

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
AT CAMP COURT, ABBOTTABAD

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
SALAH-UD-DIN ... MEMBER (Judicial)

Service Appeal No.1445/2023

Date of presentation of Appeal.....10.07.2023
Date of Hearing.....28.11.2023
Date of Decision.....28.11.2023

Saleem Khan son of Zareen Khan, resident of Dassu Kohistan presently Incharge Kamila Forest Sub Division of Upper Kohistan.....(**Appellant**)

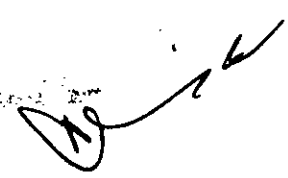
Versus

1. **The Government** of Khyber Pakhtunkhwa Peshawar through Secretary Forest Peshawar.
2. **Chief Conservator of Forest Region-II**, Abbottabad.
3. **Conservator of Forest**, Upper Hazara Forest Circle Mansehra.
4. **Division Forest Officer**, Upper Kohistan Forest Division Dassu.
5. **Jameer Khan son of Ahmad** present Incharge Herband Forest Sub Division of Upper Kohistan Forest Division.....(**Respondents**)

Present:

Mr. Fazal Haq, Advocate.....For the appellant
Mr. Asif Masood Ali Shah, Deputy District Attorney.....For respondents

.....
APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER NO.38 DATED 23.05.2023, PASSED BY RESPONDENT NO.3 WHEREBY APPELLANT IS TRANSFERRED FROM INCHARGE KOMILA FOREST SUBDIVISION OF UPPER KOHISTAN FOREST DIVISION TO INCHARGE HERBAN FOREST SUBDIVISION OF UPPER KOHISTAN FOREST DIVISION, WHEREBY THE RESPONDENT NO.5 IS ADJUSTED TO BE INCHARGE KOMILA FOREST SUBDIVISION OF UPPER KOHISTAN FOREST DIVISION WHICH IS AGAINST THE LAW, FACTS, CIRCUMSTANCES, VOID, ILLEGAL, UNDER THE POLITICAL PRESSURE, AGAINST THE RULES OF NATURAL JUSTICE AND AGAINST THE DEPARTMENTAL POLICY.



JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Brief facts of the case, as enumerated in the memo and grounds of appeal are that appellant was serving as Incharge Komila Subdivision, Upper Kohistan. While serving on the said post, vide impugned order dated 23.05.2023, he was transferred from Komila Forest Subdivision to Harban Forest Subdivision, Upper Kohistan in his own pay & scale and private respondent No.5 was posted on his post in own pay & scale.

02. Feeling aggrieved, the appellant filed departmental appeal on 29.05.2023, which was rejected on 07.07.2023. Therefore, he filed the instant service appeal.

03. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

04. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents.

05. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order(s).

06. The impugned order dated 23.05.2023 from which the appellant was aggrieved, is reproduced as under:



"As desired by Minister for Climate Change, FE&WD Khyber Pakhtunkhwa Peshawar and communicated through telephonic message of Chief Conservator of Forests Region-I, Peshawar and Chief Conservator of Forests Region-II Abbottabad dated 23.05.2023, the following posting/transfer amongst the Foresters is hereby ordered in the interest of public service with immediate effect till further orders:

S.#	Name of Forester	From	To
1.	Mr. Saleem Khan	Incharge Komila Forest Sub Division of Uper Kohistan Forest Division	Incharge Harban Forest Sub Division of Uper Kohistan Forest Division in his own pay scale
2.	Mr. Jamair Khan	Incharge Harban Forest Sub Division of Uper Kohistan Forest Division scale	Incharge Komila Forest Sub Division of Uper Kohistan Forest Division in his own pay and scale

Sd/- (Farrukh Sair)
Conservator of Forests
Upper Hazara Forests Circle Mansehra
Memo:

Copy forwarded to:-

1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar for information with reference to telephonic message dated 23.05.2023.
2. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for information with reference to telephonic message dated 23.05.2023. It is requested to kindly approach the competent authority to post suitable



SDFOs on both Forest Sub-Divisions on urgent basis to ensure forest conservancy. The affairs of both Forest Sub-Divisions cannot be left at the mercy of Foresters.

3. *The Divisional Forest Officer Upper Kohistan Forest Division Dassu for information and necessary action.*

*Conservator of Forests
Upper Hazara, Forest Circle
Mansehra"*

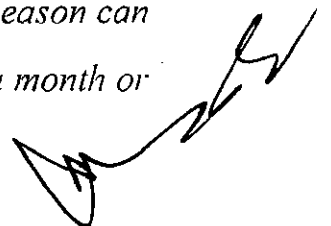
07. Perusal of impugned order in the start of which "*As desired by Minister for Climate Change, FE&WD Khyber Pakhtunkhwa Peshawar*" has been stated, would show that the Conservator of Forests Upper Hazara Forest Circle Mansehra was asked for transfer and posting of the appellant and private respondent, by the Minister for Climate Change who had nothing to do with transfer of employees. When the said point was confronted to the learned Deputy District Attorney, he could not rebut the stance of the appellant that the impugned posting transfer order was politically motivated.

08. The second flaw in the impugned order was that the appellant as well as the private respondent, both are Foresters of BPS-12, while they were posted against the post of SDFO (BPS-17), therefore, none of the two are having any *locus standi* to strive for posting in their own pay and scale, against a post in a higher grade. Even the civil servant, who is in the relevant grade cannot claim posting against his choice post rather it is the domain and prerogative of the departmental authorities to post a Civil Servant against any post. Reliance is placed on 2018 SCMR 1411 titled "*Khan Muhammad versus Chief Secretary Government of Balochistan and others*", wherein the Supreme Court of Pakistan held that "*The impugned*



notification stipulates that the petitioner and the respondent No.3 were posted/transferred in their "own pay and scale". In the case of Province of Sindh v. Ghulam Fareed (above) it was held, that posting/transferring a civil servant on his own pay and scale (OPS) is not legally permissible:

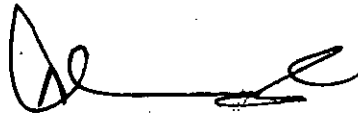
"11. We have inquired from the learned Additional Advocate-General to show us any provision of law and or rule under which a Civil Servant can be appointed on higher grade/post on OPS basis. He concedes that there is no specific provision in the law or rule which permits appointment on OPS basis. He, however, submitted that in exigencies the Government makes such appointments as a stop gap arrangement. We have examined the provisions of Sindh Civil Servants Act and the Rules framed thereunder. We do not find any provision which could authorize the Government or Competent Authority to appointment [of] any officer on higher grade on "Own Pay And Scale Basis". Appointment of the nature that, too of a junior officer causes heart burning of the senior officers within the cadre and or department. This practice of appointment on OPS basis to a higher grade has also always been discouraged by this Court, as it does not have any sanction of law, besides it impinges the self respect and dignity of the Civil Servants who are forced to work under their rapidly and unduly appointed fellow officers junior to them. Discretion of the nature if allowed to be vested in the Competent Authority will offend valuable rights of the meritorious Civil Servants besides blocks promotions of the deserving officers." The Supreme Court further held that "18. Under section 10 of the Act a civil servant cannot insist to be posted or transferred to a particular post but this does not mean that a civil servant can be made to serve under a subordinate. Moreover, while section 10 does not prescribe a minimum period during which a civil servant must serve at his post it does not mean that the Government without assigning any reason can move a civil servant from the place he was posted to after a month or



subject the civil servant to repeated postings in a short period of time because this would amount to punishing him. Such postings also adversely affect the public interest and result in the wastage of scarce resources and constitute bad governance."

09. Therefore, the instant service appeal is disposed of with direction to the competent authority to make transfers in view of the Posting/Transfer Policy clause xiii, ensuring the posting of proper person in grade 17 against the post of Incharge of both the Forest Subdivisions. Consign.

10. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 28th day of November, 2023.*



KALIM ARSHAD KHAN
Chairman



SALAH-UD-DIN
Member (Judicial)

S.A #. 1445/2023


ORDER


28th Nov. 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, the instant service appeal is disposed of with direction to the competent authority to make transfers in view of the Posting/Transfer Policy clause xiii, ensuring the posting of proper person in grade 17 against the post of Incharge of both the Forest Subdivisions. Consign.

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(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad

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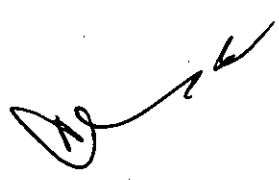
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SCANNED
KPBT
Peshawar



JUDGMENT

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*Sd/- (Farrukh Sair)
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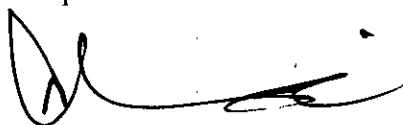
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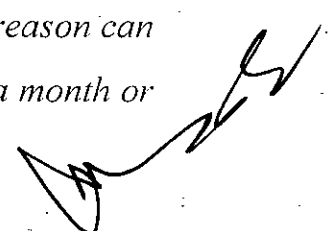
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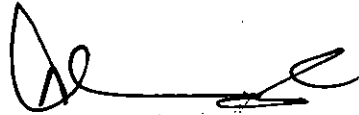
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subject the civil servant to repeated postings in a short period of time because this would amount to punishing him. Such postings also adversely affect the public interest and result in the wastage of scarce resources and constitute bad governance."

09. Therefore, the instant service appeal is disposed of with direction to the competent authority to make transfers in view of the Posting/Transfer Policy clause xiii, ensuring the posting of proper person in grade 17 against the post of Incharge of both the Forest Subdivisions. Consign.

10. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 28th day of November, 2023.*



KALIM ARSHAD KHAN
Chairman



SALAH-UD-DIN
Member (Judicial)

SCANNED
KPST
Peshawar

Mutazem Shah

S.A #. 1445/2023


ORDER


28th Nov. 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. Vide our detailed judgment of today placed on file, the instant service appeal is disposed of with direction to the competent authority to make transfers in view of the Posting/Transfer Policy clause xiii, ensuring the posting of proper person in grade 17 against the post of Incharge of both the Forest Subdivisions. Consign.
3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 28th day of November, 2023.*

SCANNED
KPBT
Peshawar

Muazzam Shah


(Salah-ud-Din)
Member (J)


(Kalim Arshad Khan)
Chairman
Camp Court, Abbottabad


24.11.2023

Learned counsel for the appellant present. Mr. Muhammad Anwar, SDFO alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that due to some domestic engagement, he has been unable to go through the record. He made commitment that he will positively argue the appeal in hand on the next date. Adjourned. To come up for arguments on 28.11.2023 before the D.B at Camp Court Abbottabad. Learned counsel for the appellant shall ensure his appearance and addressing of arguments on the date fixed, failing which the appeal in hand will be decided on merit on the available record. Parcha Peshi given to the parties.

Naeem Amin

(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)


16.11.2023

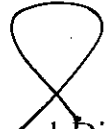
Mr. Saeed Ullah Qureshi (Brother of the appellant) present and submitted Special Power of Attorney on behalf of the appellant, which is placed on file. Mr. Naseer Gul, Superintendent alongwith Mr. Muhammad Jan, District Attorney for the respondents present.

Attorney of the appellant again requested for adjournment on the ground that learned counsel for the appellant is indisposed. Interim relief in the shape of suspension of impugned order was granted in favour of the appellant on 11.07.2023 and since then the appeal in hand is lingering on, therefore, last opportunity is granted. Adjourned. To come up for arguments on 24.11.2023 before the D.B. Learned counsel for the appellant shall make sure his presence for addressing of arguments on the date fixed. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

Naeem Amin



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

14.11.2023

Mr. Saeed Ullah Qureshi (Brother of the appellant) present. Mr. Naseer Gul, Superintendent alongwith. Mr. Muhammad Jan, District Attorney for the respondents present.

Comments on behalf of respondents have already been submitted through office, which are placed on file. Brother of the appellant requested for adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. Last opportunity granted. To come up for arguments on 16.11.2023 before the D.B. Parcha Peshi given to the parties.



(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)


30th Oct, 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney alongwith Naseer Gul, Assistant for the respondents present.

2. Despite last chance written reply on behalf of respondents not submitted. Representative of the respondents seeks further time for submission of written reply. Another opportunity is granted on enhancement of costs of Rs. 4000/-. To come up for written reply/comments on 14.11.2023 before S. B. P.P given to the parties.


(Rashida Bano)
Member (J)

At late hours of the court i.e 04:45 pm representative of the respondents submits that reply/comments is reached on table of Secretary Forestry, Environment & Wildlife for signature, therefore, he requested for short adjournment for submission of written reply. Request is acceded to on cost of Rs. 2000/-. He may do so within three days. To come up for arguments on 14.011.2023 before D.B. P.P given to the parties.


(Rashida Bano)
Member (J)

SCANNED
KPBT
Peshawar

Kaleem Ullah
Late Diary
30.10.2023

SCANNED
KPBT
Peshawar

Kaleem Ullah

SA 1445/2023

04th Oct. 2023

01. Counsel for thje appellant present. Mr. Asif Masood Ali Shah, DDA alongwith Safdar Shah, SDFO for the respondents present.

02. Reply/comments on behalf of the respondents not submitted. Representative of the respondents requested for further time. Last opportunity is granted to the respondents. In case they fail to submit reply, next adjournment will be granted on cost of Rs. 2000/-. To come up for reply/comments 18.10.2023 before the S.B. PP given to the parties.

SCANNED
KPST
Peshawar

18th Oct, 2023

1. Appellant in person present. **(FAREEHA PAUL)**
Fazle Subhan, PS Mr. Asif Masood Ali Shah, **Member (E)**
Deputy District Attorney for the respondents present.

2. Reply/comments not submitted. Learned Deputy District Attorney seeks time to contact the respondents for submission of reply/comments. Another opportunity is granted subject to payment of cost of Rs. 2000/-. To come up for reply/comments on 30.10.2023 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)


SCANNED
KPST
Peshawar

31st Aug. 2023

1. Junior to counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Mr. Naseer Gul, Assistant for official respondents present.

2. Reply on behalf of respondents is still awaited. Representative of official respondents requested for time to submit reply/comments. Granted by way of last chance. This case pertains to Camp Court, Abbottabad, therefore, let it be fixed for reply/comments on 25.09.2023 before S.B at Camp Court, Abbottabad. P.P given to the parties.

SCANNED
KPST
Peshawar

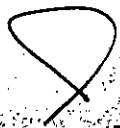

(Kalim Arshad Khan)
Chairman

Mutazem Shah

25.09.2023

Learned counsel for the appellant present. Mr. Naseer Gul, Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents present and again sought time for submission of reply/comments. Last opportunity granted. To come up for reply/comments on 04.10.2023 before the S.B at Principal seat Peshawar. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


Member (J)
Camp Court Abbottabad

Naeem Amin

25.07.2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for official respondents No. 1 to 4 present. None present on behalf of private respondent No. 5 despite issuance of proper notice hence placed ex-parte.

Reply/comments on behalf of official respondents not submitted. Learned AAG seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 16.08.2023 before S.B. P.P given to the parties. The operation of impugned order shall remain suspended till the date fixed.



(Muhammad Akbar Khan)
Member (I)

Kamranullah

16.08.2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Written reply not submitted. Learned Additional Advocate General seeks time for submission of written reply. Adjourned. To come up for written reply/comments on 31.08.2023 before S.B. P.P given to parties.



(Rashida Bano)
Member (J)

KaleemUllah

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

11th July, 2023 1. Learned counsel for the appellant argued that impugned order was passed on 23.05.2023 against which departmental appeal was filed by the appellant on 29.05.2023 which was rejected by the appellate authority vide order dated 07.07.2023. He argued that the impugned posting/transfer order being premature because he was transferred as incharge of Komila Forest Sub-Division on 23.12.2023 and just after five months he again transferred as Incharge Harban Forest Sub-Division Upper Kohistan. He also argued that the impugned transfer order was issued at the wishes and desire of Minister for Climate Change as is evident from impugned order, therefore, seem to be politically motivated, which is violation of celebrated judgment of august Supreme Court of Pakistan reported as PLD 2013 Supreme Court 195, Anita Turab Case. Thus, appeal of the appellant is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 25.07.2023 before S.B. P.P given to learned counsel for the appellant.

2 Annexed with the appeal there is an application for suspension of operation of impugned order. In the meanwhile, the operation of impugned order shall remain suspended till the date fixed.



(Rashida Bano)
Member (J)

FORM OF ORDER SHEET

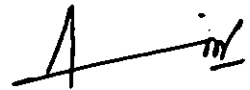
Court of _____

Appeal No. 1445/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	10/07/2023	The appeal of Mr. Saleem Khan vs. _____ Mr. Fazal Haq Advocate. It is fixed for perusal before Single Bench at Peshawar on <u>11.7.2023</u>

**SCANNED
KPST
Peshawar**

By the order of _____



REGISTER

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service appeal no. 1445/2023

Saleem Khan

VERSUS

Government of Khyber Pakhtunkhwa & Others

APPLICATION FOR URGENT BASIS THE SERVICE APPEAL
TRANSFER AND POSTING

1. That the appellant is transferred in charge Komaila Forest Sub-Division of Upper Kohistan Forest Division to in charge herban Forest Sub Division of Upper Kohistan Forest Division without law, without proposal of the concern authority
2. That the transfer/posting of appellant to Pre-mature stage e.i illegal against the Departmental Policy, without rules and regulation.
3. That the matter is in hand urgent and the application of urgency to integral part of the service appeal.


Prayers:

It is therefore humbly prayed that on acceptance of this application, and to listen this service appeal today in hand.

Dated: 10/07/2023

Through


Petitioner


Fazal E. H. H.
Advocate High Court
Peshawar

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No 1445 of 2023

SCANNED
KPST
Peshawar

Saleem Khan.....Appellant

VERSUS

The Govt. of KPK through Secretary Forest
Peshawar etc..... Respondents

APPEAL
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Dated 07.07.2023


Saleem Khan
(Appellant)

03009556731

Through:-


FAZAL HAQ
ADVOCATE HIGH COURT
Kohistan

03462728625

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service appeal No 1445 of 2023

Sl. No. 6342

Dated 10/7/2023

Saleem Khan son of Zareen Khan, R/o
Dassu Kohistan Presently Incharge Kamila
Froest Sub Division Of Upper Kohistan forest
Division.....**Appellant**

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Sectary Forest Peshawar.
- 2) Chief Conservator Froest Region-II, Abbottabad.
- 3) Conservator of Forest Upper Hazara Forest Circle Mansehra.
- 4) Division Forest Officer Upper Kohistan Forest Division Dassu.
- 5) Jameer Khan, son of Ahmed Present Incharge Herband Froest Sub Division of Upper Kohistan Forest Division.

.....**Respondents**

Filed to day
M
10/07/23
Registered

APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER NO.38 DATED

23.5.2023, PASSED BY RESPONDENT NO.3
WHEREBY APPELLANT IS TRANSFERED
FROM IN-CHARGE KOMILA FOREST
SUBDIVISION OF UPPER KOHISTAN
FOREST DIVISION TO IN-CHARGE
HERBAN FOREST SUBDIVISION OF UPPER
KOHISTAN FOREST DIVISION, WHEREBY
THE RESPONDENT NO.5 IS ADJUSTED TO
BE INCHARGE KOMILA FOREST
SUBDIVISION OF UPPER KOHISTAN
FOREST DIVISION WHICH IS AGAINST
THE LAW, FACTS, CIRCUMSTANCES,
VOID, ILLEGAL, UNDER THE POLITICAL
PRESSURE, AGAINST THE RULES OF
NATURAL JUSTICE AND AGAINST THE
DEPARTMENTAL POLICY.

PRAYER:-

On the acceptance of the instant service appeal, the impugned order bearing no.38 dated 23.5.2023 passed by respondent no.3 may kindly be set aside declaring them illegal and against the law on the subject and the transfer of the appellant to be cancelled.

Respectfully Sheweth:-

1. That, the appellant was serving as in-charge Komila subdivision of the upper Kohistan Forest division.

(Copy of posting transfer order dated 23.12.2022 is annexed as Annexure "A").

2. That, the appellant was performing his duty efficiently and honestly as per the rule and regulations of the departmental policies.

3. That, the respondents transferred the appellant through order no.38 dated 23.5.2023 from the Komila Forest subdivision of the Upper Kohistan Forest Division to the HerbanForest subdivision Upper Kohistan Forest Division just after five months of the posting, which is illegal, against the law, fact, circumstances, void, under political pressure and against the departmental policy, rule, and regulation.

(Copy of transfer order no.38 dated 23.5.2023 is annexed as annexure "B")

4. That, the appellant filed a departmental appeal dated 29.5.2023. with respondent No.2 and rejection

order bearing no 123/E was received from the office dated 07.07.2023.

(Copy of departmental appeal is annexed as annexure "C" and copy of rejection order is annexed as annexure "D")

5. That, the appellant being aggrieved from the impugned order no.38 dated 23.5.2023 and act of respondent no.3 (officials) seek the gracious indulgence of this honourable tribunal inter alia on the following grounds:

GROUND:

- A) That, the appellant is the permanent residence of Komila Dassu Kohistan Upper and he is unable to travel Herban forest sub division upper Kohistan forest division daily.
- B) That, the act of respondents is illegal, void, based on mala-fide, discriminatory and under the political pressure and against the departmental policy or basic statute.
- C) That, the respondents pressurised, harass the appellant and there is also political pressure, which is clear from impugned order dated 23.5.2023.

- D) That, the act of respondent is quite clear from the impugned order no.38 dated 23.5.2023 which is against the natural justice, departmental policy, fair play, and equity.
- E) That, the respondents violated the rules and regulations regarding the arrival of appellant.
- F) That, the respondent no.5 did not get any proposal for transfer of appellant and the transfer was made just due to political influences.

PRAYER

On the acceptance of the instant service appeal, the impugned order bearing no.38 dated 23.5.2023 passed by respondent No.3 may kindly be set aside declaring them illegal and against the law on the subject and the transfer of the appellant to be cancelled.

Dated 07.07.2023


Saleem Khan
(Appellant)

Through:-


FAZAL HAQ
ADVOCATE HIGH COURT
Kohistan

VERIFICATION/CERTIFICATE :

I, Saleem Khan son of Zareen Khan, R/o Dassu Kohistan Presently Incharge Kamila Froest Sub Division of Upper Kohistan forest Division, do hereby solemnly affirm and declare that the contents of fore-going Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.


Saleem Khan
(DEPONENT)

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Saleem Khan..... **Appellant**

VERSUS

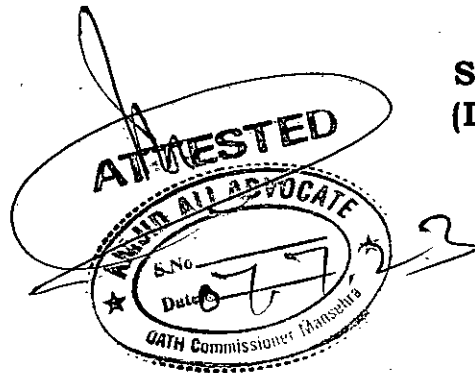
The Govt. of KPK through Secretary Forest
Peshawar etc..... **Respondents**

APPEAL

AFFIDAVIT

I, Saleem Khan son of Zareen Khan, R/o
Dassu Kohistan Presently Incharge Kamila
Forest Sub Division Of Upper Kohistan forest
Division, do hereby solemnly affirm and declare
on oath that the no such subject matter appeal
has ever been filed before this honorable court
nor pending nor decided. That the contents of
fore-going affidavit are true and correct to the
best of my knowledge and belief and nothing has
been concealed or suppressed from this
Honourable tribunal.

Dated 07.07.2023




Saleem Khan
(DEPONENT)

BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No ____ of 2023

Saleem Khan.....**Appellant**

VERSUS

The Govt. of KPK through Secretary Forest
Peshawar etc.....**Respondents**

APPEAL

APPLICATION FOR THE GRANT OF
TEMPORARY INJUNCTION AGAINST THE
RESPONDENTS TILL THE FINAL DISPOSAL
OF INSTANT APPEAL.

Respectfully Sheweth:


1. That the instant appeal is being filed by the petitioner before this honourable Tribunal.
2. That the instant application is integral part of instant appeal.
3. That the appellant has good prima facie case, balance of convince is also in favor of appellant and if temporary injunction is not granted the petitioner suffer irreparable lose.

It is humbly prayed that on the acceptance of this application order dated 23.5.2023 be stayed till the decision of the instant appeal.

Dated 07.07.2023


Saleem Khan
 (Appellant)

Through:-

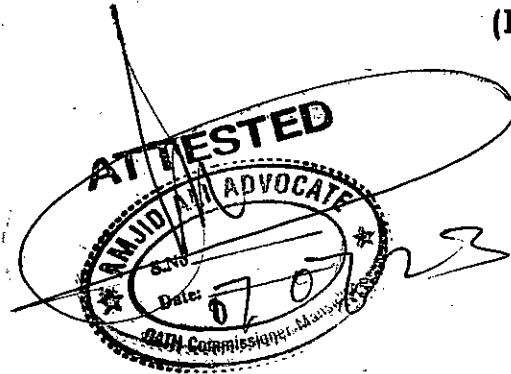

FAZAL HAQ
 ADVOCATE HIGH COURT
 Kohistan

AFFIDAVIT!

I, Saleem Khan son of Zareen Khan, R/o Dassu Kohistan Presently Incharge Kamila Froest Sub Division Of Upper Kohistan forest Division, do hereby solemnly affirm and declare that the contents of fore-going application are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed form this Honorable Tribunal.

Dated: 07.07.2023


Saleem Khan
 (DEPONENT)



BEFORE THE SERVICE TRIBUNAL
K.P.K PESHAWAR

Service appeal No _____ of 2023

Saleem Khan.....**Appellant**

VERSUS

The Govt. of KPK through Secretary Forest
Peshawar etc.....**Respondents**

APPEAL

CORRECT ADDRESSES OF THE PARTIES

APPELLANT:

Saleem Khan son of Zareen Khan, R/o
Dassu Kohistan Presently Incharge Kamila
Forest Sub Division Of Upper Kohistan forest
Division.

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa
through Sectary Forest Peshawar.
- 2) Chief Conservator Forest Region-II,
Abbottabad.
- 3) Conservator of Forest Upper Hazara
Forest Circle Mansehra.
- 4) Division Forest Officer Upper Kohistan
Forest Division Dassu.
- 5) Jameer Khan, son of Ahmed Present
Incharge Herband Forest Sub Division
of Upper Kohistan Forest Division.

Dated 07.07.2023



Saleem Khan
(Appellant)

Through:-


FAZAL HAQ
ADVOCATE HIGH COURT
Kohistan

P-11

Annure "A"

	DIVISIONAL FOREST OFFICER UPPER KOHISTAN FOREST DIVISION DASSU	Ph # 0998-407022 Fax # 0998-407022 dlfo@forest@gmail.com
No. 613		/E, dated DASSU 23 / 12 / 2022.

Mr. Saleem Khan,
Forester,
Komila Forest Sub-Division

Subject: POSTING TRANSFER OF FOREST RANGER TAKING THE CHARGE OF
KOMILA FOREST SUB-DIVISION THEREOF.

Consequent upon the transfer of Mr Muhammad Anwar Forest Ranger from Komila Forest Sub-Division to Patrol Squad Upper Hazara Forest Division Mansehra vide Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar office order No. 137, dated 23.12.2022 and as per telephonic discussion with the Chief Conservator of Forests, Northern Forest Region-II Abbottabad on 23.12.2022, you are hereby directed to look-over the charge of Komila Forest Sub-Division as stop-gap arrangement and till further order.


Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

Attested
7/7/23

No. **614-15** /E.

Copy forwarded to:-

1. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for favour of information with the request for the posting of suitable SDFO/RFO on Komila Forest Sub-Division please
2. The Conservator of Forests, Upper Hazara Forest Circle, Mansehra for favour of information please.


Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

P-12

Annule "B"

OFFICE ORDER NO. 38 DATED MANSEHRA THE 23 /05/2023 ISSUED BY
MR. FARRUKH SAIR CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE
MANSEHRA

As desired by Minister for Climate Change, FE&WD Khyber Pakhtunkhwa Peshawar and communicated through telephonic message of Chief Conservator of Forests Region-I Peshawar and Chief Conservator of Forests Region-II Abbottabad dated 23.05.2023, the following posting/transfer amongst the Foresters is hereby ordered in the interest of public service with immediate effect till further orders:

S.#	Name of Forester	From	To
1.	Mr. Saleem Khan	Incharge Komilla Forest Sub Division of Upper Kohistan Forest Division.	Incharge Harban Forest Sub Division of Upper Kohistan Forest Division in his own pay scale.
2.	Mr. Jamair Khan	Incharge Harban Forest Sub Division of Upper Kohistan Forest Division	Incharge Komilla Forest Sub Division of Upper Kohistan Forest Division in his own pay scale.

Sd/- (Farrukh Sair)
Conservator of Forests
Upper Hazara Forests Circle
Mansehra

Attest
7/7/2023

Memo: necessary action.

Copy forwarded to:-

1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar for information with reference to telephonic message dated 23.05.2023.
2. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for information with reference to telephonic message dated 23.05.2023. It is requested to kindly approach the competent authority to post suitable SDFOs on both Forest Sub-Divisions on urgent basis to ensure forest conservancy. The affairs of both Forest Sub-Divisions cannot be left at the mercy of Foresters.
3. The Divisional Forest Officer Upper Kohistan Forest Division Dasso for information and necessary action.

Conservator of Forests
Upper Hazara Forests Circle
Mansehra

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Annexure «C»

بخدمت جناب چیف کنزرویٹور صاحب فارسٹ ریجن-II ایبٹ آباد

اپیل نسبت حکم نمبر 38 مورخہ 23-05-2023 منجانب کنزرویٹور آف

فارسٹ اپر ہزارہ فارسٹ سرکل مانسہرہ



جناب عالی!

اپیل ذیل ہے۔

1- یہ کہ سائل بطور انچارج کامیلہ فارسٹ سب ڈویژن آف اپر کوہستان فارسٹ ڈویژن اپنے فرائض منسی احسن طریقہ سے ادا کر رہا ہے جو سائل کی ٹرانسفر متعلقہ جگہ مورخہ 23-12-2022 کو بمطابق قانون ہوئی۔ نقل آرڈر نمبر 613 مورخہ 23-12-2022 لف ہے۔

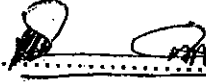
2- یہ کہ سائل کے خلاف کسی قسم کی کوئی بھی شکایت منجانب عوام الناس نہ ہے اسی طرح سائل اپنے فرائض منصبی خوش اسلوبی سے احسن طور پر ادا کر رہا ہے۔

3- یہ کہ سائل کو منجانب کنزرویٹور اپر فارسٹ ہزارہ سرکل ٹرانسفر آرڈر نمبر 38 مورخہ 23-05-2023 موصول ہوا جس کے مطابق سائل کو کامیلہ فارسٹ سب ڈویژن آف اپر کوہستان سے ہر بن فارسٹ سب ڈویژن اپر کوہستان فارسٹ ڈویژن ٹرانسفر کرنے کا حکم جاری ہوا ہے جو کہ سراسر غلط، خلاف قانون اور خلاف واقعات ہے بمطابق ٹرانسفر حکم کنزرویٹور نے جناب کہ بارے میں بھی اور منسٹر کلائی میٹ چیئنج، FE&WD، خیبر پختونخواہ میں لکھا کہ یہ ٹرانسفر آپ کہ اور منسٹر صاحب کہ ٹیلی فون کی وجہ سے کی گئی ہے۔ نقل لف ہے۔

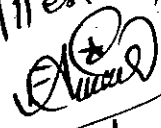
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استدعا ہے کہ سائل کی اپیل منظور فرماتے ہوئے سائل کو بطور انچارج کا میلہ فارسٹ سب ڈیڑون آف اپر کوہستان فارسٹ ڈویژن جو کہ سائل کا حق ہے آپ کہ زیر سایہ کام کرنے کی اجازت دی جائے۔


المرقوم: 29-05-2023



سليم خان ولد گل زرین خان ساکن داسوا پر کوہستان حال انچارج کا میلہ فارسٹ سب ڈیڑون آف اپر کوہستان

Attested

21/7/2023

P-15

<p>(KIFAYATULLAH BALOCH) CHIEF CONSERVATOR OF FORESTS NORTHERN FOREST REGION-II ABBOTTABAD</p>		<p>Civil Line Forest Offices Abbottabad ☎ 0992-9310410 Fax 0992-9310343 E-mail: ccfnorth@gmail.com</p>
<p>No. <u>123</u> /E dated Abbottabad the <u>7</u> / <u>7</u> /2023</p>		

Annexure "D"

Mr. Saleem Khan
s/o Gul Zareen Khan of Dassu
Upper Kohistan
Incharge Komela Forest Sub-Division

Subject: **APPEAL AGAINST OFFICE ORDER NO. 38 DATED 23.5.2023 ISSUED BY CONSERVATOR OF FORESTS UPPER HAZARA FOREST CIRCLE MANSEHRA**


Memo Reference your appeal on the subject dated 29.5.2023

Your appeal against office order No. 38 dated 23.5.2023 has been considered in the light of comments offered by Conservator of Forests Upper Hazara Forest Circle Mansehra vide his letter No. 83/E dated 6.7.2023 and hereby rejected.

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

No. /E
Copy forwarded to the Conservator of Forests Upper Hazara Forest Circle Mansehra for information and necessary action w/r to his letter no. referred above.

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

Attested

7/7/2023

وکالت نامہ

P-16

بعدالت جناب سر و سزٹر بیونل KPK پشاور

SCANNED
KPST
Peshawar

سليم خان
بنام
گورنمنٹ آف KPK وغیرہ
سر و سزٹر بیونل
منجانب:
باعث تحریر آنکہ!

اندریں مقدمہ عنوان بالا اپنی طرف سے برائے پیروی و جواب دہی بمقام.....

فضل الحق ایڈووکیٹ ہائی کورٹ کوہستان

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رزرو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہونگے اگر مقدمہ مقام پکھری کے آگے یا پچھھے ساعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کارروپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا، ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ فیس کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پرداختہ مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

مورخہ 07.07.2023

سليم خان ولد زرین خان ساکنہ داسو کوہستان حال انچارج کمیلا فارسٹ سب ڈویژن اپر کوہستان

فارسٹ ڈویژن..... اپیلانٹ

Attested & Accepted

FAZAL HAQ ADVOCATE

HIGH COURT (MANSEHRA)



لواء سروس کے لئے درخواست

سروس ایپل 14457/23

جناب عالی

سید محمد فاروق صاحب

لواء سروس کے لئے درخواست

ابراہیم کوہستان کا رہنے والا ہے

لواء سروس کو پیشاد آنا مشکل ہے

سید محمد فاروق 25-07-23

استدعا کی وجہ سے لواء سروس کے لئے درخواست

محررت ہے

الوفا سلیم خان لاہور ڈیپنٹنڈنٹ فاریسٹ ابراہیم کوہستان

المترجم 25-07-2023

VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No / 2023

Mr Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

st & others

(RESPONDENT)
(DEFENDANT)

Appellant

I hereby appoint and constitute **Noor Mohammad Khattak** Advocate Supreme Court to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. / / 202


CLIENT

ACCEPTED


NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN


KAMRAN KHAN


UMAR FAROOQ MOHMAND


MUHAMMAD AYUB


MAHMOOD JAN
ADVOCATES

&

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Cantt.
(0311-9314232)

SCANNED
KFST
Peshawar
3/11/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1445/2023

Saleem Khan S/O Zareen Khan
of Upper Kohistan Forest Division

APPELLANT

VERSUS

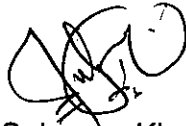
1. Government of Khyber Pakhtunkhwa through Secretary Forests, Peshawar.
2. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
3. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.
4. Divisional Forest Officer, Upper Kohistan Forest Division, Dassu.
5. Jameer Khan Son of Ahmad present incharge Harban Forest Sub Division Upper Kohistan Forest Division Dassu.

RESPONDENTS

WRIT PETITION

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6.	Copy of Notification No. SO(Estt:)FE&WD/1-50 (200) PD: dated 02/08/2023 regarding suspension of appellant.	"E"	0-9
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(Suleman Khan)
Divisional Forest Officer
Upper Kohistan Forest Division, Dassu
CNIC No. 17301-7123973 r7
Cell No. 03449587247

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**Diary No. 8846Dated 2-11-23**APPEAL NO. 1445/2023****SCANNED
KPST
Peshawar**Saleem Khan S/O Zareen Khan
of Upper Kohistan Forest Division**APPELLANT**

3/11/23

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Forests, Peshawar.
2. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
3. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.
4. Divisional Forest Officer, Upper Kohistan Forest Division, Dasso.
5. Jameer Khan Son of Ahmad present incharge Harban Forest Sub Division Upper Kohistan Forest Division Dasso.

RESPONDENTS**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 04**

Respectfully Sheweth;

PRELIMINARY OBJECTION

1. That the appellant has got no cause of action to file instant Service Appeal.
2. That the appellant is stopped by his own conduct to file Service Appeal.
3. That the appellant has not come to the court with clean hands.
4. That the appeal is misconceived and based on malafide, intentions.
5. That with the utmost respect this Honorable court has got no jurisdiction to adjudicate upon the subject appeal.

FACTS

Parawise comments are as under:

1. Incorrect. The actual position is that the appellant was appointed as Forest Guard in Upper Kohistan Forest Division Dassu and recently promoted against the vacant post of Forester vide DFO Upper Kohistan Forest Division Dassu Office Order No. 74 dated 16/06/2022. He was serving as Forest Guard in Forest Department till 15/06/2022 instead of Forester.

(Copy of promotion Order No. 74 dated 16/06/2022 is attached as Annexure – "A").

2. Incorrect. As per practice in vogue in Forest Department, SDFO (BPS-17) is posted as incharge of Forest Sub Division instead of Deputy Ranger or Forester, and due to shortage of SDFO the subordinate officers available in a Forest Division like RFO/Deputy Ranger or Forester are posted against the vacant post of SDFO under stop gap arrangement for a short duration. The appellant is Forester^{who} was entrusted the look after charge of Komila Forest Sub Division as stop gap arrangement vide DFO Upper Kohistan letter No. 613/E, dated 23/12/2022 and not posted on regular basis. Furthermore, the appellant is serving as Forester in BPS-10, while the said post of SDFO is meant for BPS-17 officer thus the appellant cannot be posted against the post of BPS-17 on regular basis.

(Copy of posting/adjustment letter No. 613/E, dated 23/12/2022 is attached as Annexure – "B").

3. Incorrect. The Conservator of Forests, Upper Hazara Forest Circle, Mansehra posted the appellant as incharge Harban Forest Sub Division vide Office Order No. 38 dated 23/05/2023 under stop gap arrangement.

(Copy of posting/transfer Office Order No. 38 dated 23/05/2023 is attached as Annexure – "C").

4. Incorrect. That appellant filed an appeal dated 29/05/2023 to the Chief Conservator of Forests Northern Forest Region-II Abbottabad, which was baseless and unjustified and the same was rejected by the Chief Conservator of Forests vide office letter No. 123/E, dated 07/07/2023.

(Copy of vide letter No. 123/E, dated 07/07/2023 is attached as Annexure – "D").

5. Incorrect. The appellant has no cause of action as he was posted on stop gap arrangement which does not give any right to him as such.

It is further added that the appellant i.e. Mr. Saleem Khan, Forester being a co-accused and involved in the incident of timber smuggling from Upper Kohistan Forest Division to down area, has been placed under suspension vide Notification No. SO (Estt:) FE&WD/1-50 (200) PF: dated 02/08/2023, the enquiry proceedings are under way and not finalized as yet.

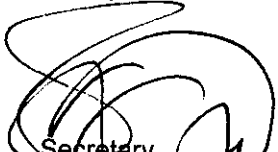
(Copy of Notification No. SO (Estt:) FE&WD/1-50 (200) PF: dated 02/08/2023 attached as Annexure "E").

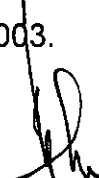
GROUNDS


- A. It is incorrect. The Government servant is bound to perform his duty on daily basis where he is posted.
- B. Incorrect. Appellant being Forester BPS-10 (Not SDFO/RFO) was posted on stop gap arrangement basis, due to shortage of SDFOs/RFOs in the Forest Division in the best public interest. It does not render confer any right of appeal to any Forster (BPS-10) posted on stop gap arrangement in his own pay scale.
- C. Incorrect. Already explained above.
- D. Incorrect. Already explained above.
- E. Incorrect. The transfer was ordered in the best public interest.
- F. Incorrect. Respondent No. 03, being competent authority has issued order of posting/transfer adjustment of appellant in the best public interest, hence there is no need for proposals in this regard.

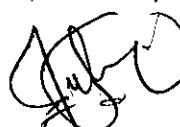
PRAYERS

In view of the above facts available on record, it is humbly prayed that the appeal is being unfounded, unjustified and against the law thus it may please be dismissed with cost in the best interest of the state as posting/transfer is the part of job in light of Section-10 of Civil Servant Act, 1973 and posting/transfer policy of the Provincial Government, 2003.


Secretary
Govt. of Khyber Pakhtunkhwa
Environment Department Peshawar
(Respondent No. 1)


Chief Conservator of Forests
Northern Forest Region-II
Abbottabad Khyber Pakhtunkhwa
(Respondent No. 2)


Conservator of Forests
Upper Hazara Forest Circle
Mansehra
(Respondent No. 3)


Divisional Forest Officer
Upper Kohistan Forest Division
Dassu
(Respondent No. 4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1445/2023

Saleem Khan S/O Zareen Khan
of Upper Kohistan Forest Division

APPELLANT

VERSUS

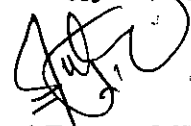
1. Government of Khyber Pakhtunkhwa through Secretary Forests, Peshawar.
2. Chief Conservator of Forests, Northern Forest Region-II, Abbottabad.
3. Conservator of Forests, Upper Hazara Forest Circle, Mansehra.
4. Divisional Forest Officer, Upper Kohistan Forest Division, Dasso.

RESPONDENTS

COUNTER AFFIDAVIT

The undersigned do hereby solemnly affirms and declare on oath that the contents of our written reply in the appeal is correct to the best of my knowledge and record and nothing has been concealed from the Honorable

Tribunal. *It is further stated that in this appeal the answering respondents have neither been placed ex-parte nor that defence has been struck off.*



Divisional Forest Officer
Upper Kohistan Forest Division
Dasso

ATTESTED

DISTRICT COURT PESHAWAR
2-11-23

Some of the most interesting and important
of the world's great cities are situated on the banks of rivers.

Annex-A

OFFICE ORDER NO. 74 DATED UPPER KOHISTAN THE 16 /06/2022
ISSUED BY HAYAT ALI DIVISIONAL FOREST OFFICER UPPER KOHISTAN FOREST
DIVISION DASSU

As recommended by the Departmental Promotion Committee constituted vide office order No.72 dated 31/05/2022 in its meeting held on 15/06/2022 and in pursuance of the Service Rules for recruitment/promotion to the post of Foresters promulgated vide Environment Department Notification No. SO (Estt) Env/1-465/2k12/2113 dated 14/3/2013 and further amendment vide Notification No. SO (Estt) FE&WD/1-465/2021 dated 04/06/2021, the following Forest Guards having qualified and satisfactory service record are hereby promoted to the rank of Forester in BPS-10(Rs.12160-800-38160) against the existing vacancies with immediate effect:-

1. Mr. Mohammad Saleem
2. Mr. Saleem Khan

The Foresters will remain under probation for a period of one year in terms of Section-8(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rules 15(1) of the Khyber Pakhtunkhwa Civil Servant (Appointment Promotion and Transfer Rules, 1989). In case of any lapse in service matters and negligence in discharge of official duty, he will be reverted to the rank of Forest Guard.

His promotion is purely temporary and will be liable to reversion at any time without assigning any reasons what-so-ever. Moreover it will be binding upon him to join his new place of posting within specified time period. In case of non compliance, the promotion order will be withdrawn.

Sd/-
(Hayat Ali)
Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

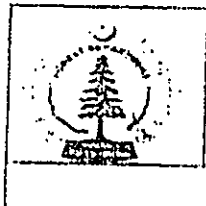
Memo:

Copy forwarded for information to:-

1. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad.
2. The Conservator of Forests Upper Hazara Forest Circle Mansehra.
3. The Section Officer (Estt :) Govt. of Khyber Pakhtunkhwa Environment Department Peshawar for information with reference to his No. SO (Estt)/FE&WD/1-3/2022 dated 07/06/2022.
4. The SDFO, Komila.
5. The SDFO, Harban.
6. The Range Officer Jalkot Range.
7. The Divisional Accountant Upper Kohistan Forest Division Dassu.
8. The Official concerned.

Naseer Gul
Assistant / Head Clerk
Upper Kohistan Forest Division
Dassu

Divisional Forest Officer
Upper Kohistan Forest Division
Dassu



DIVISIONAL FOREST OFFICER
UPPER KOHISTAN FOREST DIVISION DASSU

Ph # 0998-407022
Fax # 0998-407022
dfoukforest@gmail.com

No. 613

Dated Dassu, 23 / 12 / 2022

Mr. Saleem Khan,
Forester,
Komila Forest Sub-Division

Subject: POSTING TRANSFER OF FOREST RANGER TAKING THE CHARGE OF KOMILA FOREST SUB-DIVISION THEREOF.

Consequent upon the transfer of Mr. Muhammad Anwar Forest Ranger from Komila Forest Sub-Division to Patrol Squad Upper Hazara Forest Division Mansehra vide Chief Conservator of Forests, Central Southern Forest Region-I, Peshawar office order No. 137, dated 23/12/2022 and as per telephonic discussion with the Chief Conservator of Forests, Northern Forest Region-II Abbottabad on 23/12/2022, you are hereby directed to look over the charge of Komila Forest Sub-Division as stop-gap arrangement and till further order.

Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

Attested
[Signature]
7/7/23

Attested
[Signature]
Naseer Gul
Assistant / Head Clerk
Upper Kohistan Forest Division
Dassu

No. 514-15 /E

Copy forwarded to:

1. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for favour of information with the request for the posting of suitable SDFO/RFO on Komila Forest Sub-Division please.

2. The Conservator of Forests, Upper Hazara Forest Circle, Mansehra for favour of information please.

Divisional Forest Officer
Upper Kohistan Forest Division
Dassu

Annex-C

7

OFFICE ORDER NO 38 DATED MANSEHRA THE 23 /05/2023 ISSUED BY
MR. FARRUKH SAIR CONSERVATOR OF FORESTS, UPPER HAZARA FOREST CIRCLE
MANSEHRA

As desired by Minister for Climate Change, FE&WD Khyber Pakhtunkhwa Peshawar and communicated through telephonic message of Chief Conservator of Forests Region-I Peshawar and Chief Conservator of Forests Region-II Abbottabad dated 23.05.2023, the following posting/transfer amongst the Foresters is hereby ordered in the interest of public service with immediate effect till further orders:

S.#	Name of Forester	From	To
1.	Mr. Saleem Khan	Incharge Komilla Forest Sub Division of Upper Kohistan Forest Division	Incharge Harban Forest Sub Division of Upper Kohistan Forest Division in his own pay scale.
2.	Mr. Jamalr Khan	Incharge Harban Forest Sub Division of Upper Kohistan Forest Division	Incharge Komilla Forest Sub Division of Upper Kohistan Forest Division in his own pay scale.

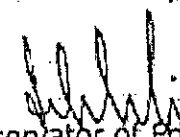
Sd/- (Farrukh Sair)
Conservator of Forests
Upper Hazara Forests Circle
Mansehra


Attested
7/7/023

Memo:

Copy forwarded to:-


1. The Chief Conservator of Forests, Central Southern Forest Region-I Peshawar for information with reference to telephonic message dated 23.05.2023.
2. The Chief Conservator of Forests, Northern Forest Region-II Abbottabad for information with reference to telephonic message dated 23.05.2023. it is requested to kindly approach the competent authority to post suitable SDFOs on both Forest Sub-Divisions on urgent basis to ensure forest conservancy. The affairs of both Forest Sub-Divisions cannot be left at the mercy of Foresters.
3. The Divisional Forest Officer Upper Kohistan Forest Division Dasso for information and necessary action.


Conservator of Forests
Upper Hazara Forests Circle
Mansehra


Naseer Ghani
Assistant Head Clerk
Upper Kohistan Forest Division
Dasso

Annex-D

8

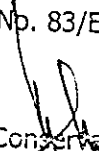
<p>(KIFAYATULLAH BALOCH) CHIEF CONSERVATOR OF FORESTS NORTHERN FOREST REGION-II ABBOTTABAD</p>		<p>Civil Line Forest Offices Abbottabad ☎ 0992-9310410 Fax 0992-9310343 E-mail: ccfnorth@gmail.com</p>
<p>No. <u>133</u> /E dated <u>Abbottabad</u> the <u>7</u> / <u>7</u> /2023</p>		

Mr. Saleem Khan
s/o Gul Zareen Khan of Dassu
Upper Kohistan
Incharge Komela Forest Sub-Division

Subject: **APPEAL AGAINST OFFICE ORDER NO. 38 DATED 23.5.2023 ISSUED BY CONSERVATOR OF FORESTS UPPER HAZARA FOREST CIRCLE MANSEHRA**

Memo Reference your appeal on the subject dated 29.5.2023

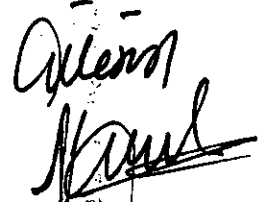
Your appeal against office order No. 38 dated 23.5.2023 has been considered in the light of comments offered by Conservator of Forests Upper Hazara Forest Circle Mansehra vide his letter No. 83/E dated 6.7.2023 and hereby rejected.


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

No. /E
Copy forwarded to the Conservator of Forests Upper Hazara Forest Circle Mansehra for information and necessary action w/r to his letter no. referred above.

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

Arrested
(Arrest)
7/7/2023


Naseer Gul
Assistant / Head Clerk
Upper Kohistan Forest Division
Dassu



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

Dated Peshawar the, 2nd August, 2023

NOTIFICATION

No. SO (ES&W)/FE&W/O/1-50 (200)/PF:

In continuation of this department's earlier Notification of even No. (5937-43), dated 19th June, 2023 and in pursuance of the Conservator of Forests, Upper Hazara Forest Circle, Mansehra report bearing letter No 8201/BSA, dated 22nd June, 2023, forwarded by Chief Conservator of Forests, Northern Forest Region-II, Abbottabad vide letter No. 10074/E, dated 22nd June, 2023, and in exercising his powers conferred under Rule-8 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Secretary Climate Change, Forestry, Environment & Wildlife, Government of Khyber Pakhtunkhwa) is pleased to place under suspension the services of Saleem Khan, Forester / Incharge Komala Forest Sub Division of Upper Kohistan Forest Division (being a co-accused and responsible for the incident of timber smuggling in Upper Kohistan Forest Division), for a period of 120-Days, with immediate effect.

2. Consequent to above, Mr. Javed Iqbal, Deputy Ranger/Incharge Range Forest Officer, Jalkot Forest Range, is hereby authorized to look after the work of the post of Sub Divisional Forest Officer, Komala Forest Sub Division of Upper Kohistan Forest Division, in the best public interest, with immediate effect, till further orders.

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

Encls: No. and date of even

Copy is forwarded to:-

- 1) Chief Conservator of Forest, Central Southern Forest Region-I, Peshawar.
- 2) Chief Conservator of Forests, NFR-II, Abbottabad w/ to his letter quoted above, with the request to furnish draft charge sheets and statement of allegations with specific charges against the above accused official forthwith, for initiating disciplinary proceedings against them under the said rules.
- 3) Conservator of Forest, Upper Hazara Forest Circle, Mansehra
- 4) Divisional Forest Officer, Upper Kohistan Forest Division, Dasso
- 5) Director Budget & Accounts Cell, FE&W department
- 6) PS to Secretary, CC, FE&W department
- 7) Official concerned C/O CCF-II, Abbottabad.
- 8) Master file.
- 9) Office order file.

(HAJIZ ABDUL JALIL)
SECTION OFFICER (EST)

2/8/23

Naseer Gul
Assistant / Head Clerk
Upper Kohistan Forest Division
Dasso

Annex-F

10

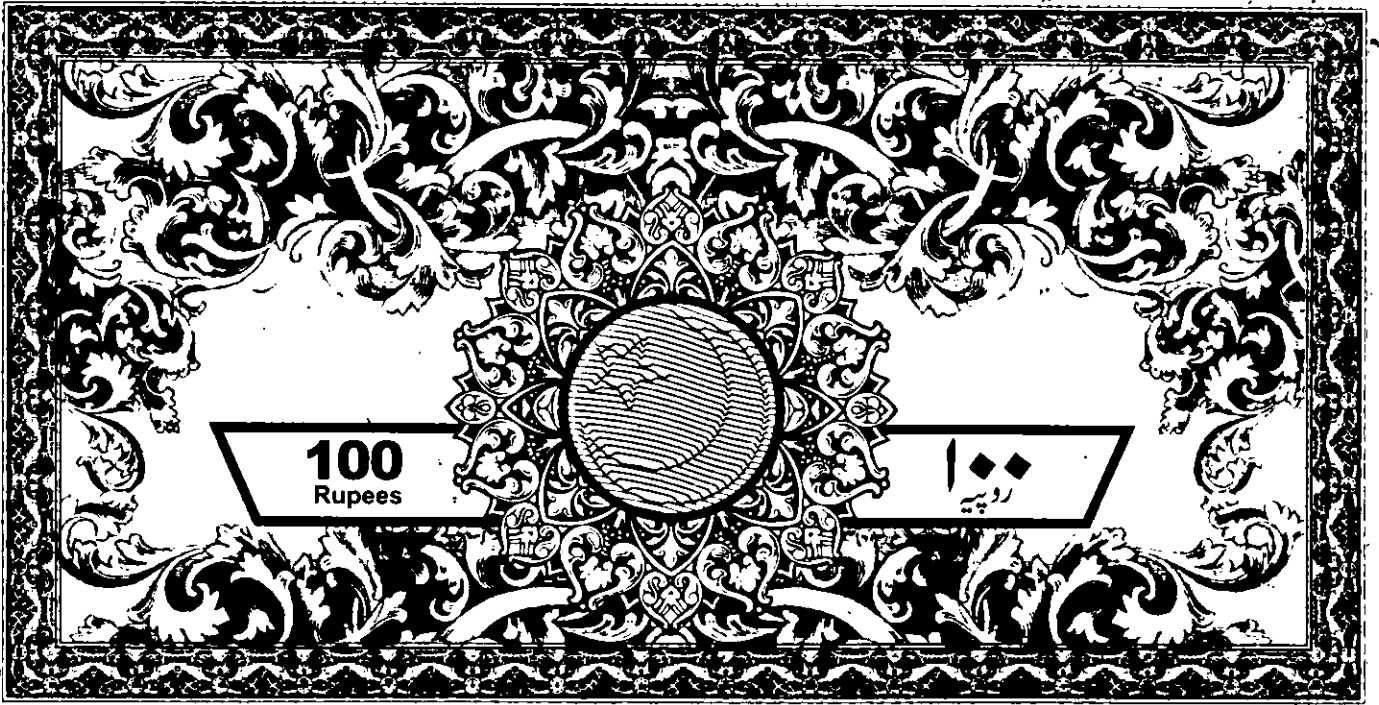
AUTHORITY LETTER

I, **Naseer Gul S/o Gul Hasan** representative of forest department upper Kohistan forest division Dasso is hereby authorize to submit para wise comments on behalf of secretary to Government of Khyber Pakhtunkhwa forestry environment and wild life department and others in service appeal no 1445/2023 in case titled Saleem khan Vs Govt. of KPK.

Whatever stated above is true and correct to the best of my knowledge and belief and nothing has been concealed here in.

Dated: - 02-11-2023


Divisional Forest Officer
Upper Kohistan Forest Division
Dasso



مختیار نامہ خاص برائے پیروی مقدمہ

مکتبہ سید محمد علی خان سید محمد علی خان سید محمد علی خان
 گواہی کے لئے والیوں کے لئے
 دہندہ کا مقدمہ زیر تجویز از ریاست ہے جس میں من مقرران بوجہ معروضات سے اصابت عدالت حضور میں آنے سے قاصر ہیں اسلئے اپنی جانب سے
 سید محمد علی خان سید محمد علی خان کو اختیار
 دیتے ہیں کہ وہ میری جانب سے عدالت میں حاضری دے، وکیل مقرر کرے، شہادت منجانب اختیار دہندگان قلمبند کرے، راضی نامہ کرے، جواب
 دعویٰ داخل کرے، فہرست گواہان پیش کرے، مقدمہ میں اپیل از حج سیشن جج تاہا ٹیکورٹ داخل کرے، نظر ثانی کرے، ہم اختیار دہندگان کو جملہ ساختہ و
 پرداختہ منظور قبول ہوگا اور جملہ کارروائی در مقدمہ منجانب اختیار دہندگان قبول و منظور ہے۔ المرقوم: 16/11/023

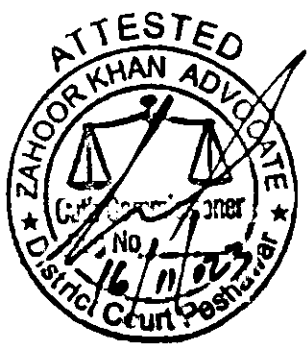
لہذا مختیار نامہ خاص برائے پیروی مقدمہ لکھ دیا تاکہ سند ہے اور بوقت ضرورت کام آئے۔

اختیار دہندہ سید محمد علی خان
 شناختی کارڈ نمبر: 9-0921282-13401

العبد

اختیار دہندہ سید محمد علی خان
 شناختی کارڈ نمبر: 5-8239707-13401

العبد



گواہ شد
 دستخط:
 نام:
 ولدیت:
 سکھ: 5-1605930-17301
 شناختی کارڈ نمبر:
 گواہ شد
 دستخط:
 نام:
 ولدیت:
 سکھ: 7-7906013-13401
 شناختی کارڈ نمبر:
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 شناختی کارڈ نمبر:

۱۵/۱۱/۲۳ سلیمان خان میٹرز سروسز، گان منٹول، سہیل سیر، انڈسٹریل ایریا

District Comptroller of Accounts
13 NOV 2023
(Treasury Wing) Peshawar.

IAROON YAR MUHAMMAD
STAMP VENDOR
Licence No. 100/2004/PHC Date 11-11-2020
(District Court Peshawar)
PESHAWAR TREASURY

AUTHORITY LETTER

Mr. Safdar Shah, SDFO (BPS-17) of Forest Department is hereby authorized to attend the Court of Service Tribunal on 04/10/2023 in case of Service Appeal No. 1445/2023 filed by Saleem Khan, Forester Versus Government of Khyber Pakhtunkhwa through Secretary Forests & others on behalf of DFO, Upper Kohistan Forest Division, Dassu.


Divisional Forest Officer
Upper Kohistan Forest Division
Dassu