

BEFORE THE HONOURABLE SEREVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 2618/2023

Sami Ullah Khan

Versus

Govt. of Khyber Pakhtunkhwa and others

REPLY ON BEHALF OF PRIVATE RESPONDENT#5 (ASMAT ULLAH
DEPUTY RANGERS WILDLIFE BPS-11 DERA ISMAIL KHAN.)

I N D E X

S. No.	Description of document	Annexure	Pages
1.	Reply along with Affidavit	--	1-4
2.	Copy of seniority list	R/1	5
3.	Copies of Course Training documents	R/2	6
4.	Copies of the Rules	R/3	7-13
5.	Wakalat Nama	--	14

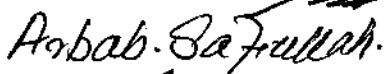
Dated: 09/10/2024

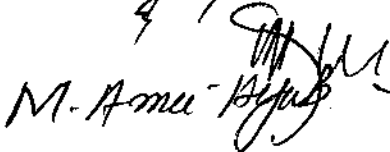
Yours Humble respondent#5


Asmat Ullah
Through Counsel



Masaud Khan Kundi
Advocate High Court


Anbab Saifullah


M. Amu Bajaj

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BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 2618/2023

Sami Ullah Khan

Versus

Govt. of Khyber Pakhtunkhwa and others

Khyber Pakhtunkhwa
Service Tribunal

Disty No. 17862

Dated 12-11-24

REPLY ON BEHALF OF PRIVATE RESPONDENT#5
(ASMAT ULLAH DEPUTY RANGERS WILDLIFE BPS-11
DERA ISMAIL KHAN.)

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

That the appeal of the appellant is badly time barred and is not sustainable against the answering respondent (Asmat Ullah) because I, the answering respondent is 20 months senior than the appellant (Sami Ullah). Hence, the appeal of the appellant against the answering respondent is not maintainable and the instant appeal has been submitted just to harass, humiliate, blackmail the answering respondent.

REPLY ON FACTS:-

1. Para#1 pertains to the record.
2. Para#2 pertains to the record.
3. Para#3 pertains to the record.
4. Para#4 of appeal is admitted, hence, needs no reply.
5. Para#5 of the appeal is also pertains to record.
6. Para#6 of appeal also pertains to the record.
7. Para#7 pertains to record, needs no reply.
8. Para#8 incorrect, hence, vehemently denied. The appellant is not an aggrieved person against the answering respondent and just to harass and humiliate the answering respondent a misconceived appeal has been submitted against the

answering respondent, hence, liable to be dismissed and grounds are liable to be rejected.

OBJECTION ON GROUNDS:

The answering respondent namely Asmat Ullah (private respondent#5/Deputy Ranger Wildlife BPS-11) jointly submits against the grounds of appeal.

Actually the private respondent#5/Answering respondent was appointed as wildlife Watcher on 01/01/2007. (Seniority list is marked as **R/1** and was performing duties with full satisfaction of his superior since from the date of appointment till date. It is also pertinent to mention here that during the performance of duties the official respondents nominated the answering respondent for ar on 01/09/2016 to 31/08/2017 and thus the Answering respondent successfully passed training on 31/08/2017. In this respect the documents are annexed as **Annexure-R/2**. During the performance of duties two vacant posts for deputy Ranger Wildlife BPS-11 in Dera Ismail Khan were available for departmental promotion and thus DPC was constituted and after thoroughly perusal of record, the answering respondent being senior most employee promoted to the post of Deputy Ranger Wildlife Dera Ismail Khan vide office order No. 69/WL dated 22/11/2022 and thus the stance of the appellant Samiullah against the valid order of the answering respondent in respect of illegality against the law, facts, arbitrary, fanciful, discriminatory, against the fundamental rights of appellant is totally misconceived because as per policy/service rules of the wildlife departmental Khyber Pakhtunkhwa vide notification NO. SO (FT-II)/AD/I-465-88/Vol-4/720-27 dated 26/01/1993 including up to date amendments (Part-II (Professional post serial No. 1 Deputy Ranger Wildlife) wherein it is clear cut mentioned that employee/wildlife watcher having 12 year experience and have been passed/successfully completed Forester/Deputy Ranger Wildlife Training Court at Thai Abbotabad or any other

institute maintained by the department (copies of relevant rules are annexed as R/3). Meaning thereby as the answering respondent successfully completed the aforesaid course in the year 2017 while at the time of promotion the aforesaid course was not completed by the appellant (Samiullah) thus the aforesaid appeal against the answering respondent is for the purpose of humiliation, pressurizing, blackmailing or other unknown reasons, not known to the answering respondent but best known to the appellant Samiullah and in the light of aforementioned circumstances the appeal of the Samiullah against the answering respondent is liable to be dismissed with costs being petty employee/sub professional post the answering respondent suffered mental agony etc due to afore said appeal as the answering respondent is senior for 20 months than the appellant Samiullah.

It is therefore, humbly prayed that appeal of the appellant may kindly be dismissed with costs throughout.

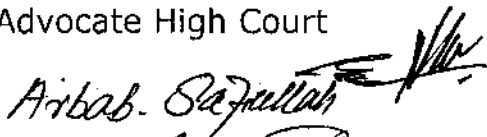
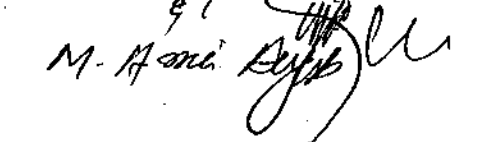
Dated: 09/10/2024

Yours Humble respondent #5


Asmat Ullah
Through Counsel



Masaud Khan Kundi
Advocate High Court


Aribab Sajjath

M. Asim Sajjath

(4)

BEFORE THE HONOURABLE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 2618/2023

Sami Ullah Khan

Versus

Govt. of Khyber Pakhtunkhwa and others

REPLY ON BEHALF OF PRIVATE RESPONDENT#5 (ASMAT ULLAH
DEPUTY RANGERS WILDLIFE BPS-11 DERA ISMAIL KHAN.)

AFFIDAVIT

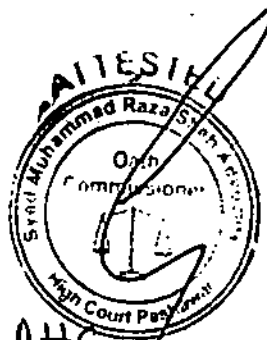
I, **Asmat Ullah**, the answering respondent#5, do hereby solemnly affirm and declare on Oath that contents of the Reply are true and correct to the best of my knowledge and belief; and nothing has been deliberately concealed from this Honourble Court.

Dated: 09/10/2024


DEPONENT

Identified by:

MASAUD KHAN AHC





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R-I.

SENIORITY LIST OF WILDLIFE WATCHERS SERVING IN WILDLIFE DIVISION D.I.KHAN UP TO THE MONTH OF 30th SEPTEMBER, 20

S#	Name of Official	Domicile	Date of Birth	Qualification				Date of Entry into Govt. Service with Rank & Scale	Date of Appointed as Wildlife Watcher	Forest Guard Training alongwith Period with Date	Signature of Official
				Mainc (Science / Arts)	F.A / F.Sc (Pre-Medical / Pre-Engineering)	B.A / B.Sc (Mention Subjects)	M.A / M.Sc (Mention Subjects)				
1	2	3	4	5	6	7	8	9	10	11	12
1	Asmatullah	DIKhan	03.11.1978	Metric Science	---	---	---	01.01.2007	01.01.2007	80th F.G. Training Regular Course Session 2016-17	
2	Muhammad Akram Khattak	DIKhan	23.03.1982	Metric Arts	---	---	---	01.08.2008	01.08.2008	84th Forest Guard Regular Course Session 2020-21	
3	Samiullah-II (Kundi)	Tank	08.03.1985	Metric Science	F.Sc	BA	MA Political Science	01.08.2008	01.08.2008	86 th Forester/ Forest Guard Training Session 2022-23	
4	Shah Faisal Ansari	Tank	08.05.1978	Metric Science	FA	BA	MA	26.10.2008	26.10.2008	86 th Forester/ Forest Guard Training Session 2022-23	
5	Khalid Khan	Tank	04.01.1982	Metric Arts	FA	---	---	26.10.2008	26.10.2008	72th F.G. Training Course 2012-13	
6	Ikramullah	Tank	03-01-1983	Metric Arts	---	---	---	26.10.2008	26.10.2008	86 th Forester/ Forest Guard Training Session 2022-23	
7	Tahir Usman	Tank	14.07.1990	Metric Arts	FA	---	---	26.10.2008	26.10.2008	68th F.G. Training Course 2010-11	
8	Javed Khan	Tank	03.04.1978	Metric Arts	---	---	---	12.11.2008	12.11.2008	86 th Forester/ Forest Guard Training Session 2022-23	
9	Zeshan Bashir	DIKhan	01.11.1978	Metric	---	---	---	16.09.2009	16.09.2009	80th F.G. Training Course	
10	Khizar Hayat	DIKhan	10.05.1980	Metric	---	---	---	10.12.2009	10.12.2009	---	
11	Muhammad Zahid	DIKhan	01.09.1980	Metric Science	FA	---	---	10.12.2009	10.12.2009	75th F.G. Training Course	
12	Asif Bilal	DIKhan	01.03.1991	Metric Science	D.Com	BA	---	10.12.2009	10.12.2009	86 th Forester/ Forest Guard Training Session 2022-23	
13	Tauqeer Hussain	DIKhan	20.04.1981	Metric	FA	---	---	10.12.2009	10.12.2009	75th F.G. Training Course	
14	Afrasiab Shah	DIKhan	25.05.1991	Metric	FA	BA Political Science	---	10.12.2009	10.12.2009	86 th Forester/ Forest Guard Training Session 2022-23	
15	Muhammad Khalid	DIKhan	16.12.1982	Metric Science	FA	BA	MA	10.12.2009	10.12.2009	---	

Attached to be true copy

W. S. Khan
 W. S. Khan

R-2

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Serial No. 565
Reg. No. 28/80th FG/2016-17/KPFS

CERTIFICATE



This is to Certify that **Mr. Asmat Ullah**
 Son of **Mr. Inayat Ullah**
 CNIC # 12101-6687011-9
 trainee of **Khyber Pakhtunkhwa Forest School Thal, Abbottabad**
 has passed the
80th Forest Guard Regular Course, Session 2016-17
 (September 2016-August 2017)
 Obtaining 957 Marks out of 1475 Marks and Placed in B Grade.

The Examination was taken as a Whole/In Parts

Prepared by: [Signature]
 Checked by: [Signature]
 Dated: 21/8/17

PRINCIPAL
KHYBER PAKHTUNKHWA FOREST
SCHOOL THAL, ABBOTTABAD

[Signature]
DIRECTOR
I & HUMAN RESOURCE DEVELOPMENT
& MGT: PESHAWAR

[Handwritten Signature]

1	80% and above	A+	4	50% or above & below 60%	C
2	70% or above & below 80%	A	5	40% or above & below 50%	D
3	60% or above & below 70%	B	6	30% or above & below 40%	E

7

R-3

EXTRAORDINARY
GOVERNMENT

REGISTERED NO. PIII
GAZETTE



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 10th OCTOBER, 2018.

GOVERNMENT OF NWFP,
FORESTRY, FISHERIES & WILDLIFE DEPARTMENT.

NOTIFICATION

Dated Pesh: the 26.1.1993

No. SO(FT: II)/AD/I-465/88/Vol-IV. In pursuance of the provision contained in sub-rule (2) of rule 3 of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, and in supersession of all previous rules made in this behalf, the Forests, Fisheries & Wildlife Deptt: in consultation with the Services & General Admn: Department and the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in columns 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in column-2 of the said Appendix in the Forest Department.

-Sd -
Secretary to Govt. of NWFP
Forestry, Fisheries & Wildlife
Department


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

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[Signature]

S #	Nomenclature of posts	Minimum qualification, for appointment by initial recruitment.	Age limit for initial recruitment	Method of recruitment
1	2	3	4	5
WILDLIFE WING				
PART - I PROFESSIONAL POSTS				
1.	Conservator of Forests.	(i) M.Sc Forestry or B.Sc (Hons.) in Forestry from a recognized University; and (ii) Twelve years' job experience in Grade-17 and above in wildlife or selected field. Note: Preference will be given to candidates who have contributed significantly to the profession/practice of wildlife and its allied fields by way of preparing management plans, research studies, survey and feasibility reports for assessing and husbanding renewable natural resources for economic and social benefits, etc.	35 to 45 years.	(a) By promotion, on the basis of seniority-cum-fitness, from amongst holders of posts of Divisional Forest Officers and Deputy Conservator of Forests, Wildlife, having at least twelve years' service in BS-17 and above, who have successfully completed such training or passed such departmental examination as may be prescribed by Government for the purpose; or (b) If no suitable person is available for promotion, by initial recruitment.
2.	Divisional Forest Officer/ Deputy Conservator of Forests (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst holders of posts of Assistant Conservator of Forests and Divisional Forest Officers, Wildlife, having at least five years' service as such, who have successfully completed such training or passed such Departmental Examination as may be prescribed by Government for the purpose.
3.	Assistant Conservator of Forests/ Divisional Forest Officer (BPS-17).	(i) B.Sc Forestry or BVSc./B.Sc. Animal Husbandry/ DVM from a recognized University or Institute; or (ii) M.Sc. Zoology/Botany from a recognized University.	21 to 28 years.	(a) Fifty per cent by initial recruitment; and (b) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst holders of posts of Wildlife Rangers with at least seven years' service as such. Note: Appointment of candidates selected for the posts by the Public Service Commission shall be subject to the following conditions:- (i) The candidates shall undergo and successfully complete the training at the Pakistan Forest Institute

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			<p>leading to M.Sc. Forestry Degree or an equivalent degree in Wildlife Management from a Foreign University; and</p> <p>(ii) The candidates shall execute bonds to the effect that on successful completion of the training course, they shall serve the government for at least five years or in default shall refund the expenses incurred in connection with their training and education.</p>
4. Forest Ranger, Wildlife	<p>(i) Intermediate (Second Division) from a recognized Board, with two or more of the following subjects, namely:</p> <p>(i) Mathematics, (ii) Physics, (iii) Chemistry, (iv) Biology, (v) Zoology, (vi) Botany, or</p> <p>(ii) Second Class B.Sc. Degree from a recognized university with any two of the subjects as laid down for F.Sc. at (i) above.</p>	18 to 25 years	<p>(a) One-third by promotion, on the basis of seniority-cum-fitness, from amongst holders of posts of Wildlife Deputy Rangers who have at least twelve years service as such and have received one year's training at Forest School and</p> <p>(b) Two-third by initial recruitment.</p> <p>No Appointment of candidates selected for the posts by the Public Service Commission shall be subject to the following conditions:</p> <p>(i) The candidates shall undergo and successfully complete the training at Pakistan Forest Institute leading B.Sc. Forestry Degree.</p> <p>(ii) The candidates shall produce certificate from the Standing Medical Board at Peshawar regarding their Physical and mental fitness for performing the duties required of them, and:</p> <p>(iii) The candidates shall execute bonds to the effect that on successful completion of the training they shall serve the government for at least five years or in default shall refund all the expenses incurred in connection with their training and education.</p>

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(Signature)

PART-II SUB PROFESSIONAL POSTS

1	Wildlife Deputy Ranger.	(i) Secondary School Certificate with science or equivalent qualification (Second Division) from a recognized Board; (ii) Successful completion of Foresters Training Course from a School of Forestry; and (iii) Possessing minimum physical standard prescribed by government.	18 to 25 years.	(a) Fifty per cent by initial recruitment; and (b) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Head Watchers with at least five years' service as such.
2	Head Watcher.			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Wildlife Watcher with at least five years' service as such.
3	Wildlife Watcher.	Preferably Middle standard level education	18 to 35 years.	By initial recruitment.
4	Cameraman.	(i) Secondary School Certificate with Science from a recognized Board; and (ii) At least three years' experience in still and movie photography.	18 to 30 years.	By initial recruitment.
5	Boatman.	Five years' experience of boating in major rivers.	18 to 35 years.	By initial recruitment.
6	Wildlife Chowkidar.	Intimate knowledge of local wildlife and habitats.	18 to 35 years.	By initial recruitment.

PART-III MINISTERIAL POSTS

1.	Superintendent.			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant/ Stenographers (B-15) with at least five years' service as such.
2.	Assistant.	Degree from a recognized University.	18 to 25 years.	(a) Twenty-five per cent by initial recruitment; and (b) Seventy five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Senior Clerks with at least five years' service as such.
3.	Senior clerk.			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior clerks/ Storekeepers with at least three years' service as such.

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4.	Junior Clerk/ Storekeeper.	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 30 words per minute in typing.	18 to 25 years.	(a) Eighty percent by initial recruitment; and (b) Twenty percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of posts of Daftari and Naib Qasid, who possess Secondary School Certificate and have at least two years' service as such.
5.	Stenographer (BPS-15).	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 120 words per minute in shorthand in English and 40 words per minute in typing.	18 to 25 years.	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Stenographers (BPS-12) with at least five years' service as such who have passed such test as may be prescribed by Government for the purpose; and (b) Fifty percent by initial recruitment.
6.	Stenographer (BPS-12).	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of 100 words per minute in shorthand in English and 40 words per minute in typing.	18 to 25 years.	By initial recruitment
OTHER MISCELLANEOUS POSTS COMMON TO ALL WINGS.				
1.	Girdawar/ Vernacular Clerk.			(a) By promotion, on the basis of seniority-cum-fitness, from amongst holders of posts of Patwari in the Wing concerned with at least five years' service as such; or (b) By transfer.
2.	Patwari.	i) Secondary School Certificate or equivalent qualification from a recognized Board; and ii) Training in Land record from Patwar School.	18 to 25 years.	By initial recruitment.
3.	Driver (Heavy Vehicles).	i) Preferably literate; and ii) Possessing a valid heavy vehicle driving license and having three years' driving experience.	20 to 45 years.	By initial recruitment.
4.	Driver (Light Vehicles).	i) Preferably literate; and ii) Possessing a valid light vehicle driving license and having three years' driving experience.	20 to 45 years.	By initial recruitment.
5.	Naib Qasid/ Chowkidar/ Bhisti/Mali/ Cleaner/ Sweeper.	Preferably literate.	18 to 45 years.	By initial recruitment.

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NOTIFICATION

Peshawar, Dated 14th February, 2019

SO (Estt)/FEBWD/II-165/2018- In pursuance of the provision contained in sub rule-2 of Rule-3 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa in consultation with Establishment and Finance Departments, Khyber Pakhtunkhwa, hereby directs that in this Department's Notification No: SO(PT-II)AD/1-465/88/Vol-IV, dated 26-01-1993, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix, under the heading "WILDLIFE WING", - IN PART-IV, TECHNICAL POSTS-

- (a) the existing serial No. "3A" shall be renumbered as "3B" and before "3B" as so renumbered, serial No. "3A" shall be inserted;

*3A.	Sub-Engineer BPS-12.	At least Second Class Diploma of Associate Engineering in the relevant field (Civil/Electrical) from a recognized Board of Technical Education.	18 to 30 years	By Initial recruitment
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- (b) after the existing entries at serial No.4, the following new entries shall be inserted in the respective columns, namely;

*4A.	Electrician BPS-07	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one year diploma from a Govt. Vocational Training Center or Institute alongwith skills in electric fittings.	18 to 30 years	By Initial recruitment
4B.	Painter BPS-07	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with skills in painting.	18 to 30 years	By Initial recruitment
4C.	Mason BPS-07	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with five years practical experience in masonry works.	18 to 30 years	By Initial recruitment
4D.	Carpenter (BPS-7)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one year diploma from a Govt. Vocational Training Center or Institute alongwith skills in carpentry	18 to 30 years	By Initial recruitment

- (c) after the existing entries at serial No.5, the following new entries shall be added in the respective column's, namely:

1	2	3	4	5
5.	Security Guard (Male) BPS-03	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; Physical fitness.- i. Height: five feet and six inches (minimum); ii. Chest Size: 33-34.5 inches (minimum); iii. The candidate will have to qualify Marathon race of 1 Mile within 07 minutes.	18 to 30 years	By Initial recruitment. Preference shall be given to Ex service men of Military, Para Military or Civil Armed Forces.

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- 2 -

7.	Security Guard (Female) (BPS-01)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized board. Physical fitness:- i. Height: five feet and one inch (minimum); ii. The candidate will have to qualify Marathon race of 1 Kilometer within 07 minutes.	18 to 30 years	By initial recruitment. Preference shall be given to Ex-servicemen of Military, Para Military or Civil Armed Forces.
8.	Animal Keeper (BPS-03)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized board, having knowledge about:- a. Animals and animal husbandry. Use of equipment necessary for fodder and feed preparation for the animals; b. symptoms of animal diseases and un-rest; and c. physically fit to handle wild animals.	18 to 30 years	By initial recruitment.

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

656-680

ENDST: SO (ESTT)/FE&WD/II-465/2018:- DATED PESH: THE 14th February, 2019

Copy is forwarded for Information to:-

- 1) All Administrative Secretaries, Govt: of Khyber Pakhtunkhwa.
- 2) Accountant General, Khyber Pakhtunkhwa.
- 3) Director General, Audit, Khyber Pakhtunkhwa.
- 4) Registrar Peshawar High Court, Peshawar.
- 5) Secretary Public Service Commission, Khyber Pakhtunkhwa.
- 6) Chief Conservator Wildlife, Khyber Pakhtunkhwa.
- 7) All Heads of Attached Department in Khyber Pakhtunkhwa.
- 8) Director/Conservator Wildlife, Zoo for Peshawar Division, Peshawar.
- 9) Director Budget & Account Environment Department.
- 10) Director Treasury Khyber Pakhtunkhwa.
- 11) Manager, Government Printing Press, Khyber Pakhtunkhwa, Peshawar for publication in the Official Gazette with the request that twenty printed copies of the notification, when published may be provided to this Department.
- 12) PS to Secretary Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.
- 13) Master file.
- 14) Concerned file.


(Hafiz Abdul Jalil)
SECTION OFFICER (ESTT)

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