


FORM OF ORDER SHEET

Court of _____

Appeal No. 2163/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/10/2024	<p>The appeal of Mr. Naveed Gul presented today by Mr. Nazir Ahmad Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 31.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**Before the Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Service Appeal No. 2/63/2024

Mr. Naveed Gul S/O Gul ZadaAppellant.

Versus

1. Government of Khyber Pakhtunkhwa Through Secretary
Forest Environment and wild life Peshawar and another

Respondents.

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Appellant 28/11/24

Through

Nazir Ahmad.ASC
03328540783

1

**Before the Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Service Appeal No. 2163/2024

Mr. Naveed Gul S/O Gul Zada Deputy Director KP Protection Agency climate change , Forestry, Environment and Wild life Department Peshawar transferred to and presently posted at Regional Office Malakand Swat.....**Appellant.**

Versus

1. Government of Khyber Pakhtunkhwa Through Secretary Forest Environment and wild life Peshawar .
2. Director General Environment Protection Agency , Central Head Office KP Peshawar.,

Respondents.

Appeal under Section 4 of the Khyber Pukhtoonkhwa Service Tribunal Act, 1974 against the impugned final transfer order of Respondent No-2 impugned Notification /order No SO(Estt)FF&WD/IV-8/2022/PT: 6691-99 dated 26.06.2024 Whereby the appellant is transferred to Saidu Sharif Swat without completion of his tenure in Peshawar and his departmental Appeal is not decided within the statutory period of 90 days .

Prayer: -

On acceptance of this Appeal the impugned Notification /order No SO(Estt)FF&WD/IV-8/2022/PT:6691-99 dated 26.06.2024 may be set aside and the Appellant may be re – transferred to his post at central Office Peshawar.

Respectfully Sheweth: -

Facts:

1. The Appellant is PhD in Economics and have served in different departments of the Federal as well as the

Provincial Government and through Provincial Public service Commission Peshawar is selected on merit as a Deputy Director BPS(18) through order dated 24.3.2022 so joined the Respondent Department on 22.04.2022 through proper channel . This is pertinent to mention that the Appellant left the Federal Government lucrative job just to serve own province service and was working as the post of acting Director Pakistan Bureau of Statistics Peshawar.

(Copy is attached as Annexure A)

2. That after joining service as per rule the Appellant was first posted at Environmental Protection Agency (EPA) Regional Office Malakand Swat as Deputy Director vide Notification No So(Estt) FE & WD/IV-8/2022: 6771-76 dated 27.5.2022 Of then Director General who used to appreciate the performance of the Appellant .

(Copy is attached Annexure B).

3. That the Appellant was transferred to EPA Head office Peshawar through Notification No So(Estt)FE & WD/IV-8/2023 -369-84 dated 10.1.2023.

(Copy of the Notification is attached as Annexure C).

4. That the Respondent No -2 having special relation with another employee of BPS 18 on basis of region posted as Legal Representative changed the posting of the Appellant from EIA section, EPA head office Peshawar to look after the affairs of MEAs Section EPA head office on account of attachment of Deputy Director (MEAs) with Central Directorate Peshawar in a way to compel him to work under his blue eyed who has no knowledge and concern with the post and on his advice made many changes throughout the province even to create a post of BPS -19 for him which many in the Department considered against the law and discipline resisted and brought it in the notice of the Respondents. The change though was within the Department but was ridiculous and malafide and just to make pleasure his own blue eyed. Nothing was done in the best interest of the public.

(Copy of the order is attached as Annexure D)

5. That the Respondent No-2 did not stop here and his blue eyed even gave verbal warning to the appellant not to spare him as long as the present Director General is posted here so the Appellant was again transferred from MEAs Section EPA to EIA Section of EPA head Office. The appellant tolerated all this for the service discipline but the Respondent no-2 under the undue influence of the Legal representative was doing this just to torture the Appellant. Indeed this is a glaring example of favouritism and bad governance.

(Copy is attached as Annexure E)

6. That on 26.6.2024 through Notification No SO(Estt☉FE&WD/IV-8/2022/PT the Appellant is transferred to Regional Office Malakand Swat before completion of his tenure at Peshawar .

(Copy of the impugned Notification is attached as Annexure F)

7. That the Appellant filed a Departmental Appeal within the statutory time of 30 days on 1.7.2024 to the competent authority but no response is given within the statutory time of 90 days .

(Copy of the Departmental Appeal is attached as Annexure G)

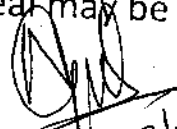
Being aggrieved hence this Departmental Appeal is preferred on the following Grounds:

- A. That legally and morally the Respondents are bound to act in accordance with law, keep the interest of the public supreme and must perform function justly, fairly and in a transparent manner and this is the mandate of section 24-A of the general clauses act which the Respondent defied openly.
- B. That acting under the advice of a man from own region and in a malafide manner is favouritism and unwarranted by law and even Principle of Natural Justice.

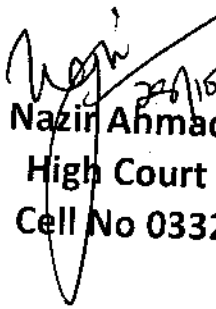
- C. That in a transfer policy it is settled that for certain tenure the civil servant has to work and before completion shall not be disturbed in a malafide manner . The Appellant served in the Central office Peshawar since 10.1.2023 to 26.6.2024 and even after the transfer of the ex Director General is posted and shifted many times within the central office the record of which is provided and all this was for the sake revenge and pleasure of one person.
- D. A question arises why the Respondents are treating the Appellant in accordance with law and is not a violation of Article 4 of the Constitution of Islamic Republic Of Pakistan and rules in force therein.
- E. The personal like and dislike of some official is becoming a stigma on the government and many fingers are rising over it.
- F. Non observance of Constitution of Pakistan , service law and rules in the administration is a disastrous and a step towards the collapse of it which must be avoided and in case of any such action the Tribunal has to interfere to stop it.

Therefore it is humbly prayed that the Appeal may be accepted with a prayer as above.

Appellant


28/10/24

Through


28/10/24
Nazir Ahmad. ASC
High Court Peshawar.
Cell No 03328540783

**Before the Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Service Appeal No. _____/2024

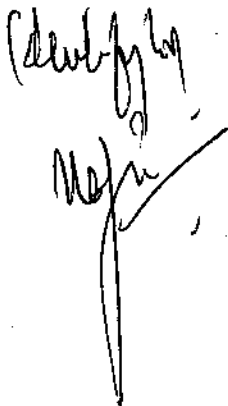
Mr. Naveed Gul S/O Gul Zada Deputy Director KP.....**Appellant.**

Versus

Government of Khyber Pakhtunkhwa Through Secretary Forest
Environment and wild life Peshawar and another
Respondents.

AFFIDAVIT

I Mr. Naveed Gul S/O Gul Zada Deputy Director KP. The **Appellant**
do hereby affirm and declare on oath that contents of this appeal
are true and correct to the best of my knowledge and belief and
nothing has been concealed from this Honorable Tribunal.





Deponent



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the, 24th March, 2022

NOTIFICATION

No.SO(Estt)/FE&WD/IV-6/PSC/2022/EPA/DD: The Competent Authority (Chief Minister, Khyber Pakhtunkhwa) is pleased to appoint the following recommendees as **Deputy Directors (BS-18)** (Rs: 38350-2870-95750) in Environmental Protection Agency (EPA), Khyber Pakhtunkhwa on the recommendations of Khyber Pakhtunkhwa Public Service Commission (KPPSC) vide its letter No. PSC/SR-VI/015983, dated 13th December, 2021:-

#	Name with Father Name	Domicile/Zone
1.	Mr. Habib Ullah Jan S/o Nazir Ul Hussain	Charsadda/2
2.	Mr. Naveed Gul S/O Gul Zada	Mohmand Agency /1

2. The following terms and conditions will apply:-

- (i) They will get pay at the minimum of BS-18 including usual allowances as admissible under the rules. They will also be entitled to annual increment as per existing policy;
- (ii) They shall be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973, and other laws applicable to the Civil Servants and the rules made there-under;
- (iii) They shall be on probation initially for a period of one year extendable for further one year;
- (iv) In case of resign at any time, fourteen days notice shall be necessary or in lieu thereof fourteen days pay shall be forfeited;
- (v) Their appointment are liable to be terminated at any time without assigning any reasons before the expiry of the period of probation/ extended period of probation, if their performance during this period are not found satisfactory;
- (vi) Their appointments shall be subject to the verification of Domicile from concerned Deputy Commissioners.
- (vii) Their inter-se-seniority shall be determined in the light of the Merit Order drawn by the Khyber Pakhtunkhwa Public Service Commission.

3. If the above terms and conditions are acceptable to them, they may submit their arrival report to Director General, Environmental Protection Agency (EPA), Khyber Pakhtunkhwa, Peshawar for duty within 30-days of issuance of this Notification, under intimation to this department.

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

Endst: No: & date of even

Copy is forwarded to:-

1. Director General, EPA, Khyber Pakhtunkhwa.
2. Director EPA, Head Office Peshawar.
3. Director Recruitment, KPPSC w/r to his letter quoted above.
4. Mr. Habib Ullah Jan S/o Nazir Ul Hussain R/O Village Sheikh Keli Mian Isa, P/O Shabqadar, District Charsadda.
5. Mr. Naveed Gul S/O Gul Zada, R/O House No. 28, Street No. 13, Rahatabad, Near Peshawar Zoo, Peshawar.
6. PS to Secretary, FE&WD, Khyber Pakhtunkhwa.
7. Personal file of the officers.
8. Master file.
9. Office order file.

(MUHAMMAD NAZAKAT)
SECTION OFFICER (ESTT)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

Dated Peshawar the, 27th May 2022

NOTIFICATION

No.SO(Estt)FE&WD/IV-8/2022: Consequent upon appointment of Mr. Naveed Gul as Deputy Director (BS-18) in Environmental Protection Agency, Khyber Pakhtunkhwa as notified vide this department's Notification No. SO (Estt)/FE&WD/IV-6/PSC/2022/EPA/DD, dated 24th March, 2022, the Competent Authority (Minister for Forestry, Environment & Wildlife, Khyber Pakhtunkhwa) has been pleased to post him as Deputy Director (BS-18) in EPA Regional Office, Malakand Swat, against the vacant post, in the best public interest, with immediate effect, **till further orders.**

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

Endst: No & date of even 6771-76

Copy is forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General, EPA, Khyber Pakhtunkhwa.
3. Director, EPA Head Office Peshawar.
4. Director EPA Regional Office, Malakand, Swat.
5. PS to Secretary, FE&W Department.
6. Officer concerned.
7. Personal file of the officer.
8. Master file
9. Office order file.

SECTION OFFICER (ESTT)

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(B)

(7)



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

Dated Peshawar the, 10th January, 2023

NOTIFICATION

No.SO(Est)FE&WD/IV-8/2023/369-84 The Competent Authority (Minister for Climate Change, Forestry, Environment & Wildlife, Khyber Pakhtunkhwa) is pleased to order posting / transfer of the following officers of Environmental Protection Agency, Khyber Pakhtunkhwa, in the interest of public service, with immediate effect, till further orders:

#	Name & designation of officer	From:	To
1	Mr. Waheed Khan, Deputy Director (BS-18)	Deputy Director EPA Head Office, Peshawar	Deputy Director EPA Central Directorate Peshawar vice serial no. 3
2	Mr. Naveed Gul, Deputy Director (BS-18)	Deputy Director EPA Regional Office, Malakand	Deputy Director EPA Head Office, Peshawar, vice serial no. 1
3	Mr. Fareed Ullah, Deputy Director (BS-18)	Deputy Director EPA Central Directorate Peshawar	Deputy Director EPA Divisional Office, Mardan against the vacant post.
4	Muhammad Riaz, Assistant Director (BS-17)	Assistant Director EPA Divisional Office, Mardan.	Assistant Director EPA Regional Office, Malakand against the vacant post.
5	Mr. Adil Jan, Assistant Director (BS-17)	Assistant Director EPA Khyber	Assistant Director EPA Orakzai vice serial no. 6
6	Mr. Shahid Khan, Assistant Director (BS-17)	Assistant Director EPA Orakzai	Assistant Director EPA Khyber vice serial no. 5

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

Endst: No & date of even

Copy is forwarded to:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General EPA, Peshawar.
3. Directors concerned of EPA, Peshawar.
4. Deputy Directors concerned of EPA.
5. Assistant Directors concerned of EPA.
6. District Accounts Officers concerned of EPA.
7. PS to Minister for Climate Change, Forestry, Environment & Wildlife, Khyber Pakhtunkhwa.
8. PS to Secretary, CC, FE&W, Khyber Pakhtunkhwa.
9. Officers concerned.
10. Personal file of the officers.
11. Master file
12. Office order file.



Environmental Protection Agency
Climate Change, Forestry, Environment and Wildlife Department
Government of Khyber Pakhtunkhwa



Annex-V

No. EPA/Admn/051/01/ 2/4-20 Dated: 8/04/2024

NOTIFICATION

In order to streamline the affairs of the Sections and improve service delivery process, the following adjustments are hereby ordered with immediate effect, till further.

Sr.	Name of Officer	Designation	From	To
1.	Mr. Afsar Khan	Deputy Director (CC)	Authorized to hold the look after Charge of EIA Section, E.P.A Head Office, Peshawar, in addition to his own duties.
2.	Mr. Naveed Gul	Deputy Director	EIA Section, E.P.A Head Office, Peshawar	Look after the affairs of MEAS Section, E.P.A Head Office, Peshawar on account of attachment of Deputy Director (MEAS) with Central Directorate, Peshawar.

9

Annex
D

Sd _____
Director General

Copy for Information Forwarded to the:

1. Director (HQ), EPA Head Office, Peshawar.
2. Director (Centre), E.P.A Central Directorate, Peshawar.
3. PS to Secretary, Climate Change, Forestry, Environment & Wildlife Department, Government of Khyber Pakhtunkhwa
4. Deputy Director (CC). E.P.A head office, Peshawar.
- ✓ 5. Deputy Director (EIA). E.P.A head office, Peshawar.
6. Mr. Wajid Khan, Deputy Director E.P.A head office, Peshawar
7. PA to Director General, EPA Khyber Pakhtunkhwa.
8. Office order file.

Deputy Director (Admn)

3rd Floor, SDU Building, Gate No.05, Khyber Road, Peshawar Cantt.
Khyber Pakhtunkhwa, Pakistan.
Tel: 92(91) 9210263-9210148, Fax: 92 (91) 9210280



**Office of the Director General
Environmental Protection Agency
Forestry, Environment and Wildlife Department
Government of Khyber Pakhtunkhwa**



No. EPA/Admn/1051/01/7-19 Date: 09/05/2024

Amir
(E)

OFFICE ORDER

As an internal arrangement the following posting/transfer of officers of Environmental Protection Agency Khyber Pakhtunkhwa, Environmental Protection Agency Head Office, Peshawar is hereby ordered in the interest of public service, with immediate effect till further order.

(PO)

Name	Designation	From	To
Mr. Afsar Khan	Deputy Director (CC)	EIA Section of E.P.A Head Office.	Climate Change Section of E.P.A Head Office.
Mr. Naveed Gul	Deputy Director	MEAs Section, E.P.A Head Office	EIA Section of E.P.A Head Office.

Sd : _____
Director General

[Handwritten Signature]

Copy for Information Forwarded to the:

1. Director (HQ), Environmental Protection Agency Head office, Peshawar.
2. PS to Minister Climate Change, Forestry, Environment & Wildlife.
3. PS to Secretary, Climate Change, Forestry, Environment & Wildlife Department Government of Khyber Pakhtunkhwa
4. Deputy Director (CC), E.P.A Head Office, Peshawar.
5. Deputy Director (EIA), E.P.A Head Office, Peshawar.
6. Office order file.
7. Officers concerned.

[Handwritten Signature]
Deputy Director (Admn)

M. Jangir



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

(F)

Dated Peshawar, 26th June, 2024

NOTIFICATION

No: SO (Estt)FE&WD/IV-8/2022/P.T: The posting/ transfer of the following officers of Environmental Protection Agency, Khyber Pakhtunkhwa is hereby ordered, in the best public interest, with immediate effect:

(17)

#	Name & designation of officer.	From	To
1	Mr. Waheed Khan, Deputy Director (BS-18)	Deputy Director EPA Central Directorate Peshawar	Deputy Director EPA Divisional Office Bannu vice serial no. 2
2	Muhammad Shoaib Shah, Deputy Director (BS-18)	Deputy Director EPA Divisional Office Bannu	Deputy Director EPA Central Directorate Peshawar vice serial no. 1
3	Mr. Naveed Gul, Deputy Director BS-18	Deputy Director EPA Head Office, Peshawar	Deputy Director EPA Regional Office Malakand (AVP) against the vacant post.
4	Muhammad Irshad, Chief Analyst BS-18	Chief Analyst EPA Laboratory Head Office, Peshawar	Chief Analyst EPA Regional Office, Malakand vice serial no. 5
5	Mr. Asad Ullah, Chief Analyst BS-18	Chief Analyst EPA Regional Office, Malakand	Chief Analyst EPA Laboratory Head Office, Peshawar vice serial no. 4

-sd-

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

Enst: No & date of even 6691-99

Copy is forwarded to:-

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, EPA, Khyber Pakhtunkhwa.
3. Director EPA, Head Office, Peshawar.
4. Directors EPA Regional Offices concerned.
5. Deputy Directors EPA concerned.
6. District Accounts Officers concerned.
7. PS to Minister, CC, FE&W, Khyber Pakhtunkhwa.
8. PS to Secretary, CC, FE&W Department, Khyber Pakhtunkhwa.
9. Personal files of the concerned officers.
10. Office order file.
11. Master file.
12. Officers concerned.

Handwritten signature

(AAMIR SHAHZAD KHATTAK)
SECTION OFFICER (ESTT)

Being aggrieved, hence this departmental appeal is submitted on the following grounds:

- A. That the impugned order is initiated and executed purely against the law and the rules relating to transfer, posting.
- B. That the tenure of the appellant is not yet expired and pre-mature transfer is illegal and void ab initio.
- C. That best governance and propriety demand that the civil servants are to be treated in accordance with the law and any action taken must be in the public interest.
- D. That the transfer of the appellant is violation of the article 4 & 25 of the constitution of the Islamic republic of Pakistan.
- E. That the state functionaries are bound to act fairly, just and in a transparent manner but the act of the respondent authority is against it.

It is therefore hereby prayed that the impugned order No. No.SO(Estt)FE&WD/IV-8/2022/P.T: 6691-99 dated 26.06.2024 in respect of the appellant at serialNo. 03 may be withdrawn, declaring it against the law and service rules.

Appellant:


09/07/2024

Naveed Gul,

Deputy Director.

Khyber Pakhtunkhwa Environmental Protection Agency,
Climate Change, Forestry, Environment & Wild Life Department
Government of Khyber Pakhtunkhwa, Peshawar.

Copy to:

1. Hon: Secretary, Climate Change, Forestry, Environment & Wild Life Department.
Government of Khyber Pakhtunkhwa.
2. Director General, Environmental Protection Agency, Government of Khyber Pakhtunkhwa.

Wakalat nama

(14)

In the KP Service Tribunal , Peshawar

Service Appeal No---/2024

Mr. Naweed Gul s/o Gul ZaibAppellant


VS

Govt of KP. High Security Force 20th Respondents

I, Dr. Naweed Gul , do hereby appoint Mr. Nazir Ahmad Advocate, High Court at Peshawar as my Counsel in subject proceedings and authorize him to appear, plead, compromise, withdraw or refer the matter for arbitration for me without any liability for his default and with the authority to engage/appoint any other advocate/counsel at my expense if necessary and receive all sums and amounts payable to me and to all such acts which he may deem necessary for protecting my interests in the matter. He is authorized to file Appeal, Revision, Review and Application for restoration or Application for setting-aside ex-parte decree proceedings on my behalf.


28/10/24
Appellant

Dated: 28/10/24
Accepted and Attested


Nazir Ahmad Advocate
High Court
Cell: 0301-8571879
: 0332-8540783
bc-10-7897
CNIC 17301-1585525-9