

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

SERVICE APPEAL No.....2286/2023

Muhammad Abdus Samad S/o Abdul Ghafar Khan, Divisional Wildlife Officer,
Kohat Wildlife Division, KDA, Kohat.

..... (Appellant)

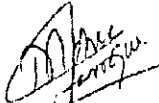
Versus

1. Govt of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa Peshawar
2. The Secretary, Govt. of Khyber Pakhtunkhwa, Climate Change,
Forestry, Environment & Wildlife, Peshawar
3. Chief Conservator Forest Central Southern Region-I, Khyber
Pakhtunkhwa, Peshawar
4. Conservator Wildlife, Southern Circle, Bannu

.....(Respondents)

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(Dr. Mubsin Farooque)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.2286/2023

Mr. Muhammad Abdus Samad
Divisional Forest Officer Wildlife
Kohat

..... (Appellant)

VERSUS

- 1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar
- 2. The Secretary to Government of Khyber Pakhtunkhwa Climate Change, Forestry, Environment and Wildlife Department, Peshawar.
- 3. The Chief Conservator Wildlife, Khyber Pakhtunkhwa, Peshawar (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth;

PRELIMINARY OBJECTIONS

- 1. The appeal is not maintainable in the present form.
- 2. The Appellant has no locus standi and cause of action to bring the present appeal.
- 3. The appeal is time barred and hit by limitations.
- 4. The appeal is non-maintainable for mis-joinder and non-joinder of proper parties.

ON FACTS:

- 1. No comments.
- 2. Correct to the extent that the appellant was appointed as Range Officer Wildlife (BPS-16) on 20/11/2008 upon recommendation of Khyber Pakhtunkhwa Public Service Commission. *Amie Safoor*
- 3. Correct to the extent that the appellant applied afresh for the post of Sub-Divisional Wildlife Officer (BPS-17) and after going through fresh competition, he was recommended by the Khyber Pakhtunkhwa Public Service Commission as Sub-Divisional Wildlife Officer (BPS-17) and appointed on 03/10/2014 against the post of Sub Divisional Wildlife Officer falling to the initial recruitment quota.
- 4. In Correct. The appellant has concealed the facts from the Tribunal because the Method of Recruitment to the post of Divisional Wildlife Officer (BS-18) is "by promotion from amongst the holder of the post of Sub Divisional Wildlife Officer (BPS-17) on seniority-cum fitness having five years' Service as such & passing of departmental Examination". According to online Collin's Dictionary definition the phrase "AS SUCH" means i) "with respect

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[Signature]
Superintendent
Wildlife Head Office
Peshawar

to its inherent nature, or when used after a noun it means considering a thing on its own, separately from other things / factor. Therefore, 05-Years Regular Service in BS-17 is must for promotion to BS-18 in *accord with existing Service Rules of Wildlife Department Khyber Pakhtunkhwa*. The Appellant mentioned the relevant portion of Promotion Policy 2008. However, Service Rules for a post framed on the recommendation of Standing Service Rules Committee (SSRC) are superior to the policy. Policy guidelines are issued by the Govt as a general procedure for all kind of promotions and length of service prescribed in the policy is applied when no specific length is mentioned in the Rules, as promotion is always made on existing Service Rules of the concerned Deptt: to specific post / vacancy subject to many other fitness parameters. (Copy of notification dated 08/10/2007 of Service Rules relating the post of Divisional Wildlife Officer is attached for ready reference **Annex-I**). Moreover, the appellant has already availed the Benefits of BS-18 w.e.f. 17/01/2018 on appointment on Acting Charge Basis according to Rule 9(1) of the APT Rules, 1989 (**Annex-II**) and when she completed 05 Years' Service in BS-17, then promoted on regular basis on 13/07/2020 vide notification No. SO(Estt)/FE&WD/II-8/2020 (**Annex-III**). ***It is noteworthy that service in lower grade (BS-16 & below) is countable towards length of service for promotion to BS-18 only if the holder of BS-16 post moves to BS-17 and BS-18 through promotion, whereas the appellant was selected to BS-17 as a fresh candidate by the Khyber Pakhtunkhwa Public Service Commission through competitive process.***

5. In-correct. As already explained in Para 4 above, the applicant has concealed the facts from the Tribunal.
6. Incorrect. The appellant is misleading the Tribunal. The fact is that the appellant filed departmental appeal for alteration of Seniority List of the post of Deputy Conservator Wildlife/Divisional Wildlife Officer (BPS-18), however the appeal of the appellant was rejected by the competent authority **partially** as per prevailing rules with the condition that all financial benefits of previous service in BS-16 may be given to the applicant as per rules and policy. As confirmed from the Budget & Accounts Cell of this Department all previous financial benefits of BS-16 as well as financial benefit of appointment on Acting Charge Basis (A.C.B) in BS-18 have already been given to the appellant properly. (**Annex-IV**). It is pointed out that as evident from Column 4 Sr. No. ¹⁵13 of the Seniority List **20.11.2008** is reflected as date of 1st entry into Government Service and 13.07.2020 reflected as the date of appointment to the present post i.e. BS-18 (**Annex-V**). It is pointed out that length of service alone is not determining factor in determination of seniority in a cadre or service. In terms of Section-8(3) read with Rule-17(1) (a) and 17 (2), seniority, in case of initial appointment, is determined on the

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[Signature]
 Superintendent
 Wildlife Head Office
 Peshawar

basics of merit assigned by the Khyber Pakhtunkhwa Public Service Commission and date of regular appointment. As pointed out at para-1 above, the appellant was appointed to BS-17 through initial recruitment by the Khyber Pakhtunkhwa Public Service Commission.

7. As already explained in paras 5 & 6, the appellant is not an aggrieved person and merely wasted the precious time of the Court/Tribunal as well as the Govt/Deptt. Therefore, the Instant Service Appeal may be dismissed straightaway with cost.

ON GROUNDS

- A). Pertains to record, hence needs no comments.
- B). As already explained in Para 4, 5 & 6 of the facts.
- C). As already explained in Para 4, 5 & 6 of the facts.
- D). Incorrect, The appellant is misleading this Hon'ble Tribunal because her appeal was considered by the competent authority and rejected **partially** on grounds mentioned in para-6 of the facts.
- E). Incorrect, as already explained in para 4, 5 & 6 of the facts.
- F). Incorrect, no discrimination with appellant has been made by the department.
- G). Incorrect, as already explained in para 4, 5 & 6 of the facts.
- H). Incorrect. The appellant was appointed to BS-18 on Acting Charge Basis and then promoted as Deputy Conservator Wildlife/Divisional Wildlife Officer (BPS-18) on regular basis vide Notification dated 13/07/2020 in accordance with the rules and the policy.
- I). The respondents also seek leave to raise additional grounds at the time of arguments.

In view of the above exposition, it is most humbly prayed that the instant service appeal may kindly be dismissed with cost being devoid of merit as the appellant has been treated according to existing Service Rules & Policy of the Provincial Govt, please.

افتخار الزمان
 Conservator Wildlife
 Southern Circle Bannu
 (Respondent No.4)

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

Secretary
 Government of Khyber Pakhtunkhwa
 Climate Change, Forestry,
 Environment and Wildlife Department
 (Respondent No.2)

Chief Secretary
 Khyber Pakhtunkhwa
 (Respondent No.1)

سید نثار حسین شاہ (۱۴۲)

Annex - T

DINARY
IMENT



REGISTERED NO. PIII

GAZETTE

4

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 10TH OCTOBER, 2018.

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE ENVIRONMENT DEPARTMENT

NOTIFICATION.

Peshawar dated the 08/10/2007

NO.SO(Estt) /Envt/II-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/I-465/88/Vol-IV, dated 26/01/1993, the following further amendments shall be made, namely:

AMENDMENT

In the Appendix, under the heading "WILDLIFE WING PART-I, PROFESSIONAL POSTS" for the existing entries in columns 2 to 5 against S.No.2,3 & 4, the following entries respectively be substituted namely:-

1.	2.	3.	4.	5.
2)	Deputy Conservator Wildlife/Divisional Wildlife Officer (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst holders of posts of Sub Divisional Wildlife Officers (BPS-17) with five years' service as such, who have successfully completed such training or passed such Departmental Examination as prescribed by Government for this purpose.
3)	Sub Divisional Wildlife Officer (BPS-17)	(i) Master degree in Wildlife, Forestry or National Park Management from a recognized University/ Institute; or (ii) M.Sc. Zoology or Botany in 2nd Division from a recognized University; or (iii) B.Sc. Wildlife/ Forestry or Bachelor of Veterinary Science/ B.Sc. Animal Husbandry or Doctor of Veterinary Medicine, from a recognized University/institute.	21-32 Years	(a) Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Range Officers with at least five years service as such; and (b) Eighty percent by initial recruitment. NOTE: Appointment of candidates selected for the posts by the Public Service Commission shall be made subject to the following conditions:- 1) The selected candidates shall undergo and successfully complete the

[Signature]
Superintendent
Wildlife Head Office
Peshawar

[Signature]
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		<p>Note: Qualifications at S.No. ii & iii will only be considered when no suitable candidate with the qualification at S.No. i is available.</p>	<p>training at the Pakistan Forest Institute leading to M.Sc Forestry Degree. Those already having MSc Forestry Degree from Pakistan Forest Institute shall be exempted from such training.</p> <p>2) The selected candidates shall produce certificate from the Standing Medical Board at Peshawar, regarding their physical and mental fitness for performing the duties required of them.</p> <p>3) The selected candidates undergoing training at Pakistan Forest Institute shall execute a bond with the Wildlife Department to the effect that on successful completion of the training, they shall serve the Government for at - least five years or in default shall refund all the expenses incurred in connection with their training and education.</p>
4)	Ranger Officer (BPS-16)	<p>(i) B.Sc. in Wildlife Management/Wildlife Ecology/Wildlife Biology from a recognized University or institute with at least 2nd Division; or</p> <p>(ii) B.Sc Forestry from Pakistan Forest Institute, Peshawar in 2nd Division; or</p> <p>(iii) B.Sc from a recognized university in Zoology/ Botany as one of the subject in 2nd Division. NOTE: Qualifications at serial No. iii will only be considered when no suitable candidate with qualification at serial No. i and ii, is available.</p>	<p>(a) Sixty-seven percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Deputy Rangers with at least four years service as such; and</p> <p>(b) Thirty-three percent by initial recruitment.</p> <p>NOTE: Appointment of candidates selected for the posts by the Public Service Commission shall be subject to the following conditions:- (1) The selected candidates shall undergo and successfully complete the training at the Pakistan Forest Institute leading to B.Sc Forestry Degree. Those already having BSc Forestry Degree from Pakistan Forest Institute shall be exempted from such training.</p> <p>(2) The selected candidates shall produce certificate from the Standing Medical Board at Peshawar for physical and mental fitness for performing the duties required of them.</p> <p>(3) The selected candidates shall execute a bond with the Wildlife Department, to the</p>

Attested

M. P. S.

Superintendent
Wildlife Department
Peshawar

			effect that on successful completion of the training, they shall serve the Government for at least five years or in default shall refund all the expenses incurred in connection with their training and education
--	--	--	--

-Sd -
 Secretary to Govt. of NWFP
 Environment Department.

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

Attested

M. J. Khan
 Superintendent
 Wildlife Head Office
 Peshawar

1/07
-I

**GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
ENVIRONMENT DEPARTMENT.**

NOTIFICATION.

Peshawar dated the 10/02/2009

SO(FT:II)AD/I-465/88/Vol-IV, dated 26/01/1993, the
In pursuance of the provisions contained in sub-rule (2) 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's Notification No. SO(FT:II)AD/I-465/88/Vol-IV, dated 26/01/1993, the
following further amendments shall be made, namely:

AMENDMENT

In the Appendix, under the heading "WILDLIFE WING", in PART-I,
PROFESSIONAL POSTS, :-

in Column 5, against S.No.2, after the words "Sub Divisional
Wildlife Officers", the words "and Assistant
Conservator Wildlife" shall be inserted; and

in Column 2, against S.No.3, for the words "Sub Divisional
Wildlife Officer" the words "Sub Divisional Wildlife
Officer/Assistant Conservator Wildlife" shall be
substituted.

SECRETARY TO GOVT. OF NWFP
ENVIRONMENT DEPARTMENT.

Dated: 10/02/2009

NO. SO(Estt)/Env/II-465/2K8: 3186-3221

Copy is forwarded for information to: -

- 1) All Administrative Secretaries, Govt. of NWFP.
- 2) Accountant General, NWFP.
- 3) All Heads of Attached Departments in NWFP.
- 4) Chief Conservator of Forests, NWFP.
- 5) Chief Conservator Wildlife NWFP.
- 6) All Conservators of Wildlife NWFP.
- 7) All District Coordination Officers in NWFP.
- 8) Registrar Peshawar High Court/Service Tribunal, NWFP.
- 9) Secretary, NWFP Public Service Commission.
- 10) All Executive District Officers Finance in NWFP.
- 11) Director Budget & Accounts Environment Department.
- 12) All District Accounts Officers in NWFP.
- 13) Librarian, Government of NWFP, Establishment Department.
- 14) Manager Government Printing Press, NWFP, Peshawar for publication
in the Official Gazette with the request that twenty printed copies of the
Notification, when published may be furnished to this department.
- 15) PS to Secretary Environment Department NWFP.
- 16) PA to Additional Secretary Environment Department.
- 17) PA to Deputy Secretary-I & II, Environment Department.
- 18) Master file.
- 19) Concerned file.

Attested

Mutahir Shah
(MUTAHIR SHAH)
SECTION OFFICER (ESTT.)

Scanned with CamScanner

Mutahir Shah
Superintendent
Wildlife Head Office
Peshawar

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
ENVIRONMENT DEPARTMENT.

NOTIFICATION

Peshawar dated the 10/02/2009

NO.SO (Estt)/Envt/II-465/2K8:--- In pursuance of the provisions contained in sub-rule (2) of Government 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's Notification No. SO(FT:II)ADI-465/88/VOL-IV, dated. 26/01/1993 the following further amendments shall be made, namely:

AMENDMENT

In the appendix, under the heading "WILDLIFE WING". In Part-I,

PROFESSIONAL POSTS:-

Divisional

In Column 5, against S.No. 2, after the words " **Sub**

Wildlife Officers", the words and **Assistant Conservator Wildlife"** shall be inserted; and

In Column 2, against S.No. 3, for the words " **Sub Divisional Wildlife Officers"**, the words "**Sub Divisional Wildlife Officer/ Assistant Conservator Wildlife"** shall be substituted.

**Secretary to Govt: of NWFP
Environment Department.**

NO.SO (ESTT)/ENVT/II-465/2K8:

Copy is forwarded for information to:-

1. All administrative Secretaries, Govt: of NWFP.
2. Accountant General, NWFP.
3. All Head of Attached Departments in NWFP.
4. Chief Conservator of Forests, NWFP.
5. Chief Conservator of Wildlife, NWFP.
6. All Conservators of Wildlife, NWFP.
7. All District Coordination officers NWFP.
8. Registrar Peshawar High Court/ Service Tribunal, NWFP.
9. Secretary, NWFP Public Service Commission.
10. All Executive District Officers Finance in NWFP.
11. Director Budget & Accounts Environment Department.
12. All District Accounts Officers in NWFP.
13. Librarian, Government of NWFP, Establishment Department.
14. Manager Government Printing Press, NWFP, Peshawar for publication in the Official Gazette with the request that twenty printed copies of the notification, when published may be furnished to this department.
15. PS to Secretary Environment Department NWFP.
16. PA to Additional Secretary Environment Department.
17. PA to Deputy Secretary-I & II, Environment Department.
18. Master file.
19. Concerned file.

M. H. Shah
M. H. Shah
**Superintendent
Wildlife Head Office
Peshawar**

**(MUTAHIR SHAH)
SECTION OFFICER (ESTT).**

Aman Ullah
9

P/F



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

4797
23/1/18

Dated Peshawar the, 17th January, 2018

NOTIFICATION

No. SO (Estt) FER/WD/1-8/2016: The Competent Authority, in consultation with the Provincial Selection Board, is pleased to appoint the following Sub Divisional Wildlife Officers (BPS-17) to the post of Divisional Wildlife Officers (BS-18), Wildlife Department, Khyber Pakhtunkhwa, on acting charge basis, with immediate effect:-

1	Mr. Aman Ullah
2	Mr. Ejaz Ahmad
3	Miss Haseena
4	Mr. Salah ud Din Ayubi
5	Muhammad Abdus Samad
6	Muhammad Idress

2. Consequent upon their appointment, the following postings/transfers are hereby ordered, in the interest of public service, with immediate effect, till further orders:-

#	Name of Officer/ Designation /BS	From	To
1	Mr. Aman Ullah, Divisional Wildlife Officer: (BS-17)	On promotion	To continue as Divisional Wildlife Officer, Mardan Wildlife Division
2	Mr. Ejaz Ahmad, Divisional Wildlife Officer: (BS-17)	On promotion	To continue as Divisional Wildlife Officer, Chitral Wildlife Division
3	Miss Haseena, Divisional Wildlife Officer: (BS-17)	On promotion	Deputy Director/Divisional Wildlife Officer, Wildlife Peshawar Zoo
4	Mr. Salah ud Din Ayubi, Divisional Wildlife Officers (BS-18)	On promotion	Divisional Wildlife Officer, Chitral Gol National Park only for actualization of his promotion.
5	Muhammad Abdus Samad, Divisional Wildlife Officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Kohat Wildlife Division
6	Muhammad Idress, Divisional Wildlife Officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Buner Wildlife Division
7	Miss Maria Marlon	Lecturer in Forestry, Pakistan Forest Institute, Peshawar (in her own pay & scale)	Education Officer/Sub Divisional Wildlife Officer, Peshawar Zoo

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

Endst: No. SO (Estt) FER/WD/1-8/2016/712-66

Dated Pesh: 17th January, 2018

Copy is forwarded to:-

1. PSO to Chief Secretary, Khyber Pakhtunkhwa.
2. Chief Conservator Wildlife, Khyber Pakhtunkhwa.
3. Conservators Wildlife, Southern and Northern Circles, Peshawar/Swat.
4. Director Budget & Accounts Cell, Forestry, Environment & Wildlife Department.
5. PS to Secretary Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.
6. Officers concerned.
7. Personal files of the officers.
8. Master file.
9. Office order file.

(TARIQ JAMAL)
SECTION OFFICER (ESTT)

Attested

Superintendent
Wildlife Head Office
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

BETTER COPY

Dated Peshawar the, 17th January, 2018

NOTIFICATION:

No. So (Estt) FE&WD | 1-8/2016: The Competent Authority, in consultation with Provincial Selection Board, is pleased to appoint the following Sub Divisional Wildlife Officers (BPS-17) to the post of Divisional Wildlife officers (BS-18), Wildlife Department, Khyber Pakhtunkhwa, on acting charge basis, with immediate effect:

1.	Mr. Aman Ullah
2.	Mr. Ejaz Ahmed
3.	Miss Haena
4.	Mr. Salah ud Din Ayubi
5.	Muhammad Abdus Samad
6.	Muhammad Idress

2. Consequent upon their appointment, the following postings/transfers are hereby ordered, in the interest of public service. with immediate effect, till further orders: -

#	Name of Officers/Designation/BS	From	To
1.	Mr. Aman Ullah Divisional Wildlife officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Mardan Wildlife Division
2.	Mr. Ejaz Ahmed Divisional Wildlife officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Chitral Wildlife Division
3.	Miss Haena Divisional Wildlife officers (BS-18)	On promotion	Deputy Director/Divisional Wildlife Officer, Wildlife Peshawar Zoo
4.	Mr. Salah ud Din Ayubi Divisional Wildlife officers (BS-18)	On promotion	Divisional Wildlife Officer, Chitral Gol National Park only for actualization of his promotion
5.	Muhammad Abdus Samad Divisional Wildlife officers (BS-18)	On promotion	To Continue as Divisional Wildlife Officer, Kohat Wildlife Division
6.	Muhammad Idress Divisional Wildlife officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Buner Wildlife Division
7.	Miss Maria Marjan	Lecturer in Forestry, Pakistan Forest Institute, Peshawar (in her own pay scale)	Education Officer/Sub Divisional Wildlife officer, Peshawar Zoo.

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

Endst: No. So (Estt) FE&WD | 1-8/2016: /76266

Dated Peshawar: 17th January, 2018

Copy is forwarded to: -

1. PSO to Chief Secretary, Khyber Pakhtunkhwa.
2. Chief Conservator Wildlife, Khyber Pakhtunkhwa.
3. Conservator Wildlife. Southern and Northern Circles, Peshawar/Swat.
4. Director Budget & Accounts Cell, Forestry, Environment & Wildlife Department.
5. PS to Secretary Forestry, Environment & Wildlife Department.
6. Officers concerned.
7. Personal files at the office.
8. Master file.
9. Office order file.

-SD-
(Tariq Jamal)
Section Officer (Estt)

Attested

M. Jamal
Superintendent
wildlife Head Office
Peshawar

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b/f

GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the 13th July, 2020

NOTIFICATION

No. SO (Estt) FE&WD/II-8/2020: The Competent Authority, in consultation with the Provincial Selection Board, is pleased to promote the following Sub Divisional Wildlife Officers (BPS-17) (already appointed as Divisional Wildlife Officer BS-18) to the post of Divisional Wildlife Officers (BS-18) on regular basis in Wildlife Department, Khyber Pakhtunkhwa, with immediate effect:-

1	Mr. Ejaz Ahmad
2	Miss Haseena Ambarin
3	Mr. Salah ud Din Ayubi
4	Muhammad Abdus Samad
5	Mr. Niamat Ullah
6	Muhammad Idrees

2. Consequent upon their appointment, the following postings/transfers are hereby ordered, in the interest of public service, with immediate effect, till further orders:-

#	Name of Officer/ Designation /BS	From	To
1	Mr. Ejaz Ahmad, Divisional Wildlife Officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Malakand Wildlife Division
2	Miss Haseena Ambarin, Divisional Wildlife Officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Extension Wildlife Division
3	Mr. Salah ud Din Ayubi, Divisional Wildlife Officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Abbottabad Wildlife Division
4	Muhammad Abdus Samad, Divisional Wildlife Officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Kohat Wildlife Division
5	Mr. Niamat Ullah, Divisional Wildlife Officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Chitral Gol National Park
6	Muhammad Idrees, Divisional Wildlife Officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Chitral Wildlife Division

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

Endst: No. SO (Estt) FE&WD/II-8/2016

Dated Pesh: 13th July, 2020

Copy is forwarded to:-

1. Chief Conservator Wildlife, Khyber Pakhtunkhwa.
2. Conservators Wildlife, Southern and Northern Circles, Peshawar/Swat.
3. Divisional Wildlife Officers, Kohat, Malakand, Chitral and Abbottabad Wildlife Divisions.
4. Divisional Wildlife Officers, Chitral Gol National Park and Extension Wildlife Divisions.
5. Director Budget & Accounts Cell, Forestry, Environment & Wildlife Department.
6. PS to Secretary FE&W department, Khyber Pakhtunkhwa.
7. Officers concerned.
8. Personal files of the officers.
9. Master file.
10. Office order file.

*Copy made from
file circulate
21/7/20*

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

No. 416-21 WLDated Peshawar 22-07- /2020.

Copy forwarded to all Conservators Wildlife in Khyber Pakhtunkhwa and Divisional Forest Officer Wildlife Extension for information and necessary action.

Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

Attested

[Signature]
Supervisor
Wildlife Head Office
Peshawar.

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT
Dated Peshawar the 12th, July, 2020**

NOTIFICATION

No. SO(Estt)FE&WD/II-8/2020:- The Competent Authority, in consultation with the Provincial Selection Board, is pleased to promote the following Sub Divisional Wildlife Officers (BPS-17) (already appointed as Divisional Wildlife Officer BS-18) to the post of Divisional Wildlife Officer (BS-18) on regular basis in Wildlife Department, Khyber Pakhtunkhwa with immediate effect:-

1	Mr. Ejaz Ahmad
2	Miss Haseena Ambarin
3	Mr. Salah Ud Din Ayubi
4	Mr. Muhammad Abdus Samad
5	Mr. Niamat Ullah
6	Muhammad Idrees

2. Consequent upon their appointment, the following postings/ transfers are hereby ordered, in the interest of public service, with immediate effect, till further orders.

S#	NAME OF OFFICERS/ DESIGNATION/BS	FROM	TO
1	Mr. Ejaz Ahmad, Divisional Wildlife Officers (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Malakand Wildlife Division
2	Miss. Haseena Ambarin, Divisional Wildlife Officer BS-18	On promotion	To continue as Divisional Wildlife Officer, Extension Wildlife Division
3	Mr. Salah Ud Din Ayubi, Divisional Wildlife Officer (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Abbottabad Wildlife Division
4	Muhammad Abdus Samad, Divisional Wildlife Officer (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Kohat Wildlife Division
5	Mr. Niamat Ullah, Divisional Wildlife Officer (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Chitral Gol National Park
6	Muhammad Idrees, Divisional Wildlife Officer (BS-18)	On promotion	To continue as Divisional Wildlife Officer, Chitral Wildlife Division

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

Endst: No. SO (Estt) FE&WD/II-8/2016

dated Pesh: 13th July 2020**Copy is forwarded to:-**

1. Chief Conservator Wildlife, Khyber Pakhtunkhwa
2. Conservators Wildlife Southern and Northern Circles, Peshawar/ Swat
3. Divisional Wildlife Officers, Kohat, Malakand, Chitral and Abbottabad Wildlife Divisions
4. Divisional Wildlife Officers, Chitral Gol National Parks and Extension Wildlife Divisions
5. Director Budget & Accounts Cell, Forestry, Environment & Wildlife Department
6. PS to Secretary FE&W department, Khyber Pakhtunkhwa
7. Officers concerned
8. Personal files of the officers
9. Master file
10. Office order file

(Zia- Ur- Rehman)
Section Officer (ESTT)

Attested

[Signature]
Superintendence
Wildlife Head Office
Peshawar.



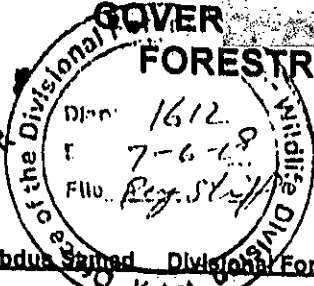
OFFICE OF THE DIRECTOR BUDGET AND ACCOUNTS
OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE

Annex - 1V
13

No B & A/G.A.D/AR-

Dated Pesh _____

TO:



Personal Id No: 104
CNIC: 22201-9470850-1

Muhammad Abdus Samed, Divisional Forest Officer (BPS-18)
Office Address: Divisional Forest Officer, Wildlife Kohat.

In Supersession, Continuation/ partial modification of this office authority No. _____ Dated _____ you are authorized to draw pay and allowance at the monthly rate shown from dated as specified below:

From Date: 17/01/2018 Basic Pay Stage 1 Chart Year 2017

Particulars	Amount	Remarks
Basic Pay	41220	
Medical Allowance	1848	
Adhoc Relief Allowance-2013@5%	800	
Adhoc Relief Allowance-2015@2.5%	556	
Adhoc Relief Allowance-2016@10%	2930	
Adhoc Relief Allowance-2017@10%	4122	
Gross Total	51476	

Remark: Condition for admisibility of Conveyance allowance, HRA and other allowance may please be strictly observed as per instruction noted below

1. Payment / drawl of Conveyance Allow: is subject to the condition that the official residence is not situated in his work premised and Govt: Vehicle in not Provided to the concerned officer.
2. Payment of HRA is subject to the condition that he has not been provided with Government accomodation in his own name or in name of his spous.

INTERNAL AUDIT OFFICER

B & A/G.A.D/AR-I(327)9864

Dated Pesh 6/6/18

Copy forwarded to the Divisional Forest Officer Kohat Wildlife Division for information and arranging payment. The authorization is subject to observance of all codel formalities under the rules.

A/c
for necessary action

INTERNAL AUDIT OFFICER

Attested

Superintendent
Wildlife Head Office
Peshawar

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

Annex - V

2842
03/07/24

NOTIFICATION

No. SO (Estt) / FE&WDA/1-26/2023

In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the Competent Authority (Chief Secretary, Government of Khyber Pakhtunkhwa) is pleased to notify / circulate final seniority list of Deputy Conservator Wildlife/Divisional Wildlife Officer (BPS-18), Khyber Pakhtunkhwa, Wildlife Department (as it stood on 30-06-2023) for general information.

Sl. No.	Name of Officer and Academic Qualification	Date of Birth and District	Date of Entry into Govt. Service	Regular Appointment/Promotion to the present post		Remarks
				Date	BPS	
1	Mr. Abdul Ghafoor, M.Sc Forestry (Extension) and MS Wildlife Ecology Management	01-01-1968 Swat	28-10-1992 BPS-16	02-05-2012	18	By Promotion Already appointed as Conservator Wildlife BS-19 on A.C.B/Conservator Wildlife/ Project Director, Mini Zoo Swat (on deputation basis)
2	Mr. Mohammad Hussain-II, M.Sc Forestry	05-02-1969 Mohmand Agency	28-10-1992 BPS-16	02-05-2012	18	By Promotion Already appointed as Conservator Wildlife BS-19 on A.C.B. Conservator Wildlife, National Park
3	Mr. Ifkhar-uz-Zaman, M.Sc Forestry, Botany and M.S Wildlife Biology	10-04-1971 Abbottabad	29-02-1996 BPS-16	02-05-2012	18	By Promotion Already appointed as Conservator Wildlife BS-19 on A.C.B. Presently posted as Conservator Wildlife, Central Wildlife Circle, Peshawar
4	Mr. Mohammad Ayaz Khan, M.Sc Forestry and Wildlife Biology	01-09-1971 Mardan	29-02-1996 BPS-16	02-05-2012	18	By Promotion Divisional Wildlife Officer, Mardan Wildlife Division

Attested

Superintendent
Wildlife Head Office
Peshawar

P.T.O.

5.	Mr. Mohammad Niaz, M.Sc Forestry and MS Wildlife Biology	<u>12-04-1972</u> Mardan	<u>29-02-1996</u> BPS-16	02-05-2012	18	By Promotion	Already appointed as Conservator Wildlife BS-19 on A.C.B. Presently posted as Conservator Wildlife/Director Peshawar Zoo
6.	Mr. Sajjad Ali, M.Sc Forestry, Botany and Wildlife Biology	<u>15-04-1969</u> Mohmand Agency	<u>29-02-1996</u> BPS-16	02-05-2012	18	By Promotion	Divisional Wildlife Officer, Dir Wildlife Division
7.	Mr. Mohammad Shakeel, M.S Forestry and Economics	<u>10-06-1972</u> Abbottabad	<u>23-02-1997</u> BPS-16	02-05-2012	18	By Promotion	Assistant Professor of Forestry, PFI, Peshawar
8.	Mr. Mohammad Israr, M.Sc Forestry and Post Graduate Diploma in GIS	<u>02-01-1973</u> Mohmand Agency	<u>12-03-1997</u> BPS-16	02-05-2012	18	By Promotion	Divisional Wildlife Officer, Peshawar Wildlife Division
9.	Mr. Mohammad Faique Khan, M.Sc Forestry	<u>12-03-1974</u> Swat	<u>04-07-1997</u> BPS-16	02-05-2012	18	By Promotion	Divisional Wildlife Officer, Kohistan Wildlife Division
10.	Mr. Abdul Haleem Khan, M.Sc Zoology, B.Sc Forestry, and B.Ed	<u>20-03-1971</u> Lakki Marwat	<u>27-10-1999</u> BPS-16	02-05-2012	18	By Promotion	Divisional Wildlife Officer/ Monitoring Officer, NMA, in the AIP Project (on deputation basis)
11.	Mr. Khan Malook Khan, B. Sc Forestry	<u>10-07-1974</u> Bannu	<u>27-09-1999</u> BPS-16	02-05-2012	18	By Promotion	Divisional Wildlife Officer, Bannu Wildlife Division
12.	Mr. Ejaz Ahmad M.Sc Forestry	<u>08-02-1983</u> Malakand	<u>13-10-2014</u> BPS-17	13-07-2020	18	By Promotion	Divisional Wildlife Officer, Buner Wildlife Division
13.	Miss Haseena Anbarin M.Sc Forestry M. Phil.	<u>17-02-1984</u> Bannu	<u>20-11-2008</u> BPS-16	13-07-2020	18	By Promotion	Deputy Director Peshawar Zoo
14.	Mr. Salah-ud-Din Ayubi M.Sc Forestry	<u>25-04-1980</u> Peshawar	<u>20-11-2008</u> BPS-16	13-07-2020	18	By Promotion	Divisional Wildlife Officer (Headquarter) Peshawar
15.	Mr. Muhammad Abdus Samad M.Sc Forestry	<u>28-01-1986</u> F.R Bannu	<u>20-11-2008</u> BPS-16	13-07-2020	18	By Promotion	Divisional Wildlife Officer, Kohat Wildlife Division
16.	Mr. Niamat Ullah Khan M.Sc Forestry	<u>13-04-1987</u> North Waziristan Agency	<u>13-10-2014</u> BPS-17	13-07-2020	18	By Promotion	Divisional Wildlife Officer, Nowshera Wildlife Division
17.	Mr. Muhammad Idress M.Sc Forestry	<u>10-04-1982</u> Shanqla	<u>13-10-2014</u> BPS-17	13-07-2020	18	By Promotion	Divisional Wildlife Officer, Abbottabad Wildlife Division

Attested

M. J. Khan
Superintendent
Wildlife Head Office
Peshawar

[Handwritten Signature]

16

18.	Mr. Ishtiaq Ullah M.Sc Forestry Post Graduate Diploma in GIS/RS	05-03-1986 FR Bannu	13-10-2014 BPS-17	11-08-2021	18	By Promotion	Divisional Wildlife Officer, North Waziristan Wildlife Division
19.	Miss Maria Marjan M.Sc Forestry	10-03-1985 Karak	13-10-2014 BPS-17	11-08-2021	18	By Promotion	Divisional Wildlife Officer, Haripur Wildlife Division
20.	Mr. Rehmatullah, F.A.	15-10-1963 Bannu	02-06-1982 BPS-05	11-08-2021	18	By Promotion	Divisional Wildlife Officer
21.	Syed Taimur Ali Shah M. Sc Forestry	20-12-1985 Swat	31-12-2015 BPS-17	11-08-2021	18	By Promotion	Divisional Wildlife Officer, National Park Mansehra Posted at PFI Peshawar
22.	Mrs. Manahil Wahab M. Sc Forestry M.Phil Wildlife Management	18-01-1992 D.I. Khan	31-12-2015 BPS-17	11-08-2021	18	By Promotion	
23.	Mr. Kiramat Shah M. Sc Forestry	02-01-1991 Peshawar	31-12-2015 BPS-17	11-08-2021	18	By Promotion	Divisional Wildlife Officer, Mohmand Wildlife Division
24.	Mr. Munsef Ali, M.Sc Forestry	13-05-1989 Orakzai Agency (FATA)	31-05-2016 BPS-17	11-08-2021	18	By Promotion	Divisional Wildlife Officer, Kurram Wildlife Division
25.	Syed Sarmad Hussain Shah, M.Sc Forestry	18-08-1993 Mansehra	31-05-2016 BPS-17	18-04-2022	18	By Promotion	Divisional Wildlife Officer, Mansehra Wildlife Division
26.	Mr. Naveed-Ul-Haq, M. Sc Forestry	15-05-1988 Dir (Lower)	20-11-2008 BPS-16	18-04-2022	18	By Promotion	Divisional Wildlife Officer, Malakand Wildlife Division

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

Dated Peshawar the, 28th December, 2023

Idst: No. SO (Estt) /FE&WD/II-26/2023

17467-70

by is forwarded to:-

Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
Conservators Wildlife, Wildlife Department, Khyber Pakhtunkhwa.
Officers concerned.

(HAFIZ ABDUL JALIL)
SECTION OFFICER (ESTT) 28/12/2023

Superintendent
Wildlife Head Office
Peshawar

cc: all
I agreed with my friend to all
cc: all and forward in idst for
by: q na pl

Agreed.
3/1/24

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

SERVICE APPEAL NO.2284/2023

Miss Hasoona Anbarin
Deputy Director/Divisional Wildlife Officer
Peshawar Zoo (Appellant)

VERSUS

- 1. Government of Khyber Pakhtunkhwa through
Chief Secretary Khyber Pakhtunkhwa, Peshawar
- 2. The Secretary to Government of Khyber Pakhtunkhwa
Climate Change, Forestry, Environment and
Wildlife Department, Peshawar.
- 3. The Chief Conservator Wildlife,
Khyber Pakhtunkhwa, Peshawar (Respondents)

**PARAWISE COMMENTS ON BEHALF OF
RESPONDENTS NO. 1, 2 & 3**

Respectfully Sheweth;

PRELIMINARY OBJECTIONS

- 1. The appeal is not maintainable in the present form.
- 2. The Appellant has no locus standi and cause of action to bring the present appeal.
- 3. The appeal is time barred and hit by limitations.
- 4. That the appeal is non-maintainable for mis-joinder and non-joinder of proper parties.

~~Parawise comments on behalf of Respondents are submitted as under:~~

ON FACTS:

- 1. Correct. The appellant is serving as Divisional Wildlife Officer BPS-18 in Khyber Pakhtunkhwa Wildlife Department.
- 2. Correct. The appellant was selected as Range Officer Wildlife (BPS-16) being recommended by the Khyber Pakhtunkhwa Public Service Commission.
- 3. Correct. The appellant was recommended and selected by the Khyber Pakhtunkhwa Public Service Commission as Sub-Divisional Wildlife Officer (BPS-17).
- 4. Correct.
- 5. In-correct. As per service rules of the Department, the post of Deputy Conservator Wildlife/Divisional Wildlife Officer (BPS-18) is required to be filled up by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Sub-Divisional Wildlife Officers (BPS-17) with five years' service as such (Annex-I). The length of service of the appellant in BPS-17 was less than five years; therefore,

Attested

[Signature]
**Superintendent
Wildlife Head Office
Peshawar**

she was appointed as Deputy Conservator Wildlife/Divisional Wildlife Officer (BPS-18) on Acting Charge Basis on 17/01/2018 (Annex-II).

6. Correct to the extent that the appellant filed departmental appeal for alteration of Seniority List of the post of Deputy Conservator Wildlife/Divisional Wildlife Officer (BPS-18), however the appeal of the appellant was rejected by the competent authority as per prevailing rules (Annex-III).

The appellant has got no cause of action to file instant service appeal.
ON GROUNDS

- A). *Correct. Need no comments.*
- B). Correct, however as explained in Para-5 above, the conditions mentioned in Para-B, do not apply to the appellant.
- C). *In-correct. AS replied in above paras.*
- D). Incorrect, the appeal was considered by the competent authority and rejected on grounds mentioned in para-6 above.
- E). Incorrect, as explained above.
- F). Incorrect, no discrimination with appellant has been made by the department.
- G). Incorrect, as explained above.
- H). Incorrect, the appellant has been promoted as Deputy Conservator Wildlife/Divisional Wildlife Officer (BPS-18) on regular basis vide Notification dated 13/07/2020 (Annex-IV).
- I). *No comments. The respondents seek leave to raise additional grounds at the time of arguments.*

In view of the above exposition, it is most humbly prayed that the instant service appeal may kindly be dismissed being devoid of merit, please.

Other connected appeal being similar facts and law, may also be vetted on the same terms and conditions.

Secretary
Government of Khyber
Pakhtunkhwa
Climate Change, Forestry,
Environment and Wildlife
Department.
(Respondent No.2)

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

*Noted subject to
consider, compliance
of bill at 29/11/23,
affidavit and approval of
AA9/MSU to*

Chief Secretary
Khyber Pakhtunkhwa
(Respondent No.1)

20-01-2024
Assistant Advocate General
Khyber Pakhtunkhwa
Peshawar

*AA9/MSU 2024
12/11/24
30/11/24*

Attest

Superintendent
Wildlife Head Office
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.2286/2023

Mr. Muhammad Abdus Samad
Divisional Forest Officer Wildlife
Kohat

..... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through
Chief Secretary Khyber Pakhtunkhwa, Peshawar
2. The Secretary to Government of Khyber Pakhtunkhwa
Climate Change, Forestry, Environment and
Wildlife Department, Peshawar.
3. The Chief Conservator Wildlife,
Khyber Pakhtunkhwa, Peshawar.
4. The Conservator Wildlife
Southern Circle Bannu

..... (Respondents)

AFFIDAVIT

I Mr. Mohsin Farooque, Chief Conservator Wildlife, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the instant comments are true and correct to the best of my knowledge and belief, and that nothing has been concealed from this honorable court.

It is further stated on oath that the answering respondent have neither been placed ex-parte nor their defense has been struck off/cost.

Signature



Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

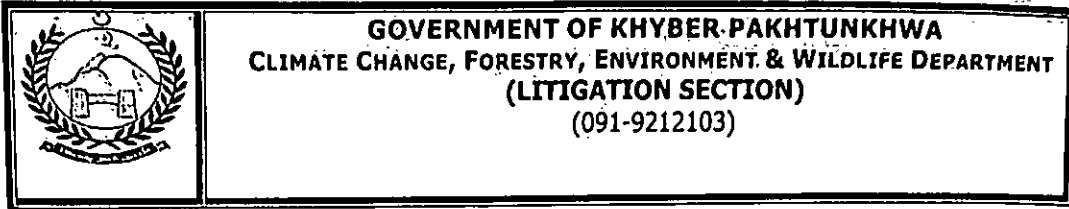
CNIC No. 17301-1354080-3

ATTENDED

Oath Commissioner



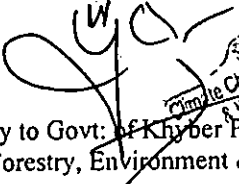
03/5/24



AUTHORITY LETTER

NO. SO(Lit:)/CCFE&WD/3-419/2023:- Mr. Aamir Shahzad Khattak, Section Officer (Litigation), Climate Change, Forestry, Environment & Wildlife Department bearing C.N.I.C No. 17301-8876189-3 and Cell No. 0314-9900975 is hereby authorized to appear in the Khyber Pakhtunkhwa Service Tribunal Peshawar to file reply / comments, attend the Court on every hearing in Service Appeals No. 2284/2023, 2285/2023 & 2286/2023 titled "Haseena Anbarin, Salah-ud-Din Ayubi & Abd-us-Samad v/s Government of Khyber Pakhtunkhwa & others" on behalf of Secretary to Govt. of Khyber Pakhtunkhwa, Climate Change, Forestry Environment & Wildlife Department till final decision of the Court.

He is also authorized to file written reply, produce record and record evidence on his behalf, if any, required in the Court mentioned above.


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

SECRETARY
Climate Change, Forestry, Environment & Wildlife Department, KP