

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

**SERVICE APPEAL NO.1152 /2023**

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 11193

Dated 16-02-2024

Mr. Junaid Nazir, Forest Ranger (BPS-16) SDFO (ACB),  
Jared, Kaghan Forest Division Jabba, Mansehra.

**(APPELLANT)**

**VERSUS**

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to the Government of Khyber Pakhtunkhwa Forestry, Environment & wildlife Development Department Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Chef Conservator of Forests Central Southern Forest Region-I Khyber Pakhtunkhwa, Peshawar.
4. The Conservator of Forests Lower Hazara Forest Circle, Abbottabad.

**(RESPONDENTS)**

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**APPLICATION FOR WITHDRAWAL OF INSTANT  
APPEAL AS THE GRIEVANCE OF THE APPELLANT  
HAS BEEN REDRESSED.**  
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**RESPECTFULLY SHEWETH:**

1. That the appellant has filed instant appeal in this Honorable Tribunal for correction of his seniority position in the final seniority list of Forest Ranger (BPS-16) according to the order of merit assigned by the KP Public Service Commission.
2. That the respondent department itself corrected the seniority position of the appellant and placed the appellant in the finals seniority list

according to the order of merit assigned by the KP Public Service Commission which is evident from the letter dated 22.08.2023, hence the grievance of the appellant has been redressed by the respondent department itself, therefore the appellant wants to withdraw his service appeal. **(Copy of letter dated 22.08.2023 is attached as Annexure-A)**

It is therefore most humbly, prayed that on the acceptance of this application, the instant service appeal pending before this Honorable appellant may kindly be withdrawn as the grievance of the appellant has been redressed by the respondent department.

  
**APPELLANT**  
Junaid Nazir

THROUGH:

  
**TAIMUR ALI KHAN**  
**ADVOCATE HIGH COURT**

OFFICE ORDER NO. 34 DATED PESHAWAR THE 22 /08/2023 ISSUED  
BY SYED MUQTADA SHAH, CHIEF CONSERVATOR OF FORESTS CENTRAL  
SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA PESHAWAR

WHEREAS, the Khyber Pakhtunkhwa Public Service Commission vide letter No.PSC/SR-IV/F-04/2017/94147, dated 21/07/2017 recommended nine (09) candidates including Abdus Sattar S/O Nisar Muhammad, R/o Village Shahi Payyan PO Shahi Bala Peshawar having domicile from Mohmand Agency and Junaid Nazir S/O Muhammad Nazir, R/o Near Boys Primary School, Baidara Road, Mohallah Lohar Banda, Mansehra for appointment to the post of Forest Ranger (BPS-16) in Khyber Pakhtunkhwa Forest Department.

AND WHEREAS, the appointment order of all the recommended candidates were issued vide Chief Conservator of Forests Central Southern Forest Region-I Khyber Pakhtunkhwa Peshawar Office Order No. 42, dated 17/10/2017 except M/S Abdus Sattar & Junaid Nazir having no B.Sc Forestry degree from Pakistan Forest Institute rather they were deputed for training leading to B.Sc Forestry Degree from PFI as per the existing notified service rules of Khyber Pakhtunkhwa Forest Department which stipulates that "the appointment of candidate selected for the post by the Public Service Commission shall be made inter-alia, subject to the condition that the selected candidates shall under go and successfully complete the training at PFI leading to B.Sc Forestry".

AND WHEREAS, after having completed the B.Sc Forestry degree from PFI, their appointment orders were issued as Forest Ranger (BPS-16) in the Deptt; and accordingly their seniority were reckoned from the date of their regular appointment i.e 13/01/2020.

AND WHEREAS, feeling aggrieved Mr. Abdus Sattar filed service appeal No. 7898/2021 in Khyber Pakhtunkhwa Service Tribunal praying to direct the respondents to reckon his seniority in light of merit order of Khyber Pakhtunkhwa Public Service Commission. Through its Judgment dated 29/05/2023, the Khyber Pakhtunkhwa Service Tribunal decided the service appeal in favour of the appellant directing that the appellant be assigned his correct seniority in accordance with the merit order assigned by the Khyber Pakhtunkhwa Public Service Commission as per the criteria laid down/prescribed by Rule - 17(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

AND WHEREAS, the Scrutiny Committee of Law Deptt; Khyber Pakhtunkhwa in its meeting held under the Chairmanship of Secretary Law Deptt; Khyber Pakhtunkhwa on 21/06/2023, decided that it would not be advisable to file appeal/CPLA before the Supreme Court of Pakistan against the said Judgment dated 29/05/2023 of Khyber Pakhtunkhwa Service Tribunal as the Judgment is in consonance with rule-17(1)(a) of APT Rules, 1989, which is reproduced below:-

Seniority — (1) the seniority inter-se of civil servants (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 or merit assigned by the Commission".

NOW THEREFORE, keeping in view the Judgment dated 29/05/2023 of Khyber Pakhtunkhwa Service Tribunal and decision of the Scrutiny Committee of Law Deptt; taken in its meeting held on 21/06/2023, it is hereby ordered that the appellant (Abdus Sattar) and other similar case of Junaid Nazir, Forest Ranger is assigned seniority in

accordance with the order of merit assigned by the Khyber Pakhtunkhwa Public Service Commission in the respective batches in terms of Rules-17(1)(a) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

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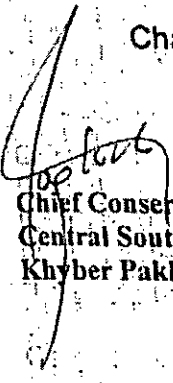
Sd/-  
(Syed Muqtada Shah)  
Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

No. 1210-12 /E.

Appeal file Abdul Sattar.

Copy forwarded to the:-

1. Chief Conservator of Forests Northern Region-II, Abbottabad
2. Conservator of Forests Central Forest Circle Peshawar
3. Section Officer (Establishment) Govt. of Khyber Pakhtunkhwa Climate Change, Forestry, Environment & Wildlife Department Peshawar.

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