execute a bond with the Forest Department to the effect that on successful completion of the training they shall serve the Government for at least five years and in default shall refund all the expenses incurred in connection with their training and education.</p>
5	Forest Ranger (BPS-16)	<p><u>Bachelor's Degree in Forestry</u>, or Intermediate at least (2<sup>nd</sup> Division) from a recognized Board, with two or more of the following subjects:</p> <ol style="list-style-type: none"> <li>i. Mathematics</li> <li>ii. Physics</li> <li>iii. Chemistry.</li> <li>iv. Biology.</li> <li>v. Zoology.</li> <li>vi. Botany.</li> </ol>	18 to 30 years	<p>(a) Sixty-seven percent by promotion, on the basis of seniority-cum-fitness, from amongst Deputy Rangers having four years service as such; and</p> <p>(b) Thirty-three percent by initial recruitment.</p> <p><b>Note:</b> Appointment of candidates selected for the post by the Public Service Commission shall be made subject to the following conditions:-</p> <p>i) The selected candidates shall undergo and successfully complete the training at the Pakistan Forest Institute leading to Bachelor's Degree in Forestry. Those already having Bachelor's Degree in Forestry from PFI shall be exempted from such training.</p> <p>ii) The selected candidates shall produce certificate from Standing Medical Board at Peshawar regarding their physical and mental fitness for performing the duties required of them.</p> <p>iii) The selected candidates shall execute a bond with the Forest Department to the effect that on successful completion of the</p>

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			training they shall serve the Government for at least five years and in default shall refund all the expenses incurred in connection with their training and education.
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Preference will be given to those having qualification prescribed first against each at S. 5.

Sd/-xxx  
SECRETARY TO GOVT: OF NWFP  
ENVIERONEMNT DEPARTMENT

Printed and published by the Manager,  
Staty. Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

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**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOREST DEPARTMENT**

**NOTIFICATION**

No. \_\_\_\_\_ /E in pursuance of section 8 (1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with rule-17 Civil Servant (Appointment, Promotion and Transfer) rules, 1989, the competent authority is pleased to notify circulate Seniority List of Deputy Ranger (BPS-11) Khyber Pakhtunkhwa Forest Department as it stood on 31/08/2014 for general information.

**FINAL SENIORITY LIST OF FOREST RANGERS (BPS-16) KHYBER PAKHTUNKHWA FOREST DEPARTMENT AS IT  
STOOD ON 31/08/2014.**

S. No	Name of officer	Academic Qualification	Date of Birth	Domicile	Date of first entry in to service	Regular appointment/ promotion to the present post			Present appointment with date	Remarks
						Date	BPS	Method of recruitment		
1.	Mr. Muhammad Ghani	B.Sc. Forestry	10/1/57	Bannu	2/10/80	1.7.2006	17	By initial recruitment	3/6/2011	Reduction to lower post for five years vide order dated 3A/2011
2.	Mr. Saleem Khan	B. Sc Forestry	25/2/57	Malakand Agency	13/10/83	1/7/2006	17	-do-	19/7/2013	Reduction to lower scale for three years vide order dated 19/7/2013
3.	Mr. Muhammad Iqbal	Matric/FS	9/4/56	Manshra	1/1/75 Forester	10/9/97 D/Ranger	16	By promotion	BPS-16 3/1/2006	Already appointed as SDFO on acting charge basis
4.	Mr. Khurshid Alam	BA/FS	10/11/56	Malakand Agency	15/8/75 Forester	26/11/01 D/Ranger	16	-do-	BPS-16 3/1/2006	-do-
5.	Mr. Musa Khan	Matric/FS	1/4/57	D.I. Khan	14/4/76 Forester	26/11/01 D/Ranger	16	-do-	BPS-16 3/1/2006	-do-
6.	Mr. Jan Nisar	FS/BA	14/5/55	Charsadda	1/1/75 Forester	19/4/02 D/Ranger	16	-do-	BPS-16 18/6/2007	Already appointed as SDFO on acting charge basis

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7.	Mr. Naik Zaman	Matric/FS	8/4/57	Lower Dir	9/9/75 5/12/79 Forester	24/5/02 D/Ranger	16	-do-	BPS-16 18/6/2007	-do-
8.	Mr. Muhammad Shakeel	M. Sc. Forestry	3/11/80	Bajaur Agency	24/8/07	24/8/07	16	By initial recruitment	BPS-16 24/8/07	--
9.	Mr. Muhammad Sajid	M. Sc. Forestry	10/4/75	Mardan	25/8/07	25/8/07	16	-do-	BPS-16 25/8/07	--
10.	Mr. Muhammad Ali	B. Sc. Forestry	25/5/66	Abbottabad	27/11/07	27/11/07	16	-do-	BPS-16 27/11/07	--
11.	Mr. Shabir Ahmad	B. Sc. Forestry	1/8/1967	Swat	26/9/09 F/Ranger	26/9/09	16	-do-	BPS-16 26/9/09	Service regularized as per ordinance 2009
12.	Mr. Alamgir Khan	B. Sc. Forestry	3/1/1969	Swat	26/9/09 F/Ranger	26/9/09	16	-do-	BPS-16 26/9/09	-do-
13.	Syed Tariq Ali Shah	B. Sc. Forestry	30/10/75	Mardan	26/9/09 F/Ranger	26/9/09	16	-do-	BPS-16 26/9/09	-do-
14.	Mr. Banaras Khan	Matric/FS	12/12/55	Abbottabad	13/5/77	29/6/2002 D/Ranger	16	By promotion	BPS-16 21/12/2010	--
15.	Mr. Mohammad Muzzafar	FA/FS	8/7/60	Mansehra	30/9/85	1/11/2007 D/Ranger	16	-do-	BPS-16 21/12/2010	--
16.	Mr. Mohammad Saleem	BA/ B.Sc Forestry /FS	12/12/64	Abbottabad	1/10/87	29/6/2002 D/Ranger	16	-do-	BPS-16 21/12/2010	--
17.	Syed Riaz Ahmad	BA/FS	24/4/58	Charsadda	8/6/76	2/12/2002 D/Ranger	16	-do-	BPS-16 21/12/2010	--
18.	Mr. Ihsan-ud-Din	B. Sc. Forestry /FS	20/4/66	Upper Dir	1/10/88	22/11/2003	16	-do-	BPS-16 31/5/2012	Seniority restored vide CCF office No. 10 dated 16/12/2012
19.	Mr. Mohammad Riaz	BA/FS	4/4/58	Malakand Agency	15/8/75	22/11/2003 D/Ranger	16	-do-	BPS-16 21/12/2010	--
20.	Mr. Ghafoor Khan	FA/FS	10/3/59	Mardan	30/11/77	30/12/2003 D/Ranger	16	-do-	BPS-16 21/12/2010	--
21.	Mr. Mirza Ahmad	Matric/FS	16/3/56	Kurram	6/5/80	30/6/04 D/Ranger	16	-do-	BPS-16 31/5/2012	--
22.	Mr. Nisar Akbar	Matric/FS	16/4/59	Peshawar	1/12/77 1/7/80	30/6/04 D/Ranger	16	-do-	BPS-16 31/5/2012	--

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23.	Mr. Ihsanullah	Matric/FS	5/10/57	Lower Dir	1/3/77	23/7/04 D/Ranger	16	-do-	BPS-16 23/1/2013
24.	Mr. Tasleem Shah	Matric/FS	3/1/55	Swabi	16/4/77	4/7/05 D/Ranger	16	-do-	BPS-16 23/1/2013
25.	Mr. Mohammad Saeed-II	Matric/FS	12/3/60	Nowshera	9/12/78 1/7/1980	5/7/06 D/Ranger	16	-do-	BPS-16 23/1/2013
26.	Mr. Iqtidar Hussain	Matric/FS	17/2/59	Kohat	16/8/77	12/7/06 D/Ranger	16	-do-	BPS-16 23/1/2013
27.	Mr. Mohammad Nawab	Matric/FS	12/3/59	Bannu	3/12/78	12/7/06 D/Ranger	16	-do-	BPS-16 23/1/2013
28.	Mr. Tehsinullah	Matric/FS	3/11/56	Charsadda	19/6/80	12/7/2006 D/Ranger	16	-do-	BPS-16 30/5/2013
29.	Mr. Moin-ud-Din	Matric/FS	22/12/56	Bannu	23/6/80	12/7/2006 D/Ranger	16	-do-	BPS-16 30/5/2013
30.	Mr. Razi-ur-Rahman	Matric/FS	12/9/59	Peshawar	13/7/80	12/7/2006 D/Ranger	16	-do-	BPS-16 30/5/2013
31.	Mr. Mohammad Hayat	Matric/FS	14/12/56	Nowshera	14/7/80	12/7/2006 D/Ranger	16	-do-	BPS-16 31/1/2014
32.	Mr. Ahmad Nawaz	Matric/FS	13/3/58	D.I.Khan	19/4/80	4/10/2007 D/Ranger	16	-do-	BPS-16 31/1/2014

**CERTIFICATE**  
 Certified that the seniority is final, notified, un-disputed and attested.

Chief Conservator of Forests  
 Central Southern Forest Region  
 Khyber Pakhtunkhwa Peshawar

**ATTESTED**

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PESHAWAR

Chief Conservator of Forests  
Central Southern Forest Region  
Khyber Pakhtunkhwa Peshawar

No. 542-45 /E

Certified that the seniority is final, noted, un-disputed and attested.

587

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Dated Peshawar the

0 /09/2014.

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Forest Region-II Khyber Pakhtunkhwa Abbottabad.
2. Chief Conservator of Forests Malakand Forest Region-III Swat.
3. CF Southern Circle Peshawar.
4. CF FATA Circle Peshawar.

Chief Conservator of Forests  
Central Southern Forest Region  
Khyber Pakhtunkhwa Peshawar

ATTESTED



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Annex-IV

A meeting of the Departmental Promotion Committee was held on 20/11/2014 at 10:00 hours under the Chairmanship of Secretary Forestry, Environment & Wildlife Department. The following attended: -

1. Dr. Hammad Uwals Agha, Secretary, Forestry, Environment & Wildlife Department. In Chair
2. Syed Mubark All Shah, Chief Conservator Wildlife, Khyber Pakhtunkhwa. Member
3. Mr. Hashim Ali Khan, Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar. Member
4. Mr. Muhammad Iqbal Khattak Deputy Secretary-I, Environment Department Secretary/Member
5. Mr. Muhammad Aslam, Section Officer (SR-I), Finance Department. Member
6. Mr. Shafi-Ul-Ahmad, Section Officer (R-III) Establishment Department. Member

2. The Departmental Promotion Committee considered different promotion appointment cases on regular/acting charge basis of officials of Forest and Wildlife Departments; as well as Budget & Accounts Cell of Forestry, Environment & Wildlife Department; and took decisions which reflected, hereunder, in each case :-

**FOREST DEPARTMENT**

(I) **PROMOTION OF FOREST RANGERS (BPS-16) TO THE POST OF SUB DIVISIONAL FOREST OFFICER (BS-17)**

The Departmental Promotion Committee was informed that according to Budget Book 2014-15 there were total 89 regular sanctioned posts of SDFO (BS-17) against which Fifty-One (51) SDFOs are on roll; while Thirty Eight (38) posts were occurred and lying vacant in the Forest Department due to promotion/ creation/ retirement of Sub Divisional Forest officers BPS-17. As per existing Service Rules, method of recruitment to the post of SDFO (BS-17) is 20% by promotion and 80% by Initial recruitment. By apply the above ratio against 38 vacant posts, the share of direct and promotes becomes 8 & 30 post respectively. Therefore, against the 08-posts i.e. share of promotion quota, the senior most Forest Rangers (BS-16) were considered for promotion to the post of Sub-Divisional Forest Officer (BS-17), on Regular basis.

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On the basis of Working paper the CCF-I, also requested the Committee for appointment of 05-senior RFOs to the post of SDFO (BS-17) on Acting charge basis as the posts are lying vacant due to promotion of officers on Acting charge basis to BS-18 as well as on the basis of deputation of BS-18 officers to other departments.

After examining the service record of the senior most Forest Rangers (BS-16) for promotion to the rank of SDFOs (BS-17) on regular/acting charge basis, the Departmental Promotion Committee made the following recommendations:-

#	Name of Officer	Recommendation of DPC
1.	Mr. Mohammad Ghani B.Sc Forestry	His date of birth is 10.1.1957. He joined the Government service on 2.10.1980. The official was reduced to lower scale for five years. His appeal is under process in the KPK Service Tribunal.  Decision:- The official was deferred for promotion to the post of Sub-Divisional Forest Officer (BPS-17).
2.	Mr. Saleem Khan B.Sc Forestry	His date of birth is 25.2.1957. He joined the Government service on 13.10.1983. The official was reduced to lower scale for five years. His appeal is under process in the KPK Service Tribunal.  Decision:- The official was deferred for promotion to the post of Sub-Divisional Forest Officer (BPS-17).
3.	Mr. Mohammad Iqbal Matric /FS	His date of birth is 09.04.1956. He joined the Government service on 1.1.1975 and promoted as SDFO on acting charge basis on 28.6.2012. He has completed the prescribed length of service for promotion to BPS-17. No enquiry is pending against him nor any punishment awarded. His service record is generally good.  Decision:- The DPC cleared the officer for promotion to the post of Sub-Divisional Forest Officer (BPS-17) on regular basis.
4.	Mr. Khurshid Alam B.A /FS	His date of birth is 10.11.1956. He joined the Government service on 15.8.1975 and promoted to BS-16 on 28.06.2012; but charge sheet against the officer has been sent to C.S. for serving upon him. Besides, ACRs for the year 2012 and 2013 have also not been provided by the official in spite making request to him time and again by the Forest Department.  Decision:- The official was deferred for promotion to the post of Sub-Divisional Forest Officer (BPS-17).
5.	Mr. Musa Khan Matric /FS	His date of birth is 01.04.1957. He joined the Government service on 14.04.1976 and promoted as SDFO on acting charge basis on 28.6.2012. He has completed the prescribed length of service for promotion to BPS-17. No enquiry is pending against him nor any punishment awarded. His service record is generally good.  Decision:- The DPC cleared the officer for promotion to the post of Sub-Divisional Forest Officer (BPS-17) on regular basis.
6.	Mr. Jan Nisar B.A /FS	His date of birth is 14.05.1955. He joined the Government service on 1.1.1975 and promoted as SDFO on acting charge basis on 28.6.2012. He has completed the prescribed length of service for promotion to BPS-17. No enquiry is pending against him nor any punishment awarded. His service record is generally good.

**ATTACHED**

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		Decision:- The DPC cleared the officer for promotion to the post of Sub-Divisional Forest Officer (BPS-17) on regular basis.
7.	Mr. Naik Zaman Matric /FS	His date of birth is 08.04.1957. He joined the Government service on 09.09.1975 and promoted as SDFO on acting charge basis on 28.6.2012. He has completed the prescribed length of service for promotion to BPS-17. No enquiry is pending against him nor any punishment awarded. His service record is generally good.  Decision:- The DPC cleared the officer for promotion to the post of Sub-Divisional Forest Officer (BPS-17) on regular basis.
8.	Mr. Mohammad Shakeel M.Sc Forestry	His date of birth is 03.11.1980. He joined the Government service on 24.08.2007. He has completed the prescribed length of service for promotion to BPS-17. No enquiry is pending against him nor any punishment awarded. His service record is generally good.  Decision:- The DPC cleared the officer for promotion to the post of Sub-Divisional Forest Officer (BPS-17) on regular basis.
9.	Mr. Mohammad Sajid M.Sc Forestry	His date of birth is 10.04.1975. He joined the Government service on 25.08.2007. He has completed the prescribed length of service for promotion to BPS-17. No enquiry is pending against him nor any punishment awarded. His service record is generally good.  Decision:- The DPC cleared the officer for appointment to the post of Sub-Divisional Forest Officer (BPS-17) on acting charge basis.
10.	Mr. Shabir Ahmad B.Sc Forestry	His date of birth is 1.8.1967. He joined the Government service on 26.9.2009. The official is presently under charge sheet in spite of non availability of ACR for the year 2010, 2011, 2012 and 2013.  Decision:- The official was not cleared for appointment to the post of Sub-Divisional Forest Officer (BPS-17), on acting charge basis.
11.	Mr. Alamgir Khan B.Sc Forestry	His date of birth is 3.1.1969. He joined the Government service on 26.9.2009. The official is presently under charge sheet as well as non availability of ACR for the year 2010, 1.1.2011 to 17.8.2011, 2012 and 2013.  Decision:- The official was not cleared for appointment to the post of Sub-Divisional Forest Officer (BPS-17), on acting charge basis.
12.	Syed Tariq Ali Shah B.Sc Forestry	His date of birth is 30.10.1975. He joined the Government service on 26.09.2009. The official is presently under charge sheet in spite of non availability of ACR for the year 2013.  Decision:- The official was not cleared for appointment to the post of Sub-Divisional Forest Officer (BPS-17), on acting charge basis.
13.	Mr. Banaris Khan Matric /FS	His date of birth is 12.12.1955. He joined the Government service on 13.05.1977. The official was promoted to the post of Forest Ranger on 21/12/2010, he has not yet completed 5 years length of service in the cadre; however in terms of Rules 9 (1) (4) of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989, he can be considered for appointment on acting charge basis.  Decision:- The official was cleared for appointment to the post of Sub-Divisional Forest Officer (BPS-17), on acting charge basis.

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<p>14. Mr. Mohammad Nuzafar FA/FS</p>	<p>His date of birth is 8.07.1960. He joined the Government service on 30.09.1985. The official was promoted to the post of Forest Ranger on 21/12/2010, he has not yet completed 5 years length of service in the cadre; however in terms of Rules 9 (1) (4) of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989, he can be considered for appointed on acting charge basis</p> <p>Decision:- The official was cleared for appointment to the post of Sub-Divisional Forest Officer (BPS-17), on acting charge basis.</p>
<p>15. Mr. Mohammad Saleem B.A/FS/B.Sc Forestry</p>	<p>His date of birth is 12.12.1964. He joined the Government service on 1.10.1987. The official was promoted to the post of Forest Ranger on 21/12/2010, he has not yet completed 5 years length of service in the cadre; however in terms of Rules 9 (1) (4) of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989, he can be considered for appointed as SDFO</p> <p>Decision:- The official was cleared for appointment to the post of Sub-Divisional Forest Officer (BPS-17), on acting charge basis.</p>
<p>16. Syed Riaz Ahmad B.A/FS</p>	<p>His date of birth is 24.4.1958. He joined the Government service on 08.06.1976. The official was promoted to the post of Forest Ranger on 21/12/2010, he has not yet completed 5 years length of service in the cadre; however in terms of Rules 9 (1) (4) of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules 1989, he can be considered for appointed on acting charge basis</p> <p>Decision:- The official was cleared for appointment to the post of Sub-Divisional Forest Officer (BPS-17), on acting charge basis.</p>

II. PROMOTION/APPOINTMENT OF THE DEPUTY RANGER (BPS-11) TO THE POST OF RANGE FOREST OFFICER (BPS-16) ON REGULAR/ ACTING CHARGE BASIS.

The Chief Conservator of Forests-I, informed the Departmental Promotion Committee that as per Budget Book 2014-15 there are 53 posts of Forest Rangers (BS-16). At present only 32 Forest Rangers (BS-16) are on roll. Out of 53-posts 21-post are lying vacant.

As per existing Service Rules, method of recruitment to the post of Forest Ranger (BS-16) is 67% by promotion and 33% by initial recruitment. By apply the above ratio, the share of direct recruitment and promotion becomes 17 & 36. At present 32-promotee and 8 direct recruitee are working. Hence, to fill in these vacancies of Range Forest Officer (BS-16) case was considered.

After examining the service record of the senior most Deputy Ranger (BS-11) for promotion to the rank of Range Forest Officer (BS-16), the Departmental Promotion Committee made the following recommendations, which narrated hereunder, against each official:-

#	Name of Officer	Recommendation of DPC
1.	Mr. Rozi Khan	The official was recommended for promotion to the post of Forest Ranger (BS-16) on regular basis.
2.	Mr. Abdul Ghanl Shah	-do-
2.	Mr. Riaz Hussain	-do-
4.	Mr. Manzoor Ahmad	-do-
5.	Mr. Shah Aslam	-do-

**ATTESTED**

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6. Mr. Mohamad Zahir Shah	-do-
7. Mr. Mohammad Nazir	The official was recommended for appointment to the post of Forest Ranger (BS-16) on acting charge basis.
8. Mr. Mohammad Khan	-do-
9. Mr. Mohammad Tahir	-do-
10. Mr. Siraj Mohammad	-do-
11. Mr. Izat Sher	-do-

ii) PROMOTION OF JUNIOR SCALE STENOGRAPHER (BPS-14) TO THE RANK OF SENIOR SCALE STENOGRAPHER (BS-16) ON REGULAR /ACTING CHARGE BASIS.

The Departmental Promotion Committee was informed that there are seven (07)-regular sanctioned posts of Sr. Scale Stenographer (BS-16) in Khyber Pakhtunkhwa Forest Department. At present there is only three senior Scale Stenographers (BS-16) are available in the department; thus there is shortage of four Stenographers out of which one is to be filled in through promotion from amongst Junior Scale Stenographer & 03 are to be filled in through direct recruitment.

The Committee was also requested for promotion of one Junior Scale Stenographer to the post of Senior Scale Stenographer on acting charge basis because the posts of Senior Scale Stenographer are likely to be remained vacant for six months.

As per existing Service Rules, method of recruitment to the post of Sr. Scale Stenographer (BS-16) is as under:-

- (a) "50% by promotion, on the basis of seniority cum-fitness, from amongst holders of the post of Jr. Scale Stenographer (BS-14) with atleast five years' service as such who have passed such test as may be prescribed by the government for the purpose" and
- (b) "50% by Initial recruitment"

Applying the above ratio three (04) posts falls under the share of promotion quota and to be filled in by promotion on regular basis out of which 03 posts have already been filled in by promotion, whereas one post is to be filled in through promotion of a Junior Scale Stenographers.

After examining the service record of the senior most Stenographers (BS-14) for promotion to the post of Senior Scale Stenographer (BS-16), the Departmental Promotion Committee made the following recommendation which reflected hereunder against each:-

#	Name of Junior Scale Stenographer	Recommendation of DPC
1	Mr. Lal Muhammad	The official was recommended for promotion to the post of Senior Scale Stenographer (BS-16) on regular basis.
2	Mr. Siraj-ul Munir	The official was recommended for appointment to the post of Senior Scale Stenographer (BS-16) on acting charge basis.

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WILDLIFE DEPARTMENT

PROMOTION OF DEPUTY RANGERS (BPS-11) TO THE RANK OF RANGE WILDLIFE (BPS-16) ON REGULAR /ACTING CHARGE BASIS.

The Departmental Promotion Committee was informed that there are 28-regular sanctioned posts of Range Wildlife Officer (BS-16) in Khyber Pakhtunkhwa Wildlife Department against which only seventeen (17) Range Wildlife Officers are on roll; thus eleven (11) posts are lying vacant. Keeping in view the previous position of Direct/promotion quota, as per existing Service Rules, method of recruitment to the post of Range Wildlife Officers (BS-16) is 67% by promotion and 33% by initial recruitment, 02-posts were filled in direct quota and 15-post were in promotion quota. Hence to fill in the remaining vacancies of Range Wildlife Officer (BS-16) on promotion quota, the case was considered.

The Committee was also requested for promotion of Four Deputy Ranger (BS-11) to the post of Range Wildlife Officer (BS-16) on acting charge basis because the posts of Deputy Ranger likely to be remained vacant for six months.

After examining the service record of the senior most Deputy Ranger (BS-11) for promotion to the rank of Range Wildlife Officer (BS-16), the Departmental Promotion Committee made the following recommendations:-

#	Name of Deputy Ranger	Recommendation of DPC
1.	Mr. Shabir Ahmed Metric (Arts), B.A.	The official was recommended for promotion to the post of Range Wildlife Officers (BS-16) on regular basis.
2.	Mr. Liaqat Ali	-do-
3.	Mr. Kat Baz Khan	-do-
4.	Mr. Mir Aslam Khan	-do-
5.	Mr. Ishaq Ahmed Sajil	The official was recommended for appointment to the post of Range Wildlife Officers (BS-16) on acting charge basis.
6.	Mr. Shahid Khan	-do-
7.	Mr. Khalil Ullah	-do-
8.	Mr. Anwar Said	-do-

BUDGET & ACCOUNTS CELL OF F, E & W DEPARTMENT

PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDENT (BPS-17) ON REGULAR BASIS IN THE DIRECTORATE OF BUDGET AND ACCOUNTS CELL OF FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT.

The Departmental Promotion Committee was informed that there are two sanctioned posts of Superintendent (BPS-17) in the B&A Cell of Forestry Environment and Wildlife Department. At present only one post of Superintendent is become vacant due to retirement of incumbents (Mr. Gul Rehman, Superintendent) on attaining the age of superannuation on 29/9/2014.

To fill in the said vacant post, the method of recruitment, as per existing service rules, is:-

(a) By promotion on the basis of seniority cum-fitness from amongst the Senior Auditor/Assistant with atleast five years service as such,

OR

(b) If no suitable person is available for promotion then by transfer of officers having equivalent qualification and experience from Forest Department, Civil Sect: Treasury Service or Pakistan Audit Department.

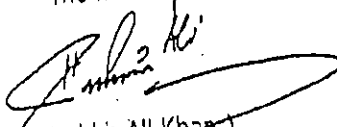
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After examining the service record of the senior most Auditor/Assistant (BS-16) of B&A Cell of Forestry Environment and Wildlife Department, the Departmental Promotion Committee recommended Mr. Jamshaid Khan, Assistant (BS-16), who is senior most according to the panel given in the Working Paper, for promotion to the post of Superintendent (BS-17) on regular basis.

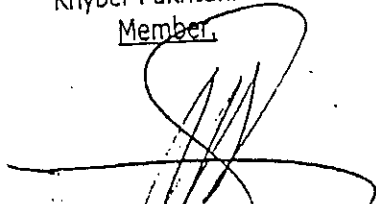
**NOTE:-** All the officials who were recommended for appointment on acting charge basis, against the post(s) of direct quota, shall stand revert to their original posts/scales on arrival of the newly recommendee by the Commission.

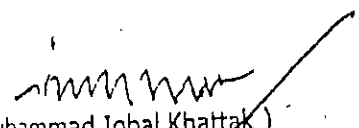
The meeting ended with a vote of thanks from and to the Chair.

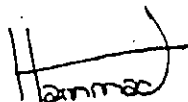
  
(Hashim Ali Khan)  
Chief Conservator of Forests,  
Central & Southern Forest Region-I  
Peshawar Member.

  
8/12/2014  
(Syed Mubarak Ali Shah)  
Chief Conservator Wildlife,  
Khyber Pakhtunkhwa  
Member.

  
(Muhammad Islam)  
Section Officer (SR-I),  
Finance Department,  
Member

  
(Shafiqul Ahmad)  
Section Officer (Reg:III)  
Establishment & Administration  
Department. Member

  
(Muhammad Iqbal Khattak)  
Deputy Secretary-I  
Environment Department  
Khyber Pakhtunkhwa,  
Member.

  
8/12  
(Dr. Hammad Uwais Agha)  
Secretary to Govt of Khyber Pakhtunkhwa,  
Forestry, Environment & Wildlife Department  
Chairman

**ATTESTED**

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

BS-17

Dated Pesh: 15<sup>th</sup> January, 2015

**NOTIFICATION**

No. SO(Estt)Env/1-3/2k15: The Competent Authority is pleased to promote the following Forest Rangers (BS-16) to the post of Sub-Divisional Officers (BS-17), Forest Department, on regular basis, with immediate effect:-

#	Name of Officers
1.	Mr. Muhammad Iqbal
2.	Mr. Musa Khan
3.	Mr. Jan Nisar,
4.	Mr. Naik Zaman
5.	Mr. Muhammad Shakeel

2. The officers on promotion will remain on probation for the prescribed period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(2) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

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

Endst: No. SO(Estt)Env/1-3/2k15 196-203

Dated Peshawar, 15<sup>th</sup> January, 2015

Copy is forwarded to:-

- 1) PSO to Chief Secretary, Khyber Pakhtunkhwa
- 2) PS to Secretary, Forestry, Environment & Wildlife Department
- 3) Chief Conservator of Forests, Central & Southern Forests-I, Peshawar
- 4) Director Budget and Accounts Cell, Forestry, Environment & Wildlife Department
- 5) Officers concerned
- 6) Personal files of the officers
- 7) Master file
- 8) Office order file.

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27/1/15  
ESH  
23/1/2015

Mir Zali Khan  
(MIR ZALI KHAN)  
SECTION OFFICER (ESTT)

ATTESTED





GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Pesh: 15<sup>th</sup> January, 2015

NOTIFICATION

SO(Estt)Env/1-3/2k15: The Competent Authority is pleased to appoint the following Forest Rangers (BS-16) to the post of Sub Divisional Officers (BS-17), Forest Department, on acting charge basis, with immediate effect:-

#	Name of Officers
1.	Mr. Muhammad Sajid
2.	Mr. Banaras Khan
3.	Mr. Muhammad Muzaffar
4.	Mr. Muhammad Saleem
5.	Syed Riaz Ahmad

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

Ordst: No. SO(Estt)Env/1-3/2k15

204-211

Dated Peshawar, 15<sup>th</sup> January, 2015

Copy is forwarded to:-

- 1) PSO to Chief Secretary, Khyber Pakhtunkhwa
- 2) PS to Secretary, Forestry, Environment & Wildlife Department
- 3) Chief Conservator of Forests, Central & Southern Forests-I, Peshawar
- 4) Director Budget and Accounts Cell, Forestry, Environment & Wildlife Department
- 5) Officers concerned
- 6) Personal files of the officers
- 7) Master file
- 8) Office order file.

  
(MIR ZALI KHAN)  
SECTION OFFICER (ESTT)

  
**ATTESTED**

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No. 1314

23/1/2015

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	<p style="text-align: center;">GOVERNMENT OF KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT &amp; WILDLIFE DEPARTMENT</p> <p style="text-align: center;">Dated Pesh: 13<sup>th</sup> July :2015</p> <p style="text-align: right;">Ann-V      Annex-VI</p>
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**NOTIFICATION**

No. SO(Estt)FE&WD/1-50(144)/2k14: In terms of provision of Rule-20 of the Khyber Pakhtunkhwa, Civil Servants Revised Leave Rules, 1981 and the instructions issued there-under from time to time, the competent authority is pleased to accord sanction for encashment of Leave Preparatory to Retirement, equivalent to 365-days in favour of Mr. Jan Nisar, Sub Divisional Forest Officer (BS-17), Forest Department.

2. In terms of Section-13 of the Khyber Pakhtunkhwa, Civil Servants Act 1973, of Mr. Jan Nisar, Sub Divisional Forest Officer (BS-17), Forest Department, shall stand retired from government service, on attaining the age of Superannuation on 13/05/2015(AN).

Sd/-

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

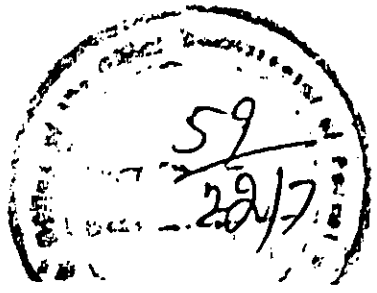
Endst: No. SO(Estt) FE&WD/1-50(25)/2k14 1194-1900 Dated Pesh: 13<sup>th</sup> July: 2015

Copy is forwarded to:-

- 1) PS to Secretary, Forestry, Environment & Wildlife Department.
- 2) Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar.
- 3) Director Budget & Accounts Cell, Forestry, Environment & Wildlife Department. He is directed that outstanding, if any, may be effected from pension commutation of the officer concerned.
- 4) Officer concerned.
- 5) Personal file of the officer.
- 6) Master file.
- 7) Officer order file.

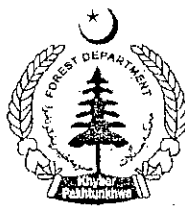
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SECTION OFFICER (ESTT)



Handwritten text: No. 121 / 22/7/2015

**ATTESTED**



Dated // 10/8/2023

(HAD)

NO. 1024 /E,  
To

The Secretary,  
Government of Khyber Pakhtunkhwa  
Climate Change, Forestry, Environment & Wildlife  
Department Peshawar

Subject: - REQUEST FOR RESTORATION OF SENIORITY

Memo:- Reference A.Deptt; letter No. SO(Estt)/FE&WD/1-50(174)PF/7443, dated 02/08/2023

The points raised by the A.Deptt; are hereby clarified in annotated form as under:-

Observations	Clarification																														
i. Whether vacant posts of SDFO BS-17 under promotion quota were available.	<p>During the DPC meeting held on 20/11/2014, there were 89 (51 old and 38 new creation) sanctioned posts of SDFO (BPS-17) in the Department. According to service rules 20 % quota were reserved for promotion and therefore applying the same service rules on 38 new created posts, 8 posts were reserved for promotion of Forest Ranger (BPS-16) to the post of SDFO (BPS-17).</p> <p>As evident from the minutes of DPC meeting dated 20/11/2014, the following were considered either for regular promotion or appointment on acting charge basis:-</p> <table border="1"><thead><tr><th>#</th><th>Name of Forest Ranger</th><th>Recommendation of DPC</th></tr></thead><tbody><tr><td>1</td><td>Muhammad Ghani</td><td>Deferred due to reducing to lower scale for five years.</td></tr><tr><td>2</td><td>Mr. Saleem Khan</td><td>Deferred due to reducing to lower scale for five years.</td></tr><tr><td>3</td><td>Muhammad Iqbal</td><td>Considered for regular promotion</td></tr><tr><td>4</td><td>Mr. Khurshid Alam</td><td>Deferred due to pending charge sheet as well as non-supply of ACR for the year 2012 &amp; 2013.</td></tr><tr><td>5</td><td>Mr. Musa Khan</td><td>Considered for regular promotion</td></tr><tr><td>6</td><td>Mr. Jan Nisar</td><td>Considered for regular promotion</td></tr><tr><td>7</td><td>Mr. Naik Zaman</td><td>Considered for regular promotion</td></tr><tr><td>8</td><td>Muhammad Shakeel</td><td>Considered for regular promotion</td></tr><tr><td>9</td><td>Muhammad Sajid</td><td>Considered for appointment to the post of SDFO (BPS-17) on acting charge basis.</td></tr></tbody></table> <p>Appointment notification to the post of SDFO on acting charge basis in respect of Muhammad Sajid was issued vide A.Deptt; Notification NO. SO(Estt)Env/1-3/2K15/204-211, dated 15/01/2015. Three posts in the cadre of SDFO were remained vacant due to the following:-</p> <ol style="list-style-type: none"><li>1. Mr. Jan Nisar listed at S.NO. 6 after his promotion to the post of SDFO on regular basis has since been retired on</li></ol>	#	Name of Forest Ranger	Recommendation of DPC	1	Muhammad Ghani	Deferred due to reducing to lower scale for five years.	2	Mr. Saleem Khan	Deferred due to reducing to lower scale for five years.	3	Muhammad Iqbal	Considered for regular promotion	4	Mr. Khurshid Alam	Deferred due to pending charge sheet as well as non-supply of ACR for the year 2012 & 2013.	5	Mr. Musa Khan	Considered for regular promotion	6	Mr. Jan Nisar	Considered for regular promotion	7	Mr. Naik Zaman	Considered for regular promotion	8	Muhammad Shakeel	Considered for regular promotion	9	Muhammad Sajid	Considered for appointment to the post of SDFO (BPS-17) on acting charge basis.
#	Name of Forest Ranger	Recommendation of DPC																													
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5	Mr. Musa Khan	Considered for regular promotion																													
6	Mr. Jan Nisar	Considered for regular promotion																													
7	Mr. Naik Zaman	Considered for regular promotion																													
8	Muhammad Shakeel	Considered for regular promotion																													
9	Muhammad Sajid	Considered for appointment to the post of SDFO (BPS-17) on acting charge basis.																													

**ATTESTED**

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13/05/2015 on the age of superannuation vide A.Deptt; Notification No SO(Estt)/FE&WD/1-50(144)/2K14/1194-1200, dated 13/07/2015.

2. Muhammad Iqbal listed at S.No. 3 after his promotion to the post of SDFO on regular basis has since been retired on 08/04/2016 on the age of superannuation vide A.Deptt; Notification No. SO(Estt)/FE&WD/1-50(145)/2K16/2674-80, dated 21/07/2016.
3. The service of Mr. Khurshid Alam being senior to Muhammad Sajid have since been dismissed w.e.f 02/11/2016 vide A.Deptt; Notification No.SO(Estt)/FE&WD/1-50(148)2k16/6249-55, dated 02/11/2016.

Soon after vide Notification No. SO(Estt)FE&WD/1-50(31)/2015/5370-100, dated 27/09/2016, Muhammad Sajid alongwith other officers/officials were charge sheeted before his regular promotion to the post of SDFO (BPS-17). Vide notification No. SO(Estt)/FE&WD/1-50(31)/PF, dated 11/06/2022, after lapse of 3 years and 8 months, Muhammad Sajid alongwith others were exonerated from the charges leveled against him.

On exoneration from the charges his regular promotion was issued on 08/12/2020. It is further mentioned here that during his involvement in the charge sheet various vacant position in the cadre of SDFO are occurred as per the following position but he was not considered and continuously deferred:-

Furthermore, the appellant alongwith Muhammad Shakeel previously appointed to the post of Forest Ranger in one date i.e. 20/11/2007 vide order at P-109. Muhammad Shakeel was promoted to the post of SDFO w.e.f 15/01/2015 on regular basis, while the appellant (Muhammad Sajid) was deprived from his due right i.e. regular promotion due to his involvement in a charge sheet and keeping in view all the above position, his regular promotion was required to be made after retirement of Mr. Jan Nisar already retired on 13/05/2015 on the age of superannuation.

<p>ii. If so, why the applicant's case for promotion as SDFO BS-17 on regular basis was not processed for consideration of DPC?</p>	<p>The cause of non-submission of his case for regular promotion to the post of SDFO was occurred due to issuance of charge sheet to him alongwith others vide A.Deptt; Notification No. SO(Estt)FE&amp;WD/1-50(31)/2015/5370-100, dated 27/09/2016, in which he was exonerated from the charges vide A.Deptt; Notification No.. SO(Estt)/FE&amp;WD/1-50(31)/PF, dated 11/06/2020 i.e after lapse of above three years.</p>
<p>iii. Whether there was pending inquiry against the appellant during the period of 2015 to 2018. If yes, the detail of the case alongwith relevant documents may be shared.</p>	<p>As per explanation available in Para-ii above. Copies of the notifications regarding issuance of charge sheet and exoneration notification are attached.</p>

Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa, Peshawar

**ATTESTED**

been retired on  
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Amir K/1

NO: 10/PS-22

Dated the Peshawar 21/07/2023

To,

The Honorable Secretary,  
Government of Khyber-Pakhtunkhwa,  
Climate Change, Forestry, Environment and Wildlife Department,  
Peshawar.

Through: (Proper Channel)

Subject: **MERCY APPEAL FOR GRANTING AND RESTORATION OF SENIORITY IN THE CADRE OF  
SUB-DIVISIONAL FOREST OFFICER (SDFO BPS-17)**

Reference: In continuation of this office letter NO:201/PS-22, dated: 17/04/2023

It is humbly submitted:

- 1) That I have done M.Sc Forestry in the session 2000-2002 from Pakistan Forest Institute, Peshawar (Annex-I).
- 2) That I was recommended as Range Forest Officer (BPS-16) by the Khyber-Pakhtunkhwa Public Service Commission (PCS) and joined the Department as regular employee vide office order NO:48, dated, 20.08.2007 (Annex-II).
- 3) That with reference to notified Service Rules-2007 (Annex-III) 20% quota has been reserved for Promotion Quota.
- 4) That during the DPC meeting held on 20.11.2014, there were 89 sanctioned posts (including 51 Old & 38 New Creation) and after applying the same Service Rules- 2007 to the Newly created 38 NO: of Posts of SDFOs, 08 NO: of posts were coming out to have been reserved for Promotion of Forest Rangers (BPS-16) to the Post of SDFOs (BPS-17).
- 5) That I was falling at Serial NO: 09, as is evident from the Minutes of the DPC meeting held on 20.11.2014 (Annex-IV) and hence; was promoted on Acting Charge Basis (ACB) to the post of SDFO (BPS-17) vide Notification NO: SO (Estt) Env/1-3/2k15/204-211, dated, 15.01.2015 (Annex-V).
- 6) That one Mr. Jan Nisar, who had been promoted from the post of Forest Ranger (BPS-16) to the Rank of Sub-Divisional Forest Officer (BPS-17) in the same DPC meeting held on 20.11.2014, on regular basis, indicated under Serial No. 06, had retired on superannuation, dated: 13.05.2015 (Annex-VI).
- 7) That the retirement of Mr. Jan Nisar had created a seat for promotion under Promotion Quota, which since then established my due right for regular promotion on 13.05.2015.
- 8) That although, I had a clean and neat service record and more than qualified length of service, (07 years, 08 months and 24 days), yet either due to mistaken delay or non-conduction of DPC from 2015 to 2018: my due right of promotion created due to retirement of SDFO Mr. Jan Nisar has been engulfed, which is against rules/laws and principle of justice.
- 9) That ignoring my promotion from 13.05.2015 to 26.09 2016 (For One year, Four Months and Thirteen days) is a mistake which asks for correction.
- 10) That linking my promotion with the Charge-sheet/Initiation of Enquiry from 27.09.2016 (Notification of Charge Annex-VII) to 11.06.2020 (Notification of Exoneration Annex-VIII) and dragging me for (Three years, Eight Months and 14 days), all gone below the dignity of rules and

**ATTESTED**

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regulations as the enquiry was to be finished within 30 days as per 11 (07) of E& D Rules, 2011 (Annex-IX).

11) That after going through, the contents of the appeal, you are kindly requested to be kind to me and take up the case with the quarter concerned for granting me my post of regular SDFO (BPS-17) with effect from 13.05.2015 and restore my seniority to put into end my grievances and oblige:

12. That for upholding my stance the crux of some relevant decisions of the honorable Apex Courts are reproduced/enclosed:-

I. : Supreme Court of Pakistan (Annex-X): (b) North-West Frontier Province Civil Servants Act (XVIII of 1973)---S. 8---Promotion---Acting Charge---Date of Promotion---Determination---Civil Servants were promoted on 31-8-2000; on acting charge basis but Departmental Selection Committee issued their notification promotion on 27.5.2003---Grievance of civil servants was that their promotion was not considered from the date when they were promoted on acting charge basis--- Validity---Civil servant who was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc, attaching to such post for the period that he held the same- Such civil servant was also entitled to any other benefits which might be associated with such post--- if a vacancy existed in the higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on such post on officiating basis, then on regular promotion to such post, the civil servant would be deemed to have been so promoted to the same from the date of from which he was allowed to hold the higher post, unless justifiable reasons existed to hold otherwise--- Supreme court converted petition for leave to appeal into appeal and set aside the judgement passed by Service Tribunal---Supreme Court declared the civil servants to be deemed to be promoted from 31.8.2000 and not from 27.5.2003--- Appeal was allowed.

II. : Government of Khyber-Pakhtunkhwa Establishment & Administration Department Notification NO: SO (E-I)/E&AD/9-112/2010, dated:10<sup>th</sup> May, 2010 (Annex-XI), wherein; One Mr. Umer Hayat, Ex-Director Fisheries, has been extended the benefits of promotion on regular basis in the light of Judgement of honorable High Court, Peshawar (Annex-XII), duly upheld by the Supreme Court of Pakistan.

III. : In addition to the above, the honorable August Supreme Court of Pakistan has also declared through its judgement highlighted in para (c) "Service Tribunals Act (LXX of 1973)" categorically specifying to extend the benefits of a judgement to the victimized persons of the identical nature cases to resolve their grievances at their own levels by the competent authorities. The verbatim for which is replicated as under:

---S. 4---Constitution of Pakistan (1973), Art.212---Appeal to Service Tribunal or Supreme Court---Effect---If the Service Tribunal or Supreme Court decides a point of law relating to the terms of Service of a civil servant which covers not only the case of a civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and rule of good governance demands that the benefit of such judgement by Service Tribunal/ Supreme Court be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum.

ATTESTED

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It is to mention here that the undersigned inducted through Public Service Commission as Range Forest Officer (BS-16) in the year 2007. From perusal of the merit list drawn by the Khyber Pakhtunkhwa Public Service Commission merit position of the applicant along with others candidates are as under:-

Vacancy Rotation	Zonal Allocation	Merit Order	Name with Father Name	Domicile / Zone	Remarks
1 <sup>st</sup>	Merit	01	Pervez Manan S/O Fazli Manan	Khyber Agency/3	Later on selected as SDFO (BS-17)
2 <sup>nd</sup>	Zone-1	03	Muhammad Shakeel S/O Fazli Rahman	Bajaur Agency/1	Now promoted as DFO (BS-18)
3 <sup>rd</sup>	Zone-2	02	Jan-e-Alam S/O Misal Khan	Nowhera/2	Later on selected as SDFO (BS-17)
4 <sup>th</sup>	Zone-3	04	Munawar Zeb S/O Jehanzeb	Swat/3	Not Joined the Department
5 <sup>th</sup>	Merit	05	Muhammad Sajid S/O Abdul Qayyum	Mardan/2	Now promoted as SDFO (BS-17)
6 <sup>th</sup>	Zone-4	21	Alamgir Khan S/O Ayub Khan	L.Marwat/4	Not Joined the Department

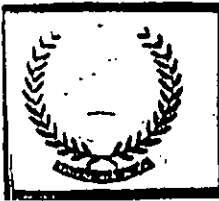
According to Part-VI Rule-17 (1) (a) of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules, 1989 the seniority inter se of civil servants (appointed to a service, cadre or post) shall be determined in accordance with the order of merit assigned by the Commission. Therefore, the applicant requested to gain his seniority according to the above merit list of the Commission.

In view of the above, it is therefore requested to fix my seniority in the cadre of SDFO w.e.f 15<sup>th</sup> May, 2015 according to merit list of Khyber Pakhtunkhwa Public Service Commission already, please.

An early action in this connection will be highly appreciated, please.

  
Muhammad Sajid SDFO  
Patrol Squad, Central Forest Circle,  
Peshawar.

  
**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
CLIMATE CHANGE, FORESTRY, ENVIRONMENT &  
WILDLIFE DEPARTMENT

NO.80(Est)/FE&WDM-80 (174)/PF  
Dated Peshawar the, 20<sup>th</sup> September, 2023

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The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department,  
Peshawar.

PS/Secy E&AD KF

Diary No. 754702

FTS No.

Date 23-23

Subject: - ADVICE REGARDING FIXATION OF SENIORITY OF MUHAMMAD SAJID  
SUB DIVISIONAL FOREST OFFICER BS-17 W.E.F 13<sup>th</sup> MAY, 2016

I am directed to refer to the subject cited above and to state that Muhammad Sajid, SDFO (BS-17), Patrol Squad, Central Forest Circle, Peshawar has submitted an appeal requesting for fixation of his seniority in the cadre of SDFO (BS-17) w.e.f 13<sup>th</sup> May, 2016 i.e. the date of occurrence of regular vacancy, as per the judgment dated 21<sup>st</sup> May, 2017 of the Peshawar High Court in the Writ Petition No. 2105 of 2006 filed by Mr. Umar Hayat VS Government of NWFP wherein the court held that the petitioner is eligible to be promoted as Director BS-19 on regular basis with effect from the date of occurrence of vacancy, duly upheld by the Supreme Court of Pakistan (Annex-I).

2. In this regard, the crux of the case is as under:

- i. Consequent upon the recommendations of the Khyber Pakhtunkhwa Public Service Commission, Muhammad Sajid alongwith others was appointed as Range Forest Officer (BPS-16) in Forest Department on 20<sup>th</sup> August, 2007 (Annex-II). Later-on, he was appointed as Sub Divisional Forest Officer (BPS-17) on acting charge basis w.e.f 15<sup>th</sup> January, 2016 (Annex-III).
- ii. On 27<sup>th</sup> September, 2016, an inquiry committee was notified to conduct inquiry against 19 officers / officials including the above officer, under Rule-6 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The finalization of the inquiry proceedings took more than 3-Years & 09-Months, and eventually, all the officers/ officials concerned including the above officer were exonerated from the charges, vide notification dated 11<sup>th</sup> June, 2020 (Annex-IV).
- iii. Although a regular BPS-17 post was fallen vacant under promotion quota w.e.f 13<sup>th</sup> May, 2016 and the above officer was at serial no. 1 of the seniority list of the cadre of RFO (BS-16) and was eligible for regular promotion as SDFO BS-17 in all respects, but his case for promotion was not submitted by the Forest Department, Khyber Pakhtunkhwa due to which he was deprived from the legal right of promotion as per the rules/policy, which resulted in affecting his seniority.
- iv. The DPC in its meeting held on 2<sup>nd</sup> October, 2018, deferred the appellant's promotion case due to above pending inquiry. Subsequently, he was considered for promotion as SDFO (BS-17) on regular basis. His promotion notification was issued on 8<sup>th</sup> December, 2020 (Annex-V) and his inter-seniority was also restored w.e.f 13<sup>th</sup> December, 2016 i.e., the date his juniors were promoted as SDFO BS-17 on regular basis in terms of Para-V (d) of Khyber Pakhtunkhwa Promotion Policy, 2009 read with Sub Section (4) of Section-8 of Khyber Pakhtunkhwa Civil Servants Act, 1973. A copy of notification regarding restoration of his inter-seniority may be perused at (Annex-VI).

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- v. Muhammad Shakeel who was senior to him (in the cadre of RFO BS-16) as per the merit order drawn by the Khyber Pakhtunkhwa Public Service Commission (of which detail given below), was promoted as Sub-Divisional Forest Officer (BPS-17) on regular basis w.e.f 15<sup>th</sup> January, 2015 (Annex-VII) and lastly promoted as Divisional Forest Officer (BPS-18) on regular basis w.e.f 06<sup>th</sup> January, 2022 (Annex-VIII):

Sl. No.	Category	Rank	Name	Agency	Remarks
1 <sup>st</sup>	Merit	01	Fazl Manan S/O Fazl Manan	Khyber Agency/3	Later on selected as SDFO (BS-17)
2 <sup>nd</sup>	Zone-1	03	Muhammad Shakeel S/O Fazl Rahman	Bajaur Agency/1	Now promoted as DFO (BS-18)
3 <sup>rd</sup>	Zone-2	02	Jan-e-Alam S/O Misal Khan	Nowshera/2	Later on selected as SDFO (BS-17)
4 <sup>th</sup>	Zone-3	04	Munwar Zeb S/O Jehanzeb	Swat/3	Not joined the Department
5 <sup>th</sup>	Merit	05	Muhammad Sajid S/O Abdul Gayyum	Mardan/2	Now promoted as SDFO (BS-17)
6 <sup>th</sup>	Zone-4	21	Alamgir Khan S/O Ayub Khan	L.Marwat/4	Not joined the Department

- vi. According to Part-VI Rule-17 (1) (a) of the Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989, the inter-se-seniority of civil servants (appointed to a service, cadre or post) shall be determined in accordance with the order of merit assigned by the Commission. The Seniority lists of both the cadres i.e., DFO BS-18 and Sub-Divisional Forest Officer as BS-17 may kindly be perused at (Annex-IX).

3. In view of the above, this department seeks considerate advice of the Establishment Department, Khyber Pakhtunkhwa regarding fixation of seniority of the appellant (Muhammad Sajid, SDFO) in the cadre of Sub-Divisional Forest Officer w.e.f 13<sup>th</sup> May, 2015 i.e., the date of occurrence of regular vacancy as per the referred judgments of the Peshawar High Court and Supreme Court of Pakistan, in order to restore his seniority as per the merit order of the Khyber Pakhtunkhwa Public Service Commission as already tabulated above in light of Rule-17 (1) of the ibid rules.

(HAFI ABUL JALIL)  
SECTION OFFICER (ESTT)

Endet: No: & date even

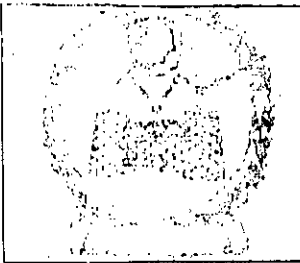
Copy is forwarded for information to:

1. PS to Secretary, CC,FE&W Department, Khyber Pakhtunkhwa.
2. PS to Special Secretary, CC,FE&W Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)

ATTESTED

37



**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT**

Dated Peshawar the 10<sup>th</sup> May 2010

**NOTIFICATION**

**NO. SO(E-I)/E&AD/9-112/2010.** In pursuance of decision of the Peshawar High Court Peshawar and Supreme Court of Pakistan, the Competent Authority on the recommendations of the Provincial Selection Board is pleased to promote Mr. Umer Hayat, Ex-Director Fisheries, from (BS-18) to (BS-19) on regular basis, with effect from 13.08.2004 with all consequential benefits.

2. His promotion as well as assumption of charge in BPS-19 shall be on notional basis, against the vacant post of Director Fisheries, Peshawar.

**CHIEF SECRETARY  
GOVERNMENT OF  
KHYBER PAKHTUNKHWA**

**Endst. No. & date even**

Copy forwarded to the:-

1. Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. Secretary to Government of Khyber Pakhtunkhwa, Environment Department.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. Director Fisheries, Peshawar.
6. PS to Chief Secretary, Khyber Pakhtunkhwa
7. PS to Secretary Establishment/S.O.(Secret)/S.O. (PSB) E&AD.
8. Officer concerned.
9. Manager, Govt Printing Press, Peshawar.

**(ZUBAIR AHMAD)  
SECTION OFFICER (ESTT.I)  
PHONE & FAX # 091-9210529**

413.31.1150/22

**ATTESTED**

( Annex. A )

16 (38)

JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT PESHAWAR  
JUDICIAL DEPARTMENT

JUDGMENT

WP. No. 2105 of ..... 2006.  
Date of hearing ..... 8.5.2007.  
Petitioner/appellant (Unex. H. Govt.) By Mr. Shahzade Shapur Jan  
Respondent (Govt. of P.F.) By Mr. Sardar Shaukat Hayat D.A.

TALAAAT QAYYUM QURESHI, J.- Through writ petition in hand the petitioner has sought direction to respondents No.1 to 3 to promote him from back date against the post of Director Fisheries on regular basis i.e. from the date when the said post had become available with all back benefits.

2. Mr. Shahzada Shapur Jan, Advocate the learned counsel for the petitioner argued that the petitioner being regular employee was holding the Acting charge of Director Fisheries (BPS-19) in Governor Secretariat (FATA) Peshawar with effect from 13.8.2004. He was senior most Deputy Director in BPS-18. Two posts of Directors of Fisheries in BPS-19 became vacant and the same were placed before the Provincial Selection Board. The petitioner was not promoted as his service record was retained by respondent No.2, while respondent No.4, who was junior to him was promoted.

3. It was also argued that the petitioner had clean service record and was never given any adverse report during his entire service.

**ATTESTED**

**ATTESTED**  
EXAMINER

11/ (AS) 139

He was, therefore, eligible for promotion on regular basis with effect from 13.8.2004, when the post of BPS-19 had become available.

4. It was also argued that the case of the petitioner was deliberately delayed by respondent No.2 who nourished grudge against him and that was the reason that respondent No.4 was promoted and the petitioner was ignored.

5. It was also argued that the promotion case of the petitioner was delayed and was not placed before the Provincial Selection Board for the reason that the petitioner was going to retire on 17.2.2007.

6. It was further argued that the petitioner was eligible and entitled for promotion on regular basis and his promotion was delayed and blocked with malafide intention, so that he retires on attaining the age of superannuation.

7. On the other hand Sardar Shaukat Hayat, Deputy Advocate General argued that the petitioner had retired from service, therefore, he was not entitled for promotion from back date. Reliance was placed on PLD 2003 SC 110.

8. We have heard the learned counsel for the parties and perused the available record.

9. The admitted position is that the petitioner was senior most Director in BPS-18 as is clear from the seniority list circulated by the Department from 2002 to 2005. Being senior most he was appointed on Acting charge basis as Director Fisheries in BPS-19 vide Notification No.SO(E-I)E&AD/9-112/2002 dated 13.8.2004. Till filing of the writ petition he was working as Acting Director Fisheries FATA.

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[Signature]

10. Two posts of Directors Fisheries became vacant in the year 2004, but despite availability of the posts he was not promoted on regular basis and was allowed to continue working on acting charge basis. In the comments filed by respondents No.1 to 4 it has been stated that it was decided in PSB meeting held on 28.6.2004 that he will be considered for regular promotion on the basis of his performance after 31.12.2004, but he earned average report for the year 2005. The question that arises here is as to whether a person can be denied promotion on the basis of average report. Answer to this question is in negative because the average report is not considered as adverse report. In Province of the Punjab through Chief Secretary Punjab, Lahore and another Vs. Sardar Noor Ilahi Khan Leghari and another (1992 SCMR 1427) it was held:-

"As the remarks 'average' in respect of overall performance have not been considered and are not considered to be adverse, no representation or appeal lay before the Tribunal and the Service Tribunal went beyond its jurisdiction in expunging the remarks average from the Annual Confidential Report."

11. Similarly in Muhammad Anwar Vs. The Secretary Establishment Division, Rawalpindi and 2 others. (PLD 1992 S.C.144) it was held:-

If there is no adverse report against him and he gets "average reports" they would have to be treated as "generally good" for purpose of move-over. Because a report "average" cannot be treated as adverse unless specifically so treated and then conveyed to the civil servant as an adverse report. Notwithstanding the grading regarding the average in other aspects of civil service, in the context of move-over expression "generally good" would, amongst others, apply to mixed sort of reports containing good and average reports."

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EXAMINER  
Administration Court

ATTESTED

12. When the average report could not come into his way of promotion, then the decision of the authorities not promoting him on regular basis is illegal and without lawful authority.

13. The argument of the learned Addl. Advocate General that the petitioner has retired and in view of the judgment of the August Supreme Court of Pakistan reported as Government of Pakistan Vs. Hamid Akhtar Niazi (PLD 2003 S.C. 110) he was not entitled for promotion from back date has no force. The case of Hamid Niazi is not relevant as the facts and circumstances of the present case are quite different. The petitioner filed writ petition in hand while he was in service and retired during the pendency of the writ petition. Moreover his case was processed with delay due to which he could not be promoted in time for which the petitioner cannot be held responsible. In such like state of affairs a retired Government servant is entitled for promotion from the date when the vacancy had become available. In Iftilcharullah Malhi Vs. Chief Secretary and another (1998 SCMR 736) it was held:-

"As regards his promotion as a Superintending Engineer, we may observe that we are conscious of the of the fact that it is a selection post but, at the same time, we cannot overlook the fact that if a civil servant has unblemished record of service and his A.C.Rs. are good, he is normally selected for a higher post on account of his seniority-cum-fitness. The case of Abdul Jabbar Khan Vs. Government of Sindh (supra) on all fours is applicable to the case in hand. We would, therefore, direct the respondent department to place the appellant's case before the Departmental Promotion Committee with all the relevant A.C.Rs. which would consider the appellant's case for promotion as a Superintending Engineer. If it forms the view that in normal

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year 2004, but the promotion of the petitioner on regular basis was delayed due to the malafide of the authorities and since there was no hurdle in his way for promotion, he should have been promoted has a force in it. A similar question came up for hearing before the August Supreme Court of Pakistan in Luqman Zareenand others Vs. Secretary Education, NWFP and others (2006 SCMR 1938) it was held:-

"It is then a position admitted on all sides that nothing existed in the way of the petitioners on 31.8.2000 which could have disentitled them to regular promotion to the posts in question and that it was only the usual apathy, negligence and bureaucratic red-tapism which had deprived the petitioners of the fruits that they deserved. The petitioners could not be permitted to be punished for the faults and inaction of others. We are of the view that where a post was available against which a civil servant could be promoted; where such a civil servant was qualified to be promoted to such a higher post; where he was put on the said higher post on officiating or acting charge basis only because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority and where he was subsequently, found fit for the said promotion and was so promoted on regular basis then he was entitled not only to the salary attaching to the said posts but also to all consequential benefits from the very date from which he had been put on the said post on officiating or acting charge basis and we hold accordingly."

ATTESTED  
EXAMINER  
Lahore High Court

✓ Keeping in view the above quoted judgments, we are of the view that the petitioner's promotion on regular basis was delayed with malafide intention and instead of promoting him on regular basis, he was kept on working on acting charge basis. Since there was no adverse ACR and his service record was clean, therefore, he was entitled for promotion with effect from the date the vacancy of Director Fisheries in BPS-19 became vacant. We, therefore, allow the writ

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petitioner in hand and direct respondents No.1 to 3 to promote the petitioner from the date the vacancy of Director Fisheries in BPS-19 had become available with all the consequential benefits. ✓

Announced:  
Dated 24.5.2007.

*Chief Executive Officer*  
*Government of Punjab*

*Chief Executive Officer*  
*Government of Punjab*

Issue

*Attest*  
*Rajesh Kumar*

CERTIFIED TO BE TRUE COPY

Peshawar  
Authorized Officer

3439 25/11/09  
No. of Pages: Application  
Filing Fee: 10  
Preparation Fee: 20  
Date of Preparation Copy: 20/11/09  
Date of Delivery of Copy: 20/11/09  
Received by: *[Signature]*

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[Supreme Court of Pakistan]

Present: Khalil-ur-Rehman Ramday and Raja Fayyaz Ahmed, JJ

LUQMAN ZAREEN and others----Petitioners

Versus

SECRETARY EDUCATION, N.-W.F.P. and others----Respondents

C.Ps. Nos.326-P to 342-P, 485-P, 486-P, 513-P to 519-P, 586-P and 622-P of 2005, decided on 21st June, 2006.

(On appeal from the judgment/order, dated 14-5-2005 of the N.-W.F.P. Service Tribunal, Peshawar, passed in Service Appeals Nos.187 and 188 of 2004, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1122, 1178, 1191, 1192, 1193, 1194, 1195, 1196, 1024, 1151, 1152, 1153, 1154, 1158, 1159, 1160, 1161, 1157 and 997 of 2003, respectively).

**(a) North-West Frontier Province Civil Servants Act (XVIII of 1973)---**

----S. 8---Promotion--- Principle--- Acting charge--- Departmental Promotion Committee issued delayed notification---Effect---Where a post was available against which a civil servant could be promoted; where such civil servant was qualified to be promoted to such a higher post; where he was put on such higher post on officiating or acting charge basis only because requisite exercise of allowing regular promotion to such post was being delayed by competent authority and where he was subsequently found fit for such promotion and was so promoted on regular basis, then the civil servant was entitled not only to the salary attaching to such post but also to all consequential benefits from that very date from which he had put on the said post on officiating or acting charge basis.

**(b) North-West Frontier Province Civil Servants Act (XVIII of 1973)---**

----S. 8---Promotion---Acting charge---Date of promotion---Determination---Civil servants were promoted on 31-8-2000, on acting charge basis but Departmental Promotion Committee issued their notification of promotion on 27-5-2003---Grievance of civil servants was that their promotion was not considered from the date when they were promoted on acting charge basis---Validity---Civil servant who was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc. attaching to such post for the period that he held the same---Such civil servant was also entitled to any other benefits which might be associated with such post---If a vacancy existed in the higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on such post on officiating basis, then on his regular promotion to such post, the civil servant would be deemed to have been so promoted to the same from the date from which he was allowed to hold the higher post, unless justifiable reasons existed to hold otherwise---Supreme Court converted petition for leave to appeal into appeal and set aside the judgment passed by Service Tribunal---Supreme Court declared the civil servants to be deemed to be promoted from 31-8-2000 and not from 27-5-2003---Appeal was allowed.

Sarwar Ali Khan's case PLD 1994 SC 233 and Chaudhry Mehmood Akbar's case 2003 SCMR 13 rel.

**(c) North-West Frontier Province Service Tribunals Act (I of 1974)---**

----S. 4---North-West Frontier Province Civil Servants Act (XVIII of 1973), S.8---Appeal---Maintainability--- Necessary parties---Non-impleading of direct appointees---Civil servants were promoted on 31-8-2000, on acting charge basis but Departmental Promotion Committee issued their notification of promotion on 27-5-2003---During promotion on acting charge basis and issuance of notification, department directly recruited few civil servants---Grievance of said civil servants was that their promotion was not considered from the date when they were promoted on acting charge basis---Service Tribunal dismissed appeal on the ground that the direct appointees were not made party to the appeal---Validity---Appeals filed by civil servants before Service Tribunal did not seek seniority over directly recruited persons and what they were asking for was vindication of their right to regular promotion from the date in question---If civil servants were found entitled to the same then they could not be deprived of it only because it could have caused some prejudice to some others nor could those others be heard to deny such benefit deserved by the civil servants---Non-impleading" of the direct appointees to the appeals filed by civil servant in Service Tribunal could be no ground to deny them a right

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which had lawfully accrued to them---Appeal was allowed.

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Mir A. Khan, Advocate Supreme Court with Mir Adam Khan, Advocate-on-Record for petitioners (in all petitions).

M. Saeed Khan, Additional Advocate-General, N.-W.F.P. with Haji Ahmed Khan, Additional Secretary (S&L) and Fazli Manan, Director (S&L) Education Department, Peshawar for Respondents.

Date of hearing: 21st Just, 2006.

## JUDGMENT

**KHALIL-UR-REHMAN RAMDAY, J.**---All these petitions, twenty-eight in number, involve identical questions of law and facts; arise out of the same consolidated judgment of the learned N.-W.F.P. Service Tribunal and are, therefore, being disposed of together through this single judgment.

2. The petitioners in all these cases were serving the respondent-Government as S.E.Ts. in different schools of the Province. Through a notification dated 31-8-2000, they were "ADJUSTED" against the higher posts of Subject-Specialists in the following terms:

"The following SETs holding M.A./M.Sc. Degrees in the relevant subject for the post of Subject Specialists on acting charge basis in the schools noted against each on seniority basis with immediate effect subject to the terms and conditions in vogue or ones to be framed in future."

3. After the petitioners had held the said higher posts of Subject Specialists and Headmasters for about three years, a further notification was issued on 27-5-2003 which read as under:

"On the recommendation of the Departmental Promotion Committee, the Competent Authority has been pleased to promote the following S.E.Ts. (BPS- 16) (I/C S.S.) to the rank of Subject Specialists (BPS-17) on regular basis with immediate effect and adjusted in the schools as noted against their names."

4. The petitioners felt aggrieved of their promotion to the said post from 27-5-2003 and not from the date when they had been actually appointed to the said posts though on acting charge basis i.e. from 31-8-2000. They sought redress of their said grievance from the learned Service Tribunal but failed.

5. Hence these petitions.

6. It has not been denied even before us that clear vacancies of Subject Specialists existed on 31-8-2000. It has also not been denied that all the petitioners possessed the requisite qualifications for being regularly promoted to the said posts on the said date and no impediment existed in their way to such a promotion. The reason offered for not so doing was that since a large number of SETs were to be promoted, therefore, it took the Departmental Promotion Committee some time i.e. about three years to do the needful. It was, however, submitted that no financial loss had accrued to the petitioners because during these three years when they were holding the said higher posts, they had been paid salaries etc. attached to the same.

7. The learned Tribunal non-suited the petitioners essentially on the ground that during the period in question when they were holding the higher posts on acting charge basis, they were entitled only to the salaries of the said posts and nothing more and that they were not possessed of any right to claim regular promotion from 31-8-2000. A mention had also been made by the learned Tribunal that during this period some twenty-seven persons had got directly recruited as Subject Specialists who had not been arrayed as parties to the appeals filed by the petitioners before the said learned Tribunal; that ante-dating the promotion of the petitioners to the said posts would adversely affect the seniority of the said direct appointees and since they had not been made parties to the said appeals, therefore, the sought relief could not be granted to them. From the impugned judgment of the learned Service Tribunal, an impression is also gathered that while refusing the said relief to the petitioners, the said learned Tribunal had also been influenced by the fact that they had not re-coursed to the available remedies in the year 2000 when they had been promoted to the posts in question on acting charge basis only and not on regular basis.

8. We have heard the learned counsel for the parties and have also perused the record in the light of the submissions made before us.

**ATTESTED**

It is then a position admitted on all sides that nothing existed in the way of the petitioners on 31-8-2000 which could have disentitled them to regular promotion to the posts in question and that it was only the usual apathy, negligence and bureaucratic red-tapsim which had deprived the petitioners of the fruits that they deserved. The petitioners could not be permitted to be punished for the faults and inaction of others. We are of the view that where a post was available against which a civil servant could be promoted; where such a civil servant was qualified to be promoted to such a higher post; where he was put on the said higher post on officiating or acting charge basis only because the requisite exercise of allowing the regular promotion to the said post was being delayed by the competent authority and where he was subsequently, found fit for the said promotion and was so promoted on regular basis then he was entitled not only to the salary attaching to the said posts but also to all consequential benefits from the very date from which he had been put on the said post on officiating or acting charge basis and we hold accordingly.

10. The learned Tribunal had brushed aside some precedent cases cited before it including some cases of this Court by declaring that the same were distinguishable. We have gone through the said judgments delivered by this Court and find that the learned Tribunal had failed to read the said judgments properly and to appreciate the ratio of the same in its correct prospective.

11. One such judgment to which a reference had been made in detail in the impugned judgment was Sarwar Ali Khan's case reported as PLD 1994 SC 233. This was a case where a Deputy Registrar of the Sindh Labour Appellate Tribunal had been appointed to the post of the Registrar of the same Tribunal on 5-7-1988 with immediate effect and till further orders but in his own pay and scale. It was almost three years later that he was regularly promoted to the said post on the recommendation of the Departmental Promotion Committee. Since there was no prospect of his further promotion beyond the post of Registrar, therefore, he had claimed only the salary of the post of Registrar which he had held on officiating basis for about three years and had prayed for nothing more. This claim was denied to him which finally led him to this Court. And this is what was held by this Court in the said facts and circumstances:

".... This cannot be stretched to cover the case in hand, where the incumbent has worked against that post on his own pay and status for three years, particularly when there was no legal impediment in his way to be promoted at that time on regular basis when he was inducted on 5-7-1988. In the instant case, since the appellant was eligible and qualified for promotion to B-18, there appears no justifiable reason to deprive him of the salary and others benefits of that post for a period of three years, which he would have received, had he been promoted on regular basis. The appellant had discharged full duties and responsibilities of the higher post and in the absence of some plausible reason, he cannot be deprived of the salary and other benefits connected with that post." Underlining is ours).

12. Dealing with this judgment, the learned Tribunal had failed to appreciate the principle laid therein by this Court by omitting to give the requisite weight to the principle enunciated and the words "other benefits" emphasized by this Court through the said judgment.

13. Another judgment of this Court placed before the learned Tribunal for its guidance was the one delivered in the case of Chaudhry Mehmood Akbar reported as 2003 SCMR 13.

14. This was a case where Muhammad Afzal, the respondent in that case, while serving as Deputy Superintendent of Jail on 21-12-1989, was transferred and posted as Superintendent of Jail in his own pay and scale and it was almost live years thereafter i.e. on 1-9-1994 that he was regularly promoted to the said post of Superintendent. He reached the Service Tribunal claiming regular promotion from the date when he had been appointed to the said post of Superintendent i.e. from 21-12-1989 instead of the date of his regular promotion to the same i.e. on 1-9-1994. The learned District Attorney who represented the Government before the learned Tribunal did not object to the grant of the said relief and the same was accordingly allowed to him. One Muhammad Akbar questioned the said judgment of the learned Tribunal before this Court submitting that he was senior to Muhammad Anal in service; had been promoted to the post of Superintendent of Jail after Muhammad Afzal had been put on the said post in his own pay and scale but before his regular promotion to the said post on 1-9-1994 and that granting promotion to the said Muhammad Afzal with effect from 21-12-1989 would operate prejudicially to his seniority and interests vis-a-vis the said Muhammad Afzal. After hearing all the sides, this Court sanctified the promotion of Muhammad Afzal with effect from the date when he had been actually put on the said higher post i.e. with effect from 21-12-1989 subject only to the proviso that the same would not adversely affect the rights of the other Superintendents of Jail who were senior to the said Muhammad Afzal.

15. A bare perusal of these judgments would thus, show that this Court had always accepted the principle that a

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son who was asked to hold a higher post to which he was subsequently promoted on regular basis, was entitled to the salary etc. attaching to such a post for the period that he held the same; that he would also be entitled to any other benefits which may be associated with the said post and further that if a vacancy existed in a higher cadre to which a civil servant was qualified to be promoted on regular basis but was not so promoted without any fault on his part and was instead put on the said post on officiating basis then on his regular promotion to the said post, he would be deemed to have been so promoted to the same from the date from which he was allowed to hold the said higher post unless justifiable reasons existed to hold otherwise.

16. The appeals filed by the petitioners before the learned Service Tribunal could not have been dismissed on the ground of limitation. Firstly, because it was the subsequent notification dated 27-5-2003 which had ordered their regular promotion not from the date that they had been promoted to the posts in question on acting charge basis but from the date of the said notification, which had caused grief to them. Therefore, limitation would start running against them not from 31-8-2000 but from 27-5-2003. And secondly, because on similar question of limitation, this Court had thus, held in Sarwar Ali Khan's case (supra)

"... it can be said that presumption favourable to the civil servant (appellant) would be that it was temporary arrangement and would not last long but it lasted for three years. Filing representation was also proper remedy and in such circumstances, it would not be fair to knock down service appeal as time-barred on the ground that first notification was not challenged."

17. This brings us to the question whether the petitioners could have been denied relief by the learned Tribunal on the ground that allowing relief in question to them could have operated to the prejudice of some persons who had been directly recruited to the posts of Subject Specialists between 31-8-2000 and 27-5-2003 and who had not been impleaded as respondents in the said appeals. Suffice it to say that the appeals filed by the petitioners before the Service Tribunal did not seek seniority over the said directly recruited persons and what they were asking for was the vindication of their right to regular promotion from the date in question and if the petitioners were found entitled to the same then they could not be deprived of it only because it could have caused some prejudice to some others nor could the said others be heard to deny the said benefit deserved by the petitioners. Therefore, we find that nonimpleading of the said direct recruits to the appeals filed by the present petitioners in the learned Tribunal could also be no ground to deny them a right which had lawfully accrued to them.

18. Having thus, examined all aspects of the matter and for the above-discussed reasons, all these petitions are converted into appeals which are allowed as a result whereof the impugned judgment of the N.-W.F.P. Service Tribunal is set aside and as a further result whereof it is declared that the petitioners (now appellants) shall be deemed to have been regularly promoted as Subject Specialists from 31-8-2000 and not from 27-5-2003.

19. No orders as to costs.

M.H./L-6/SC

Appeals allowed.

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Annex - XIII

M

SCMR 1185

[Supreme Court of Pakistan]

Before Ajmal Mian, Saiduzzaman Siddiqui and Mukhtar Ahmad Junejo, JJ

HAMEED AKHTAR NIAZI---Appellant

versus

THE SECRETARY, ESTABLISHMENT DIVISION, GOVERNMENT OF  
PAKISTAN and others---Respondents

Civil Appeal No.345 of 1987, decided on 24th April, 1996.

(On appeal from the judgment dated 11-12-1986 of the Federal Service Tribunal, Islamabad, passed in Appeal No. 124(L) of 1980).

Per Ajmal Mian, J.; Saiduzzaman Siddiqui, J. agreeing---

(a) Civil Servants Act (LXXI of 1973)---

---S. 8(4)---Constitution of Pakistan (1973), Art. 212(3)---Establishment Secretary's D.O. Letter No.2/4/75-AVI, dated 2-10-1975---Seniority---Merger of four occupational groups of civil servants---Leave to appeal was granted to consider the questions as to whether the seniority list of 1979 was properly prepared in accordance with law and what was the effect of the reliance from the Government side in the Supreme Court in another appeal on the list of 1976; whether when preparing the list of 1979, S. 8(4) of the Civil Servants Act, 1973 and other related provisions of law had been kept in view; whether a civil servant could be allowed to count his seniority in a post from a date earlier than the one of his actual regular continuous officiation in that post; if not whether the fact that the respondents in appeal belonged to the different civil services of Pakistan would make any difference; whether one uniform principle of seniority would apply to all members of the Secretariat Group or the officers joining the Group from different sources/cadres would have to be treated differently; if so, whether such treatment with or without the support of statutory rules or directions would not be in contravention of the relevant provisions of Civil Servants Act, 1973 and in that context what was the effect of the abolition of C.S.P. Cadre; whether the eligibility of civil servant for appointment to a selection post conferred any right of seniority in that post and cadre without issuance of a formal promotion/appointment order in accordance with the prescribed procedure and whether in that context a civil servant belonging to ex C.S.P. Cadre was entitled to automatic promotion to the post of Deputy Secretary after he had completed eight years of service but without the requirement of being actually selected/promoted or appointed; and what was the effect of the Supreme Court judgment in Khizar Haider Malik ad others v Muhammad Rafiq Malik and another 1987 SCMR 78 on the case.

(b) Civil Servants Act, (LXXI of 1973)---

---Ss. 8 & 23---Seniority---Merger of C.S.P and P.S.P cadres and creation of APUG---Seniority of such an officer, who was working in province or elsewhere, could not be distorted/disturbed to his detriment on account of the merger of said groups and creation of APUG and junior of such civil servant could not be made senior to him nor a junior to his junior could be made senior to him but this has to be done within the framework of the rules of reorganization of services---If the case of any civil servant does not fall within the ambit of said re-organisation rules, S. 23 of the Civil Servants Act, 1973 can be pressed into service by the President of Pakistan to obviate the inequitable and unjust result arising out of the merger of the two cadres in respect of seniority of any

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civil servants.

STACODE, 1989 Edn., pp. 1014, 1096 and 1097 ref.

**(c) Service Tribunals Act (LXX of 1973)---**

---S. 4---Constitution of Pakistan (1973), Art.212---Appeal to Service Tribunal or Supreme Court---  
Effect---If the Service Tribunal or Supreme Court decides a point of law relating to the terms of  
service of a civil servant which covers not only the case of civil servant who litigated, but also of  
other civil servants, who may have not taken any legal proceedings, in such a case, the dictates and  
rule of good governance demand that the benefit of such judgment by Service Tribunal/Supreme  
Court be extended to other civil servants, who may not be parties to the litigation instead of  
compelling them to approach the Service Tribunal or any other forum.

**Per Mukhtac Ahmad Junejo, J.---**

**(d) Service Tribunals Act (LXX of 1973)---**

---S. 4---Appeal to Service Tribunal, scope and extent.

M. Bilal, Senior Advocate Supreme Court and Ejaz Muhammad Khan, Advocate-on-Record for  
Appellant.

Raja Muhammad Bashir, Deputy Attorney-General and Ch. Akhtar Ali, Advocate-on-Record for  
Respondents.

Dates of hearing: 7th and 8th April, 1996.

**JUDGMENT**

**AJMAL MIAN, J.---**This is an appeal with the leave of this Court against the judgment dated  
11-12-1986 passed by the Federal Service Tribunal, Islamabad, hereinafter referred to as the  
Tribunal, passed in Appeal No.124(1)

of 1980; filed by the appellant, praying for the following reliefs:--

"16. In view of the above, the appellant (who was eventually promoted with effect from 28-8-1980)  
humbly prays that this honourable Tribunal may kindly direct the respondent No. 1 to proceed in  
accordance with law and to declare him to have been promoted before the ineligible and junior  
officers promoted in August, 1979 and February and May, 1980. It is further prayed that full salary  
and all other benefits may also kindly be allowed to the appellant from the date on which he would  
have been promoted if his name had been put up for the consideration of the C.S.B. according to his  
seniority. Cost tray also graciously be allowed,"

dismissing the same for the reasons recorded in Appeal NO. I 16(R) of 1981, filed by one M.  
Ramizul Haq.

2. Leave to appeal was granted to consider inter alia the following questions:--

(a) Whether the seniority list of 1979 was properly prepared in accordance with law and what is the  
effect of the reliance from the Government side in the Supreme Court in another appeal on the list of  
1976?

(b) Whether when preparing the list of 1979, section 8(4) of the Civil Servants Act, 1973 and other.

**ATTESTED**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the 27<sup>th</sup> September, 2016

(50)  
Annex-VI  
N

**NOTIFICATION**

**No: SO(Estt)FE&WD/1-50 (31)/2015:** The Competent Authority has been pleased to constitute an Enquiry Committee comprising Mr. Muhammad Abid Majeed (PCE EG BS-20), Secretary Health Department (as Convener) and Mr. Sher Nawaz Khan, Chief Conservator of Forests (BS-20), Malakand Forest Region-III (as Member) to conduct disciplinary proceedings under Section-5(1) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 against the following officers & officials of Forest Department, for the charges/allegations leveled against them in the respective Charge Sheet(s) and Statement of Allegation(s):-

- (i) Mr. Ali Gauhar, Conservator of Forests (BS19-);
- (ii) Mr. Hazrat Mir, Divisional Forest Officer (BS-18);
- (iii) Mr. Abdul Manan, Sub-Divisional Forest Officer (BS-17);
- (iv) Mr. Noman Khan, Sub-Divisional Forest Officer (BS-17);
- (v) Mr. Mohib Ullah, Sub-Divisional Forest Officer (BS-17);
- (vi) Mr. Muhammad Sajid, Sub-Divisional Forest Officer (BS-17);
- (vii) Mr. Kaleem Ullah, Forester (BS-9);
- (viii) Mr. Mr. Atta Ullah, Forester (BS-9);
- (ix) Mr. Mr. Sher Zaman, Forest Guard (BS-7);
- (x) Mr. Ikram Ullah, Forest Guard (BS-7);
- (xi) Mr. Iftikhar Uddin, Forest Guard (BS-7);
- (xii) Mr. Mr. Ali Rehman, Forest Guard (BS-7);
- (xiii) Mr. Mr. Khan Zeb, Forest Guard (BS-7);
- (xiv) Mr. Mr. Shah Room, Forest Guard (BS-7);
- (xv) Mr. Imran, Forest Guard (BS-7);
- (xvi) Mr. Abdur Rehman, Forest Guard (BS-7);
- (xvii) Mr. Zaboos-ur-Rehman, Forest Guard (BS-7);
- (xviii) Mr. Amir Naeem, Forest Guard (BS-7);
- (xix) Mr. Gul Nawab, Forest Guard (BS-7).

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No. 656  
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2. The Enquiry Committee shall submit its findings within 30 days positively.

Sd/-  
CHIEF MINISTER  
KHYBER PAKHTUNKHWA

**No: SO(Estt)FE&WD/1-50 (31)/2015;/ Dated Peshawar the, 27<sup>th</sup> September, 2016**

Copy alongwith copies of the Charge Sheets/Statement of Allegations are forwarded to:-

- 1) Mr. Muhammad Abid Majeed (PCE EG BS-20), Secretary Health Department (Convener of the Enquiry Committee).
- 2) Mr. Sher Nawaz Khan, Chief Conservator of Forests (BS-20), Malakand Forest Region-III (Member of the Enquiry Committee).
- 3) All the above accused officer/officials C/O Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar with the direction to appear before the Enquiry Committee on the date, time and place to be fixed by the Enquiry Committee for the purpose of inquiry proceeding.

SECTION OFFICER (ESTT)

**Endst: No: & date even**

Copy is forwarded to:-

- 1) Chief Conservator of Forests, Central Forest Region-I, Peshawar with the direction to nominate/depute a departmental representative well conversant with the facts of the case alongwith relevant record to assist the Enquiry Committee during the disciplinary inquiry proceedings.
- 2) PS to Secretary, Forestry, Environment & Wildlife Department for information.
- 3) Personal files of the officers.
- 4) Master file.
- 5) Office order file.

SECTION OFFICER (ESTT)

ATTESTED



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

Dated Peshawar the, 6<sup>th</sup> January, 2022

**NOTIFICATION**

**No. SO(Estt)FE&WD/1-2/2021:** On the recommendations of Provincial Selection Board in its meeting held of 02.12.2021, the competent authority is pleased to promote the following Sub Divisional Forest Officers (BS-17) to the posts of Divisional Forest Officer (BS-18) on regular basis in Khyber Pakhtunkhwa Forest Department, with immediate effect:-

Sl. No.	Name of Officer	Present place of posting
3.	Mr. Amin ul Islam	DFO-I, FP&M Circle, Peshawar
4.	Mr. Saeed Anwar	DFO, Patrol Squad Upper Hazara Forest Circle, Mansehra
5.	Mr. Shah Khalid	Attached with office of CCF-I Peshawar
6.	Mr. Arshad Ali Khan	DFO Buner Forest Division
7.	Mr. Imad ud Din	Attached with office of CCF-I Peshawar
8.	Mr. Ayaz Ali Shah	DFO Basham Watershed Division
9.	Mr. Arsalan Tariq	DFO Muhammad Tribal District Newly Merged Area
10.	Mr. Shahryar Dilawar	DFO Patrol Squad Lower Hazara Forest Circle Abbottabad
11.	Muhammad Rashid	DFO Lower Dir Forest Division
12.	Mr. Ibrar Ahmad	DFO Buner Watershed Division
13.	Muhammad Shakeel	DFO Khyber Tribal District Newly Merged Area
14.	Mr. Wahdat Zeeshan	DFO Bannu Forest Division

3) The officers on promotion shall remain on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, extendable for another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule 16(2) of rules ibid.

3) The officers on promotion are allowed to actualize their promotion on their existing place of posting except the officers standing at serial no. 3 & 5 above.

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

**Endst: No: and date of even /653-58**

Copy is forwarded to:-

- 1) Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar. He is requested to furnish a proposal regarding posting/transfer of the officers at Serial No. 3&5 above to this department for further necessary action
- 2) Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
- 3) Chief Conservator of Forests, Malakand Forest Region-III, Swat.
- 4) Director Budget and Accounts Cell, FE&W department, Khyber Pakhtunkhwa.
- 5) Divisional Forest Officers concerned Forest Department.
- 6) Section Officer (PSB), Establishment Department.
- 7) PS to Secretary, Forestry, Environment & Wildlife Department.
- 8) Officers concerned. *CCF CCF-I*
- 9) Personal files of the officers concerned.
- 10) Master file. *No. 1891*
- 11) Office order file. *A. 20.05.2022*

*Establishment  
CCF-I/17/1*

**ATTESTED**

*Saleem*  
SECTION OFFICER (ESTT)

*15/9  
18/1-22*

*25*



(5)

**THE <sup>1</sup>KHYBER PAKHTUNKHWA CIVIL SERVANTS  
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989**

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:**-(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the <sup>3</sup>[Khyber Pakhtunkhwa] Public Service Commission;

<sup>4</sup>(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

<sup>5</sup>(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission.

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and

<sup>1</sup> For the words "NWFP" or "North-West Frontier Province", wherever occurred, the words "Khyber Pakhtunkhwa" substituted by the Khyber Pakhtunkhwa Laws (Amendment) Act, 2011 (Khyber Pakhtunkhwa Act No. IV of 2011) published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 2<sup>nd</sup> April, 2011

<sup>2</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

<sup>5</sup> Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

**ATTESTED**

(52)

PART-VI

SENIORITY

17. **Seniority :-** (1) the seniority inter se of civil servants <sup>47</sup>(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission <sup>48</sup>[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

**Explanation-I:-** If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

**Explanation-II:-** If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

**Explanation-III:-** A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

<sup>49</sup>(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

<sup>50</sup>(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the

<sup>47</sup> Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

<sup>48</sup> The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

<sup>49</sup> Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

<sup>50</sup> Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19-11- 2009.

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Annex -IX

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA ESTABLISHMENT AND  
ADMINISTRATION DEPARTMENT.**

**NOTIFICATION**

*Peshawar dated the 16th September, 2011.*

NO.SO(REG-VD)E&AD/2-6/2010. -In exercise of the powers conferred by section 26, of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. **Short title, application and commencement.**—(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "accused" means a person in Government service against whom action is initiated under these rules;
- (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
- (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;
- (e) "Chief Minister" means the Chief Minister of the Khyber Pakhtunkhwa;
- (f) "competent authority" means-
  - (i) the respective appointing authority;
  - (ii) in relation to a Government servant of a tribunal or court functioning under Government, the appointing authority or the Chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of the competent authority under these rules:

Provided that where two or more Government servants are to be proceeded against jointly, the competent authority in relation to the accused Government servant senior most shall be the competent authority in respect of all the accused.

- (g) "corruption" means-
  - (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or
  - (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
  - (iii) entering into plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or
  - (iv) possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf,

**ATTESTED**

(55)

Provided that dismissal in these cases shall be with <sup>2</sup>[.....] effect from the date of conviction by a court of law; and

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

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

10. **Procedure to be followed by competent authority where inquiry is necessary.**—

(1) If the competent authority decides that it is necessary to hold an inquiry against the accused under rule 5, it shall pass an order of inquiry in writing, which shall include-

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fifteen days of the date of receipt of orders.

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

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

11. **Procedure to be followed by inquiry officer or inquiry committee.**—(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry *ex-parte*.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day and no adjournment shall be given except for reasons to be recorded in writing, in which case it shall not be of more than seven days.

(4) Statements of witnesses and departmental representative(s), if possible, will be recorded in the presence of accused and vice versa.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be

<sup>2</sup> Deleted by Notification No. SO(REG-VT)E&AD/2-6/2010. Dated 18<sup>th</sup> July, 2012.

ATTESTED

deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

(7) The inquiry officer or the inquiry committee, as the case may be. Shall submit his or its report, to the competent authority within thirty days of the initiation of inquiry:

Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.

12. Powers of the inquiry officer or inquiry committee.—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

13. Duties of the departmental representative.—The departmental representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and
- (c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

14. Order to be passed on receipt of report from the inquiry officer or inquiry committee.—(1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the competent authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fifteen days from the day the charge or charges have been communicated to him: provided that the accused shall, in his reply to show cause notice, indicate as to whether he

ATTESTED

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

Dated Peshawar the, 11<sup>th</sup> June, 2020

Ann-III  
(b)

**NOTIFICATION**

**No. SO (Estt) FE&WD/1-50(31)/PF:** WHEREAS, the following officers/officials of Forest Department, Khyber Pakhtunkhwa were proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges as mentioned in the respective Charge Sheets and Statement of Allegations served upon them:-

*File*  
*2415*  
*29.6.2020*

#	Name of Officer
1	Mr. Ali Gauhar, the then Conservator of Forests (BS-19) now CCF (BS-20)
2	Mr. Hazrat Mir, Divisional Forest Officer (BS-18)
3	Mr. Abdul-Manan, Divisional Forest Officer (BS-18)
4	Muhammad Sajid, Sub Divisional Forest Officer (BS-17)
5	Mr. Atta Ullah, Forester (BS-09)
6	Mr. Ikram Ullah, Forest Guard (BS-07)
7	Mr. Iftikhar-ud-Din, Forest Guard (BS-07)
8	Mr. Ali Rehman, Forest Guard (BS-07)
9	Mr. Khan Zeb, Forest Guard (BS-07)
10	Mr. Shah Room, Forest Guard (BS-07)
11	Mr. Imran, Forest Guard (BS-07)
12	Mr. Aamir Naqem, Forest Guard (BS-07)

**AND WHEREAS**, the Enquiry Committee comprising Muhammad Abid Majeed (PCS EG BS-19), Secretary, Health Department, Government of Khyber Pakhtunkhwa (convener) and Mr. Sher Nawaz, Ex-Chief Conservator of Forests (BS-20), Forest Department, Khyber Pakhtunkhwa (member) was constituted to conduct inquiry against the above officers/officials.

**AND WHEREAS**, the Enquiry Committee after having examined the charges, evidence on record and explanations of the above officers/officials, submitted its report, wherein the charges against them have not been established;

**NOW, THEREFORE**, the Competent Authority (Chief Minister), after having considered the charges, evidence on record, findings/recommendations of the Enquiry Committee, explanation of the above officers/officials, hearing them in person and exercising his powers conferred under Rule-14 (3) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with Rule-4 (1) (a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been pleased to "**EXONERATE**" all the above officers/officials of Forest Department, Khyber Pakhtunkhwa from the charges levelled against them in the respective statement of allegations, with immediate effect.

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

**Endst: No: SO (Estt) FE&WD/1-50(31)/PF:**

**Dated Peshawar the, 11<sup>th</sup> June, 2020**

Copy is forwarded to:-

- 1) Chief Conservator of Forests Region-I, Peshawar.
- 2) Chief Conservator of Forests Region-III, Malakand, Swat.
- 3) Conservator of Forests, Southern Circle, Peshawar.
- 4) Conservators of Forests, Malakand East & West Forest Circles, Swat/Dir.
- 5) Director, Budget and Accounts Cell, FE&W department.
- 6) PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.
- 7) Officers/officials concerned C/o CCF-I, Peshawar.
- 8) Master file.
- 9) Office order file.

*Estt. Pk*  
*copy*  
*of my file*  
*ECR*

*No. 2521*  
*df 30/6/2020*

*Zia-ur-Rahman*  
**(ZIA-UR-RAHMAN)**  
SECTION OFFICER (ESTT)

**ATTESTED**

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Yakhya R-III  
Today, 11:48 am

COMMISSION FOR GOVERNMENT ESTABLISHMENTS  
ESTABLISHMENTS DEPARTMENT

**STREAMLINING OF TRAINING DELEGATIONS BOARD MEETINGS**

It is directed to refer to this Department's letter of 27th June 2022 in the subject and to the fact that 20/09/2023 was fixed as cut-off date for submission of applications for placement in the JNVs. However, 20th September 2023 is public holiday. All officials should be advised that the cut-off date for submission of applications is 20/09/2023.

I am therefore directed to request that all the Administrative Staffing Authority (ASA) working panels complete in all respects for placement before 20/09/2023 (if possible) after which no work should be entertained.

SECTION OFFICER (AS)

BY AND FOR DATE

ATTESTED

Reply

**BETTER COPY**

(59)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/1-25/2023(01)

Dated Peshawar, the September 28, 2023.

To

All Administrative Departments  
to the Govt. Khyber Pakhtunkhwa.

Subject:- **STREAMLINING OF PROVINCIAL SELECTION BOARD (PSB)  
MEETING.**

Dear Sir,

I am directed to refer to this Department's letter of even No. dated 15.09.2023 on the subject and to say that 29.09.2023 was fixed as cutoff date for submission of working papers for placement before PSB. However, 29<sup>th</sup> September, 2023 is a public holiday on account of Eid Milad-un-Nabi (12<sup>th</sup> Rabi-ul-Awal 1445 A.H), resultantly cutoff date has been extended till **04.10.2023.**

2. I am therefore, directed to request that all the administrative Departments may forward the working papers, complete in all respects, for placement before the PSB till **04.10.2023** ( forenoon) after which no working paper will be entertained.

Your faithfully,

**SECTION OFFICER (PSB)**

**ENDST, EVEN NO. & DATE.**

Copy forwarded to

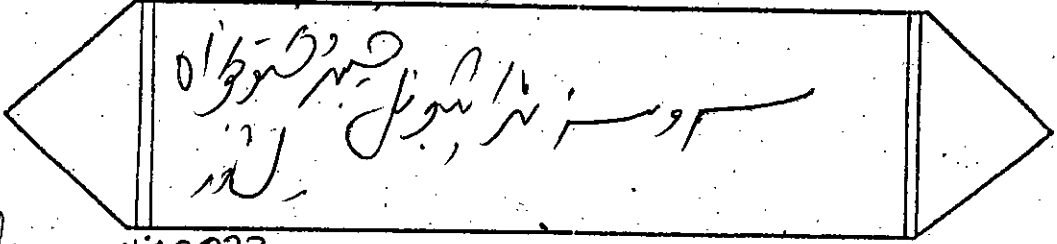
1. All Section Officers in Regulation Wing of Establishment Department.
2. PS to Secretary Establishment, Govt. Khyber Pakhtunkhwa.
3. PS to Special Secretary Regulation Establishment, Department.
4. PAs to Additional Secretaries (Reg-I & II), Establishment, Department.
5. PAs to Deputy Secretaries (Reg-I, II & III), Establishment, Department.

**ATTESTED**

**SECTION OFFICER (PSB)**



## بعدالت



Appellant

2023ء منجانب

31/10/23 بنام حکومت خیبر پختونخوا

موزخہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام کے لیے حرف سید محمد امین

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالتہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صوبی چیک درو پیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سائن

پر واختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے دہر جانہ

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 6 ماہ نومبر 2023

16102-04073689  
191073689  
تسلسلہ صحیح نامہ

Accepted  
11/11/23

بمقام کے لئے منظور ہے۔

BC-20-2213

Mob- 0346-9189142