

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

**Appeal No.1407/2017**

**MUHAMMAD FARASH**

**VS**

**FOREST DEPTT:**

**REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO**  
**THE REPLY SUBMITTED BY THE RESPONDENTS**

**R/SHEWETH:**

**(1-4):**

All the objections raised by the respondents are in correct baseless and not in accordance with law and rules rather the respondent is estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct hence need no comments.
- 2- Incorrect and not replied accordingly. That appellant has performed his duty for more than 10 years wherein the Sern Kaghan Forestry Project became completed and appellant was issued termination notice, upon which appellant filed appeal before the Divisional Forest Officer but appellant was not properly adjusted and worked till December 2001 without salary.
- 3- Admitted correct hence need no comments.
- 4- Incorrect and not replied accordingly. That as the Sern Kaghan Forest Circle came into being the appellant along with his other colleagues were not adjusted rather employees of Social Forestry Project Mansehra were adjusted on the vacant posts.
- 5- Correct to the extent of adjustment of the appellant vide order dated 09.01.2003 on regular basis while the intervening period from the date of termination to date of arrival is treated as extra ordinary leave. Furthermore, appellant feeling aggrieved submitted Departmental appeal before the appellate authority for fixation of and other benefits from the date of his first appointment order i.e. 14.5.1990 including regularization of break period i.e. from July 2001 till 9.01.2003.
- 6- Admitted correct to the extent of adjustment order and arrival while the remaining Para is incorrect. That recently it came into the knowledge of the appellant that previous service of the appellant has not been regularized not the

benefits of his break period has been granted to the appellant upon which the appellant preferred Departmental appeal before the Chief Conservator of Forests, Central Southern Forest Region-I vide dated 11.08.2017. that it is pertinent to mention that in 2010, employees of the Water Shed Circle were terminated from service but later on they were re-adjusted on their original post and were also paid for the break period.

- 7- Incorrect and not replied accordingly hence denied.
- 8- Needs no comments.

**GROUND:**  
**(A to H):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That the respondents acted in arbitrary and malafide manner by not counting the project service of the appellant towards regular service in terms of pay fixation, other benefits and regularization of break period. That the action and inaction of the respondents is discriminatory and based on malafide. That appellant is fully entitled for fixation of pay and other benefits including regularization of break period but in spite of that the respondents are not willing. That under Article 38 (e) of the Constitution of Pakistan 1973, State is bound to reduce disparity in the income and earning of the individuals including persons in the various service of Pakistan.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

**APPELLANT**

  
**MUHAMMAD FARASH**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK**  
**DVOCATE**

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**APPELLANT**

  
**MUHAMMAD FARASH**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK  
DVOCATE**

*Fox Appellant*

DATE ABSORBED THE 07/11/2001, ISSUED BY  
THE CONSERVATOR OF FORESTS SIRAN KAGHAN FOREST  
CIRCLE, ABBOTTABAD.

... Forest Guard already absorbed in Upper Kaghan  
... the orders of Service Tribunal dated 1.10.1999 and  
... Conservator of Forests/Project Director, Siran Kaghan  
... order No. 30 dated 25.11.1999, is hereby adjusted  
... Division, against an existing vacancy with  
... interest of public service.

Sd/-  
(Ayed Noor Azzal Shah)  
Conservator of Forests  
Siran Kaghan Forest Circle  
Abbottabad.

- Copy forwarded for information and necessary action to the:
1. Upper Kaghan Forest Division Balakot.
  2. Upper Kaghan Forest Division, Razzebura.
  3. Mr. Niaz Ali Shah, Forest Guard.

*[Signature]*  
Conservator of Forests  
Siran Kaghan Forest Circle  
Abbottabad.

*For Appellat*

OFFICE ORDER NO. 97 DATED ABBOTTABAD AND 09 /5/2001,  
ISSUED BY SYED NOOR AZIZ SHAH, CONSERVATOR OF FORESTS, SIRAN  
KACHAN FOREST CIRCLE, ABBOTTABAD.

.....

Mr. Nafees-ur-Rehman, Forest Guard is hereby  
adjusted in Lower Kachan Forest Division Belakot against  
an existing vacancy with immediate effect in the interest  
of public service.

Sd/- (Syed Noor Aziz Shah)  
Conservator of Forests,  
Siran Kachan Forest Circle,  
Abbottabad.

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Memorandum:

Copy forwarded to :

1. The Divisional Forest Officer, Lower Kachan Forest Division  
Belakot.
2. Mr. Nafees-ur-Rehman, Forest Guard.

for information and necessary action.

*[Handwritten Signature]*  
CONSERVATOR OF FORESTS  
SIRAN KACHAN FOREST CIRCLE  
ABBOTTABAD.