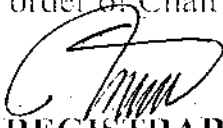


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 1087/2024**


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/08/2024	<p>The appeal of Mr. Muhammad Ali resubmitted today by himself. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 24.09.2024. Parcha Peshi Given to appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Muhammad Ali received today i.e on 19.07.2024 is incomplete on the following score which is returned to the appellent for completion and resubmission within 15 days.

- ① According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no. 3 & 4 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2 ✓ Annexures of the appeal are unattested.
- 3 ✓ Appeal has not been flagged/marked with annexures marks.
- 4 ✓ Copies of seniority list of 2009 & 2015 mentioned in para-2 & 5 of the memo of appeal are not attached with the appeal be placed on it.
- 5- Copy of seniority list dated 15.02.2024 and annexure-B of the appeal are illegible be replaced by legible/better one.
- 6- Annexures of the appeal are not in sequence.
- 7- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 406 /Inst./2024/KPST,

Dt. 19-07/2024.

  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

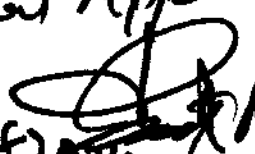
Muhammad Ali Appellant.

Respected Sir,

Service Appeal is returned to removed objection

accordingly.

- ① That the Respondent NO 3 is currently conducting PSB on the basis of Disputed FSL 2024 and Respondent NO 4 is responsible to develop Disputed FSL events Appellant had submitted D. Appeal accordingly.
- ② Annexes are attested.
- ③ Annex are flagged.
- ④ FSL copies are attached.
- ⑤ FSL 2024 is changed.
- ⑥ Annex - are in accordingly in sequence.
- ⑦ <sup>Six</sup> ~~Seven~~ Copies/sets of S. Appeal along with Annex is to be submitted with Original Appeal

  
01 August 2024 Muhammad Ali

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

Service Appeal No. 1087/2024,

Muhammad Ali S/o Anwar Ajaz Ali (SDFO) .....PETITIONER

**V E R S U S**

1. The Government of Khyber Pakhtunkhwa & etc....RESPONDENTS

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**Certified:** That the paper appeal has been prepared in accordance with the rules of the Court and all the documents necessary for due appreciation of the Court have been included in it. Index is complete in all respect.

IN PERSON

  
(MUHAMMAD ALI)

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

Service Appeal No. 1087/2024,

Muhammad Ali

S/o Anwar Ajaz Ali (SDFO) K P Forest School Thai Abbottabad.....Appellant

**VERSUS**

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA**  
Through Chief Secretary Civil Secretariat Peshawar.
2. **SECRETARY**  
Climate Change, Forestry, Environment and wildlife Department, Government of  
Khyber Pakhtunkhwa Civil Secretariat Peshawar.
3. **Provincial Selection Board (PSB)**  
Through Chief Secretary Office Civil Secretariat Peshawar
4. **CHIEF CONSERVATOR FORESTS - I,**  
Central Southern Forest Region -I, Shami Road Peshawar.....RESPONDENTS

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 14375

Dated 19-07-2024

**APPEAL UNDER THE SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974; AGAINST  
THE DISPUTED FINAL SENIORITY LIST OF SDFO (BS-  
17) DATED 15/02/2024, AS ILLEGAL, UNLAWFUL AND  
WITHOUT LAWFUL AUTHORITY, THE DEPARTMENT  
HAD BEEN IN VIOLATED THE DIRECTION OF THE  
JUDGMENT DATED 18.03.2018, IN SERVICE APPEAL No.  
30/2017, READ WITH ORDER FOR HONORABLE  
EXONERATION UNDER RULE 14 (3) (E&D) RULES 2011  
(2013 SCMR 752). AGAINST THE ARTICLE 4, & 25, OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN,  
1973.**

Respectfully Shenweth;

**FACTS**

1. That the appellant had been instituted service appeal No. 1765/2023 on dated 31.07.2023, requested for seniority and seniority list were tentative as so service appeal was dismissed in limine, on 25<sup>th</sup> Oct 2023.  
(Service appeal & Order sheet is attached as Annexure A)
2. That the appellant and batch mate candidates had been appeared in the PCS exam in 2007, selected from different regions. And SDFO at S. No. 1 & 2, (contractual employees) had also been appeared in the PCS exam in 2007, failed in same exam, but department has been mentioned their names in disputed FSL dated 15.02.2024 at S. No. 1 & 2. The appellant and batch mate were Inducted in the department through NWFP PSC Peshawar in 2007 as RFO (BS-16).  
  
That the Department had been in violated the seniority and proceedings after the Exonerated, not in accordance to the rules of Law and nor follow to the record.  
(PSC letter, 2<sup>nd</sup> Appointment letter, Final Seniority list (FSL) 2009 and FSL 2014 are attached as Annexure B)
3. That the department promotion committee (DPC) had been recommended said SDFO at S. No. 1 & 2, (contractual employees) their promotion as SDFO and respondents had been issued Notification on 7 July 2022.  
(Notification 07/07/2022 is attached as Annexure C)
4. That the department had been issued Final Seniority List of the SDFO stood as 15.02.2024, and listed seniority of the said SDFO at S. No. 1 & 2, (contractual employees) as SDFO from the date 24.09.2009, instead of the Notification of promotion 07/07/2022.  
(Seniority list 15.02.2024, is attached as Annexure D)

5. That the appellant date of birth is 25/05/1966, Senior in age from batch mate Mr. Muhammad Shakeel date of birth is 03/11/1980, Mr. Muhammad Shakeel had been promoted on 15/01/2015, as SDFO on regular basis and appointment on acting charge basis as DFO since from 2018, and PSB had been recommended regular promotion as DFO (BS-18) from 6/01/2022.  
(Final Seniority list 2015 attached as Annexure E)
6. That the then complainants (DFO) of the charge sheets had been issued on the basis of Personal Grudge and Malfidely, and the enquiry officers recommended Major penalty (compulsory retirement) on plain allegations, and the then CCF-II Northern region II Abbottabad, (Incompetent Authority) had been issued Impugned order for compulsory retirement against petitioner on 25/05/2014, without conducting of personal hearing.
7. That the Hon'ble K P Service Tribunal Court had been "vitiating the whole proceedings and impugned order of the compulsory retirement dated 25/08/2014, issued by the then incompetent authority (CCF-II), in the judgment dated 19.03,2018, in the service appeal No. 30/2016.
8. That the then Secretary to the Government, Climate Change, Forestry, Environment and wildlife Department, Government of Khyber Pakhtunkhwa Peshawar vide letter dated 15/11/2021, directed to the then Competent Authority (CCF-I) has passed an order of the reinstated on 22.12.21, before conducting De-novo enquiry proceedings.  
(Order 15/11/2021, Order on 22.12.21, are annexed as Annexure F & G)
9. That the then Conservator of Forests Lower Hazara Abbottabad, (Enquiry Officer) was after having consider the charges, evidence on records, Findings in the both De-novo Enquiry, appellant is hereby Honorable Exonerated from the charges leveled against him as per charge sheets/statement of allegations.  
(Both De-novo Enquiry Reports are annexed as Annexure H)

10. That the than CCF-I, Peshawar after having consider the charges, evidence on records, Findings of the Enquiry Officer in the subject case, exercising his powers under rule 14 (3) of KP Servants (E&D) Rules 2011, appellant is hereby exonerated from the charges leveled against him as per charge sheets/statement of allegations. (2013 SCMR 752, Para V (d)) (Order dated 27.06.2022, is annexed as Annexure I)
11. That the competent Authority (Hon'ble Chief Secretary Khyber Pakhtunkhwa) is Please to promote appellant Forest Range Officer (BS-16) (from the period from 2007 up to 24/08/2014,) to the post of Sub Divisional Forest Officer (BS-17) on regular basis in the Forest Department KP on 20.01.2023. (Order dated 20.01.2023, is annexed as Annexure J)
12. That the Secretary to the Government, Climate Change, Forestry, Environment and wildlife Department, Government of Khyber Pakhtunkhwa Peshawar the directed to the CCF-I that the seniority of the appellant may be place in the seniority list of the SDFO (BS-17 in the light of Para-V (d) of promotion policy) on 20.02.2023. (FSL of the RFO 2009, FSL of the SDFO 15.05.2013, TSL of SDFO 10.08.2023, and FSL of SDFO 15.02.2024) (FSL of the SDFO 15.05.2013, and TSL of SDFO 10.08.2023, are annexed as Annexure K)
13. That the CCF-I had been proceeded to the Law Department and the law department did not permit to proceed file CPLA against the judgment dated 19.03.2018, in the service appeal no. 30/2017, therefore the said Judgment is binding to execute as per directed to the department.
14. That the appellant had been submitted Departmental Representation dated 25.03.2024, through proper channel to

the Hon'ble Chief Secretary Govt; of KP Peshawar, to may be directed to the department for correction of Promotion / Seniority.

(Representation dated 25.03.2024, Annexure L)

15. That the appellant had been submitted In-continuation Representation of dated 25.03.24, dated 11.07.2024, through proper channal to the Hon'ble Chief Secretary Govt; of KP Peshawar, to may be directed to the department for correction of Promotion / Seniority.

(Final seniority List dated 11.07.2024, Annexure M)

16. That the department may be promoted SDFOs through PSB on the basis disputed final seniority List dated 15.02.2024, of the SDFOs.

(Final seniority List dated 15.02.2024, Annexure N)

## GROUNDS

- A. That the Impugned seniority changes in final seniority list dated 15.02.2024, by the department did not fulfill the requirements of S.24-A of General Clauses Act, 1897. The department had not applied its mind while exercising its discretion to promote the employees who had resulted in picks and choose. The appellant had an inalienable right to be dealt with in accordance with law. The **Equal treatment of citizens** had been guaranteed by the Constitution which could be denied only in peculiar circumstances of the case.
- B. That the then complainants (DFO) of the charge sheets had been issued on the basis of **Personal Grudge and Malfidely**, and the enquiry officers recommended Major penalty (compulsory retirement) on plain allegations, and the then CCF-II Northern region II Abbottabad, (Incompetent Authority) had been issued Impugned order for compulsory retirement against petitioner on 25/05/2014, without conducting of personal hearing.



- C. That the Department had not compliance the judgment dated 19.03,2018, in the service appeal No. 30/2016 of the Hon'ble K P Service Tribunal Court, that *"The whole proceedings up to the enquiry were made on the orders of the competent authority CCF-I (Chief Conservator of Forests) but from the stage of submission of enquiry report to CCF-II (incompetent authority) the whole proceedings vitiating thereafter. The CCF-I is therefore directed to resume the proceedings from the stage as mentioned above and decide the same within 60 days from the receipt of this Judgment failing which the appellant shall be deemed to have been reinstated in service. The issue of back benefits in case of reinstatement shall be subject to the rules on the subject"*.
- D. That the then competent authority CCF-I in the compliance of Judgment dated 19.03.2018, had been conducted personal hearings on 12 & 14 May 2018, and 22.06.2021, the then competent authority was required to decide the as per Rule 14 (5) of E&D Rules 20011, but passed an order to re-conduct De-novo enquiry proceedings against the direction of said Judgment, and appellant had been submitted an appeal to the Administrative department on 20.09.2021.
- E. That the then Secretary to the Government, Climate Change, Forestry, Environment and wildlife Department, Government of Khyber Pakhtunkhwa Peshawar vide order dated 15/11/2021, directed to the than Competent Authority (CCF-I) has passed an order of the reinstated on 22.12.21, before conducting De-novo enquiry proceedings.
- F. That the than Conservator of Forests Lower Hazara Abbottabad, (Enquiry Officer) was after having consider the charges, evidence on records, Findings in the both De-novo Enquiry, appellant is hereby Honorable Exonerated from the charges leveled against him as per charge sheets/statement of allegations.

### 1<sup>st</sup> De-novo Enquiry

#### RECOMMENDATIONS

The accused remained penalized and removed from service for a long period of more than seven years w.e.f 25-8-2014 till 21/12/2021, facing disciplinary proceedings, litigating in various courts of law up to Apex court of the country, social defamation and mental torture, thus has been circumstantially penalized within the given system of justice. Therefore no additional penalty under E & D rules 2011 is recommended. He may be exonerated from all the charges.

The department shall investigate the missing consignment of 2638.50 cft deodar timber if any, transported vide TP No 127 dated 02-04-2010 from Lower Kohistar Forest Division Pattan as pointed out by the accused in his counter allegations. This will provide mental satisfaction to the accused for the hardships he faced while defending allegations for a long period of more than seven years.

### 2<sup>nd</sup> De-novo Enquiry

#### RECOMMENDATIONS

The accused remained compulsory removed from service for a long period of more than seven years w.e.f 25-8-2014 till 21/12/2021, facing disciplinary proceedings, litigating in various courts of law up to Apex court of the country, social defamation and mental torture, thus has been circumstantially penalized within the given system of justice. Therefore no additional penalty under E&D rules is recommended. He may be exonerated from all the charges.

The department shall conduct proceedings to enquire, dig out facts and to proceed against delinquents to recover loss sustained to Govt./department if any, as pointed out by the accused in his counter allegations. This will provide mental satisfaction to the accused for the hardships he faced in defending the seven year long proceedings and discriminatory treatment.

- G. That the by passing of service record and placement of the seniority above the law even then appellant was fulfilled the requirements for their promotion but they had not been treated reasonably, fairly and justly.
- H. That the than CCF-I, after having consider the charges, evidence on records, Findings of the Enquiry Officer in the subject case, exercising his powers under rule 14 (3) of KP Servants (E&D) Rules 2011, appellant is hereby Honorable Exonerated from the charges leveled against him on 27.06.2022.
- I. That the Department had not compliance the judgment dated 19.03,2018, in the service appeal No. 30/2016 of the Hon'ble K P Service Tribunal Court, even than the competent authority passed an order for hereby exonerated from the charges leveled against him on 27.06.2022.
- J. That the Department had been failed to passed an order for intervening period from 25.08.2014 up to 21.12.2021, (2013 SCMR 752,) that intervening period for which he remained dismissed/ compulsory retired was to be considered as period spend on duty;

that annual increments and also be considered for inter se promotion with effect from the date when his batch mate were promoted).

- K. Departmental Appeal dated 31.03.2023, & representations dated 10/8/2023, 5/02/2024, 25/03/2024, but the department has not been responded.
- L. That the appellant and along with Batch Mates (RFO-BS-16) had been 2<sup>nd</sup> appointment in the department regular through PSC in 2007, and Mr. M Shakeel batch mate was promoted on regular basis as SDFO (BS-17), on 15/01/2015, instead of 2012. Mr. M Sajid batch mate was not promoted regular basis due to legal proceeding against him, and appellant was Compulsory Retired from Govt; Service through impugned order dated 25/08/2014, and reinstated in service from the date of 22.12.2021, and Honorable Exonerated from all the charges on 27.06.2022 (Therefore the appellant as like before impugned order).
- M. That the appellant had been promoted as SDFO (BS-17) on regular bases of 2<sup>nd</sup> appointment from the date of 2007 up to 24.08.2014, serving as RFO (BS-16) and Notifying the Notification on date 20<sup>th</sup> January 2023, by the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) has been pleased to promoted Muhammad Ali Range Forest Officer (BS-16).
- N. That the appellant had been promoted as SDFO (BS-17) on regular bases on 20.01.2023, and appellant had been submitted an appeal for correction of Seniority. And the Administrative Department has been permitted in the light of *Para V (d) Promotion Policy 2009* to place on original Seniority. The CCF-I, has been again place on Seniority as per date 13/12/2018, instead before 24/08/2014, before order for compulsory retirement.

That the then CCF-I had been issued an order on dated 22.12.2021, reinstated from the date of 06.06.2018, (*Retrospective effect*) instead of 25.08.2014, for the purpose of conducting De-novo Inquiry.

That the Department had been failed to passed an order for intervening period from 25.08.2014 up to 21.12.2021, that intervening period for which he remained dismissed/ compulsory retired was to be considered as period spend on duty; and back benefits after passed an order for Honorable Exoneration on dated 27.06.2022.

- O. That the Administrative Department has been admitted an appeal and directed to the CCF-I through Notification 20.02.2023, that directed to the CCF-I that the seniority of the appellant may be place in the seniority list of the SDFO (BS-17 in the light of Para-V (d) of promotion policy) on 20.02.2023.
- P. That the then CCF-I has been again place on previous Seniority No. 13, of the date of promotion as SDFO 13/12/2018, with 20.01.2023, as per directed by Administrative Department on 20.02.2022, secondly without further any direction of the Administrative Department replace name at S. No. 58, date of promotion as SDFO 20.01.2023, with 13/12/2018, in the Final Seniority List as it stood on 15.02.2024, As illegal, unlawful and without lawful authority, being in violation of Para V(d) of promotion policy.
- Q. That the appellant is senior in accordance one batch seniority before 12/09/2013, all the SDFOs as per Final seniority list 15/02/2024, S. No. 3 up to S. No. 57, were Junior to appellant being dated of first entry in to Government service.
- R. That the SDFOs at S. No. 1 & 2, are contractual employees in the Final Seniority List 15/02/2024, because they were Junior to appellant. The regularization of contractual employee were fresh in to the stream of regular appointment, but the then CCF-I their service to the date of first entry in to Government service from 26/09/2009. Referred Final Seniority list dated 31/08/2014.
- S. That the SDFO at S. No. 1 & 2, (contractual employees) had been appeared before PSC process, in 2007, but failed.
- T. That the Forest department failed to protect regular employee seniority in the writ Petition No. 675-M/2020. The then Respondents were

*concealed the Facts, Grounds and Law also in the reply of the said Writ Petition 2024 SCMR 527.*

- U. That the Law Department also failed to protect the right of the seniority of the regular senior employees even then *KP Employees (Regularization of Services) ACT 2009*, is not applied retrospectively Regularized their service the law Judgments of the Apex Court are very much cleared in this regards.
- V. That the department promotion committee (DPC) had been recommended SDFO at S. No. 1 & 2, (contractual employees) their promotion as SDFO and respondents had been issued Notification on 7 July 2022.
- W. That the then Administrative Department had been issued Final Seniority List of the SDFO stood as 15.02.2024, and listed seniority of the SDFO at S. No. 1 & 2, (contractual employees) as SDFO from the date 24.09.2009, (there is no vacant place in the FSL of the SDFO and not recommended by the DPC and nor date mentioned in the respective Judgment) instead of the Notification of promotion 07/07/2022, on the basis of Judgment dated 2/11/2021, as illegal, unlawful and without lawful authority being in violation of Retrospectively Regularized their seniority.
- X. That the department had been consider seniority of the SDFO at S. No. 1 & 2, (contractual employees) as SDFO from the date 24.09.2009, (there is no vacant place in the FSL of the SDFO and not recommended by the DPC and nor date mentioned in the respective Judgment) appellant is a regular employee may be consider the Judgment dated 19.03.2018, after Honorable Exoneration and Judgment of the Honorable Supreme Court (2013 SCMR 752) The appellant have entitle for all back benefits inter se promotion (with retrospective effect) for the period appellant remains compulsory retired from service.
- Y. That the then CCF-I has been again re-place on previous Seniority date 13/12/2018, with 20.01.2023, and place at S. No. 58, in the Final Seniority List as it stood on 15.02.2024, As illegal, unlawful and without lawful authority, being in violation of KP Service Tribunal Judgment

dated 19/03/2018, and FR 54 (a), and read with Para v (d) of promotion policy.

- Z. That the respondents deprived the Fundamental right of Appellant as illegal, unlawful and without lawful authority against the Article 25 all citizens are equal before the law and are entitled to equal protection by the law.

## Relief

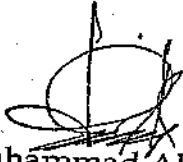
1. To strictly direct the Department that the Rights of appellant had been reinstated in service, and after conducted De-novo Enquiry Proceedings Honorable Exoneration of the charge. (2013 SCMR 752) The appellant have entitle for all back benefits inter se promotion (*with retrospective effect*) for the period appellant remains compulsory retired from service. In accordance to the compliance the judgment dated 19.03,2018, in the service appeal No. 30/2016 of the Hon'ble K P Service Tribunal Court, "The issue of back benefits in case of reinstatement shall be subject to the rules on the subject" and read with FR 54 (a) appellant remained compulsory retired, to be considered as period appellant "remained in service" and entitle for all back benefits.
2. To follow promotion as SDFO (BS-17) before 12/09/2013, with batch mate promotion to the higher post, retain their inter se seniority as in the lower post and the officer older in age shall be treated Senior under the Para V (d) of Promotion Policy 2009, and read with Sub Section (1) & (4) of the Section 8, of the N W F P Civil Servants Act 1973.
3. To correct the seniority to the appellant and SDFO at S. No. 1 & 2, (contractual employees) they are Junior to appellant, as reflected Final Seniority List dated 31/08/2014, as illegal, unlawful and without lawful authority, and appellant was ignore for promotion being in violation of KP service tribunal judgment dated 19/03/2018, and FR 54 (a), and read with Para v (d) of promotion policy.
4. To correct the seniority to the appellant as seniority of the SDFO at S. No. 1 & 2, (contractual employees) over write reflected in Final

Seniority List of RFO dated 22/04/2009, and FSL of SDFO dated 15.5.2013, otherwise as illegal, unlawful and without lawful authority.

**PRAYER**

ON THE ACCEPTANCE OF THIS SERVICE APPEAL THE RESPONDENTS MAY GRACELY BE DIRECTED THAT THE APPELLANT WHO IS SENIOR, ILLEGIBLE, FIT FOR PROMOTION, TO THE POST OF DFO (BS-18), SHOULD BE CONSIDER FOR PROMOTION IN THE CURRENT PSB.

Appellant



Muhammad Ali,

SDFO (BS-17) KP Forest School Thai Abbottabad

Cell No. 0315-319931

Dated 19.07.2024

**AFFIDAVIT**

Muhammad Ali s/o Anwar Ajaz Ali SDFO KP Forest School Thai A Abad do hereby solmnly affirmed declare on Oath that all the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and noting has been concealed or withheld from this Honorable Court.



DEPONENT



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Application No. \_\_\_\_\_

In Service Appeal No. \_\_\_\_\_ 2024,

Muhammad Ali S/o Anwar Ajaz Ali (SDFO) .....PETITIONER

VERSUS

1. The Government of Khyber Pakhtunkhwa & etc....RESPONDENTS

APPLICATION MAY KINDLY BE PASSED STAY ORDER  
AGAINST THE PROCEEDING OF THE PROVINCIAL SELECTION  
BOARD (PSB) TO STOP THE PROMOTION OF THE SDFO (BS-17) K  
P, TO THE RANK OF DIVISIONAL FOREST OFFICER (BS-18), AND  
THE FOREST DEPARTMENTAL HAD BEEN VIOLATE THE  
APPELLANT SENIORITY POSITION FROM THE SERIAL NO. (1), BY  
ADDING THE NAMES AT SERIAL NO. 1 & 2 IN SENIORITY LIST  
DATED 31.05.2023, TILL THE RESTORATION OF SENIORITY, AND  
SAID OFFICERS HAD BEEN FAILED IN THE PUBLIC SERVICE  
COMMISSION (PSC) EXAM IN 2007, THEREFORE THEY DID NOT  
HAVE SAME RIGHTS.



Respectfully Sheweth;

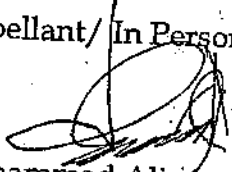
- A. That the Mr. Shabir Ahmad at S. No. 1 and Mr. Alamgir Khan at S. No.2' and *said officers were basically contract employees in the Forest department.*
- B. That the then said an officer has to regularized their position in the department had been appeared in the PSC in the year 2007, but they were *failed.*
- C. That they Mis representative and concealed the facts get regularization and seniority through judgment dated 02.11.2021, and the Honorable Peshawar High Court restored Seniority from w.e.f 24.09.2009, from wrong forum against the Law and Facts.
- D. That the the Syed Tariq Ali Shah (DFO), and now Mr. Shabir Ahmad at S. No. 1 and Mr. Alamgir Khan at S. No. 2, and appellant name listed at S. No. 13, insert of S. No. (10), in the tentative seniority list of Sub Divisional Forest Officers (BS-17) Khyber Pakhtunkhwa, forest department as it stood on dated 31.05.2023.
- E. That the Positions of DFO Posts are very limited, if the PSB proceeded Promotions in this current scenario, the appellant may be loose the Promotion as DFO (Bs-18), All the three ingredients, Doctrine for the grant of temporay injunctio, existence of Prima Facie Case, Balance of Convenience in the right of appellant, and Doctrine of Irrepaeable losses are available in the faver of appellant.

PRAYER

The names of the Mr. Shabir Ahmad the then Forest Ranger, Mr. Alamgir Khan the then Forest Ranger, and Syed Tariq Ali Shah the then Forest Ranger, has not listed in the final seniority list of the RFOs dated 22.04.2009, due to they were

counteract employees in the department, and they were not follow the proper way induction through PSC, therefore requested that the Seniority of the appellant as a SDFO (BS-17) may be pleased passed an order for due place at S. No. (10), in the Seniority list of SDFOs (BS-17) dated 31.05.2023, may kindly be passed stay order against the proceeding of the Provincial Selection Board (PSB) that to stop the promotion of the SDFO (BS-17) K P, to rank of Divisional Forest Officer (BS-18), till restoration of appellant seniority and the appellant could be gave relief in true sense.

Appellant/ In Person,



Muhammad Ali,

SDFO KP Forest School Thai Abbottabad

Cell No. 0315-319931

Dated 19.07.2024

Anx - A

16

Service Appeal No. 1765/2023

Muhammad Ali Vs. Chief Secretary, Khyber Pakhtunkhwa  
Peshawar and others.



25th Oct. 2023 01. Appellant present in person. Preliminary arguments heard and perused the case file with connected documents in detail.

02. Appellant identified two seniority lists dated 28.02.2023 and 31.05.2023 of Sub-Divisional Forest Officers (BPS-17) Khyber Pakhtunkhwa Forest Department which are both tentative seniority lists. He is seeking promotion on the basis of these two tentative seniority lists which is not acceptable. When asked to clarify the position, he informed that he recently took up an appeal at the departmental level. In the absence of clear impugned order, which is the final seniority list in this case, and departmental appeal, order on that and clear list of respondents, the case is not fit for admission. Hence, the appeal is dismissed in limine. Consign

03. Pronounced in open Court at Camp Court, Abbottabad and given under my hand and the seal of the Tribunal on this 25<sup>th</sup> day of October, 2023.

ATTESTED  
*[Signature]*  
25/10/23  
SIX JUDGES  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
\*Fazle Subhan JIS

*[Signature]*  
(FAREEHA PAUL)  
Member(E)  
Camp Court A/Abad


25/10/23  
Number of Words 68  
Copies 30/-  
Date 26/10/23  
Date of delivery of Copy 26/10/23

FORM OF ORDER SHEET

17

Court of \_\_\_\_\_

Appeal No. 1765/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/08/2023	<p>The appeal is re-submitted today by Mr. Muhamniad Ali in Person. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1765/2023,

Muhammad Ali S/o Anwar Ajaz Ali (SDFO) ..... PETITIONER

VERSUS

1. The Government of Khyber Pakhtunkhwa & etc.... RESPONDENTS

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4.	Departmental Appeal dated 31.03.2023,	B	8
5.	Order Dated 20.02.08.2023, is annexed	C	11
6.	Final Seniority list of RFOs 22.04.2009	D	15
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7.	Tentative Seniority list of SDFs 31.02.2023, and is 31.05.2023,	F	22

Certified: That the paper appeal has been prepared in accordance with the rules of the Court and all the documents necessary for due appreciation of the Court have been included in it. Index is complete in all respect.

IN PERSON



(MUHAMMAD ALI)

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

Service Appeal No. 1765 2023,

Muhammad Ali

S/o Anwar Ajaz Ali (SDFO) K P Forest School Thai Abbottabad.....PETITIONER

**VERSUS**

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA**  
Through CHIEF SECRETARY Civil Secretariat Peshawar.

2. **SECRETARY**  
Climate Change, Forestry, Environment and wildlife Department, Government of  
Khyber Pakhtunkhwa Civil Secretariat Peshawar.

3. **CHIEF CONSERVATOR FORESTS,**  
Central Southern Forest Region -I, Shami Road Peshawar

4. **SECRETARY**  
Law Department Civil Secretariat Peshawar .....RESPONDENTS



APPEAL AGAINST VIOLATE THE SENIORITY FROM THE  
SERIAL NO. 10, OF THE APPELLANT AS SDFO (BS-17) K P, BY  
ADDING THE THEN NAMES OF SYED TARIQ ALI SHAH (DFO),  
AND NOW MR. SHABIR AHMAD (SDFO) AT S.NO. 1 AND MR.  
ALAMGIR KHAN (SDFO) AT S.NO.2, IN SENIORITY LIST DATED  
28.02.2023 AND 31.05.2023, AND PROMOTION OF THE APPELLANT  
AS A DIVISIONAL FOREST OFFICER (BS-18), AND SAID OFFICERS  
HAD BEEN FAILED IN THE PUBLIC SERVICE EXAM 2007.

ATTESTED  
EXA  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
26/6/23

FINAL SENIORITY LIST OF FOREST RANGERS (BPS-16) NWFP, FOREST DEPARTMENT

S. No	Name of officer	Academic Qualification	Date of Birth	Domicile	Date of first entry in service	Regular appointment/ promotion to the present post			Present appointment with date	Remarks
						Date	BPS	Method of recruitment		
1	Mr. Amjad Samad	B. Sc. Forestry	6/7/65	Peshawar	1/10/88 F/Ranger	1/10/88	16	By initial recruitment	1/10/88	Appointed as SDFO on acting charge basis
2	Mr. Shaukat Fiaz	B. Sc. Forestry	1/4/66	Karak	1/10/88 F/Ranger	1/10/88	16	-do-	1/10/88	-do-
3	Mr. Muhammad Raad Sher	B. Sc. Forestry	1/3/68	Swat	12/10/89 F/Ranger	12/10/89	16	-do-	12/10/89	-do-
4	Mr. Muhammad Saleem-I	B. Sc. Forestry	14/4/67	Bannu	12/10/89 F/Ranger	12/10/89	16	-do-	12/10/89	-do-
5	Mr. Karim Khan	B. Sc. Forestry	2/2/64	Malakand Agency	12/10/89 F/Ranger	12/10/89	16	-do-	12/10/89	-do-
6	Mr. Raees Khan	B. Sc. Forestry	1/4/67	Dir	12/10/89 F/Ranger	12/10/89	16	-do-	12/10/89	-do-
7	Mr. Abdul Manan	B. Sc. Forestry	13/10/68	D. I. Khan	12/10/89 F/Ranger	12/10/89	16	-do-	12/10/89	Appointed as SDFO on acting charge basis
8	Mr. Abid Mumtaz	B. Sc. Forestry	27/5/75	Malakand Agency	29/10/96 F/Ranger	29/10/96	16	-do-	29/10/96	-do-
9	Mr. Farhad Ali	B. Sc. Forestry	6/4/76	Abbottabad	27/10/99 F/Ranger	27/10/99	16	-do-	27/10/99	Appointed as SDFO on acting charge basis
10	Mr. Hayat Ali	B. Sc. Forestry	27/3/76	Swat	27/10/99 F/Ranger	27/10/99	16	-do-	27/10/99	-do-
11	Mr. Shahid Noor Khattak	B. Sc. Forestry	2/4/75	Karak	27/10/99 F/Ranger	27/10/99	16	-do-	27/10/99	-do-
12	Mr. Shah Hussain	B. Sc. Forestry	4/3/74	Charsadda	27/10/99 F/Ranger	27/10/99	16	-do-	27/10/99	-do-
13	Mr. Muhammad Siddique	B. Sc. Forestry M. Sc. Physics	1/4/72	Charsadda	27/10/99 F/Ranger	27/10/99	16	-do-	27/10/99	-do-
14	Mr. Manzoor Ahmad	FS	1/1/56	Mansehra	5/5/78 Forester	28/11/88 D/Ranger	16	By promotion	BPS-16 24/5/2000	-do-

Ann-  
20

Amjad

	Mr. Sajjad Ahmad	FS	4/1/50	Mansehra	18/2/75	10/6/92	16	By promotion	BPS-16	--
16	Mr. Zia Muhammad	Matric/FS	6/1/50	Mansehra	Forester 16/4/70	D/Ranger 26/1/94	16	-do-	24/5/2000 BPS-16	--
17	Mr. Fazal Habib	B. A/FS	19/11/53	Bajaur Agency	Forester 25/2/77	D/Ranger 31/10/94	16	-do-	26/1/2001 BPS-16	--
18	Mr. Muhammad Saeed	Matric/FS	24/10/49	Mansehra	Forester 16/4/70	D/Ranger 5/5/94	16	-do-	11/12/2001 BPS-16	--
19	Mr. Mukhtiar Ahmad	Matric/FS	29/10/57	Bajaur Agency	Forester 15/4/77	D/Ranger 31/10/94	16	-do-	11/2/2004 BPS-16	--
20	Mr. Muhammad Farid	FA/FS	10/12/49	Kohat	Forester 30/8/78	D/Ranger 14/12/95	16	-do-	11/2/2004 BPS-16	--
21	Mr. Muhammad Yar Jan	Matric/FS	6/9/54	Dir	Forester 3/8/75	D/Ranger 23/7/96	16	-do-	11/2/2004 BPS-16	--
22	Mr. Jansher Khan	FA/FS	1/10/58	Mohmand Agency	Forester 23/11/76	D/Ranger 23/7/96	16	-do-	11/2/2004 BPS-16	--
23	Mr. Ajab Khan	Matric/FS	5/4/61	Mardan	Forester 18/10/79	D/Ranger 23/7/96	16	-do-	11/2/2004 BPS-16	--
24	Mr. Abdul Hamid	Matric/FS	15/2/65	Kohat	Forester 27/7/82	D/Ranger 23/7/96	16	-do-	11/2/2004 BPS-16	--
25	Mr. Muhammad Iqbal	Matric/FS	9/4/56	Mansehra	Forester 1/1/75	D/Ranger 10/9/97	16	-do-	3/1/2006 BPS-16	--
26	Mr. Amir Akbar Shah	FA/FS	4/1/54	Buner	Forester 14/10/72	D/Ranger 13/7/99	16	-do-	3/1/2006 BPS-16	--
27	Mr. Muhammad Farooq	Matric/FS	1/1/54	Mardan	Forester 1/4/75	D/Ranger 26/11/01	16	-do-	3/1/2006 BPS-16	--
28	Mr. Abdul Qayum	M. A/FS	18/1/53	Nowshera	Forester 19/7/75	D/Ranger 26/11/01	16	-do-	3/1/2006 BPS-16	--
29	Mr. Aqil Khan	Matric/FS	1/9/53	Nowshera	Forester 19/7/75	D/Ranger 26/11/01	16	-do-	3/1/2006 BPS-16	--
30	Mr. Khurshid Alam	BA/FS	10/11/56	Malakand Agency	Forester 15/8/75	D/Ranger 26/11/01	16	-do-	3/1/2006 BPS-16	--
31	Mr. Musa Khan	Matric/FS	1/4/57	D.I. Khan	Forester 14/4/76	D/Ranger 26/11/01	16	-do-	3/1/2006 BPS-16	--
32	Mr. Jan Nisar	FS/BA	14/5/55	Charsadda	Forester 1/1/75	D/Ranger 19/4/02	16	-do-	3/1/2006 BPS-16	--
									18/6/2007	--

21



22

33	Mr. Shaukat Hayat	MA/FS	7/6/54	Charsadda	22/2/77	19/4/02	16	By promotion	BPS-16	
34	Mr. Naik Zaman	Matric/FS	8/4/57	Lower Dir	9/9/75	24/5/02	16	-do-	BPS-16	
35	Mr. Mukamil Shah	FA/FS	5/12/52	Buner	5/12/79	D/Ranger			18/6/2007	
36	Mr. Pervez Manan	M. Sc. Forestry	15/4/84	Malakand Agency	20/8/80	24/5/02	16	-do-	BPS-16	
37	Mr. Muhammad Shakeel	M. Sc. Forestry	3/11/80	Bajaur Agency	29/10/80	D/Ranger			18/6/2007	
38	Mr. Jan-e-Alam	M. Sc. Forestry	6/3/83	Nowshera	24/8/07	24/8/07	16	By initial recruitment	BPS-16	
39	Mr. Muhammad Sajid	M. Sc. Forestry	10/4/75	Mardan	24/8/07	24/8/07	16	-do-	BPS-16	
40	Mr. Muhammad Ali	B. Sc. Forestry	25/5/66	Abbottabad	25/8/07	25/8/07	16	-do-	BPS-16	
41	Mr. Ifikhar Ahmad	Matric/FS	13/2/50	Shangla	27/11/07	27/11/07	16	-do-	BPS-16	
42	Mr. Sar Ahmad	FA/FS	25/2/53	Swat	11/10/72	24/5/02	16	By promotion	BPS-16	
43	Mr. Shah Hussain	F. Sc/FS	1/4/54	Abbottabad	29/9/82	D/Ranger			28/11/2008	
					12/10/72	24/5/02	16	-do-	BPS-16	
					27/9/84	D/Ranger			28/11/2008	
					18/2/75	29/6/02	16	-do-	BPS-16	
					Forester	D/Ranger			28/11/2008	

Chief Conservator of Forests  
NWFP Peshawar

Series in Age  
Para v (a) P.P. 2009, S. 17(a) (a) (c) T) K  
PSC, Balochistan 2328-07  
NO-NWFP-PSC-SRA/30311  
Secondary Zone

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOREST DEPARTMENT

NOTIFICATION

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

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

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

F-Final Seniority list of Forest Rangers.

Annex - 23

Alves  
[Signature]

Alves  
[Signature]

Alves  
[Signature]

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

E-Final Seniority list of Forest Rangers.

2. AA  
3. CCF 1

24-12

DFO - Khyber Peshawar

S.No 15

S.No-16

S.No-1

S.No 2

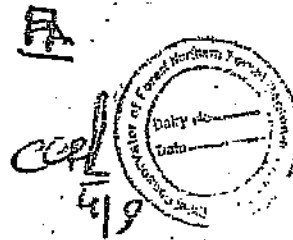
DFO - Kohat

*D. Report*

23.	Mr. Ihsanullah	Matric/FS	5/10/57	Lower Dir	1/3/77	23/7/04	16	-do-	BPS-16	
24.	Mr. Tasleem Shah	Matric/FS	3/1/55	Swabi	16/4/77	4/7/05	16	-do-	BPS-16	
25.	Mr. Mohanmad Lodhi	Matric/FS	12/3/60	Nowshera	2/12/78 17/11/80	5/7/06	15	-do-	BPS-16	
26.	Mr. Iqtidar Hussain	Matric/FS	17/2/59	Kolrat	16/8/77	12/7/06	16	-do-	BPS-16	
27.	Mr. Mohammad Nawab	Matric/FS	12/3/59	Bannu	3/12/78	12/7/06	16	-do-	BPS-16	
28.	Mr. Tehsinullah	Matric/FS	3/11/56	Charsadda	19/6/80	12/7/2006	16	-do-	BPS-16	
29.	Mr. Moin-ud-Din	Matric/FS	22/12/56	Bannu	23/6/80	12/7/2006	16	-do-	BPS-16	
30.	Mr. Razi-ur-Rahman	Matric/FS	12/9/59	Peshawar	13/7/80	12/7/2006	16	-do-	BPS-16	
31.	Mr. Mohamud Hayat	Matric/FS	14/12/56	Nowshera	14/7/80	12/7/2006	16	-do-	BPS-16	
32.	Mr. Ahmad Nawaz	Matric/FS	13/3/58	D.I.Khan	19/4/80	4/10/2007	16	-do-	BPS-16	

CERTIFICATE

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



*[Signature]*  
Chief Conservator of Forests  
Central Southern Forest Region  
Khyber Pakhtunkhwa Peshawar

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CERTIFICATE

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

*[Signature]*

Chief Conservator of Forests  
Central Southern Forest Region  
Khyber Pakhtunkhwa Peshawar

No. 542-45 /E

Dated Peshawar the 01 /09/2014.

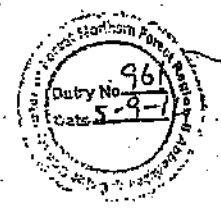
Copy forwarded for information and necessary action to the:-

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

*[Signature]*

Chief Conservator of Forests  
Central Southern Forest Region  
Khyber Pakhtunkhwa Peshawar

FA  
COF  
48



10/11/14

Annex-B

13  
~~Annex-A~~ 27

ABBOTTABAD.

On recommendation of Selection Committee constituted for the selection/appointment of Forest Guard, Mr. Mohammad Ali S/O Anwar-Ajaz Ali/Aziz Stationers and General Store Link Road, Abbottabad is hereby appointed as Forest Guard in B.P.S.No.-2(460-12-700) per month plus usual allowances as admissible under rules with effect from the date of arrival in Working-Plan Forest Division Unit No.IV, Abbottabad.

The Post which is being offered to him is temporary and therefore his employment in the Forest Department is also purely temporary and his services can be terminated in accordance with Government of West Pakistan Services and General Administration Department notification No.SO. VIII-I-3/1965 dated 10.9.1963 at any time irrespective of the effect that he is holding a post other than the one to which he was originally recruited for the post mentioned above.

1. He has to join duty on his own expenses.

2. The offer is subjected to the conditions that he is domiciled in Hazara civil Division.

3. In case he wished to resign at any time a month's notice will be necessary or in lieu therefore a month's pay may be forfeited.

4. He will have to produce a medical fitness certificate.

5. He will have to govern by such rules and orders relating to leave, travelling allowances, medical attendance, pay etc. as may be issued by Government for the category of Govt. servants which he will belong. If he accepts the post on these conditions he would report himself for duty to the undersigned, on 12/12/66 and produce original certificates in connection with his age and domicile.

6. The offer will be cancelled if no reply is received by 12/12/66 if he fails to report for duty the offer will be cancelled.

Sd/-  
(MR. SHAH-WAZIR KHAN)  
DIVISIONAL FOREST OFFICER  
WORKING-PLAN FOREST DIVISION  
UNIT No. IV, ABBOTTABAD.

146-48 /WP-IV, Dated Abbottabad the 16 /12, 1966.

Copy forwarded to:-

The PD/Conservator of Forests WWFP, Forestry pre-investment centre Peshawra. for information please.

The Divisional Forest Officer W/Plan Unit No. II A'Abad for information.

Mr. Mohammad Ali S/O Anwar-Ajaz Ali Teh: and Distt: A'Abad S/O Aziz stationers and General Store Link Road Abbottabad. for information.

Accepted  
*[Signature]*

*[Signature]*  
10/12/66  
DIVISIONAL FOREST OFFICER  
WORKING-PLAN FOREST DIVISION  
UNIT No. IV, ABBOTTABAD.

Ann - B

28

OFFICE ORDER NO. 38 DATED PESHAWAR, THE 04/11  
JANUARY, 2006 ISSUED BY MR. JALALUD DIN CONSERVATOR OF  
FORRESTS WORKING PLANS & P&M CIRCLE, PESHAWAR.

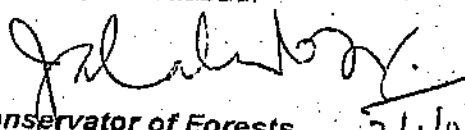
Mr. Muhammad Ali Forester (BS-7) presently posted in Working Plan Unit-IV Abbottabad who has completed Forest Ranger training (B.Sc. Forestry) is hereby posted against the vacant post of Forest Ranger in Working Plan Unit-IV Abbottabad in his own pay scale with immediate effect in the interest of public service.

Sd/-  
(JALALUD DIN)  
Conservator of Forests.  
W/Plans Circle, Peshawar.

No. 1781-83 /PA.

Copy to the:

1. Chief Conservator of Forests NWFP Peshawar for favour of information with reference to our discussion and verbal permission dated 03-1-2006 please.
- ✓ 2. The Divisional Forest Officer Working Plan Unit-IV, Abbottabad for information and necessary action.
3. Mr. Muhammad Ali Forester Working Plan Unit-IV, Abbottabad.

  
Conservator of Forests.  
W/Plans Circle, Peshawar.

3/1/06

Attest  


Annex-3

29

Telephone: 917650



N.W.F.P. Public Service Commission  
Banglow No. 186 Sector PI Phase-IV,  
Hayatabad Peshawar.

No. NWFP-PSI-SRA/30811  
Dated: 23/6/07

To:

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

10/3207

Subject:

RECFE: OF 7 RANGE FOREST OFFICER B-16 IN ENVIRONMENT DEPT.

Sir:

I am directed to refer to your letter NO.S0(ESTT)ENV/1-6/244225 dated 15.11.2006 on the subject noted above and to state that the Commission recommends the following for appointment for the subject cited post:-

Sl. No.	Merit order	Name with Father's Name	Domicile/Zone
1st	01	Pervaz Khan S/O Fazli Khan	MKD AGY/3
2nd	03	Muhammad Shakoor S/O Fazli Khan	Haj: AGY/1
3rd	02	Jam-E-Alam S/O Misal Khan	Kowshera/2
4th	04	Munawar Zeb S/O Jehanzeb	Swat/3
5th	05	Muhammad Sajid S/O Abdul Qayyum	Kardan/2
6th	21	Alamgir Khan S/O Ayub Khan	L.Larwat/4

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

Yours faithfully,

*[Signature]*  
(SIR) (III-III)  
Deputy Secretary-III

*[Signature]*

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23/6

107/07  
23-6

REPRODUCED WITH PERMISSION



ANX-3B

30

OFFICE ORDER NO 113 DATED PESHAWAR THE 15/11/2007 ISSUED BY MR. MUHAMMAD IQBAL SWATI CHIEF CONSERVATOR OF FORESTS NWFP PESHAWAR

In pursuance of the recommendations of NWFP Public Service Commission, Mr. Muhammad Ali S/O Anwar Ejaz Ali of Distt: Abbottabad is hereby appointed as Forest Ranger (BS-16) in NWFP Forest Department.

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

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

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

Sd/-

Muhammad Iqbal Swati  
Chief Conservator Forest

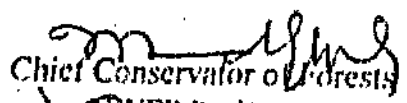
NWFP Peshawar

No. 2189-7/1E

BX-26

Copy forwarded for information and necessary action to the:-

1. Section Officer (Establishment), Govt: of NWFP, Environment Department, Peshawar with reference to his office letter No. SO (Estt) ENVT/1-6/2K5/4107, dated 5/11/2007.
2. Superintendent Budget and Accounts Head Office Peshawar.
3. Official concerned.

  
Chief Conservator of Forests  
NWFP Peshawar

Muhammad Iqbal Swati S/O G. R. 11/12/2007

Attest  


GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the 7<sup>th</sup> July 2022

31

NOTIFICATION

No.SO(Estt)FE&WD/1-3/2022: On the recommendations of Departmental Promotion Committee in its meeting held of 6<sup>th</sup> June, 2022, the competent authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to promote the following Range Forest Officers (BS-16) to the post of Sub-Divisional Forest Officer (BS-17) on regular basis in Khyber Pakhtunkhwa Forest Department, with immediate effect:-

#	Name of officer	Present place of posting
1	Mr. Shabir Ahmad	Range Forest Officer, Utror Range of Kalain Forest Division
2	Mr. Alamgir Khan	SDFO Alpuri Forest Sub Division (OPS) of Alpuri Forest Division
3	Muhammad Riasat	Range Forest Officer, Watershed Division, Abbottabad
4	Mr. Hameed Ullah	Range Forest Officer, Demarcation Swat

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

3) Consequent upon their promotion, the officer at serial no. 2 is allowed to actualize his promotion against the already occupied post. The posting / transfer notification of the remaining officers will be issued later-on.

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

Endst: No: and date of even / 2313-20

Copy is forwarded to:-

- 1) Chief Conservator of Forests, Central & Southern Forest Region-I, Peshawar. He is requested to furnish a proposal regarding posting/transfer of the above officers to this department for further necessary action.
- 2) Chief Conservator of Forests, Malakand Forest Region-III, Swat.
- 3) Conservators of Forests, Southern Circle, Peshawar, Malakand East Forest Circle, Swat and Lower Hazara Forest Circle, Abbottabad.
- 4) Director Budget and Accounts Cell, FE&W department, Khyber Pakhtunkhwa.
- 5) Divisional Forest Officers, Kalam and Alpuri Forest Divisions.
- 6) Divisional Forest Officer, Demarcation Swat.
- 7) Divisional Forest Officer, Watershed Division, Abbottabad.
- 8) PS to Secretary, Forestry, Environment & Wildlife Department.
- 9) Officers concerned.
- 10) Personal files of the officers concerned.
- 11) Master file.
- 12) Office order file.

Attest



(MUHAMMAD NAZAKAT)  
SECTION OFFICER (ESTT)

185

21.7.2022

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

**NOTIFICATION**

NO. SO (EST) FE&WD/1-10/2024/3536-40 In pursuance of Section-8(1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Competent Authority (Secretary Establishment, Khyber Pakhtunkhwa) is pleased to approve to notify final seniority list of Sub-Divisional Forest Officers (BPS-17), Forest Department Khyber Pakhtunkhwa (as stood on 15<sup>th</sup> February, 2024) for general information.

Sl. No.	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt. Service	Regular appointment/ promotion to the present post			Departmental Examination passed	Remarks
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	9
1	Mr. Shabir Ahmad B. Sc Forestry	1/8/1967 Swat	01/7/2005	24/09/2009	17	By promotion	Passed	SDFO Kalam. Seniority fixed w.e.f 24/09/2009 as per Judgment of Peshawar High Court/Dar-ul-Qaza Swat dated 02/11/2021 & opinion of Law Department dated 15/12/2021.
2	Mr. Alamgir Khan B. Sc Forestry	3/1/1969 Swat	01/7/2005	24/09/2009	17	-do-	Passed	-do- SDFO Aipur
3	Muhammad Usman M. Sc Forestry	25/3/1989 Chasadda	19/10/2015 SDFO	19/10/2015	17	By Initial recruitment	Passed	DFO Demarcation Peshawar. Seniority fixed as per Judgment of KP Service Tribunal. Opinion of Law Deptt; notified vide A. Deptt; No.SO (Estt)/FE&WD/2-50(91)/PFI, dated 9/8/2023.
4	Muhammad Arif M. Sc Forestry	16-05-1991 Mabmand	19/10/2015 SDFO	19/10/2015	17	-do-	Passed	Presently on study leave. Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide A. Deptt; No.SO (Estt)/FE&WD/2-50(91)/PFI, dated 9/8/2023.
5	Mr. Wasoam Abbas B. Sc Forestry	31/03/1982 Kohat	19/10/2015 SDFO	19/10/2015	17	-do-	Not yet	SDFO Working Plan Unit-I Abbottabad Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide A. Deptt; No.SO (Estt)/FE&WD/2-50(91)/PFI, dated 9/8/2023.

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6	Mr. Shehryar Khan M.Sc Forestry	03/03/1993 Swabi	14/12/2017 SDFO	14/12/2017	17	By initial recruitment	Passed	Appointed to the post of DFO (BPS-18) on ACB and posted as DFO Galis Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide A. Deptt; No.SO (Estt)/FE&WD/2-SO(91)/PFI, dated 9/8/2023.
7	Mr. Shakeel Ahmad M.Sc Forestry	25/01/1995 Mardan	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	DFO Targhar Seniority fixed as per Judgment of KP Service Tribunal; Opinion of Law Deptt; notified vide A. Deptt; No.SO (Estt)/ FE&WD/2-SO(91)/PFI, dated 9/8/2023.
8	Muhammad Waqar Khan M.Sc Forestry	01/11/1990 Bannu	14/12/2017	14/12/2017	17	--do--	Passed	Monitoring and Evaluation Officer 10-BITP Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide A. Deptt; No.SO (Estt)/ FE&WD/2-SO(91)/PFI, dated 9/8/2023.
9	Mr. Bilal Ahmad-I M.Sc Forestry	04/05/1995 Shangla	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Besham Watershed with additional charge of DFO Kohistan Watershed Division Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide No.SO (Estt)/ FE&WD/ 2- SO(91)/PFI, dated 9/8/2023.
10	Mr. Shabir Ahmad Jan M.Sc Forestry/M Phil Forestry in Range Management	20/06/1990 Lower Dir	20/11/2014 E/Ranger 14/12/2017 SDFO	14/12/2017	17	--do--	Passed	Presently under suspension Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide No.SO (Estt)/ FE&WD/2- SO(91)/PFI, dated 9/8/2023.
11	Mr. Zahid Muhammad M. Sc Forestry	10/10/1994 South Waziristan	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	Appointed to the post of DFO (BPS-18) on ACB and posted as DFO North Waziristan Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide No.SO (Estt)/ FE&WD/2- SO(91)/PFI, dated 9/8/2023.

*[Handwritten signature]*

12.	Mr. Shah Fahad M.Sc Forestry	15/09/1989 Bannu	14/12/2017 SDFO	14/12/2017	17	By Initial recruitment	Passed	DFO Bannu Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide No. SO(Estt)/FE&WD/2- 50(91)/PF, dated 9/8/2023.
13.	Mr. Saeed Anwar-I M. Sc Forestry	4/8/1992 Bannu	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Karak Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide No. SO(Estt)/ FE&WD/2- 50(91)/PF, dated 9/8/2023.
14.	Mr. Amanullah M.Sc Forestry	08/02/1995 Mansehra	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	DFO-Agror Tanawal Seniority fixed as per Judgment of KP Service Tribunal, Opinion of Law Deptt; notified vide No. SO(Estt)/ FE&WD/2- 50(91)/PF, dated 9/8/2023.
15.	Muhammad Sajid M. Sc. Forestry	10/4/1975 Mardan	25/8/2007	13/12/2018	17	By promotion	Passed	SDFO Patrol Squad Southern circle with Additional charge of DFO Patrol Squad Southern Circle, Seniority restored under Para-V(d) of Promotion Policy, 2009 vide Notification No. SO(Estt)/FE&WD/1-39/ 2019, dated 14/06/2021.
16.	Muhammad Saleem B.Sc Forestry	12/12/1964 Abbottabad	01/10/1987	13/12/2018	17	--do--	Passed	DFO Hazara Tribal Battagram
17.	Mr. Ihsanuddin B.Sc Forestry	20/04/1966 Upper Dir	01/10/1988	13/12/2018	17	--do--	Passed	SDFO Litigation Dir
18.	Mr. Saeed Ahmad B.Sc Forestry	14/11/91 Mardan	20/11/2014 F/Ranger	10/06/2020	17	--do--	Not yet	SDFO Khar
19.	Mr. Umair Nawaz B.Sc, M.Sc Forestry	18/1/1992 Chitral	20/11/2014 F/Ranger	10/06/2020	17	--do--	Passed	SDFO Drosht South
20.	Mr. Turab Khan M.Sc Forestry & B.Sc Forestry	21/03/1991 D.I. Khan	20/11/2014 F/Ranger	10/06/2020	17	--do--	Passed	SDFO Tank
21.	Mr. Ghulam Murtaza B.Sc Forestry	01/03/1983 Mansehra	20/11/2014 F/Ranger	10/06/2020	17	--do--	Passed	SDFO Mansehra
22.	Mr. Zahid Ullah, M.Sc Forestry & B.Sc Forestry	20/05/1983 North Waziristan	20/11/2014 F/Ranger	10/06/2020	17	--do--	Not yet	SDFO FP&M Circle

*Handwritten signature*

21	Mr. Abdul Ghani Shah MBA/IS	28/3/1967 Bannu	10/7/1994	10/06/2020	17	--do--	Passed	SDFO Siran Watershed
24	Mr. Zareen Gul	1/1/1964 Buner	18/3/1985	25/11/2021	17	--do--	Not yet	SDFO Buner Watershed with additional charge of DFO Buner Watershed
25	Mr. Sarder Salih	10/1/1972 Dir	1/10/1990	25/11/2021	17	--do--	Passed	DFO Dir Kohistan Sheringal
26	Mr. Izat Sher	1/4/1967 Swat	1/10/1990	25/11/2021	17	--do--	Not yet	SDFO Demarcation with Additional Charge of DFO Demarcation
27	Mr. Sharifullah	2/3/1995 Swat	17/10/2017	25/11/2021	17	--do--	Not yet	SDFO Bahrain North
28	Mr. Zohaib Hassan	12.11.1992 Mardan	17/10/2017	25/11/2021	17	--do--	Passed	SDFO Makhniai
29	Muhammad Junaid	20.9.1994 Charsadda	17/10/2017	25/11/2021	17	--do--	Passed	SDFO Bahkot
30	Mr. Umer Khitab	6.4.1992 South Waziristan	27/05/2016 (as RO Wildlife) 17/10/2017 (as RFO Forest Department)	25/11/2021	17	--do--	Passed	Deputy Coordinator Forestry (Climate Resilience) Agriculture Department
31	Mr. Junaid Alam	11.1.1993 Karak	17/10/2017	25/11/2021	17	--do--	Not yet	SDFO Abbottabad
32	Mr. Shahzad Khan BS Forestry	6/7/1993 Peshawar	24/2/2022	24/2/2022	17	By Initial recruitment	Not yet	SDFO Swabi
33	Mr. Adnan Rasool	North Waziristan 28/02/1994	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO FP&M Circle
34	Mr. Bilal Ahmad-II M.Phil Environmental Sciences	03/03/1992 Malakand	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Karora
35	Mr. Muakir Shah M.Sc Forestry	08/01/1995 D.I.Khan	24/2/2022	24/2/2022	17	--do--	Passed	SDFO Jubbah
36	Muhammad Uzair M.Sc Forestry	25/4/1995 Abbottabad	24/2/2022	24/2/2022	17	--do--	Passed	SDFO Agror Tanawal
37	Mian Ijaz Alam M.Sc Forestry	10/9/1989 Swat	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Matta

58	Sayed Aslam Shah M.Phil Plant Biodiversity and Conservation	30/1/1992 Charsadda	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Thandfan
59	Zaullah BS Forestry	12/5/1993 North Waziristan	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO W/P Unit.V
40	Sayed Masoom Shah M.Sc Forestry	9/4/1992 Mohmand	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Warai
41	Mr. Bilal Ahmed Khan M.Sc Forestry	21/4/1994 Mohmand	24/2/2022	24/2/2022	17	By initial recruitment	Not yet	SDFO Daggar
42	Mr. Salman Khan M.Sc Forestry	28/2/1995 Lakki Marwat	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Harban
43	Mubarrat Younas B.Sc Forestry	06/02/1993 Lower Dir	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Jandool
44	Mr. Irfanullah Muhammadi M.Sc Forestry	12/10/1994 South Waziristan	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Wanna
45	Mr. Yasir Mahmood	Bannu 20/09/1996	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Kohat
46	Mr. Zahoor Khan M.Phil Forestry and Wildlife Management	12/7/1993 Bajaur	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Upper Dir
47	Mr. Saifdar Shah	13/01/1995 Abbottabad	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Range Management
48	Mr. Khurshid Alam M.Phil Forestry and Range Management	03/01/1988 Swat	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Behrain South
49	Muhammad Ishaq M.Sc Forestry	5/12/1982 Peshawar	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Nizam pur
50	Mr. Masoom Khan	Bannu 16/04/1995	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Lower Siran with additional charge of SDFO Upper Siran
51	Mr. Sajid Aman M.Phil Forestry and Range Management	04/03/1994 Swabi	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Gadcon
52	Mr. Khurram Shahzad M.Sc Forestry	01/05/1993 Charsadda	24/2/2022	24/2/2022	17	-do-	Not yet	SDFO Kaghan

	Mr. Usman Ali M.Phil Forestry and Wildlife Management.	13/12/1992 Atansehra	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Khanpur.
54.	Muhammad Waseem Sadiq Abbasi M.Phil Forestry and Wildlife Management	03/04/1995 Hafipur	24/2/2022	24/2/2022	17	--do--	Not yet.	SDFO Bagnoteer.
55.	Bomish Kumar BS Forestry	06/07/1999 Swat	09/06/2022	09/06/2022	17	--do--	Not yet	SDFO Patrol Squad Malakand East
56.	Mr. Sher Amanullah M.Agric/FSc	27/6/1965 FR Bannu	1/10/1986	7/7/2022	17	By promotion	Not yet	SDFO Orakzai
57.	Muhammad Riasat M.Agric/FSc	25/3/1966 Abbottabad	01/10/1996	7/7/2022	17	By promotion	Passed	SDFO Daur Watershed
58.	Muhammad Ali	25/5/1966 Abbottabad	27/11/2007 F/Ranger	20/1/2023	17	-do-	Passed	SDFO Khyber Pakhtunkhwa Forest School Thal Abbottabad

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

Encl No: SO (Estt)/FE&WDF-40/2024

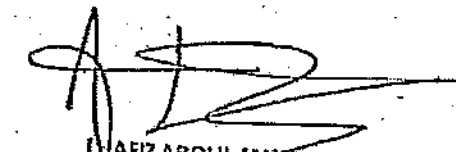
3536-40

Copy is forwarded to the:-

1. Chief Conservator of Forests-I, Khyber Pakhtunkhwa.
2. Chief Conservator of Forests-II, Khyber Pakhtunkhwa.
3. Chief Conservator of Forests Malakand Forest Region-III Saidur Sharif Swat.
3. Officer's concerned C/O CCF-I, Peshawar.
4. Office Order file.
5. Master file.

Dated Peshawar the, 01<sup>st</sup> April, 2024.


Attended

  
(HAFIZ ABDUL JALEEL)  
SECTION OFFICER (ESTT)

3/4/2024



AW-D-2

	<p>GOVERNMENT OF KHYBER PAKHTUNKHWA CLIMATE CHANGE, FORESTRY, ENVIRONMENT &amp; WILDLIFE DEPARTMENT</p> <p>NO. SO(ESTT)/E&amp;W/D/1-39/2022/KC Dated Peshawar Ho, 20<sup>th</sup> February, 2023</p> <p>38</p>
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To  
The Chief Conservator of Forests,  
Central & Southern Forest Region I,  
Khyber Pakhtunkhwa,  
Peshawar

Subject: - APPEAL FOR SENIORITY

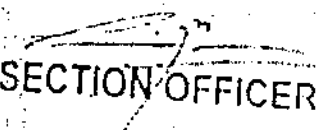
I am directed to refer to your letter No. 8533/1 dated 13 February 2023 on the subject cited above and to state that the seniority of the applicant (Muzammil Ali SDFO BS-17) may be placed at his due place in the seniority list of SDFO (BS-17) in light of Para-V (d) of Promotion Policy; circulate the same amongst the officers concerned of the cadre tentative and after fulfilling all the codal formalities, final seniority list of SDFO may be furnished to this department for further necessary action.

  
SECTION OFFICER (ESTT)

Endst: No. & Date even

Copy is forwarded for information to PS to Secretary Climate Change Forestry, Environment & Wildlife department, Khyber Pakhtunkhwa



  
SECTION OFFICER (ESTT)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

Anx - D3

**NOTIFICATION**

**NO.SO(ESTT) FE&WDA-40/2021:** In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule-17 Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the competent authority is pleased to notify/circulate final Seniority List of Sub-Divisional Forest Officers (BPS-17) Khyber Pakhtunkhwa Forest Department (as it stood on 10/08/2023) for general information.

**FINAL SENIORITY LIST OF SUB-DIVISIONAL FOREST OFFICERS (BPS-17) KHYBER PAKHTUNKHWA, FOREST DEPARTMENT AS IT STOOD ON 10/08/2023.**

S#	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt. Service	Regular appointment/ promotion to the present post			Departmental Examination passed	Remarks
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	9
1.	Mr. Shabir Ahmed B. Sc. Forestry	1/8/1967 Swat	01/7/2005	24/09/2009	17	By promotion	Passed	Seniority fixed w.e.f 24-09-2009 as per Judgment of Peshawar High Court/Dar-ul-Qaza Swat dated 02/11/2021 & opinion of Law Department dated 15/12/2021. SDFO Kalam
2.	Mr. Alamgir Khan B. Sc. Forestry	3/1/1969 Swat	01/7/2005	24/09/2009	17	-do-	Passed	--do--
3.	Muhammad Usman M.Sc Forestry	25/3/1989 Charsadda	19/10/2015 SDFO	19/10/2015	17	By Initial recruitment	Passed	SDFO Alpuri DFO Upper Dir (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
4.	Muhammad Arif M. Sc Forestry	16-051991 Mohmand	19/10/2015 SDFO	19/10/2015	17	--do--	Passed	(Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
5.	Mr. Waseem Abbas M. Sc Forestry	31/03/1982 Kohat	19/10/2015 SDFO	19/10/2015	17	--do--	Not yet	SDFO Working Plan Unit-I Abbottabad  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;

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6.	Mr. Shehr Yar Khan M.Sc Forestry	03/05/1993 Swabi	14/12/2017 SDFO	14/12/2017	17	By Initial recruitment	Passed	Appointed to the post of DFO (BPS-18) on ACB and posted as DFO Gafni (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;)
7.	Mr. Shakeel Ahmad M.Sc Forestry	25/01/1995 Mardan	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Battagram  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;)
8.	Muhammad Waqas Khan M.Sc Forestry	01/11/1990 Bannu	14/12/2017	14/12/2017	17	--do--	Passed	Monitoring and Evaluation Officer 10-BTTP  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;)
9.	Mr. Bilal Ahmad-I M.Sc Forestry	04/05/1995 Shangla	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Besham Watershed with additional charge of DFO Kohistan Watershed Division  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;)
10.	Mr. Shabir Ahmad Jan M.Sc Forestry/M Phil Forestry in Range Management	20/06/1990 Lower Dir	20/11/2014 F/Ranger	14/12/2017	17	--do--	Passed	SDFO Dargai  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;)
11.	Mr. Zahid Muhammad M. Sc Forestry	10/10/1994 South Waziristan	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	-Appointed to the post of DFO (BPS-18) on ACB and posted as DFO Demarcation Peshawar  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;)

12.	Mr. Shah Fahad M.Sc Forestry	15/08/1989 Bannu	14/12/2017 SDFO	14/12/2017	17	By Initial recruitment	Passed	DFO Bannu (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
13.	Mr. Saeed Anwar-11 M. Sc Forestry	4/8/1992 Bannu	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Karak (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
14.	Mr. Amanullah M.Sc Forestry	08/02/1995 Manshehra	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Abbottabad (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
15.	Muhammad Sajid M. Sc. Forestry	10/4/1975 Mardan	25/8/2007	13/12/2018	17	By promotion	Passed	SDFO Patrol Squad Southern circle with Additional charge of DFO Patrol Squad Southern Circle
16.	Muhammad Ali	25/5/1966 Abbottabad	27/11/2007 F/Ranger	13/12/2018	17	-do-	Passed	Seniority restored under Para-V(d) of Promotion Policy, 2009/advice of AD. SDFO Khyber Pakhtunkhwa Forest School Thal Abbottabad
17.	Muhammad Saleem B.Sc Forestry	12/12/1964 Abbottabad	01/10/1987	13/12/2018	17	--do--	Passed	DFO Hazara Tribal Bartagram
18.	Mr. Ihsanuddin B.Sc Forestry	20/04/1966 Upper Dir	01/10/1988	13/12/2018	17	--do--	Passed	SDFO Litigation Dir
19.	Mr. Saeed Ahmad B.Sc Forestry	14/11/91 Mardan	20/11/2014 F/Ranger	10/06/2020	17	--do--	Not yet	SDFO Khar
20.	Mr. Umair Nawaz B.Sc. Msc Forestry	18/1/1992 Chitral	20/11/2014 F/Ranger	10/06/2020	17	--do--	Passed	SDFO Drosli North
21.	Mr. Turaban Khan M.Sc Forestry & B.Sc Forestry	21/03/1991 D.I.Khan	20/11/2014 F/Ranger	10/06/2020	17	--do--	Passed	SDFO Tank
22.	Mr. Ghulam Murtaza B.Sc Forestry	01/03/1983 Manshehra	20/11/2014 F/Ranger	10/06/2020	17	--do--	Passed	SDFO Manshehra
23.	Mr. Zahid Ullah, M.Sc Forestry & B.Sc Forestry	20/05/1983 North Waziristan	20/11/2014 F/Ranger	10/06/2020	17	--do--	Not yet	SDFO FP&M Circle
24.	Mr. Abdul Ghani Shah MBA/FS	28/3/1967 Bannu	10/7/1994	10/06/2020	17	--do--	Passed	SDFO Siran Watershed
25.	Mr. Zareen Gul	1/4/1964 Buner	18/3/1985	25/11/2021	17	--do--	Not yet	SDFO Buner Watershed with additional charge of DFO Buner Watershed

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26.	Muhammad Riasat Matric/FS	25/3/1966 Abbottabad	01/10/1986	25/11/2021	17	By promotion	Passed	Seniority restored w.e.f 25/11/2021. SDFO Watershed
27.	Mr. Sardar Salih	20/1/1972 Dir	1/10/1990	25/11/2021	17	--do--	Passed	Seniority restored w.e.f 15/04/2009 with the direction of Administrative Deptt;  SDFO Patrak with additional charge of DFO Sheringal.
28.	Mr. Izzat Sher	1/4/1967 Swat	1/10/1990	25/11/2021	17	--do--	Not yet	SDFO Demarcation with Additional Charge of DFO Demarcation
29.	Mr. Shariullah	2/3/1995 Swat	17/10/2017	25/11/2021	17	--do--	Not yet	SDFO Timergara
30.	Mr. Zohaib Hassan	12.11.1992 Mardan	17/10/2017	25/11/2021	17	--do--	Passed	SDFO Makhniai
31.	Muhammad Junaid	20.9.1994 Charsadda	17/10/2017	25/11/2021	17	--do--	Passed	SDFO Balakot
32.	Mr. Umer Khitab	6.4.1992 South Waziristan	27/05/2016 (as RO Wildlife) 17/10/2017 (as RFO FD)	25/11/2021	17	--do--	Passed	SDFO Patrol Squad Merged Areas
33.	Mr. Junaid Alam	1.11.1993 Karak	17/10/2017	25/11/2021	17	--do--	Not yet	SDFO Dunga Gali
34.	Mr. Shahzad Khan BS Forestry	6/7/1993 Peshawar	24/2/2022	24/2/2022	17	By Initial recruitment	Not yet	SDFO Swabi (presently under training at PFI)
35.	Mr. Adnan Rasool	North Waziristan	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Lower Siran (presently under training at PFI)
36.	Mr. Bilal Ahmad-II M.Phil Environmental Sciences	03/03/1992 Malakand	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Karora
37.	Mr. Muzakir Shah M.Sc Forestry	08/01/1995 D.I.Khan	24/2/2022	24/2/2022	17	--do--	Passed	SDFO W.P Unit-V (presently under training at PFI)
38.	Muhammad Uzair M.Sc Forestry	25/4/1995 Abbottabad	24/2/2022	24/2/2022	17	--do--	Passed	SDFO Patrol Squad Lower Hazara (presently under training at PFI)
39.	Mian Izzat Alim M.Sc Forestry	10/9/1989 Swat	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Matta
40.	Sayed Aslam Shah M.Phil Plant Biodiversity and Conservation	30/1/1992 Charsadda	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Thandiani (presently under training at PFI)
41.	Ziaullah BS Forestry	12/5/1993 North Waziristan	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Judbah (presently under training at PFI)
42.	Sayyed Masoom Shah M.Sc Forestry	9/4/1992 Mohmand	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Warai (presently under training at PFI)

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43.	Mr. Bilal Ahmed Khan M.Sc Forestry	21/4/1994 Mohmand	24/2/2022	24/2/2022	17	By initial recruitment	Not yet	Assistant Professor PFI
44.	Mr. Salman Khan M.Sc Forestry	28/2/1995 Lakki Marwat	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Agror (presently under training at PFI)
45.	Muhammad Younas B.Sc Forestry	06/02/1993 Lower Dir	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Timergara (presently under training at PFI)
46.	Mr. Irfanullah Muhammadi M.Sc Forestry	12/10/1994 South Waziristan	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Upper Siran
47.	Mr. Yasir Mahmood	20/09/1996	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Kohat
48.	Mr. Zahoor Khan M.Phil Forestry and Wildlife Management.	12/7/1993 Bajaur	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Upper Dir (presently under training at PFI)
49.	Mr. Safdar Shah	13/01/1995 Abbottabad	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Range Management
50.	Mr. Khurshid Alam M.Phil Forestry and Range Management	03/01/1988 Swat	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Behrain South
51.	Muhammad Ishfaq M.Sc Forestry	5/12/1982 Peshawar	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Doshi South
52.	Mr. Marnoon Khan	Bannu	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Lower Siran
53.	Mr. Sajid Aman M.Phil Forestry and Range Management	04/03/1994 Swabi	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Gadoon
54.	Mr. Khurram Shahzad M.Sc Forestry	01/05/1993 Charsadda	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Nizampur
55.	Mr. Usman Ali M.Phil Forestry and Wildlife Management.	13/12/1992 Manshra	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Khanpur
56.	Muhammad Waseem Sadiq Abbasi M.Phil Forestry and Wildlife Management	03/04/1995 Haripur	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Bagnoter
57.	Hamish Kumar BS Forestry	06/07/1999 Swat	09/06/2022	09/06/2022	17	--do--	Not yet	SDFO Patrol Squad Malakand East (presently under training at PFI)
58.	Mr. Sher Amanullah Matric/FS	27/6/1965 FR Bannu	1/10/1986	7/7/2022	17	By promotion	Not yet	SDFO Orakzai

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It is certified:-

1. That the final seniority list has been circulated amongst the Officers.
2. That there is no seniority dispute amongst the Officers except M/S Zohaib Hassan, Muhammad Junaid, Umer Khitab, Junaid Alam & Zahid Muhammad
3. That none of the Officer has pointed/raised any objection pertaining to his seniority except M/S Zohaib Hassan, Muhammad Junaid, Umer Khitab, Junaid Alam & Zahid Muhammad

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

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

NO.SO(ESTT) FE&WD/1-40/2021

Dated Peshawar the 10 /09/2023

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Forest Region-II, Abbottabad.
2. Chief Conservator of Forests Malakand Forest Region-III, Saidu Sharif Swat.
3. Conservator of Forests Kohat Forest Circle at Peshawar
4. Conservator of Forests Forestry Planning & Monitoring Circle Peshawar.
5. Conservator of Forests Central Forest Circle Peshawar
6. Conservator of Forests Range Management Circle Peshawar
7. Conservator of Forests Southern Forest Circle Bannu
8. Director, I&HRD&M Peshawar

(SECTION OFFICER (ESTT))

Annex-D  
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT ABBOTTABAD.

Appeal No. 30/2017

Date of Institution ... 16.01.2017

Date of Decision ... 19.03.2018



Muhammad Ali s/o Anwar Ajaz Ali Ex-Range Forest Officer Kohistan Forest Water  
Shed Forest Division Besham Khyber Pakhtunkhwa.

... (Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Secretary to Government, forestry,  
Environment and Wildlife Department Peshawar and 2 others.

... (Respondents)

APPELLANT

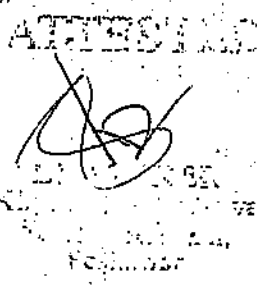
--- Pro se.

MR. USMAN GHANI,  
District Attorney

--- For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. AHMAD HASSAN,

... CHAIRMAN  
... MEMBER(Executive)



JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN:- Arguments of the learned

counsel for the parties heard and record perused.

FACTS

2. The appellant was compulsorily retired on 25.08.2014 against which he filed  
departmental appeal on 16.09.2014 which was not responded to and thereafter the  
appellant filed a previous service appeal on 14.01.2015 which was decided on  
16.02.2016. This Tribunal vide order dated 16.02.2016 by accepting appeal of the  
appellant directed the departmental appellate authority to decide the pending appeal  
within a period of 30 days and in case any fresh order was passed by the  
departmental appellate authority then the appellant was given the right to re-agitate

Attest



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through another service appeal. After this judgment the departmental appellate authority referred the matter to Chief Conservator-1 for deciding the disciplinary proceeding against the appellant (being competent authority). The reason for this direction to the C.C-1 was on the ground that this Tribunal in the said judgment observed that the final order of compulsory retirement was passed by C.C-2 who was not competent authority. Before the order of the C.C-1 dated 22.08.2016 the appellant had filed an execution petition in this Tribunal for the execution of the judgment dated 16.02.2016. During pendency of that execution petition the C.C-1 passed the order dated 22.08.2016 by upholding the earlier order passed by C.C-2 dated 28.08.2014. But when this order was passed by C.C-1 on 25.08.2016 this Tribunal in the said execution petition directed the appellate authority to decide the appeal referred to the departmental appellate authority and set aside the order of C.C-1 dated 22.08.2016. On this the departmental appellate authority passed an order on 13.12.2016 upholding the order of C.C-1. The appellant then withdrew the execution petition on 22.12.2016 in order to challenge the said order through regular service appeal and then he filed the present service appeal on 16.01.2017.

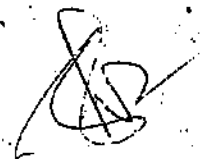
### ARGUMENTS

3. The appellant *pro se* argued that the present impugned order passed by C.C-1 dated 22.08.2016 was again passed without affording him personal hearing and without issuing him the show cause notice. That he was provided personal hearing by the departmental appellate authority and the order of the departmental appellate authority maintaining the order of C.C-1 dated 22.08.2016 was illegal.
4. On the other hand learned District Attorney argued that the present service appeal of the appellant was time barred. He vehemently argued that in the judgment of this Tribunal dated 16.02.2016 department was given 30 days period for decision

of the departmental appeal and when the departmental appeal was not decided within the specified period the appellant had only more 30 days to file the present service appeal. But the appellant filed the present service appeal after ten months of the judgment of this Tribunal. He further argued that the appellant had been pursuing his remedy in execution petition which was a wrong forum which could not enlarge the period of limitation. In this regard he relied upon the judgment of august Supreme Court of Pakistan reported as PLD 2016 Supreme Court 872. He next contended that the C.C-1 was the competent authority and he had rightly imposed the penalty from the stage where it was left by his predecessor i.e C.C (Chief Conservator) as at that time there was only one Chief Conservator when the proceedings were initiated against the appellant.

#### CONCLUSION.

5. This Tribunal is first to decide the question of limitation as raised by the learned District Attorney. The judgment dated 16.2.2016 gave thirty days time to the departmental appellate authority for decision of the departmental appeal which he failed to do within the specified time. There is no law whereby a direction issued by the Tribunal for decision of departmental appeal within specified time would be deemed to be a *terminus a quo* for the purpose of limitation. Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 covers only departmental remedy availed by the civil servant himself and not the departmental remedy on the direction of the Service Tribunal. Be as it may, the point as raised by the learned District Attorney is hypertechnical and judgment relied upon by the appellant of the august Supreme Court of Pakistan saves all those appeals due to bonafide mistake in choosing proper forum. This Tribunal is, therefore, of the view that the appellant cannot be deprived of his legal right on the basis of such hypertechnical ground. If this argument is

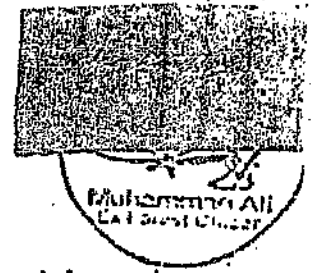


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granted then what would be the legal effect of orders of C.C-1 after six months and order passed by the departmental authority after nine months instead of thirty days. The appellant in order to get the judgment of this Tribunal implemented filed execution petition and it was only after issuing coercive measures by this Tribunal that the departmental authority passed the orders after six months and then nine months.

6. Now the moot question is whether the departmental appellate authority did attend to the observations made by this Tribunal in the judgment dated 16.2.2016 in which it was observed that CC-2, perhaps lacks the powers to issue the orders and departmental appellate authority was directed to apply his mind and then specifically decide this issue. But the departmental appellate authority, perhaps after reaching the conclusion that it was the C.C-1 who could pass the order referred the matter to C.C-1 who passed the order by maintaining the same penalty vide order dated 22.08.2016. Again this Tribunal in execution petition set aside that order of 22.08.2016 on 20.10.2016 directing the departmental appellate authority to meet the spirit of the judgment dated 16.02.2016. The departmental appellate authority while deciding the appeal did not answer the question of the issue of competency of C.C-1 or C.C-2 and only rejected the departmental appeal of the appellant by upholding the decision of C.C-1 dated 22.08.2016. Paradoxical situation is that order of 22.08.2016 was set aside by this Tribunal on 20.10.2016 then how could the departmental appellate authority uphold the order which was set aside by this Tribunal. Secondly, if this is taken to be a technical ground in favour of the department then the departmental appellate authority himself accepted that it was not C.C-2 but C.C-1 who was the competent authority. The whole proceedings up to the enquiry were made on the orders of the competent authority (Chief Conservator).

but from the stage of submission of the enquiry report to C.C-2 (incompetent) - 1/13  
C.C-1 in C/A  
Dep. Secy P-124  
S. Secy P-115  
Regional Repy P-127  
Judicial P-102(5) etc  
Hd. Q. P-130 & 126  
P-129  
ATTESTED  
M. K. P.  
M. K. P.  
M. K. P.



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granted then what would be the legal effect of orders of CC-1 after six months and order passed by the departmental authority after nine months instead of thirty days. The appellant in order to get the judgment of this Tribunal implemented filed execution petition and it was only after issuing coercive measures by this Tribunal that the departmental authority passed the orders after six months and then nine months.

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Notification 22/06/16

to Sub. Officer, K.P. Civil Servants, ...

4(2)(c) Head of ...

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authority) the whole proceedings vitiated thereafter. The C.C-1 was then required to have seized the matter from the stage of submission of enquiry report. The next step was to issue show cause notice to the appellant tentatively deciding the imposing of penalty or otherwise by asking him to submit reply of the said show cause notice. And then should have afforded him personal hearing and thereafter should have decided the same. But the C.C-1 did not issue show cause notice etc.

7. This Tribunal reaches the conclusion that the proceedings before the C.C-1 culminating into order dated 22.08.2016 cannot be sustained in the eyes of law nor the departmental appellate authority could maintain the said order. The C.C-1 is therefore, directed to resume the proceedings from the stage as mentioned above and decide the same within 60 days from the receipt of this judgment failing which the appellant shall be deemed to have been reinstated in service. The issue of back benefits in case of reinstatement shall be subject to the rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.

Attested

(AHMAD HASSAN)  
MEMBER

(NIAZ MUHAMMAD KHAN)  
CHAIRMAN  
CAMP COURT ABBOTTABD.

ANNOUNCED  
19.03.2018

Certified  
Khalid  
Sardar  
Roshwar

Date of Receipt: 30-3-18  
 Number of Pages: 2000  
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 Date of Completion: 30-3-18  
 Date of Delivery: 30-3-18

GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Ann - E

NOTIFICATION

NO. SO(ESTT)ENVT/1-4/2019. In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the competent authority is pleased to notify/circulate final seniority list of Sub Divisional Forest Officers (BPS-17) Khyber Pakhtunkhwa Forest Department (as it stood on 31.10.2015) for general information.

FINAL SENIORITY LIST OF SUB DIVISIONAL FOREST OFFICERS (BPS-17) KHYBER PAKHTUNKHWA, FOREST DEPARTMENT AS IT STOOD ON 31.10.2015.

Total Sanctioned Posts = 89.

#	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt Service	Regular appointment/ promotion to the present post			Remarks
				Date	BPS	Method of recruitment	
1	2	3	4	5	6	7	8
1.	Mr. Hasham Khan B.Sc. Forestry	1.1.1958 Dir	17.10.1984 F/Ranger	01.07.2006	17	-do-	Reduced to lower post vide Government of Khyber Pakhtunkhwa Forestry Environment and Wildlife Department Notification No.SD(ESTT)Envt/1-50(87)/2012/139-146 dated 31.12.2014.
2.	Mr. Muhammad Ghani B.Sc. Forestry	10.01.1957 Bannu	02.10.1980 F/Ranger	01.07.2006	17	By promotion	
3.	Mr. Muhammad Araf B.Sc. Forestry/M.A. Rural Sociology	20/9/1961 Mardan	17.10.1984 F/Ranger	01.07.2006	17	-do-	
4.	Mr. Ali Akbar B.Sc. Forestry	7.1.1950 Mkd: Agency	8.10.1985 F/Ranger	01.07.2006	17	-do-	
		26.1.1957 Mardan	3.10.1987 F/Ranger	01.07.2006	17	-do-	Appointed to the post of (BPS-18) on acting charge basis.
	Mr. Anwar Sarwat B.Sc. Forestry	6.7.1965 Peshawar.	1/10/1988 F/Ranger	01.07.2006	17	-do-	
	Mr. Ghousi Farooq B.Sc. Forestry	01.04.1966 Karak	01/10/88 F/Ranger	01.07.2006	17	-do-	
	Mr. Muhammad Pervez B.Sc. Forestry	11/3/1968 Quetta	12/10/89 F/Ranger	1/7/2006	17	-do-	

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9.	Mr. Mohammad Saleem Khan B. Sc. Forestry Master of Environment (Australia)	14/4/1967 Bannu	12/10/89 F/Ranger	1/7/2006	17	By promotion	--
10.	Mr. Raees Khan B. Sc. Forestry	1/4/1967 Dir	12/10/89 F/Ranger	1/7/2006	17	-do-	--
11.	Mr. Abdul Manan B. Sc. Forestry	13/10/1968 D. I. Khan	12/10/89 F/Ranger	1/7/2006	17	-do-	--
12.	Mr. Abid Mumtaz B. Sc. Forestry M. Sc. Forestry	27/5/1975 Malakand Agency	29/10/96 F/Ranger	1/7/2006	17	-do-	--
13.	Mr. Farhad Ali B. Sc. Forestry	6/4/1976 Abbottabad	27/10/99 F/Ranger	1/7/2006	17	-do-	--
14.	Mr. Hayat Ali B. Sc. Forestry M. Sc. Forestry	27/3/1976 Swat	27/10/99 F/Ranger	1/7/2006	17	-do-	--
15.	Mr. Shahid Noor Khattak B. Sc. Forestry	2/4/1975 Karak	27/10/99 F/Ranger	1/7/2006	17	-do-	--
16.	Mr. Shah Hussain B. Sc. Forestry	4/3/1974 Charsadda	27/10/99 F/Ranger	1/7/2006	17	-do-	--
17.	Mr. Mohammad Siddique B. Sc. Forestry M. Sc. Forestry	1/4/1972 Charsadda	27/10/99 F/Ranger	1/7/2006	17	-do-	--
18.	Mr. Tariq Khadim B. Sc. Forestry M. Sc. Forestry	25/7/1978 Swat	24/7/2009 SDFO	24/7/2009	17	By Initial recruitment	--
19.	Mr. Mazhar Iqbal B. Sc. Forestry M. Sc. Forestry	25/4/1979 Karak	24/7/2009 SDFO	24/7/2009	17	-do-	--
20.	Mr. Taimoor Ilyas M. Sc. Forestry	3/12/1975 Mansehra	24/7/2009 SDFO	24/7/2009	17	-do-	--
21.	Syed Lateef Husain Shah B. Sc. Forestry M. Sc. Forestry	27/6/1983 Charsadda	24/7/2009 SDFO	24/7/2009	17	-do-	--
22.	Mr. Jamsher Khan FA/FS	1/10/1958 Mohmand Agency	23/11/76 Forester	28/6/2012	17	By promotion	--
23.	Mr. Ajab Khan Metric FES	5/4/1961 Mardan	18/10/79 Forester	28/6/2012	17	-do-	--

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24.	Mr. Asif Ali Shah M. Sc. Forestry	10.02.1983 Chitral	12/9/2013 SDFO	12/9/2013	17	Initial recruitment	1
25.	Mr. Suleman Khan M.Sc Forestry	23.03.1986 Lakki Marwat	12/9/2013 SDFO	12/9/2013	17	--do--	2
26.	Mr. Faiz Ur Rehman M. Sc. Forestry	10.03.1984 Kohistan	12/9/2013 SDFO	12/9/2013	17	--do--	3
27.	Mr. Murad Ali Shah M. Sc. Forestry	25.02.1986 Mardan	12/9/2013 SDFO	12/9/2013	17	--do--	4
28.	Mr. Mubib Ullah M. Sc. Forestry	05.04.1985 North W. Agency	12/9/2013 SDFO	12/9/2013	17	--do--	5
29.	Mr. Jawad Mumtaz Khan M. Sc. Forestry	04.10.1983 Swabi	12/9/2013 SDFO	12/9/2013	17	--do--	6
30.	Mr. Pervez Manan M. Sc. Forestry	15.04.1984 Malakand Agency	12/9/2013 SDFO	12/9/2013	17	--do--	7
31.	Syed Rizwan Ali Shah M. Sc. Forestry	20.04.1985 Manshra	12/9/2013 SDFO	12/9/2013	17	--do--	8
32.	Muhammad Amjad M. Sc. Forestry	16.05.1977 Manshra	12/9/2013 SDFO	12/9/2013	17	--do--	9
33.	Muhammad Aqeel M. Sc. Forestry	12.03.1985 Abbottabad	12/9/2013 SDFO	12/9/2013	17	--do--	10
34.	Mr. Hasnain M. Sc. Forestry	12.02.1989 Kurrum Agency	12/9/2013 SDFO	12/9/2013	17	--do--	11
35.	Mr. Ejaz Ur Rehman M. Sc. Forestry	31.12.1985 Kohistan	12/9/2013 SDFO	12/9/2013	17	--do--	12
36.	Mr. Anwar Mahfuz M. Sc. Forestry	17.06.1987 Peshawar	12/9/2013 SDFO	12/9/2013	17	--do--	13
37.	Mr. Jan e Alam M. Sc. Forestry	06.03.1983 Nowshera	12/9/2013 SDFO	12/9/2013	17	--do--	14
38.	Mr. Nauman Khan M. Sc. Forestry	17.03.1985 F R Bannu	12/9/2013 SDFO	12/9/2013	17	--do--	15
39.	Muhammad Iqbal Khan M. Sc. Forestry	01.01.1983 D.I. Khan	12/9/2013 SDFO	12/9/2013	17	--do--	16
40.	Mr. Asim Ali M. Sc. Forestry	11.01.1984 Shangla	12/9/2013 SDFO	12/9/2013	17	--do--	17
41.	Mr. Esmatullah M. Sc. Forestry	11.01.1984 North Waziristan Agency	12/9/2013 SDFO	12/9/2013	17	--do--	18
42.	Mr. Asim Ali M. Sc. Forestry	11.01.1984 Ferozpur Agency	12/9/2013 SDFO	12/9/2013	17	--do--	19

27-11-13  
27-11-07  
Qualifying Service - 5  
53

3 Position @ 20%  
Quota



43	Mr. Bilal Ahmad B.Sc. Forestry	14/10/91 Mardan	5/8/2014 SDFO	5/8/2011	17	Initial recruitment	1
44	Mr. Muhammad Wasim B.Sc. Forestry	26/11/1991 Malakand	5/8/2014 SDFO	5/8/2014	17	--do--	4
45	Mr. Abdul Majeed M.Sc. Forestry	13/1983 Shangla	5/8/2014 SDFO	5/8/2014	17	--do--	5
46	Mr. Anam ul Islam M.Sc. Forestry	24/10/1991 Karrak	7/11/2014 SDFO	7/11/2014	17	--do--	6
47	Mr. Saeed Anwar M.Sc. Forestry	06/06/1990 South W Agency	7/11/2014 SDFO	7/11/2014	17	--do--	1
48	Mr. Shah Khalid M.Sc. Forestry	09/08/1990 Dir Lower	7/11/2014 SDFO	7/11/2014	17	--do--	2
49	Mr. Arshad Ali Khan M.Sc. Forestry	12/02/1992 Buner	7/11/2014 SDFO	7/11/2014	17	--do--	3
50	Mr. Imad ud Din M.Sc. Forestry, M.Phil	08/03/1989 Swat	7/11/2014 SDFO	7/11/2014	17	--do--	4
51	Mr. Ayaz Ali Shah M.Sc. Forestry	01/01/1983 Manshira	7/11/2014 SDFO	7/11/2014	17	--do--	5
52	Mr. Arsalan Tariq M.Sc. Forestry	22/02/1992 D.I. Khan	7/11/2014 SDFO	7/11/2014	17	--do--	6
53	Mr. Shehryar Dilawar M.Sc. Forestry	22/05/1991 Bajour Agency	7/11/2014 SDFO	7/11/2014	17	--do--	7
54	Mr. Muhammad Rashid M.Sc. Forestry	15/09/1991 Charsadda	7/11/2014 SDFO	7/11/2014	17	--do--	8
55	Mr. Abrar Ahmad M.Sc. Forestry	02/01/1987 Manshira	7/11/2014 SDFO	7/11/2014	17	--do--	9
56	Mr. Muhammad Iqbal Matric/FS	9/4/1956 Manshira	1/1/1975 Forester	15/01/2015	17	By promotion	10
57	Mr. Musa Khan Matric/FS	14/4/1957 D.I. Khan	14/4/1976 Forester	15/01/2015	17	--do--	1
58	Mr. Naik Zaman Matric/FS	8/4/1957 Lower Dir	9/9/75 Forester	15/01/2015	17	--do--	2
59	Mr. Muhammad Shakeel M.Sc. Forestry	3/11/1980 Bajour Agency	24/8/2007 Forest Buner	15/01/2015	17	--do--	3
							4

54

02 Positions 20%

02 Positions 20%  
06 Quota

But only  
4 Positions had  
Promoted

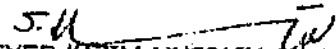
SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Endst No. SO (E&U)/Envvt/I-10/2K13/1918 - 12 . u e .

Dated Peshawar the, 21/12/2015.

Copy is forwarded to:-

1. Chief Conservator of Forests-I, Khyber Pakhtunkhwa.
2. Chief Conservator of Forests-II, Khyber Pakhtunkhwa.
3. Chief Conservator of Forests Malakand Forest Region-III Saidu Sharif Swat.
4. Director Budget & Accounts, Forestry, Environment & Wildlife Department.
5. All Conservator of Forests/Director Integrated Specialized Units in Khyber Pakhtunkhwa C/O CCF Forest Region-I, Peshawar.
5. Office Order file.
6. Master file.

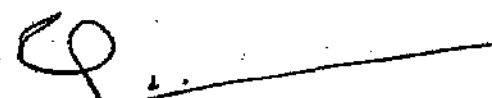
S. H.   
(SYED KAZIM HUSSAIN SHAH)  
SECTION OFFICER (ESTT)


No. 1937-91 /E

Dated: 21/12/2015

Copy forwarded for information and necessary action to the:-

1. Conservator of Forests Sothem Circle, Peshawar
2. Director CD, E & GAD, Peshawar
3. Conservator of Forests FATA
4. Conservator of Forest FP & M Circle, Peshawar
5. Director I & HRD & M Peshawar.

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



28/12/15  
HSB



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT  
NO.SO(Estt)/FE&WD/1-43/2021  
Dated Peshawar the, 15<sup>th</sup> November, 2021

ANX - F

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To

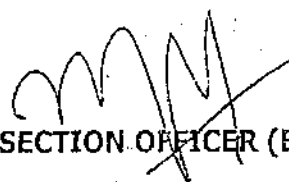
The Chief Conservator of Forests,  
Central & Southern Forest Region-I,  
Khyber Pakhtunkhwa,  
Peshawar.

**Subject: APPEAL OF MUHAMMAD ALI, EX RANGE FOREST OFFICER.**

I am directed to refer to appeal dated 20.9.2021 preferred by Muhammad Ali, Ex-Forest Ranger, Forest Department, Khyber Pakhtunkhwa (copy enclosed) and to state that in compliance with the Khyber Pakhtunkhwa Service Tribunal order dated 19.3.2018 passed in the Service Appeal No.30/2017, show cause notice was served upon him and he was granted the opportunity of personal hearing on 12.5.2018 by the competent authority (CCF-I). After hearing proceeding, the competent authority was required to decide the case as per Rule-14(5) of E&D Rules, 2011, but instead he decided to conduct de novo inquiry against the appellant and a committee has been constituted by CCF-I to conduct de novo inquiry against him but without issuance of his reinstatement order in violation of the rules as inquiry cannot be conducted against ex-officer/official.

In view of the above, you are directed to issue reinstatement order in respect of the appellant w.e.f. 6.6.2018 (the date of notifying the inquiry committee for conducting de novo inquiry) to legalize the inquiry proceedings against him. Furthermore, instructions may also be issued to the inquiry committee or inquiry officer, as the case may be, for finalizing the inquiry proceedings as soon as possible in accordance with the norms of justice, please.

**Encl: as above**

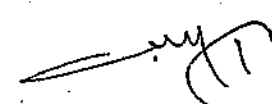
  
SECTION OFFICER (ESTT)

**Endst: No. & Date even.**

Copy is forwarded to:

1. PS to Secretary, FE&W Department, Khyber Pakhtunkhwa.
2. ✓ Muhammad Ali, Ex-Forest Ranger, near Seathy House Kunj Ground Abbottabad w/r to his appeal dated 20.9.2021. He is directed to appear before the inquiry committee or inquiry officer, as the case may be, as and when called for early finalizing the inquiry proceedings.

  
SECTION OFFICER (ESTT)

  
Saddam Hussain  
JK

16/11/2021

  
Allah

Anx-F

OFFICE ORDER NO. 87 DATED PESHAWAR THE 22 /12/2021  
ISSUED BY MR. AZHAR ALI KHAN, CHIEF CONSERVATOR OF FORESTS  
CENTRAL SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA  
PESHAWAR.

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In pursuance of the directions available in the Administrative Department letter bearing No. SO(Estt)FE&WD/1-43/2021, dated 15/11/2021 and dated 21/12/2021, Muhammad Ali Ex-Forest Ranger who was earlier compulsorily retired from service vide Chief Conservator of Forests Northern Forest Region-II Office Order No. 17, dated 25/08/2014 is hereby reinstated into service w.e.f 06/06/2018 for the purpose of conducting and concluding de-novo Inquiry. The period from 25/08/2014 to 05/06/2018 under which the Ex-Forest Ranger has not served the department is hereby treated as leave without pay, so far the period from 06/06/2018 to date of issue of this order is concerned decision will be taken in light of the report of Inquiry Officer as per rules.

Consequent upon his reinstatement into service, he is hereby posted in Khyber Pakhtunkhwa Thai School Abbottabad against the vacant post of SDFO in the interest of public service with immediate effect till further order.

Sd/-  
(Azhar Ali Khan)  
Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

No. 2204-10 /E

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Region-II, Abbottabad
2. Conservator of Forests Lower Hazara Forest Circle Abbottabad with the direction to complete the inquiry proceedings against Muhammad Ali Forest Ranger as early as possible.
3. Section Officer (Establishment) Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar with reference to his letter cited above.
4. Director, I&HRD&M Peshawar
5. Principal Khyber Pakhtunkhwa Forest School Thai Abbottabad.
6. Budget & Accounts Officer, Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar
7. Muhammad Ali, Forest Ranger near City House Kunj Ground Tehsil and District Abbottabad with the direction to appear before the Inquiry Officer.

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

0,Order-3 (MAH)

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Page 110

ENQUIRY REPORT/DISCIPLINARY PROCEEDINGS IN ALLEGATIONS CONDUCTED  
AGAINST MUHAMMAD ALI, FOREST RANGER

READ WITH

1. CCF-CSFR- I letter No.2598-2600/E dated 08/12/2021, addressed to SO Establishment FE & WD, enlisting and narrating lengthy proceedings conducted, in finalization of the subject enquiry proceedings, since office Order No.17 dated 25/8/2014, issued by the Chief Conservator of Forests Northern Forest Region-II, Abbottabad regarding Compulsorily Retirement of the accused, subsequent departmental appeal, service appeals, execution petitions, CPLA, objections of the accused on enquiry officer. All these proceedings culminated on re-instatement of accused, vide CCF-CSFR-I Office Order No.87 dated 22.12.2021 w.e.f 06.06.2018, resumption of enquiry proceeding and directions to CFLH Circle for completion of inquiry proceedings,
2. Penalty order of accused for compulsory retirement vide CCF-CSFR-1 Peshawar o/o No 15 dated 22-8-2016, and Services Tribunal judgment dated 19-3-2018,
3. Reply of the accused dated 11-7-2019 to Enquiry committee for suspension of enquiry till decision on CPLA,
4. Notice and application of accused dated 24-8-2021 to stop proceedings till changing enquiry officer and decision on his appeal from Service Tribunal,
5. Appeal to Secretary FEWD dated 09-09-2021 for changing enquiry officer
6. Application of accused dated 23-10-2021 to stop proceedings till decision on his appeal by appellate authority.
7. Personal Hearings
8. Questionnaires and reply to the questionnaire by the Department and accused.

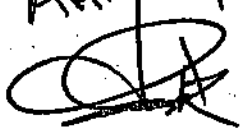
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BACKGROUND HISTORY OF THE CASE

Muhammad Ali, Forest Ranger while posted as SDFO Pattan of Lower Kohistan Forest Division w.e.f. 01/07/2008 to 15/2/2009 and as SDFO Upper Siran, in Siran Forest Division Mansehra w.e.f. March, 2011 to July 2011, committed several errors and omissions within the meaning of Government of Khyber Pakhtunkhwa, Removal from Service (Special Power) Ordinance 2000 and was proceeded against under the provisions of the ordinance Ibid. These proceedings initiated during 2010 and as an outcome of the 1st. disciplinary proceedings, Penalty of "Compulsorily Retirement" imposed upon him vide Chief Conservator of Forests, Northern Forest Region-II, Abbottabad Office Order No.17 dated 25/8/2014.

The accused impugned the said order of penalty in Service Tribunal and since then, which remained under litigations as detail given under, till re-instatement of accused and resumption of enquiry proceedings vide CCF-CSFR-I Office Order No.87 dated 22.12.2021 w.e.f 06.06.2018 and directives issued to CFLH Circle for completion of Inquiry proceedings.

1. Office Order No.17 dated 25/8/2014, issued by the Chief Conservator of Forests Northern Forest Region-II, Abbottabad, ordering compulsorily Retirement of the accused.
2. Judgment of Khyber Pakhtunkhwa Service Tribunal dated 16/2/2016, accepting appeal and declaring Competent Authority for proceedings against accused as CCF-I (HAD) with direction to Appellate Authority to decide the case.

Ali Akbar  


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assurance of record correction. The same consignment on release was duly recorded by accused in the check post registers. However later on, neither any inquiry conducted nor requisite corrective measures effected for record correction as assured. Rather, as a revengeful action, the instant charge sheet has been served upon him after lapse of two years since then, with mala fide intention and that he is now suffering for the last seven and a half years.

3). The accused in his written reply, personal hearing, appeals and petitions before departmental appellate authority, Services Tribunal, and Supreme court of Pakistan, since 2014 till date and during instant enquiry proceedings has constantly tried to dispute serving of the instant charge sheet, attributing it to mala fide intention developed against him from the reporting/ charge sheet issuance authority.

4). Counter allegations of the accused being worth consideration were explored during proceedings with following outcome.

- DFO Lower Kohistan, based upon Divisional office and Timber Market Abbottabad record, denied issuance of the said Transport Pass No 127 dated 2-4-2010 as well its ancillary record.
- Record of Ahai Forest Check post Batal and information provided by the then posted staff confirmed entry of the said Five trucks loaded with 2638.50 cft deodar timber, under the authority of Transport Pass No 127 dated 02-04-2010, dispatched from Lower Kohistan Pattan, duly recorded in the register of the check post.
- The above ambiguity regarding consignment of TP No 127 dated 02-4-2010, non availability of its record in Gohar Abad Timber Market, silence and ignorance of DFO Lower Kohistan from the said consignment, smells error and omission or embezzlement at some level which needs proper enquiry to dig out facts and to fix responsibilities, beside recovery of loss sustained to Govt. if any.

CONCLUSIONS

- The accused while posted as SDFO Pattan in Lower Kohistan Forest Division, has failed to follow departmental rules of business as expected from him, hence found guilty of In-efficiency (unintentional negligence).
- The department could not explore the facts regarding irregularities/alleged embezzlement of 2538.50 cft deodar timber, transported via consignment of TP No 127 dated 02-04-2010, issued from Lower kohistan Pattan, despite cognizance, halting and entry at Ahai Forest Check post Batal as well as persistent follow up by the accused since then till date.

RECOMMENDATIONS

- The accused remained penalized and removed from service for a long period of more than seven years w.e.f 25-8-2014 till 21/12/2021, facing disciplinary proceedings, litigating in various courts of law up to Apex court of the country, social defamator and mental torture, thus has been circumstantially penalized within the given system of justice. Therefore no additional penalty under E & D rules 2011 is recommended. He may be exonerated from all the charges.
- The department shall investigate the missing consignment of 2638.50 cft deodar timber if any, transported vide TP No 127 dated 02-04-2010 from Lower Kohistan Forest Division Pattan as pointed out by the accused in his counter allegations. This will provide mental satisfaction to the accused for the hardships he faced while defending allegations for a long period of more then seven years.

Syed Muqtada Shah  
Conservator of Forest  
Lower Hazara Abbottabad

Alleged

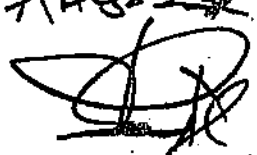
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B. ALLEGATIONS PERTAINING TO SIREN FOREST DIVISION

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	Allegation
i.	<p>That a complaint lodged by one Muhammad Alam S/O Ghulam Jallani was sent to you vide DFO Siren letter No: 8434/GB dated 25.05.2011. This complaint was endorsed by Conservator of Forests, Lower Hazara Forest Circle Abbottabad vide No: 4852/GB dated 02.06.2011, which was also endorsed to you vide No: 8699/GB dated 07.06.2011 for enquiry and detailed report but failed to respond.</p> <p>The accused stated that in compliance to the said letter, he conducted enquiry into the complaint, resolve the issue to the satisfaction of applicant, resultantly the issue never agitated by the applicant. However he could not provide any justification for non submission of compliance report as per instructions of DFO Siren office.</p> <p>The departmental representative admitted that complaint pertained to ownership disputes in the forests of cooperative society area amongst owners and as per available record neither loss has sustained to owners nor Govt. in the dispute, due to the alleged error and omission of the accused.</p> <p>The accused was however required to intimate compliance report to DFO Siren for onward appraisal of the department but he failed to manage affairs of a sensitive Forest Sub Division like Upper Siren, in a professional manner. <i>Inefficiency to observe Govt./ department rules of business is proved</i></p>
ii.	<p>That another complaint regarding illicit cutting of trees endorsed by Conservator of Forests, Lower Hazara Forest Circle Abbottabad vide No: 3926/GB dated 09.04.2011, was also endorsed to you through DFO Siren No: 7317/GB dated 14.04.2011 with the directives to probe into the complaint and submit fact finding report but you did not respond.</p> <p>The accused stated that in compliance to the said letter, he conducted enquiry into the complaint, no forest damages detected and found it baseless. Although the Complaint pertained to private area outside designated forests, however he could not provide any justification for non submission of compliance report as per instructions of DFO Siren office.</p> <p>The departmental representative also conceded that it was a vague complaint, result of a personal dispute amongst locals pertaining to ownership claims and no Govt. stake was involved in the area and issue.</p> <p>The accused was required to submit compliance report to DFO Siren for onward appraisal of the department but failed to manage affairs of a sensitive Forest Sub Division like Upper Siren in a professional manner. <i>Inefficiency to observe Govt./ department rules of business is proved.</i></p>

Attested  


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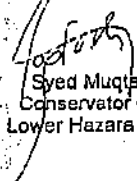
Allegation No xi and xviii are inter related and the accused is persistently challenging its veracity through counter allegation, hence have been discussed and concluded in detail to dig out of facts and conclude accordingly. The Issue needs further disciplinary proceedings by the department in light of situation explored.


#### CONCLUSION

- Charges of inefficiency and Mis-conduct against the accused are proved beyond any doubt while neither corruption charge nor any loss to Govt. due to his in-efficiency or Mis-conduct could be proved or quantified by the department.
- The accused while posted as SDFO Upper Siren and custodian of Govt. resources, has failed to perform his duties as per his assigned job description, by not abiding by Govt. Rules of business, standing operating Procedure and instructions of the department to ensure required administration of forest resource.
- Non proceedings against offenders as per law through issuance of damage reports despite detecting timber smuggling, seizing illegal forest produce at Domei Check post and ignorance to initiate legal action against forest offenders or forest staff involved in forceful snatching of case property enroute, non pursuing litigation cases of the department in the court of law culminating into contempt of court notices, are clear proof of his inefficiency and incompetence.
- The counter allegations as pointed out and being persistently agitated by the accused against subordinate staff and higher officers are worth consideration and were required to be investigated prior to issuance of charge sheet against him so as to forestall against his firm opinion of malafide intentions towards him.

#### RECOMMENDATIONS

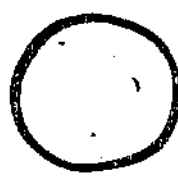
- The accused remained compulsory removed from service for a long period of more than seven years w.e.f 25-8-2014 till 21/12/2021, facing disciplinary proceedings, litigating in various courts of law up to Apex court of the country, social defamation and mental torture, thus has been circumstantially penalized within the given system of justice. Therefore no additional penalty under E&D rules is recommended. He may be exonerated from all the charges.
- The department shall conduct proceedings to enquire, dig out facts and to proceed against delinquents to recovers loss sustained to Govt department if any, as pointed out by the accused in his counter allegations. This will provide mental satisfaction to the accused for the hardships he faced in defending the seven year long proceedings and discriminatory treatment.

  
Syed Muqtada Shah  
Conservator of Forests  
Lower Hazara Abbottabad

Alleged  


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Ann-I  
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OFFICE ORDER NO. 268 DATED PESHAWAR THE 10/06/2022  
ISSUED BY MR. EJAZ QADIR, CHIEF CONSERVATOR OF FORESTS CENTRAL  
SOUTHERN FOREST REGION-I, KHYBER PAKHTUNKHWA PESHAWAR.

WHEREAS, Muhammad Ali Forest Ranger was proceeded against under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, for the charges as mentioned in the charge sheets and statement of allegations served upon him:-

AND WHEREAS, Enquiry Officer, (Syed Muqtada Shah) the then Conservator of Forests Lower Hazara Forest Circle Abbottabad and now Chief Conservator of Forests Malakand Forest Region-III, Saidu Sharif Swat constituted as enquiry Officer.

AND WHEREAS, Keeping in view, report of the Inquiry Officer under which the following recommendations were made:-

*"The accused remained penalized and removed from service for a long period of more than seven years w.e.f 25/08/2014 till 21/12/2021, facing disciplinary proceedings, litigating in various course of law upto apex court of the country, social deformation and mental torture, thus has been circumstantially penalized within the given system of justice. Therefore, no additional penalty under E & D Rules 2011 is recommended. He may be exonerated from the charges"*

NOW THEREFORE, in the capacity of Competent Authority (Chief Conservator of Forest Central Southern Forest Region- I Peshawar), after having considered the charges, evidence on record, findings of the enquiry Officer in the subject case, exercising his powers under Rule-14(3) of the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011, Muhammad Ali Forest Ranger is hereby exonerated from the charges leveled against him as per charge sheets / statement of allegations already served upon him.

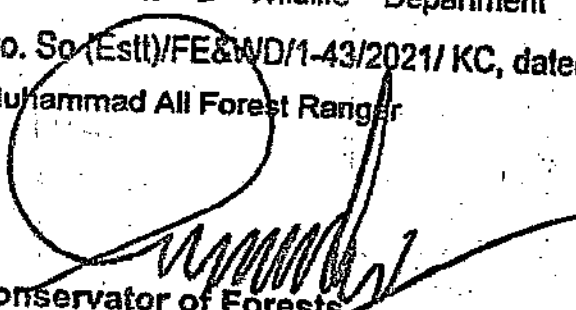
Sd/-  
(Ejaz Qadir)  
Chief Conservator of Forests  
Central Southern Forest Region-I  
Khyber Pakhtunkhwa Peshawar

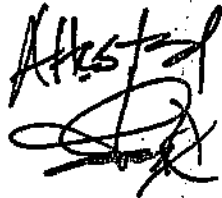
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No. 7421-26 /E.

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Forest Region-II, Abbottabad. Photocopy of the inquiry reports are sent herewith with the request to investigate the missing consignments of 2638.50 cft Deodar Timber if any transported vide Divisional Forest Officer Lower Kohistan TP No. 127, dated 02/04/2010 as well as dig out facts and furnish your comments on the recommendation of Inquiry report charge sheet related to Siran Forest Division, so that to proceed against the delinquents and to recover loss sustained to Govt: if any.
2. Conservator of Forests Lower Hazara Forest Circle Abbottabad
3. Conservator of Forests Upper Hazara Forest Circle Mansehra
4. Budget & Accounts Officer, Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar.
5. Section Officer (Establishment) Government of Khyber Pakhtunkhwa Forestry, Environment & Wildlife Department Peshawar with reference to his letter No. So (Estt)/FE&WD/1-43/2021/ KC, dated 21/12/2021.
6. Muhammad Ali Forest Ranger

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



Anx-J  
64



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

Dated Peshawar the, 20<sup>th</sup> January, 2023

NOTIFICATION

No. SO(Est)(FE&WDM)-3/2022: On the recommendations of Departmental Promotion Committee in its meeting held of 1<sup>st</sup> December, 2022, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) is pleased to promote Muhammad Ali, Range Forest Officer (BS-16) to the post of Sub Divisional Forest Officer (BS-17) on regular basis in Forest Department, Khyber Pakhtunkhwa, with immediate effect.

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

3 His posting/transfer notification will be issued later-on.

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

Endst: No. and date of even

Copy is forwarded to -

- 1) Chief Conservator of Forests, CSFR-I, Peshawar. He is requested to furnish a proposal regarding posting/transfer of the above officer, to this department for further necessary action.
- 2) Director Budget and Accounts Cell, FE&W department, Khyber Pakhtunkhwa.
- 3) PS to Secretary, Climate Change, FE&W department.
- 4) Officer concerned
- 5) Personal file of the officer concerned
- 6) Master file
- 7) Office order file

(SANGI A KAKAR)  
SECTION OFFICER (ESTT)

*Attest*  
*[Signature]*

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**GOVERNMENT OF N.-W.F.P.  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(ESTABLISHMENT WING)**

**SUBJECT:-** NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS PROMOTION POLICY, 2009.

Dear Sir,

I am directed to refer to the subject noted above and to say that in order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

**I. Length of service.**

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

Basic Scale 18 :	5 years' service in BS-17
Basic Scale 19 :	12 years' service in BS-17 & above
Basic Scale 20 :	17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BS-18 shall be counted as follows:

- (i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.
- (ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:

Basic Scale 19 :	7 years' service in BS-18
Basic Scale 20 :	10 years' service in BS-18 and above or 3 years' service in BS-19.

**II. Linking of promotion with training:**

(a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

- b) The civil servants who are on deputation abroad or working with international agencies within Pakistan or abroad, will be asked to return before their cases come up for consideration. If they fail to return, they will not be considered for promotion. They will be considered for promotion after earning one calendar PER and their seniority shall remain intact.
- c) In case of projects partially or fully funded by the Federal or Provincial Government, where PERs are written by officers of Provincial Government, the condition of earning one calendar PER shall not be applicable to officer on deputation and the officer on return to his/her cadre shall be considered for promotion.
- d) The civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. If he/she declines his/her actual promotion will take place only when he/she returns to his/her parent cadre. His/her seniority in the higher post shall, however, stand protected.
- e) The cases of promotion of civil servants who have not successfully completed the prescribed mandatory training (MCMC, SMC & NMC) or have not passed the departmental examination for reasons beyond control, shall be deferred.
- f) Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.
- g) A civil servant initially appointed to a post in a Government Department but retaining lien in a department shall not be considered for promotion in his parent department. However, in case he returns to parent department, he would be considered for promotion only after he earns PER for one calendar year.
- h) A civil servant who has resigned shall not be considered for promotion no matter the resignation has yet to be accepted.

V. Deferment of Promotion:

- (a) Promotion of a civil servant will be deferred, in addition to reasons given in para-IV, if
  - (i) His inter-se-seniority is disputed/sub-judice.

- (ii) Disciplinary or departmental proceedings are pending against him.
  - (iii) The PER dossier is incomplete or any other document/ information required by the PSB/DPC for determining his suitability for promotion is not available for reasons beyond his control.
- (b) The civil servant whose promotion has been deferred will be considered for promotion as soon as the reasons for deferment cease to exist. The cases falling under any of the above three categories do not warrant proforma promotion but the civil servant will be considered for promotion after determining his correct seniority over the erstwhile juniors.
- (c) If an officer is otherwise eligible for promotion but has been inadvertently omitted from consideration in the original reference due to clerical error or plain negligence and is superseded, he should be considered for promotion as soon as the mistake is noticed.
- (d) If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion alongwith the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the North-West Frontier Province Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.
- (e) If a civil servant is superseded he shall not be considered for promotion until he earns one PER for the ensuing one full year.
- (f) If a civil servant is recommended for promotion to the higher basic scale/post by the PSB/DPC and the recommendations are not approved by the competent authority within a period of six months from such recommendations, they would lapse. The case of such civil servant would require placement before the PSB/DPC afresh.

Ans - K  
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GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

**NOTIFICATION**

**NO.50(EST)ENVT/1-40/2K9.** In pursuance of Section 8(1) of the Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rule-17 Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the competent authority is pleased to notify/circulate final seniority list of Sub Divisional Forests Officers (BPS-17) Khyber Pakhtunkhwa Forest Department (as it stood on 15/05/2013) for general information.

**FINAL SENIORITY LIST OF SUB DIVISIONAL FOREST OFFICERS (BPS-17) KHYBER PAKHTUNKHWA FOREST DEPARTMENT AS IT STOOD ON 15/05/2013.**

Total Sanctioned posts = 89

#	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt Service	Regular appointment/ promotion to the present post			Remarks
				Date	BPS	Method of recruitment	
1.	Mr. Saeed Akhtar B.Sc Forestry.	20.11.1953 Abbottabad	7.10.1978 F/Ranger	01.07.2006	17	By promotion	
2.	Mr. Inamullah Khan B.Sc, M.Sc Forestry.	1.1.1959 Dir	19.11.1981 F/Ranger	01.07.2006	17	-do-	
3.	Mr. Saleem Khan B.Sc. Forestry.	25.2.1957 Mkd: Agency	13.10.1983 F/Ranger	01.07.2006	17	-do-	
4.	Mr. Muhammad Arif B.Sc. Forestry/M.A. Rural Sociology	20/9/1961 Mardan	17.10.1984 F/Ranger	01.07.2006	17	-do-	
5.	Mr. Muhammad Tehmasip B.Sc.M.Sc. Forestry.	9.1.1963 Mansehra	8.10.1985 F/Ranger	01.07.2006	17	-do-	
6.	Syed Muqtada Shah B.Sc. M.Sc Forestry.	24.3.1964 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	
7.	Mr. Kifayatullah B.Sc. Forestry. M.Sc Rural Land Ecology Survey.	24.3.1965 D.I.Khan	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
8.	Mr. Zahid Ali B.Sc. Forestry.	1.9.1962 Nowshera	8.10.1985 F/Ranger	01.07.2006	17	By promotion	
9.	Mr. Shafiqat Munir B.Sc. Forestry.	25.3.1961 Kohat	8.10.1985 F/Ranger	01.07.2006	17	-do-	
10. ✓	Mr. Gohar Ali B.Sc. Forestry.	2.2.1963 Peshawar	8.10.1985 F/Ranger	01.07.2006	17	-do-	

*Handwritten signature*

25.	Mr. Shaukat Fayyaz B.Sc. Forestry. M.Sc. Forestry	01.04.1966 Karak	01/10/88 F/Ranger	01.07.2006	17	-do-	
26.	Mr. Mohammad Raad Sher B. Sc. Forestry	1/3/1968 Swat	12/10/89 F/Ranger	01.07.2006	17	-do-	
27.	Mr. Mohammad Saleem Khan B. Sc. Forestry Master of Environment (Australia)	14/4/1967 Bannu	12/10/89 F/Ranger	01.07.2006	17	-do-	
28	Mr. Raees Khan B. Sc. Forestry.	1/4/1967 Dir	12/10/89 F/Ranger	01.07.2006	17	-do-	
29	Mr. Abdul Manan B. Sc. Forestry	13/10/1968 D. I. Khan	12/10/89 F/Ranger	01.07.2006	17	-do-	
30	Mr. Abid Mumtaz B. Sc. Forestry. M. Sc. Forestry	27/5/1975 Malakand Agency	29/10/96 F/Ranger	01.07.2006	17	-do-	
31	Mr. Farhad Ali B. Sc. Forestry	6/4/1976 Abbottabad	27/10/99 F/Ranger	01.07.2006	17	-do-	
32	Mr. Hayat Ali B. Sc. Forestry Master in Rural Dev: Mgt, Thailand	27/3/1976 Swat	27/10/99 F/Ranger	01.07.2006	17	-do-	
33	Mr. Shahid Noor Khattak B. Sc. Forestry	2/4/1975 Karak	27/10/99 F/Ranger	01.07.2006	17	By promotion	
34	Mr. Shah Hussain B. Sc. Forestry	4/3/1974 Charsadda	27/10/99 F/Ranger	01.07.2006	17	-do-	
35	Mr. Mohammad Siddique B. Sc. Forestry M. Sc. Physics	1/4/1972 Charsadda	27/10/99 F/Ranger	01.07.2006	17	By promotion	
36	Mr. Tariq Khadim M. Sc. Forestry	25/7/1978 Swat	24/7/2009 SDFO	24.07.2009	17	By initial recruitment	
37	Mr. Mazhar Iqbal M. Sc. Forestry	25/4/1979 Karak	24/7/2009 SDFO	24.07.2009	17	-do-	
38	Mr. Taimoor Ilyas M. Sc. Forestry	3/12/1975 Mansehra	24/7/2009 SDFO	24.07.2009	17	-do-	
39	Syed Lateef Husain Shah M. Sc. Forestry	27/6/1983 Charsadda	24/7/2009 SDFO	24.07.2009	17	-do-	
40	Mr. Manzoor Ahmad F. Sc.	1/1/1996 Mansehra	5/12/1978 Forester	28.06.2012	17	By promotion	



41	Mr. Fazal Habib BA.	19/11/1953 Bajuar Agency	25/2/1977 Forester	28.06.2012	17	-do-	
42	Mr. Mohammad Yar Jan Matric	6/9/1954 Dir	3/8/1975 Forester	28.06.2012	17	-do-	
43	Mr. Jamsher Khan FA	1/10/1958 Mohamand Agency	23/11/76 Forester	28.06.2012	17	-do-	
44	Mr. Ajab Khan Matric	5/4/1961 Mardan	18/10/79 Forester	28.06.2012	17	-do-	
45	Mr. Abdul Hameed Matric	15/2/1965 Kohat	27/7/1982 Forester	28.06.2012	17	-do-	

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SECRETARY TO GOVT. OF  
KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT.

Dated Pesh: 15/05/2013

Endst: No.SD(Estt)Env/I-40/2413/2887-2920

Copy is forwarded to:-

1. Chief Conservator of Forests Centre Southern Forest Region-I, Peshawar.
2. Chief Conservator of Forests Northern Forest Region-II, Abbottabad.
3. Chief Conservator of Forests Malakand Forest Region-III, Mingora at Swat.
4. Director Budget & Accounts Cell, Environment Department.
5. All Sub Divisional Forest Officers in Khyber Pakhtunkhwa C/O CCF Forest Region-I, Peshawar.
6. Office Order file.
7. Master file.

Office of the Chief Conservator  
Khyber Pakhtunkhwa, Peshawar

1333

NO. 4045-10/E,

Dated Peshawar the 13/6/2013.

Copy forwarded for information and necessary

action to the:-

1. Director I&HRD Peshawar.
2. Conservator of Forest Southern Circle Peshawar.
3. Conservator of Forests P&M Circle Peshawar.
4. Director R&D Peshawar.
5. Director CDEGAD Peshawar.
6. Conservator of Forests RATA Circle Peshawar.

(FIDA-UL-KARIM)  
SECTION OFFICER (Estt)

7430  
17/6  
BSCA  
21/6/13

CHIEF CONSERVATOR OF FORESTS  
CENTRAL SOUTHERN FOREST REGION  
KHYBER PAKHTUNKHWA PESHAWAR

41	Mr. Fazal Habib BA	19/11/1953	25/2/1977	28.06.2012	17	-do-
42	Mr. Mohammad Yaq Jan MAJIC	BA/our Agency 6/9/1954	Forester 3/8/1975	28.06.2012	17	-do-
43	Mr. Jansher Khan FA	1/10/1958 Mohamand	Forester 23/11/76	28.06.2012	17	-do-
44	Mr. Ajib Khan MAJIC	Agency 5/4/1961	18/10/79	28.06.2012	17	-do-
45	Mr. Abdul Hammed MAJIC	Mardan 15/7/1965	Forester 27/7/1987	28.06.2012	17	-do-

FORM NO. 01/10/1979 REV 7/83

Copy forwarded to

SECRETARY TO GOVT. OF  
HYDERABAD  
ENVIRONMENT DEPARTMENT

Date: 15/05/2013

*(Signature)*  
DIRECTOR  
NATURAL RESOURCES

1. Chief Conservator of Forests, Central Forest Region Hyderabad
2. Chief Conservator of Forests, Southern Forest Region Hyderabad
3. Chief Conservator of Forests, Malabar Forest Region II, Ananthapur
4. Director Budget & Accounts, Civil, Environment Department.
5. All Sub-Divisional Officers, Hyderabad Divisional CID (C) Forest Region Hyderabad.
6. Other Officers.
7. Minister.

cc: 13/10/13 D.S. & P. - 13/10/13

action taken - C.F. forwarded for information and file.

1. Director, JHRD Hyderabad
2. Chief Conservator of Forests, Southern Forest Region Hyderabad
3. Chief Conservator of Forests, Malabar Forest Region II, Ananthapur
4. Director, Budget & Accounts, Civil, Environment Department.
5. All Sub-Divisional Officers, Hyderabad Divisional CID (C) Forest Region Hyderabad.
6. Other Officers.
7. Minister.

- 1951-45 - 13/10/13

1413 Anand Mohandas 18/6/2013

Copy forwarded to all DDOs in Southern Circle Hyderabad for

Conservation of Forests,  
Southern Circle Hyderabad

*(Signature)*

Attest  
*(Signature)*

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ENVIRONMENT DEPARTMENT

NOTIFICATION

NO.SO/(ESTD) FE&WD/L-40/2021: In pursuance of Section 3(1) of the Khyber Pakhtunkhwa Civil Servants Act, 1973, read with Rule-17 Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the competent authority is pleased to notify/circulate final Seniority List of Sub-Divisional Forest Officers (BPS-17) Khyber Pakhtunkhwa Forest Department (as it stood on 10/08/2023) for general information.

FINAL SENIORITY LIST OF SUB-DIVISIONAL FOREST OFFICERS (BPS-17) KHYBER PAKHTUNKHWA, FOREST DEPARTMENT AS IT STOOD ON 10/08/2023.

S.#	Name of Officer with academic qualification	Date of Birth and Domicile	Date of first entry into Govt. Service	Regular appointment/ promotion to the present post			Departmental Examination passed	Remarks
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	9
1.	Mr. Shabir Ahmad B. Sc. Forestry	1/8/1967 Swat	01/7/2005	24/09/2009	17	By promotion	Passed	Seniority fixed w.e.f 24/09/2009 as per Judgment of Peshawar High Court/Dar-ul-Qaza Swat dated 02/11/2021 & opinion of Law Department dated 15/12/2021. SDFO Kalam
2.	Mr. Alamgir Khan B. Sc. Forestry	3/1/1969 Swat	01/7/2005	24/09/2009	17	-do-	Passed	-do-
3.	Muhammad Usman M.Sc Forestry	25/3/1989 Charsadda	19/10/2015 SDFO	19/10/2015	17	By initial recruitment	Passed	SDFO Alpur DFO Upper Dir (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
4.	Muhammad Arif M. Sc Forestry	16-05/1991 Mohmand	19/10/2015 SDFO	19/10/2015	17	-do-	Passed	(Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
5.	Mr. Waseem Abbas M. Sc Forestry	31/03/1982 Kohat	19/10/2015 SDFO	19/10/2015	17	-do-	Not yet	SDFO Working Plan Unit-I Abbottabad  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;

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Alkand  
[Signature]

6.	Mr. Shehr Yar Khan M.Sc Forestry	03/01/1993 Swabi	14/12/2017 SDFO	14/12/2017	17	By Initial recruitment	Passed	Appointed to the post of DFO (BPS-18) on ACB and posted as DFO Galis (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt.)
7.	Mr. Shakeel Ahmad M.Sc Forestry	25/01/1995 Mardan	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Battagram  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt.)
8.	Muhammad Waqas Khan M.Sc Forestry	01/11/1990 Bannu	14/12/2017	14/12/2017	17	--do--	Passed	Monitoring and Evaluation Officer 10-BTTP  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt.)
9.	Mr. Bilal Ahmad-I M.Sc Forestry	04/05/1995 Shangla	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Besham Watershed with additional charge of DFO Kohistan Watershed Division  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt.)
10.	Mr. Shabir Ahmad Jan M.Sc Forestry/M Phil Forestry in Range Management	20/06/1990 Lower Dir	20/11/2014 F/Ranger	14/12/2017	17	--do--	Passed	SDFO Dargai  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt.)
11.	Mr. Zahid Muhammad M. Sc Forestry	10/10/1994 South Waziristan	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	Appointed to the post of DFO (BPS-18) on ACB and posted as DFO Demarcation Peshawar  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt.)

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12.	Mr. Shah Faizal M.Sc Forestry	15/08/1989 Bannu	14/12/2017 SDFO	14/12/2017	17	By Initial recruitment	Passed	DFO Bannu  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
13.	Mr. Saeed Anwar-H M. Sc Forestry	4-8/1992 Bannu	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Karak  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
14.	Mr. Amanullah M.Sc Forestry	08/02/1995 Manshra	14/12/2017 SDFO	14/12/2017	17	--do--	Passed	SDFO Abbottabad  (Seniority fixed as per Judgment of Khyber Pakhtunkhwa Service Tribunal and opinion of Law Deptt;
15.	Muhammad Sajid M. Sc. Forestry	10/4/1975 Mardan	25/8/2007	13/12/2018	17	By promotion	Passed	SDFO Patrol Squad Southern circle with Additional charge of DFO Patrol Squad Southern Circle
16.	Muhammad Ali	25/5/1966 Abbottabad	27/11/2007 F/Ranger	13/12/2018	17	-do-	Passed	Seniority restored under Para-V(d) of Promotion Policy, 2009/advice of AD. SDFO Khyber Pakhtunkhwa Forest School Thal Abbottabad
17.	Muhammad Saleem B.Sc Forestry	12/12/1964 Abbottabad	01/10/1987	13/12/2018	17	--do--	Passed	DFO Hazara Tribal Battagram
18.	Mr. Ihsanuddin B.Sc Forestry	20/04/1966 Upper Dir	01/10/1988	13/12/2018	17	--do--	Passed	SDFO Litigation Dtr
19.	Mr. Saeed Ahmad B.Sc Forestry	14/11/91 Mardan	20/11/2014 F/Ranger	10/06/2020	17	--do--	Not yet	SDFO Khar
20.	Mr. Umair Nawaz B.Sc, Msc Forestry	18/11/1992 Chitral	20/11/2014 F/Ranger	10/06/2020	17	--do--	Passed	SDFO Drosh North
21.	Mr. Turabun Khan M.Sc Forestry & B.Sc Forestry	21/03/1991 D.I.Khan	20/11/2014 F/Ranger	10/06/2020	17	--do--	Passed	SDFO Tank
22.	Mr. Ghulam Murtaza B.Sc Forestry	01/03/1983 Manshra	20/11/2014 F/Ranger	10/06/2020	17	--do--	Passed	SDFO Manshra
23.	Mr. Zahid Ullah, M.Sc Forestry & B.Sc Forestry	20/05/1983 North Waziristan	20/11/2014 F/Ranger	10/06/2020	17	--do--	Not yet	SDFO FP&M Circle
24.	Mr. Abdul Ghani Shah MBA/FS	28/3/1967 Bannu	10/7/1994	10/06/2020	17	-do-	Passed	SDFO Siran Watershed
25.	Mr. Zareen Gul	1/4/1964 Buner	18/3/1985	25/11/2021	17	--do--	Not yet	SDFO Buner Watershed with additional charge of DFO Buner Watershed

E-Establishment-Final Seniority list of SDFOs.

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26.	Muhammad Riasat Matric/FS	25/3/1966 Abbottabad	01/10/1986	25/11/2021	17	By promotion	Passed	Seniority restored w.e.f 25/11/2021. SDFO Daur Watershed
27.	Mr. Sardar Salih	20/1/1972 Dir	1/10/1990	25/11/2021	17	--do--	Passed	Seniority restored w.e.f 15/04/2009 with the direction of Administrative Deptt;  SDFO Pattak with additional charge of DFO Sheringal.
28.	Mr. Izzat Sher	1/4/1967 Swat	1/10/1990	25/11/2021	17	--do--	Not yet	SDFO Demarcation with Additional Charge of DFO Demarcation
29.	Mr. Sharifullah	2/3/1995 Swat	17/10/2017	25/11/2021	17	--do--	Not yet	SDFO Timergara
30.	Mr. Zohaib Hassan	12.11.1992 Mardan	17/10/2017	25/11/2021	17	--do--	Passed	SDFO Makhniai
31.	Muhammad Junaid	20.9.1994 Charsadda	17/10/2017	25/11/2021	17	--do--	Passed	SDFO Balakot
32.	Mr. Umer Khitab	6.4.1992 South Waziristan	27/05/2016 (as R O Wildlife) 17/10/2017 (as RFO FD)	25/11/2021	17	--do--	Passed	SDFO Patrol Squad Merged Areas
33.	Mr. Junaid Alam	1.11.1993 Karak	17/10/2017	25/11/2021	17	--do--	Not yet	SDFO Dunga Gali
34.	Mr. Shahzad Khan BS Forestry	6/7/1993 Peshawar	24/2/2022	24/2/2022	17	By Initial recruitment	Not yet	SDFO Swabi (presently under training at PFI)
35.	Mr. Adnan Rasool	North Waziristan	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Lower Siran (presently under training at PFI)
36.	Mr. Bilal Ahmad-II M.Phil Environmental Sciences	03/03/1992 Malakand	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Karora
37.	Mr. Muzakir Shah M.Sc Forestry	08/01/1995 D.I.Khan	24/2/2022	24/2/2022	17	--do--	Passed	SDFO W.P Unit-V (presently under training at PFI)
38.	Muhammad Uzair M.Sc Forestry	25/4/1995 Abbottabad	24/2/2022	24/2/2022	17	--do--	Passed	SDFO Patrol Squad Lower Hazara (presently under training at PFI)
39.	Mian Izat Alim M.Sc Forestry	10/9/1989 Swat	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Matta
40.	Sayed Aslam Shah M.Phil Plant Biodiversity and Conservation	30/1/1992 Charsadda	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Thandiani (presently under training at PFI)
41.	Ziaullah BS Forestry	12/5/1993 North Waziristan	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Judbah (presently under training at PFI)
42.	Sayyed Masoom Shah M.Sc Forestry	9/4/1992 Mohmand	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Warai (presently under training at PFI)

E-Establishment-Final Seniority list of SDFOs.

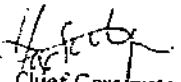
CS CamScanner

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43.	Mr. Bilal Ahmed Khan M.Sc Forestry	21/4/1994 Mohmand	24/2/2022	24/2/2022	17	By initial recruitment	Not yet	Assistant Professor PFI
44.	Mr. Salman Khan M.Sc Forestry	28/2/1995 Lakki Marwat	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Agror (presently under training at PFI)
45.	Muhammad Younas B.Sc Forestry	06/02/1993 Lower Dir	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Timergara (presently under training at PFI)
46.	Mr. Irfanullah Muhammadi M.Sc Forestry	12/10/1994 South Waziristan	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Upper Siran
47.	Mr. Yasir Mahmood	20/09/1996	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Kohat
48.	Mr. Zahoor Khan M.Phil Forestry and Wildlife Management.	12/7/1993 Bajaur	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Upper Dir (presently under training at PFI)
49.	Mr. Saifdar Shah	13/01/1995 Abbottabad	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Range Management
50.	Mr. Khurshid Alam M.Phil Forestry and Range Management	03/01/1988 Swat	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Behrain South
51.	Muhammad Ishfaq M.Sc Forestry	5/12/1982 Peshawar	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Drosh South
52.	Mr. Mamoon Khan	Bannu	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Lower Siran
53.	Mr. Sajid Aman M.Phil Forestry and Range Management	04/03/1994 Swabi	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Gadoon
54.	Mr. Khurram Shahzad M.Sc Forestry	01/05/1993 Charsadda	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Nizampur
55.	Mr. Usman Ali M.Phil Forestry and Wildlife Management.	13/12/1992 Mansehra	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Khanpur
56.	Muhammad Waseem Sadiq Abbasi M.Phil Forestry and Wildlife Management	03/04/1995 Haripur	24/2/2022	24/2/2022	17	--do--	Not yet	SDFO Bagnoter
57.	Homish Kumar BS Forestry	06/07/1999 Swat	09/06/2022	09/06/2022	17	--do--	Not yet	SDFO Patrol Squad Malakand East (presently under training at PFI)
58.	Mr. Sher Amanullah Matric/FS	27/6/1965 FR Bannu	1/10/1988	7/7/2022	17	By promotion	Not yet	SDFO Orakzai

It is certified:-

1. That the final seniority list has been circulated amongst the Officers.
2. That there is no seniority dispute amongst the Officers, except M/S Zohaib Hassan, Muhammad Junaid, Umer Khitab, Junaid Alam & Zahid Muhammad & Zahid Muhammad
3. That none of the Officer has pointed/raised any objection pertaining to his seniority except M/S Zohaib Hassan, Muhammad Junaid, Umer Khitab, Junaid Alam & Zahid Muhammad

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

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

NO.SO(ESTT)FE&WDM-10/2021

Dated. Peshawar the. /09/2023

Copy forwarded for information and necessary action to the:-

1. Chief Conservator of Forests Northern Forest Region-II, Abbottabad.
2. Chief Conservator of Forests Malakand Forest Region-III, Saidu Sharif Swat.
3. Conservator of Forests Kohat Forest Circle at Peshawar
4. Conservator of Forests Forestry Planning & Monitoring Circle Peshawar.
5. Conservator of Forests Central Forest Circle Peshawar
6. Conservator of Forests Range Management Circle Peshawar
7. Conservator of Forests Southern Forest Circle Bannu
8. Director, I&HRD&M Peshawar

(SECTION OFFICER (ESTT))



Annex<sup>1</sup>-L

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To,

THE HONORABLE CHIEF SECRETARY,  
GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR.

Through: Proper Channel Principal KP Forest School Thai A Abad

3<sup>rd</sup> DEPARTMENTAL REPRESENTATION

PROPOSED FINAL SENIORITY LIST OF SDFO (BS-17) KP FOREST DEPARTMENT DATED 15/02/2024, AS ILLEGAL, UNLAWFUL AND WITHOUT LAWFUL AUTHORITY, BEING IN VIOLATION OF FR 54 (a), READ WITH PARA V (d) OF PROMOTION POLICY AND THE PROVISIO OF SUB-SECTION (4) OF SECTION 8 OF THE NWFP CIVIL SERVANTS ACT 1973, WITHOUT DECIDING THE DEPARTMENTAL REPRESENTATION DATED 5/02/2024, WITHOUT THE CONSIDERING SENIORITY AND REGULARIZED THE PERIOD MORE THAN SEVEN YEARS AFTER HON'BLE EXONERATION, WITH IN ONE BATCH AS PER LAW, WITH FURTHER DIRECTION TO THE DEPARTMENT TO ACT IN ACCORDANCE WITH LAW AND RULES ON THE SUBJECT AND TO WITHDRAW THE IMPUGNED PROPOSED SENIORITY LIST DATED 15/02/2024, OF SDFO (BS-17).

Attest  
[Signature]

80<sup>2</sup>

Respectfully Shenweth;

FACTS

1. That the Appellant had been initially recruited in the Forest deptt; in 18.12.1986, as Forest Guard (BS-2), and then promoted as Forester (BS-7) on 1994, and thereafter forest Deptt; nominated for B. Sc in Forestry /Training Course 1999-2001, and the appellant qualified said Degree /training.
2. That the Appellant before appeared PCS departmental Exam, through Proper Channel for next regular promotion, and PSC recommended with Subject: **one Batch of Seven RFOs for the same Cadre of different Zones in (BS-16)** PSC letter Dated 23.06.2007, Petitioner is senior in age among all of Batch fellows. (PSC letter Dated 23.06.2007, is annexed as Annexure A)
3. That the then CCF NWFP being a Competent Authority had passed an order No. 103, dated 15.11.2007, and considered previous service since from 1986.
4. That the fundamental rules No. 54, of the volume - I 2018, that *"the period of absence from duty will be treated as a period spent on duty"* very much cleared in this regard.
5. That the competent Authority (Hon'ble Chief Secretary Khyber Pakhtunkhwa) is Please to promote Petitioner Forest Range Officer (BS-16) to the post of Sub Divisional Forest Officer (BS-17) on regular basis in the Forest Department KP on 20.01.2023.
6. That the Secretary to the Government, Climate Change, Forestry, Environment and wildlife Department, Government of Khyber Pakhtunkhwa Peshawar the directed to the CCF-I that the seniority of the petitioner may be place in the seniority list of the SDFO (BS-17) in the light of Para-V (d) of promotion policy) on 20.02.2023.

- 01
7. That the Administrative Department had been forwarded letter to get opinion from Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar on dated 21.2.2023.  
(No. SO(Estt)/FE &WD/1-43/2021/PF is annexed as Annexure B)
  8. That the Secretary to Government of Khyber Pakhtunkhwa Establishment Department Peshawar, has replied that the subject matter involves pay and allowances which are dealt with by finance Department. It is therefore advised that the case may be taken up finance Department Please on dated 22.3.2023.  
(No. SO(Estt)/FE &WD/1-43/2021/PF is annexed as Annexure C)
  9. That the Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar has replied that the instant case may be examined at your own level in the light of FR-54.  
(No. FD(SOSR-1)1-1/2023, Mr. Muhammad Ali dated Peshawar the 16.03.2023 is annexed as Annexure D)
  10. That the Hon'ble K P Service Tribunal Court had been "vitiating the whole proceedings and impugned order of the compulsory retirement dated 25/08/2014, issued by the then incompetent authority (CCF-II), in the judgment dated 19.03,2018, in the service appeal no. 30/2016, "that the issue of back benefits in case of reinstatement shall be subject to the rules on the subject".
  11. That the respondents had been proceeded to the Law Department and the law department did not permit to proceed file CPLA against the judgment dated 19.03,2018, in the service appeal no. 30/2016, therefore the said Judgment is binding to execute as per directed to the respondents.
  12. That the CCF Region-I, Peshawar vide letters No: No. 2851/E, dated 25th, November, 2020, on other hand competent authority on the recommendation of Inquiry Committee finalized the De-novo inquiry vide office order 03 dated 24/7/2020 imposing minor punishment i.e. stoppage of two Annual increments.
  13. That the respondent No. 2 had been passed NOTIFICATION No. SO (Estt) FE&WD/1-50(69)/PF: In compliance with the

judgment dated 11th August, 2020 of Khyber Pakhtunkhwa Service Tribunal in Execution Petition No: 155/2019 filed by Muhammad Tariq Ex DFO (BS-18) in service appeal No. 795/2015, subsequent recommendations of CCF Region-I, Peshawar vide letters No: 2 2527/E, dated 10th November, 2020 and No. 2851/E, dated 25th November, 2020. The competent authority is pleased to authorize Mr. Muhammad Tariq, Ex-DFO BS-18), Forest Department, Khyber Pakhtunkhwa to draw his salary and allowances against the following vacant positions for the period as noted against each 12/2/2015 up to 1/6/2019.

(NOTIFICATION No. SO (Estt) FE&WD/1-50(69)/PF: Annexure E)

14. That the appellant had been submitted 2<sup>nd</sup> Departmental Representation to the Hon'ble Chief Secretary Govt; of KP Peshawar, dated 05.02.2024, for correction of Promotion / Seniority right of appellant before 12/09/2013, instead of 13.12.2018, being SDFO, on the basis of seniority-cum- fitness, from amongst the batch of RFOs, which were inducted in 2007.
15. That the department has been issued proposed Final seniority List dated 15.02.2024, of the SDFOs, and appellant name listed at S. No. 58, instead of S. No. 1, and correction of Promotion / Seniority right of appellant before 12/09/2013, instead of 20/01/2023 explain as under please.

Final Seniority List of RFO dated 31/08/2014					
S.No.	Name of Officer	Date of birth	Date of First entry in service	Regular Promotion	Remarks
8	Mr. M Shakeel	3/11/80	24/08/07 (16)	24/08/07	By Initial Recruitment
9	Mr. Muhammad Sajid	10/4/75	25/8/07	25/8/07	-do-
10	Muhammad Ali	25/5/66	27/11/07	27/11/07	-do-
11	Mr. Shabir Ahmad	1/8/67	26/9/09	26/9/09	Service regularized as per ordinance 2009
12	Mr. Alamgir Khan	3/1/69	26/9/09	26/9/09	-do-
13	Syed Tariq Ali Shah	30/10/75	26/9/09	26/9/09	-do-

05

Final Seniority List of SDFO dated 31/10/2015						
S.No.	Name of Officer	Date of birth	Date of First entry in service	Regular Promotion		Remarks
-	Muhammad Ali	25/5/66	27/11/07 (16)	12/9/13, (17)	Appellant was in the Deptt;	One Batch PCS In 2007 Senior in Age therefore Seniority restore from 12/09/2013 as SDFO
59	Mr. M Shakeel	3/11/80	24/08/07 (16)	15/1/15 (17)		

Tentative Seniority List of DFO dated 20/05/2022							
S.No.	Name of Officer	Date of birth	Date of First entry in service	Regular Promotion			Remarks
37	Syed Tariq Ali Shah	3/11/80	24/08/07	24/08/07 (16)	11/8/21	(17)	?
					11/8/21	(18)	?

Tentative Seniority List of SDFO dated 31/05/2023						
S.No.	Name of Officer	Date of birth	Date of First entry in service	Regular Promotion		Remarks
1	Mr. Shabir Ahmad	1/8/67	26/9/09	7/7/22	(17)	Service regularized as per ordinance 2009
2	Mr. Alamgir Khan	3/1/69	26/9/09	7/7/22	(17)	-do-
13	Muhammad Ali	25/5/66	27/11/07	13/12/18, Instead of 12/09/13	(17)	Seniority restored under Para V(d) of Promotion policy 2009./Advised of AD

Proposed Final Seniority List of SDFO dated 31/05/2023						
S.No.	Name of Officer	Date of birth	Date of First entry in service	Regular Promotion		Remarks
1	Mr. Shabir Ahmad	1/8/67	26/9/09	24/09/2009	(17)	Service regularized as per ordinance 2009 Date of Promotion has been changed
2	Mr. Alamgir Khan	3/1/69	26/9/09	24/09/2009 -do-	(17)	-do-
58	Muhammad Ali	25/5/66	27/11/07	20/01/2023 Instead of	(17)	Representation ?

07

				12/09/13		
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16. That the department may be promoted SDFOs through PSB on the basis proposed final seniority List dated 15.02.2024, of the SDFOs. (Final seniority List dated 15.02.2024, of the SDFOs Annexure F)

### G R O U N D S

- A. That the department may be promoted SDFOs through PSB top 10 SDFOs they were Junior from appellant and appellant Batch fellows had been serving in the department as DFO since from 2018, and got regular promotion as DFO on dated 6/01/2022.
- B. That the in violation of sub rule (2) of the rule 19 of the of KP Govt; Servants Rules (E&D) Rules 2011, the authority with whom the departmental appeal is pending, shall not take any further action.
- C. That the department had not severed to the appellant proposed final seniority List dated 15.02.2024, of the SDFOs.
- D. That the Secretary to Government of Khyber Pakhtunkhwa Establishment Department Peshawar, has replied that the subject matter involves pay and allowances which are dealt with by finance Department. It is therefore advised that the case may be taken up finance Department Please on dated 22.3.2023.
- E. That the Secretary to Government of Khyber Pakhtunkhwa Finance Department Peshawar has replied that the instant case may be examined at your own level in the light of FR-54.
- F. That the respondent No. 2 had been passed NOTIFICATION No. SO (Estt) FE&WD/1-50(69)/PF: In compliance with the judgment dated 11th August, 2020 of Khyber Pakhtunkhwa Service Tribunal in Execution Petition No: 155/2019 filed by Muhammad Tariq Ex DFO (BS-18) in service appeal No. 795/2015, subsequent recommendations of CCF

Region-I, Peshawar vide letters No: 2 2527/E, dated 10th November, 2020 and No. 2851/E, dated 25th November, 2020. The competent authority is pleased to authorize Mr. Muhammad Tariq, Ex-DFO BS-18), Forest Department, Khyber Pakhtunkhwa to draw his salary and allowances against the following vacant positions for the period as noted against each 12/2/2015 up to 1/6/2019.

G. That after Hon'ble Exoneration of the appellant the department being in violation of FR 54 (a), read with Para V (d) of promotion policy and the proviso of sub-section (4) of section 8 of the NWFP civil servants act 1973.

*F. R. 54.—Where a Government Servant has been dismissed or removed is reinstated, the revising or appellate authority may grant to him for the period of his absence from duty:—*

*(a) If he is honorably acquitted, the full pay to which he would have been entitled if he had not been dismissed or removed and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal or removal; or*

*In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty.*

That the Para V (d) of Promotion Policy 2009

*(d) If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion along with the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be*

allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the North-West Frontier Province Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.

H. That the Sub Section (4) of the Section 8, of the N W F P Civil Servants Act 1973, "Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

*Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post."*

I. That the department has been issued proposed Final seniority List dated 15.02.2024, of the SDFOs, and appellant name listed at S. No. 58, instead of S. No. 1, and correction of Promotion / Seniority right of appellant before 12/09/2013, instead of 20/01/2023 explain in Para No. 15, please.

### P R A Y E R

BATCH FELLOW HAS BEEN WORKING IN THE DEPARTMENT AS DFO SINCE FROM 2018, AND THE APPELLANT HAD BEEN REGULARIZED SDFO (BS-17) BEFORE 12/09/2013. THAT, THE RIGHTS OF LIFE IS GUARANTEED FUNDAMENTAL RIGHT OF THE APPELLANT UNDER ARTICLE (9) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN.



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Copy in advance to the

1. HONORABLE CHIEF SECRETARY,  
Government of Khyber Pakhtunkhwa, Peshawar.
2. SECRETARY TO THE GOVERNMENT,  
Climate Change, Forestry, Environment and wildlife Department,  
Government of Khyber Pakhtunkhwa  
Peshawar.
3. CHIEF CONSERVATOR FORESTS - I,  
Central Southern Forest Region -I, Peshawar

Appellant




Muhammad Ali,

SDFO (BS-17) KP Forest School Thai Abbottabad

Cell No. 0315-319931

Dated 25.03.2024



To,  
THE HONORABLE CHIEF SECRETARY,  
GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR.

Aux - M<sup>1</sup>

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Through: Proper Channel Principal KP Forest School Thai A Abad

IN-CONTINUATION OF REPRESENTATION 25.03.2024

Respectfully Shenweth;

### FACTS

1. That the then appellant (Regular Forester BS-7) have working in the department since from December 1986, and did B. Sc in Forestry from PFI Peshawar in 2001.
2. That the Department had been in violated the seniority and proceedings after the Exonerated, not in accordance to the rules of Law and nor follow to the record.
3. That the appellant date of birth is 25/05/1966, Senior in age from batch mate Mr. Muhammad Shakeel date of birth is 03/11/1980, Mr. Muhammad Shakeel had been promoted on 15/01/2015, as SDFO on regular basis and appointment on acting charge basis as DFO since from 2018, and PSB had been recommended regular promotion as DFO (BS-18) from 6/01/2022.
4. That the then complainants (DFO) of the charge sheets had been issued on the basis of Personal Grudge and Malfidely, and the enquiry officers recommended Major penalty (compulsory retirement) on plain allegations, and the then CCF-II Northern region II Abbottabad, (Incompetent Authority) had been issued Impugned order for compulsory retirement against petitioner on 25/05/2014, without conducting of personal hearing.

Alleged  
DR

5. That the Hon'ble K P Service Tribunal Court had been "vitiating the whole proceedings and impugned order of the compulsory retirement dated 25/08/2014, issued by the then incompetent authority (CCF-II), in the judgment dated 19.03.2018, in the service appeal No. 30/2016.
6. That the then Secretary to the Government, Climate Change, Forestry, Environment and wildlife Department, Government of Khyber Pakhtunkhwa Peshawar/ vide order dated 15/11/2021, directed to the then Respondent No. 4, Competent Authority (CCF-I) has passed an order of the reinstated on 22.12.21, before conducting De-novo enquiry proceedings.
7. That the vide order No. dated 27.06.2022, CCF-I, Peshawar after having consider the charges, evidence on records, Findings of the Enquiry Officer in the subject case, exercising his powers under rule 14 (3) of KP Servants (E&D) Rules 2011, appellant is hereby exonerated from the charges leveled against him as per charge sheets/statement of allegations. (2013 SCMR 752, Para V (d))
8. That the competent Authority (Hon'ble Chief Secretary Khyber Pakhtunkhwa) is Please to promote Petitioner Forest Range Officer (BS-16) from the period from 2007 up to 24/08/2014, to the post of Sub Divisional Forest Officer (BS-17) on regular basis in the Forest Department KP on 20.01.2023.
9. That vide tentative seniority list undersigned was rightly placed at S. No. 16 was issued vide dated 10.08.2023, but astonishingly in final seniority list issued vide notification No. SO (ESTT) FE&WD/1-40/2024/3536-40 dated 15 February 2024, at S. No. 58.
10. That the appellant had been submitted Departmental Representation dated 25.03.2024, to the Hon'ble Chief Secretary Govt; of KP Peshawar, to may be directed to the department for correction of Promotion / Seniority.

11. That the department may be promoted SDFOs through PSB on the basis disputed final seniority List dated 15.02.2024, of the SDFOs.
12. That the respondents deprived the Fundamental right of Appellant as illegal, unlawful and without lawful authority. Against the Article 25 all citizens are equal before the law and are entitled to equal protection by the law.

### PRAYER

The promotion as SDFO (BS-17) before 12/09/2013, with batch mate to the higher post, retain their inter se seniority as in the lower post and the officer older in age shall be treated Senior under the Para V (d) of Promotion Policy, 2009, and read with Sub Section (1) & (4) of the Section 8, of the N W F P Civil Servants Act 1973.

Copy in advance to



1. THE HONORABLE CHIEF SECRETARY,  
Government of Khyber Pakhtunkhwa, Peshawar.
2. THE SECRETARY TO THE GOVERNMENT,  
Climate Change, Forestry, Environment and wildlife Department,  
Government of Khyber Pakhtunkhwa  
Peshawar.
3. THE PSB  
C/O Office of the Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar.
4. THE CHIEF CONSERVATOR FORESTS - I,  
Central Southern Forest Region -I, Peshawar

Appellant

  
Muhammad Ali,

SDFO (BS-17) KP Forest School Thai Abbottabad

Cell No. 0315-319931 Dated 11.07.2024

# Exoneration

2013 S C M R 752

[Supreme Court of Pakistan]

Present: Nasir-ul-Mulk and Tariq Parvez, JJ

**CHAIRMAN, STATE LIFE INSURANCE CORPORATION OF PAKISTAN,  
KARACHI and others---Appellants**

Versus

**SIDDIQ AKBAR---Respondent**

Civil Appeal No.1186 of 2012, decided on 30th January, 2013.

(On appeal from the judgment/order dated 12-9-2012 passed by Lahore High Court, Lahore in W.P. No.7249 of 2012).

**(a) Civil service---**

---Dismissal from service---Rights of employee on reinstatement in service---Employee reinstated in service after exoneration of the charge--- Right/entitlement of such employee to continuation of service, increment in salary and pro forma promotion for the period he remains suspended or dismissed---Scope---Employee (respondent), in the present case, was charge-sheeted for misappropriation and embezzlement on basis of which he was dismissed from service---Fresh inquiry committee was constituted on the directions of the Supreme Court, which committee exonerated employee of the charges--- Competent authority treated period during which employee remained dismissed as extra ordinary leave without pay and he was denied salary for such period on the ground that he physically remained out of service---Competent authority also denied the employee increment of two years during which he remained dismissed from service and also did not consider him for promotion with retrospective effect as he was dismissed from service and his Annual Confidential Reports for such period were not available---High Court allowed constitutional petition filed by employee and ordered that period for which he remained dismissed was to be considered as period spent on duty; that annual increment for the two years during which he remained dismissed were to be granted to him, and that he should also be considered for pro forma promotion with effect from the date when his batchmates were promoted---Validity---Once an employee was reinstated in service after exoneration of the charges levelled against him, the period during which he remained either suspended or dismissed could not be attributed as a fault on his part---Absence of employee, in the present case, during period of his suspension and subsequent dismissal was not voluntary on his part but it was due to the order of the employer-Corporation (appellant), which restrained him from attending his job/duty---Exoneration of the charge meant that employee stood restored in service, as if he was never out of service of the employer-Corporation---Period during which employee remained dismissed, therefore,

was to be considered as period he "remained in service"---Since absence/non-attendance of employee at work was not voluntary on his part and it was due to the steps taken by the employer-Corporation, therefore, his service record could neither be adversely affected nor could he be denied any benefit to which he would have been entitled had he not been suspended or dismissed---Appeal was dismissed accordingly.

**(b) Limitation---**

---Bar of limitation---Principles---Limitation was a bar against a party in pursuing its cause and not a bar regarding assumption of jurisdiction by a court because the court for justified reasons could condone the time limitation.

Ali Muhammad v. Muhammad Shafi PLD 1996 SC 292 and Chairman, State Life Insurance Corporation v. Hamayun Irfan 2010 SCMR 1495 ref.

Raja M. Ibrahim Satti, Senior Advocate Supreme Court for Appellants.

M. Munir Paracha, Advocate Supreme Court for Respondent.

Date of hearing: 30th January, 2013.

**JUDGMENT**

**TARIQ PARVEZ, J.**---Lengthy round of litigation had finally reached to this Court through Civil Petition for Leave to Appeal No.1710 of 2010. The petition came up for hearing on 21-12-2012 and the same was converted into appeal, inter alia, on the grounds to consider the following questions as formulated in the leave granting order:--

- (a) whether for the period the respondent remained suspended/dismissed from service, he shall be entitled to annual increment?
- (b) when the department has considered the respondent on extra-ordinary leave without pay for the period of 456 days; whether, under the law, he could be held entitled for payment of the salary for these days, treating him to be present on duty?
- (c) whether the period during which the respondent remained suspended/dismissed from service can be considered while determining his seniority?

2. The respondent, while serving as Zonal Head, Sahiwal Zone of State Life Insurance Corporation of Pakistan was charge sheeted on 28-8-1996 and 10-9-1996 on the charges of misappropriation and embezzlement. He was proceeded against departmentally and was dismissed from service on 8-5-1997. The dismissal order was challenged by filing Writ Petition before the Lahore High Court, Multan Bench, where dismissal order was suspended on 20-5-1997 and ultimately the said Writ Petition was allowed and dismissal order was quashed by the High Court vide order dated 30-3-1998.

The appellant then filed Civil Petition for leave to appeal before this Court, which petition was converted into appeal and allowed and the judgment of the High Court dated 30-3-1998 was set aside with direction to the respondent to seek redressal of his grievance before the competent forum i.e. the Federal Service Tribunal. Consequently, the respondent filed two Service Appeals before the Federal Service Tribunal but both were dismissed on 9-3-1999; the judgment of the Service Tribunal was challenged by the respondent again by two separate Civil Petitions before this Court and this Court on 15-7-1999 allowed and set aside the order of the Service Tribunal with the observation that the disciplinary proceedings before the Department shall be deemed to be pending and shall be decided afresh after constitution of enquiry committee in accordance with law. The freshly constituted enquiry committee on 2-3-2001 exonerated the respondent from the charges served upon him through the charge sheets mentioned hereinabove. After exoneration the competent authority decided that the period during which the respondent remained dismissed from service i.e. from 8-5-1997 to 2-3-2001 shall be treated as extra ordinary leave without pay. The above decision of the authority was challenged by the respondent through representations dated 16-1-2001 and 21-4-2002. His representations were not acceded to. However, after about 8/9 years, the respondent filed yet another representation on 1-7-2010 and this time the competent authority vide order dated 27-7-2010 decided that the period from 8-5-1997 to 2-7-1997 (56 days) and from 9-6-1998 to 5-8-1999 (445 days), when the respondent was not in service be treated as extra ordinary leave without pay. This was again challenged by the respondent through Constitution Petition No.1829 of 2010, which was disposed of in the terms that the respondent shall file representation which shall be decided by the department within three months. It appears that since no order was passed on the representation, a fresh Writ Petition was filed by the respondent bearing No.1318 of 2012, which was disposed of on 20-1-2012 with direction that if the appeal of the respondent is pending, the same shall be deiced within two weeks.

Upon fresh appeal filed on 6-7-2011, the competent authority vide order dated 15-2-2012 decided the appeal and granted relief to the respondent only to the extent that 56 days i.e. w.e.f. 8-5-1997 to 2-7-1997 be treated as spent on duty whereas rest of the relief was declined.

Being not satisfied, the respondent filed yet another Writ Petition bearing No.7249 of 2012, which was subject matter of instant proceedings and on 12-9-2012, the said Writ Petition was allowed with the following relief given to the respondent:--

- (a) That the period of 456 days as noted above is liable to be considered as a period spent on duty.
- (b) The annual increment for the years 1999 and 2000 may be granted to the petitioner as the same have been granted to other similarly placed employees; and
- (c) The petitioner may be considered for pro forma promotion w.e.f. the date when his batch mate were promoted with due record to the petitioner's right to seniority;

Hence, this appeal by leave of the Court.

3. The principal contention of the learned counsel for the appellant-Corporation is that no relief as claimed by the respondent could be granted to him and that the learned High Court in Constitutional jurisdiction has acted in a manner as if it was hearing an appeal.

His submission is that as far as awarding relief of considering the respondent to be on duty for the period he remained under suspension or dismissal, is against the law and facts because when the respondent has not attended the office physically nor he was assigned any duty/job, he cannot be held entitled to any remuneration on the principle 'no work, no salary' and thus the respondent has been awarded something which was not his entitlement.

The learned counsel submits that similarly, the relief of awarding two increments for two years i.e. 1999-2000 and 2000-2001 have wrongly been granted to the respondent against the fact that in these two years, he had not provided any services to the appellant and thus is not entitled to increment for the period, he has not worked.

The learned counsel has also challenged the relief of giving pro forma promotion to the respondent on the ground that when in the year 2002, the cases of batch mates of the respondent were placed before the competent authority for consideration for promotion, the respondent could not be promoted because of non-availability of his three previous ACRs, as during such period he was either under suspension or was dismissed by the order of competent authority, as such, according to the learned counsel, he cannot claim pro forma promotion. He has added that, however, when the right of promotion became due to the respondent in the year 2007, he was given promotion but he cannot be given promotion with retrospective effect.

The learned counsel has further argued that on the principle of laches, the learned High Court should have dismissed the case of the respondent at preliminary stage because the order of the competent authority fixing his pay, etc. was passed in the year 2001, which for the first time was challenged by the respondent through filing the Constitution Petition before the High Court, subject matter of instant proceedings, after a lapse of 9/10 years. He submits that if a party approaches the Court after the period of limitation or whose case is hit by laches, the Court has no jurisdiction to entertain the claim which has become barred by time. His submission is that in view of above, the respondent was not entitled to equitable relief sought after almost 10 years from the High Court.

In support of his submission regarding limitation that the same could not have been condoned by consent of the parties and the question of filing petition with the delay and to be hit by principle of laches, reliance has been placed on *Ali Muhammad v. Muhammad Shafi* (PLD 1996 SC 292) and *Chairman, State Life Insurance Corporation v. Hamayun Irfan* (2010 SCMR 1495).



4. On the other hand, learned counsel appearing for the respondent submits that the question of laches cannot be raised by the appellant for more than one reason because it was never the case of the appellant before the learned Judge in Chambers of the High Court nor in the memo of the appeal as the same has been raised before this Court for the first time.

He submits that the respondent remained vigilant in pursuing his grievance though by making repeated representation both against his suspension/dismissal and later on, after his reinstatement regarding fixation of his emoluments, etc. He states that the respondent filed Constitution Petition No. 18629 of 2010 before the High Court, which came up for hearing on 25-3-2010 and it was observed by the learned Single Judge in Chambers of the High Court as under:-

"(2) Both the counsel agree that let the petitioner file a representation to the competent authority in this behalf, who shall examine the same and decide the matter fairly, justly and strictly in accordance with law after affording full opportunity of hearing to the petitioner including the right of producing evidence.

(3) Disposed of in the above terms with direction that the competent authority shall decide the matter expeditiously within three months of the receipt of such representation."

The learned counsel submits that in view of consent order, the respondent was to file a representation to the competent authority, which was accordingly filed but his representation was not entertained and he was advised by the department itself that he shall file an appeal, as envisaged under Regulation No.33 of the State Life Employees Service Regulations, 1973; thus, according to the learned counsel, no question of limitation or laches arises when the department i.e. the appellant itself has been asking the respondent to prefer an appeal pursuant to the consent order referred to hereinabove.

Qua the relief of pro forma promotion given to the respondent w.e.f. the date when his batch mates were promoted, the learned counsel has argued that same is his right because if the respondent was charged and was removed from service or if in the year 2002, his other colleagues were promoted, but because of deficiency of his ACR, his case was not considered, which fault could not be attributed to the respondent and relief in this regard has rightly been granted to him. He also states that the order of the competent authority dated 2-3-2001 exonerating the respondent from the charges levelled against him vide charge sheets dated 28-8-1996 and 10-9-1996, is a clear chit in his favour and would be considered as if he was never suspended nor dismissed and shall assume the position as was held by him, deeming him to be in service w.e.f. the date when the said two charge sheets were served upon him.

5. We have heard the arguments of the learned counsel for the parties and have also gone through different documents, so brought on record. Undisputed facts are that the respondent was issued two charge sheets mentioned in the preceding paras herein above, on the basis of which he was dismissed from service but was reinstated under the order of

this Court with the directions that fresh enquiry should be held against him. In the later enquiry, the respondent was exonerated from the charges, which result of the enquiry was duly communicated to him vide letter dated 12-3-2001. The precise question before this Court is when an employee of the appellant was issued charge sheets, which charges were ultimately not proved and he was exonerated of the charges and that during the period he remained suspended or was dismissed, shall it adversely affect the service record of the respondent, both in terms of continuation of service and in terms of his right to receive pay and salary, etc.

6. Although the competent authority has held that the respondent be treated on duty for 56 days i.e. w.e.f. 8-5-1997 to 2-7-1997 and that the period from 9-6-1998 to 16-9-1999 (456 days) be treated as extra-ordinary leave but they have denied him salary for such period because he physically remained out of service and, therefore, he was held not entitled to any pay for having done no work. The competent authority has also granted him two annual increments for the year 1999-2000 and 2000-2001 but denied him increments for the year 1999 and 2000, which became due on 1-1-2001. He was also refused pro forma promotion because of deficiency of his ACR for the year 2003.

7. Once an employee is reinstated in service after his exoneration of the charges levelled against him, the period during which he remained either suspended or dismissed cannot be attributed as a fault on his part. His absence during this period was not voluntary on his part but it was due to order of the appellant that he was restrained not to attend his job/ duty because on the basis of charge sheets, he was suspended and later on dismissed. At the moment, his exoneration from the charges would mean that he shall stand restored in service, as if he was never out of service of the appellant. If the absence of the respondent or non-attending the work was not volunteer act on the part of the respondent and was due to steps taken by the appellant, in no manner the service record of the respondent can be adversely affected nor he can be denied any benefit to which he was entitled, if he had not been suspended nor dismissed.

8. So far as the question of laches is concerned, apparently the consenting order was passed by the learned Single Judge in Chambers of the High Court on 25-3-2011 where no question of laches was raised and subsequent thereto when the representation was filed by the respondent, he was advised by the department itself that he shall instead file an appeal and no question of laches was even raised by the departmental authority. Even before this Court except oral arguments in this regard, this question has not been setup specifically in the memo of appeal.

9. Argument of the learned counsel for the appellant that the order of the High Court is without jurisdiction on the ground that the matter was brought before it beyond the limitation and the High Court should have dismissed the petition in limine, does not appear to be a valid argument; limitation is a bar against a party in pursuing its cause and not bar regarding assumption of jurisdiction by a Court because the Court for justified reasons can condone the time limitation. Even otherwise, question of limitation is not involved in this case except laches as raised but since the department has never raised any objection of delay against the respondent in approaching the High Court, it cannot react

against the respondent. Even otherwise, perusal of record reveals that the respondent had been pursuing his grievance qua re-fixation of pay and promotion, etc. throughout when he has filed his departmental appeal back in the year 2007 on 20th August.

10. For the above stated reasons, we find no force in this appeal, as such the same is dismissed; however, in para-14 of the impugned judgment it is recorded that "the period of 456 days as noted above is liable to be considered as a period "spent on duty" (emphasis provided); the said sentence is modified in the terms that it shall be read as "the period of 456 days as noted above is liable to be considered as a period "remained in service" (emphasis provided).

MWA/C-2/SC

Petition dismissed.

# Contractual Employee

2024 S C M R 527

[Supreme Court of Pakistan]

Present: Syed Mansoor Ali Shah, Jamal Khan Mandokhail and Athar Minallah, JJ

**VICE-CHANCELLOR AGRICULTURE UNIVERSITY, PESHAWAR and others---Petitioners**

**Versus**

**MUHAMMAD SHAFIQ and others---Respondents**

C.Ps. Nos.2270, 4783 and 4784 of 2019, C.Ps. Nos.1228 to 1230, 1295 to 1298, 1555, 1781 to 1783, 1807, 456-P and 496-P of 2020, C.P. No. 5871/2021, C.P. No. 5872/2021, C.P. No. 2291/2022, C.P. No. 2782/2022, C.P. No. 3811/2022 to C.P. No. 3813/2022 and C.P. No. 1438/2019, decided on 17th January, 2024.

(Against the order(s)/judgment(s) of Peshawar High Court Peshawar dated 02.04.2019, passed in W.P. No. 956-P of 2018 dated 11.02.2020, passed in W.P. No.3799-P/2019 dated 13.02.2020, passed in W.P. No.4433-P/2019 dated 13.02.2020, passed in W.P. No.4088-P/2019 dated 06.02.2020, passed in W.P. No.3253-P/2019 dated 06.02.2020, passed in W.P. No.4507-P/2019 dated 06.02.2020, passed in W.P. No. 1568-P/2019 dated 06.02.2020, passed in W.P. No. 1512-P/2019 dated 12.03.2020, passed in W.P. No.3091-P/2019 dated 12.03.2020, passed in W.P. No.3582-P/2019 dated 12.03.2020, passed in W.P. No.3583-P/2019 dated 12.03.2020, passed in W.P. No. 5318-P/2019 dated 12.03.2020, passed in W.P. No. 5893-P/2018 dated 04.06.2020, passed in W.P. No.4875-P/2019 dated 29.06.2020, passed in W.P. No. 3538-P/2019 dated 23.09.2021, passed in W.P. No. 1762-P/2020 dated 14.10.2021, passed in W.P. No.3788-P/2020 dated 10.05.2022, passed in W.P. No.2699-P/2020 dated 01.06.2022, passed in W.P. No. 1561-P/2021 dated 12.03.2020, passed in W.P. No.4526-P/2019 dated 12.03.2020, passed in W.P. No.4729-P/2019 dated 12.03.2020, passed in W.P. No.3679-P/2019 dated 07.03.2019, passed in W.P. No.3125-P/2017)

**(a) Civil service---**

----Contractual employees---Regularization in service---Principles---Once the contractual services are regularized, the appointment can become substantive or permanent and cannot be terminated without due process---Therefore, the regularization of a contractual employee is a fresh appointment into the stream of regular appointment.

Province of Punjab through Secretary, Livestock and Dairy Development, Government of Punjab v. Dr. Javed Iqbal 2021 SCMR 757 ref.

**(b) Civil service---**

----Contractual employees---Regularization in service---Parameters for regularization in service---Institutional autonomy---Scope---Any institution opting for regularization of its employees must be either mandated by law or must carry out regularization

through a well-thought out policy of the institution concerned laying down the criteria and the process for regularization; performance evaluation of the contractual employee must be assessed to determine if the employee meets the standards required for a regular position; there must be availability of positions that match the skills and experience of the contractual employee; the budgetary considerations and financial implication of a regular employee be weighed and considered---There must be a fair assessment of the employee's qualifications, performance and merit, so as to ensure only competent and committed employees be granted permanent employment status---Regularization is, therefore, not a ritualistic and mechanical exercise---It requires fresh assessment of the candidature of the contractual employee by the competent authority before he is made a regular employee as any such act carries long term financial implications on the institution concerned---Process of regularization is grounded in principles of fairness, openness, transparency, non-discrimination and public interest---Regularization therefore has a close nexus with institutional policy and autonomy.

Hadayat Ullah v. Federation of Pakistan 2022 SCMR 1691; Syed Mubashir Raza Jaffri v. Employees of Old Age Benefits Institution 2014 PLC 428 and Ikhlaj Ahmed v. Chief Secretary, Punjab 2018 SCMR 1120 ref.

**(c) Civil service---**

---Contractual employees---Regularization in service---Principles---There is no vested right to seek regularization for employees hired on contractual basis unless there is any legal or statutory basis for the same---Process of regularization requires backing of any law, rules or policy---It should adhere to the relevant statutory provisions and government policies---In the absence of any of the same, a contractual employee cannot claim regularization---Any regularization without the backing of law offends the principles of fairness, transparency and meritocracy and that too at the expense of public exchequer.

Faraz Ahmed v. Federation of Pakistan 2022 PLC 198; Government of Khyber Pakhtunkhwa v. Sher Aman and others 2022 SCMR 406; Vice Chancellor, Bacha Khan University Charsadda, Khyber Pakhtunkhwa v. Tanveer Ahmad 2022 PLC (C.S.) 85; Pakistan Telecommunication Company Ltd. v. Muhammad Samiullah 2021 SCMR 998; Messrs Sui Northern Gas Company Ltd. v. Zeeshan Usmani 2021 SCMR 609; Khushal Khan Khattak University v. Jabran Ali Khan 2021 SCMR 977; Pakistan Telecommunication Company Ltd. v. Muhammad Samiullah 2021 SCMR 998; Government of Khyber Pakhtunkhwa v. Saeed-ul-Hassan 2021 SCMR 1376; Muzaffar Khan v. Government of Pakistan 2013 SCMR 304; Government of Balochistan, Department of Health v. Dr. Zahid Kakar 2005 SCMR 642; Government of Khyber Pakhtunkhwa, Workers Welfare Board v. Raheel Ali Gohar 2020 SCMR 2068; Government of Khyber Pakhtunkhwa v. Intizar Ali 2022 SCMR 472 and Pir Imran Sajid v. Managing Director Telephone Industries of Pakistan 2015 SCMR 1257 ref.

**(d) Constitution of Pakistan---**

---Art. 25---Civil service---Contractual employees---Regularization in service---

Principle of similarly placed employees---Scope---Where a contractual employee wishes to be regularized, he must demonstrate statutory basis for such a claim, in the absence of which, relief cannot be granted solely on the principle of "similarly placed persons"---Article 25 of the Constitution has no application to a claim based upon other unlawful acts and illegalities---It comes into operation when some persons are granted a benefit in accordance with law but others, similarly placed and in similar circumstances, are denied that benefit---But where a person gains, or is granted, a benefit illegally, other persons cannot plead, nor can the court accept such a plea, that the same benefit must be allowed to them also in violation of law.

Deputy Director Finance and Administration FATA v. Dr. Lal Marjan 2022 SCMR 566 and Muhammad Yasin v. D.G. Pakistan, Post Office 2023 SCMR 394 ref.

**(e) Civil service---**

---Contractual employees---Regularization in service---Policy matter---Non-interference by Courts---Institutional autonomy---Process of regularization is a policy matter and the prerogative of the Executive which cannot be ordinarily interfered with by the Courts especially in the absence of any such policy---It does not befit the courts to design or formulate policy for any institution, they can, however, judicially review a policy if it is in violation of the fundamental rights guaranteed under the Constitution---Wisdom behind non-interference of courts in policy matters is based on the concept of institutional autonomy.

Waqas Aslam v. Lahore Electric Supply Company Limited 2023 SCMR 549 and Province of Punjab through Chief Secretary, Lahore v. Prof. Dr. Javed Iqbal 2022 SCMR 897 ref.

**(f) Civil service---**

---Public sector University---Contractual employees---Regularization in service---Policy matter of the University---Non-interference by Courts---Institutional autonomy, concept of---Wisdom behind non-interference of courts in policy matters is based on the concept of institutional autonomy which is defined as a degree of self-governance, necessary for effective decision making by institutions of higher education regarding their academic work, standards, management, and related activities---Institutional autonomy is usually determined by the level of capability and the right of an institution to decide its course of action about institutional policy, planning, financial and staff management, compensation, students, and academic freedom, without interference from outside authorities---Autonomy of public institutions is not just a matter of administrative convenience, but a fundamental requirement for the effective functioning of a democratic society, as public sector organizations are guardians of the public interest---Democracy, human rights and rule of law cannot become and remain a reality unless higher education institutions and staff and students, enjoy academic freedom and institutional autonomy---Courts must sparingly interfere in the internal governance and affairs of educational institutions i.e., contractual employments; this is because the courts are neither equipped with such expertise, nor do they possess the relevant experience that would allow for interference in such policy matters---Under this autonomous realm, educational

institutions are entitled to deference when making any decisions related to their mission---At the same time, any transgression by Courts would amount to the usurpation of the power of another, which would be against the spirit of Article 7 of the Constitution as it is not the role of the Courts to interfere in policy decisions.

Chapter V, Recommendation concerning the Status of Higher-Education Teaching Personnel (1997) UNESCO < <[https:// en.unesco. org/about-us/legal-affairs/recommendation-concerning - status - higher-education-teaching-personnel?>>](https://en.unesco.org/about-us/legal-affairs/recommendation-concerning-status-higher-education-teaching-personnel?>>)>; OECD, Governance and Quality Guidelines in Higher Education: A Review of Governance Arrangements and Quality Assurance Guidelines (2005); Khyber Medical University v. Aimal Khan PLD 2022 SC 92; Principles, Values and Responsibilities, Magna Charta Universitatum (2020); Waqas Aslam v. Lahore Electric Supply Company Limited 2023 SCMR 549; Hafsa Habib Qureshi v. Amir Hamza and others 2023 SCP 388; Abdul Hameed and others v. Water and Power Development Authority 2021 PLC (C.S.) 1439; Regents of University of Michigan v. Ewing 474 U.S. 214 (1985); Healy v. James 408 U.S. 169 (1972); R v. Dunsheath; Ex parte Meredith [1950] 2 All ER 741; Thorne v. University of London [1966] 2 All ER 338; Neelima Misra v. Harinder Kaur Paintal (1990) 2 SCC 746; Bhushan Uttam Khare v. Dean, B. J Medical College (1992) 2 SCC 420 and Basavaiah v. H. L. Ramesh AIR (2010) 8 SCC 372 ref.

**(g) Void order---**

---When the basic order is without lawful authority, then the entire superstructure raised thereon falls to the ground automatically.

Pakistan People's Party Parliamentarians v. Federation of Pakistan PLD 2022 SC 574 and Atta-ur-Rehman v. Sardar Umar Farooq PLD 2008 SC 663 ref.

**(h) Civil service---**

---Contractual employees---Regularization in service---Prospective, effect---Regularization takes effect prospectively, from the date when a regularization order is passed---This is because regularization is based on several considerations which help gauge not only the competence and ability of the employee, proposed to be regularized, but also the financial impact and long term legal obligations on the employer institution---It is a conscious decision to be taken by the employer institution at a particular time and therefore cannot be given a retrospective effect.

Province of Punjab through Chief Secretary, Lahore v. Prof. Dr. Javed Iqbal 2022 SCMR 897 and Province of Punjab through Secretary, Livestock and Dairy Development, Government of Punjab v. Dr. Javed Iqbal 2021 SCMR 767 ref.

Naveed Akhtar, Advocate Supreme Court along with Jahan Bakht, V.C. and Muhammad Rizwan, Registrar for Petitioners.

Ms. Tahmina Ambreen, Advocate Supreme Court, Hafiz S.A. Rehman, Senior Advocate Supreme Court, Shahid Saleem Khel, Advocate Supreme Court, Jehanzeb Mahsud, Advocate Supreme Court, Niaz Wali Khan, Advocate Supreme Court, Ijaz Ahmad, Advocate Supreme Court, Muhammad Asif Yousafzai, Advocate Supreme

Court, Zartaj Anwar, Advocate Supreme Court, Nasrum Minallah, Advocate Supreme Court, Waseem ud Din Khattak, Advocate Supreme Court, Amjad Ali, Advocate Supreme Court, Khaled Rehman, Advocate Supreme Court, Syed Rifaqat Hussain Shah, Advocate-on-Record, Wakeel Khan in person, Shafique, in person and Sultan Mazhar Sher, Additional A.G. Khyber Pakhtunkhwa for Respondents.

Umer A. Ranjha, Law Clerk, Research Assistance.

Date of hearing: 17th January, 2024.

## **JUDGMENT**

**SYED MANSOOR ALI SHAH, J.---**

Civil Petition No.2270/2019: This consolidated judgment shall

decide the instant petition as well as, petitions mentioned in Schedule A to this judgment as common questions of law and facts arise in these cases.

2. The brief facts giving rise to the instant petition is that a set of contractual employees (hereinafter referred to as the "Respondents") joined the University of Agriculture, Peshawar ("Petitioner") as Class IV employees from 2009 to 2012. Aggrieved of the fact that the Respondents were not considered as permanent employees despite serving the Petitioner University for seven (07) to eight (08) years, they invoked the constitutional jurisdiction of the Peshawar High Court, Peshawar under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 (the "Constitution") vide W.P. No. 965-P/2013 praying for their regularization of service and grant of all back benefits. The High Court held that as some of the Respondents having a similar nature of job, have already been regularized, the Respondents were also entitled to be dealt with accordingly. In doing so, the High Court disposed the petition vide judgment dated 02.04.2019 ("Impugned Judgment") directing the Petitioners to consider the Respondents strictly in accordance with law and in line with the earlier judgments of the High Court. Hence, the present appeal by leave of this Court.

3. The following set of cases before us include five categories of employees; (i) Category-A: This includes the Respondents who were contractually employed and subsequently regularized by the High Court. The said regularization has been challenged; (ii) Category-B: In this case, the Respondents were appointed on regular basis after advertisement and in compliance with the due process. Their contention is that they be given regularization from the date of their initial appointment when they were first appointed on contractual basis ("ante-date regularization"); (iii) Category C: This category includes those Respondents who were regularized through Court orders with immediate effect, which were not challenged by the Petitioner. Having been regularized, the Respondents have once again approached the High Court to seek ante-date regularization, which was granted to them, hence the challenge; Category D: This includes the Respondents who simply seek ante-date regularization. Schedule-A to this judgment lists the cases falling in each of the aforesaid categories.

4. We have heard the learned counsel for the parties perused the record with their



able assistance. The questions to be addressed by this Court are two-fold; firstly, whether the contractual employees could be regularized in the absence of any law or policy allowing such regularization; secondly, whether the Respondents who stood regularized through earlier court orders, which remain unchallenged to date, seek ante-date regularization i.e., from the date of their initial appointment on contract basis.

5. In order to understand the issue at hand, it is expedient to understand the regime of regularization which in essence means to make "regular" or "permanent." Once the contractual services are regularized, the appointment can become substantive or permanent and cannot be terminated without due process. Therefore, the regularization of a contractual employee is a fresh appointment into the stream of regular appointment.<sup>1</sup> The differences between a contractual employee and a regular employee is material for both the employee and the employer and, inter alia, include: (i) Duration of employment; a contractual employee is usually employed for a specific period or task, with a set end date. (ii) Benefits; contractual employee generally do not receive the same benefits or statutory protection as a regular employee. (iii) Scope of work; contractual employee is engaged for specific project or task. (iv) Flexibility; contractual employee often has more flexibility in terms of work hours and location. (v) Cost Considerations: a contractual employee can be less costly in the short term as it doesn't require benefits and other long-term financial commitments. (vi) Risk Management; hiring regular employee is often a long-term commitment, so organizations opt for contractual workers to manage risks associated with fluctuating market demands. Therefore, any institution opting for regularization of its employees must be either mandated by law or must carry out regularization through a well-thought out policy of the institution concerned laying down the criteria and the process for regularization; performance evaluation of the contractual employee must be assessed to determine if the employee meets the standards required for a regular position; there must be availability of positions that match the skills and experience of the contractual employee; the budgetary considerations and financial implication of a regular employee be weighed and considered. There must be a fair assessment of the employee's qualifications, performance and merit, so as to ensure only competent and committed employees be granted permanent employment status.<sup>2</sup> Regularization is, therefore, not a ritualistic and mechanical exercise. It requires fresh assessment of the candidature of the contractual employee by the competent authority before he is made a regular employee as any such act carries long term financial implications on the institution concerned. The process of regularization is grounded in principles of fairness, openness, transparency, non-discrimination and public interest.<sup>3</sup> Regularization therefore has a close nexus with institutional policy and autonomy.

6. It is well settled that there is no vested right to seek regularization for employees hired on contractual basis unless there is any legal or statutory basis for the same.<sup>4</sup> The process of regularization requires backing of any law, rules or policy.<sup>5</sup> It should adhere to the relevant statutory provisions and government policies.<sup>6</sup> In the absence of any of the same, a contractual employee cannot claim regularization. Applying the principles settled by this Court to the proposition at hand, it becomes clear that the Respondents have no automatic right to be regularized unless the same

has specifically been provided for in law or policy which in the present case is not available. Any regularization without the backing of law offends the principles of fairness, transparency and meritocracy and that too at the expense of public exchequer. The Impugned Judgment has also erred in law by failing to take into account that where a contractual employee wishes to be regularized, he must demonstrate statutory basis for such a claim, in the absence of which, relief cannot be granted solely on the principle of "similarly placed persons."<sup>7</sup> Article 25 of the Constitution has no application to a claim based upon other unlawful acts and illegalities. It comes into operation when some persons are granted a benefit in accordance with law but others, similarly placed and in similar circumstances, are denied that benefit. But where a person gains, or is granted, a benefit illegally, other persons cannot plead, nor can the court accept such a plea, that the same benefit must be allowed to them also in violation of law.<sup>8</sup> Thus, the ground of discrimination also does not stand, because in order to establish discrimination it is important to show that the earlier act was based on law and policy, which has not been the case here. Thus, with respect to the first question raised, we are of the view that the regularization of the Respondents cannot take place without the backing of any law, rule or policy and without an open and transparent process based on an objective criteria, as discussed above.

7. At this juncture, it is underlined that the process of regularization is a policy matter and the prerogative of the Executive which cannot be ordinarily interfered with by the Courts<sup>9</sup> especially in the absence of any such policy. It does not befit the courts to design or formulate policy for any institution, they can, however, judicially review a policy if it is in violation of the fundamental rights guaranteed under the Constitution. The wisdom behind non-interference of courts in policy matters is based on the concept of institutional autonomy which is defined as "a degree of self-governance, necessary for effective decision making by institutions of higher education regarding their academic work, standards, management, and related activities..."<sup>10</sup> Institutional autonomy is usually determined by the level of capability and the right of an institution to decide its course of action about institutional policy, planning, financial and staff management, compensation, students, and academic freedom, without interference from outside authorities.<sup>11</sup> The autonomy of public institutions is not just a matter of administrative convenience, but a fundamental requirement for the effective functioning of a democratic society, as public sector organizations are guardians of the public interest. Democracy, human rights and rule of law cannot become and remain a reality unless higher education institutions and staff and students, enjoy academic freedom and institutional autonomy.<sup>12</sup> More recently, the concept has in its longstanding and idealized form been well captured in the Magna Charta Universitatum 2020 that states "...intellectual and moral autonomy is the hallmark of any university and a precondition of its responsibilities to society."<sup>13</sup>

8. Courts must sparingly interfere in the internal governance and affairs of educational institutions i.e., contractual employments.<sup>14</sup> This is because the courts are neither equipped with such expertise, nor do they possess the relevant experience that would allow for interference in such policy matters. Under this autonomous realm,

educational institutions are entitled to deference when making any decisions related to their mission.<sup>15</sup> At the same time, any transgression by Courts would amount to the usurpation of the power of another, which would be against the spirit of Article 7 of the Constitution as it is not the role of the Courts to interfere/in policy decisions.<sup>16</sup> The judicial pronouncement of the Courts in other jurisdictions i.e., United States of America<sup>17</sup>, United Kingdom<sup>18</sup> and India<sup>19</sup> also provide that that courts should not interfere in the internal affairs of educational institutions.

9. Now coming to the second question raised, given that the regularization of the Respondents cannot take place without the backing of any law, rule or policy, there lies no claim for ante-date regularization. It is well settled that when the basic order is without lawful authority, then the entire superstructure raised thereon falls to the ground automatically.<sup>20</sup> However, if it is the case of some Respondents i.e., Categories B, C, and D who stood regularized through earlier Court orders which remain unchallenged can seek ante-date regularization, it is well established that regularization takes effect prospectively, from the date when a regularization order is passed.<sup>21</sup> This is because regularization is based on several considerations which help gauge not only the competence and ability of the employee, proposed to be regularized, but also the financial impact and long term legal obligations on the employer institution. It is a conscious decision to be taken by the employer institution at a particular time and therefore cannot be given a retrospective effect. Thus, the Respondents in the aforesaid categories cannot claim ante-date regularization.

10. For the above reasons, the impugned judgments are contrary to the well-established judicial pronouncements of this Court and hence, set aside. Thus, the instant petition filed by the Petitioner and those listed below in Schedule A are converted into appeals and allowed.

11. C.Ps. Nos.4783, 4784 and 456-P/2019: The question of law involved in these petitions is different from the other petitions. Office is, therefore, directed to de-club these petitions from rest of the bunch and fix them separately for hearing. Adjourned.

#### SCHEDULE-A

Sr. No.	Category	Case Number
1.	Category - A	C.P. No.2270/2019
2.		C.P. No.1230/2019
3.		C.P. No.1781/2019
4.		C.P. No.1782/2019
5.		C.P. No.496-P/2020
6.		C.P. No.2291/2022
7.		C.P. No.3812/2022
8.		C.P. No.1438/2019
9.		C.P. No.1807/2020
10.	Category - B	C.P. No.3811/2022
11.		C.P. No.3813/2022
12.		C.P. No.1228/2020
13.		C.P. No.1229/2020

14.	Category - C	C.P. No.1295/2020
15.		C.P. No.1296/2020
16.		C.P. No.1297/2020
17.		C.P. No.1298/2020
18.		C.P. No.1555/2020
19.		C.P. No.1783/2020
20.		C.P. No.5871/2021
21.	C.P. No.5872/2021	
22.	Category - D	C.P. No. 2782/2022

MWA/V-1/SC

Order accordingly.