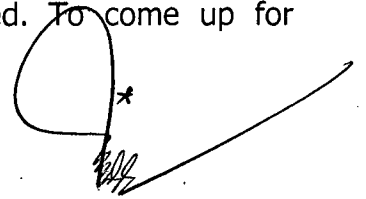


02.09.2022

Learned counsel for the appellant present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General alongwith Mr. Amjid Khan, Section Officer for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments on the next date. Adjourned. To come up for reply/comments on 29.09.2022 before S.B.



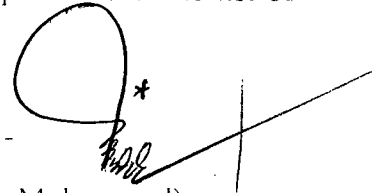
(Mian Muhammad)  
Member (E)

21.06.2022

Mr. Fazal Shah Mohmand, Advocate for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant was cleared for promotion from BS-18 to BS-19 by the Provincial Selection Board in its meeting on 30.07.2021 and summary to this effect was also approved by the Chief Minister on 03.08.201. However, the promotion order was not issued by the department and the appellant approached the Service Tribunal in the first round of litigation through service appeal No. 22/20222 on 05.01.2022. During pendency of his service appeal, and issuance of the impugned Notification dated 21.01.2022, the earlier service appeal became infructuous and was therefore withdrawn. In the meanwhile, the service Rules of the department were amended malafidely on 25.04.2022 whereby the post of Additional Director General (BS-19) was to be filled by transferred from amongst PMS or PAS officer in case holders of the post of Deputy Director are not available with 07 years as such. As a result thereof the impugned Notification has been issued whereby the appellant has been proposed for posting as Additional Director General (BPS-19) against the newly created post. It was further contended that the appellant is entitled for promotion from the date of recommendation by the PSB i.e 30.07.2021 and not with immediate effect as well as posting as Director General and not as Additional Director General.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 09.08.2022. Alongwith the service appeal learned counsel for the appellant submitted an application for impleadment of one Mr. Ghulam Saeed PMS Officer (BS-19) presently posted as Director General Tourist services Khyber Pakhtunkhwa. The said application is allowed and the office is directed to include the said officer as private respondents in the list of respondents.



(Mian Muhammad)  
Member (E)

9.8.2022

Due to the Public Holiday The  
Case is Adjourned to 2-9-2022

Reader.

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No 879/22

Muhammad Arshi

vs

Court of Officers

Applicant/Appellant

Respondent

- Application for impudment of Ghulam Saeed PMS BS-19 Presently Posted as Director General, Tourist Services CP in the Panel of respondents

Respectfully submitted:

1- That the filed appeal is pending before this honorable Tribunal which is fixed for today i.e 22-6-2022.

2. That the appellant has also prayed for his posting as Director General which post is presently occupied by the said Ghulam Saeed hence his impudment is necessary for the just disposal of case and this honorable Tribunal is very much vested with powers to order accordingly.

It is therefore prayed that on acceptance of this appeal, the said Ghulam Saeed may please be impudment as respondent.

Dated 22-6-22  
Tingh  
Fozal Shahmohamed  
Advocate Peshawar

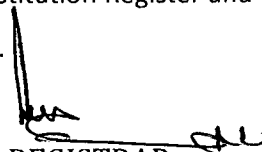

Appellant

Form- A

## FORM OF ORDER SHEET

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

Case No.- 879/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2022	<p>The appeal of Mr. Muhammad Arabi presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	14.6.22  Noted Hidayat C/o Fazal Shah ASE Hidayat 18/6/22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>21-06-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>

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

Service Appeal No 879/2022

Muhammad Arabi.....Appellant

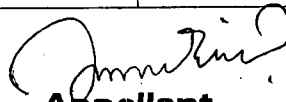
**V E R S U S**

Govt. & Others.....Respondents

**INDEX**

S.No	Description of documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-5
2.	Application for interim relief with affidavit		6
3.	Copy of order dated 10-07-2008 & Letter dated 28-07-2021 & copy of agenda	A & B	7-10
4.	Copy of Minutes & Letter dated 04-08-2021	C & D	11-14
5.	Copy of Notification dated 13-01-2021	E	15
6.	Copy of Summary, Approval dated 08-12-2021 & Letter dated 13-12-2021	F, G & H	16-19
7.	Copy of departmental appeal, service appeal, & Notification dated 21-01-2022	I, J & K	20-25
8.	Copy of Departmental Appeal	L	26-28
10.	Copies of Notifications dated 31-10-2017 & Notification dated 25-04-2022	M & N	29-41
11.	Copy of Letter dated 09-08-2021 with proforma	O	42-45
12.	Copy of Summary, Approval & Letter dated 10-05-2022	P & Q	46-48
13.	Vakalat Nama		49

Dated: 01-06-2022

  
Appellant

Through



**Fazal Shah Mohmand**  
Advocate,  
Supreme Court of Pakistan.

1-

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

Service Appeal No 879 /2022

Muhammad Arabi, Director General, Tourist Services, Khyber Pakhtunkhwa,  
Peshawar.....**Appellant**

**V E R S U S**

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Secretary, Sports, Tourism, Archeology, Youth Affairs & Museum Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Establishment Department, Govt. of Khyber Pakhtunkhwa, Peshawar.....**Respondents**

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR THE MODIFICATION OF NOTIFICATION DATED 21-01-2022 WHEREBY THE APPELLANT HAS BEEN PROMOTED AS DIRECTOR GENERAL (BPS-19), TOURIST SERVICES KHYBER PAKHTUNKHWA, WITH IMMEDIATE EFFECT INSTEAD OF 04-08-2021 AND FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT DATED 22-02-2022 HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:-**

**On acceptance of this appeal, the impugned Notification dated 21-01-2022 may kindly be modified thereby promoting and posting the appellant as Director General (BPS-19), Tourist Services Khyber Pakhtunkhwa, with effect from 04-08-2021 instead of 21-01-2022, with all back benefits**

**Respectfully Submitted:-**

1. That the appellant was appointed as Controller (BPS-17), upon the recommendations of Federal Public Service Commission on 15-07-2008 and since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That after eighteenth Constitutional amendment, the Federal Ministry of Tourism was devolved into Provinces and consequently the services of the appellant were placed at the disposal of respondent No 2, wherein the appellant was promoted as Deputy Director (BPS-18) on 22-05-2018.
3. That in the year 2021, the appellant as per rules governing the subject was due for promotion as Director General, Tourist Services,

Khyber Pakhtunkhwa (herein after referred to as DG), and the meeting of Provincial Selection Board was scheduled on 31-07-2021 and according to the agenda Item No 6, the case of the appellant was placed before the same for his promotion as DG as per letter dated 28-07-2021. **(Copy of order dated 10-07-2008 & Letter dated 28-07-2021 & copy of agenda is enclosed as Annexure A & B).**

4. That the same meeting was held wherein the appellant was recommended for promotion as DG as evident from its minutes and which recommendations were approved by the honorable Chief Minister Khyber Pakhtunkhwa on 03-08-2021 which was communicated to the parent department vide letter dated 04-08-2021 however illegally and unlawfully, at the same time the PSB directed Finance department that it shall create a post of Additional Director General in the Directorate of Tourist Services Khyber Pakhtunkhwa. **(Copy of Minutes & Letter dated 04-08-2021 is enclosed as Annexure C & D).**
5. That the promotion of the appellant was not notified, whereas the promotion notification of those considered in the same PSB were notified and finally the post of Additional Director General, Directorate of Tourist Services Khyber Pakhtunkhwa was created which was notified vide Notification dated 13-10-2021. **(Copy of Notification dated 13-01-2021 is enclosed as Annexure E).**
6. That after the creation of stated post, respondents moved another summary before the honorable Chief Minister Khyber Pakhtunkhwa for the posting of the appellant against the post of DG for one day for actualization malafidely and his subsequent posting as Additional Director General which was approved by the competent authority on 08-12-2021 which was forwarded by respondent No 2 to respondent No 3 vide Letter dated 13-12-2021. **(Copy of Summary, Approval dated 08-12-2021 & Letter dated 13-12-2021 is enclosed as Annexure F, G & H).**
7. That even then the notification of promotion of the appellant as DG was not issued, so the appellant after exhausting departmental remedy, filed Service Appeal No 22/2022, however during the pendency of which the appellant was promoted as DG vide Notification dated 21-01-2022 thereby promoting the appellant as DG with immediate effect instead of promoting him as DG with effect from 04-08-2021. The appellant thus requested for the withdrawal of

his service appeal. **(Copy of departmental appeal, service appeal, & Notification dated 21-01-2022 is enclosed as Annexure I, J & K).**

8. That the appellant preferred departmental appeal on 22-02-2022 for his promotion w.e.f 04-08-2021 which has not been responded so far despite the lapse of more than the statutory period of ninety days. **(Copy of Departmental Appeal is enclosed as Annexure L).**
9. That the impugned Notification dated by prompting the appellant as GD with effect from 21-01-2022 instead of promoting him from 04-08-2021 is liable to modification thereby promoting the appellant as DG w.e.f. 04-08-2021, on grounds inter-alia as follows:-

**GROUND:-**

- A. That the impugned Notification is liable to modification as the same is not according to laws and rules governing the matter.
- B. That the appellant has not been treated according to Law and rules which being his fundamental right as per Article 4 and 25 of the Constitution.
- C. That the appellant is entitled to be promoted as DG from the date his promotion as such was approved by the competent authority, thus the impugned Notification is liable to modification accordingly.
- D. That the appellant is discriminated as other officers considered in the same PSB were promoted from the date of their approval while the appellant was kept deprived of such right for no fault.
- E. That the promotion Notification of the appellant was not issued in time which was delayed for reasons other than fair and legal, aimed at favoring and posting one Ghulam Saeed as DG who as per law and rules cannot even be posted as DG.
- F. That the chain of instances smacks malice at favoring the said Ghulam Saeed, as the PSB issued directions for the creation of the post of Additional Director General and post the appellant on such post for one day for actualization and thus depriving the appellant of his due right of posting as DG.
- G. That the malice is further surfaced from the fact that the directions for the creation of the post of Additional Director General were issued



by the PSB beyond its mandate and such is the case of the posting of the appellant which are void being beyond the mandate of PSB.

- H. That strangely the posting of the appellant against the post of Additional Director General was, proposed by the time when even such post was not created nor were the rules regarding its appointment, qualification etc notified. **(Copy of Summary, Approval & Letter dated 10-05-2022 is enclosed as Annexure P & Q).**
- I. That there is no omission or commission on part of the appellant and the appellant could not be punished for the fault and malice of others, thus the appellant is required to be promoted from due date and be posted against his post.
- J. That in order to deprive the appellant of his due right of posting as DG, the rules notified vide Notification dated 31-10-2017 were amended vide Notification dated 25-04-2022, thereby filling the post of DG by transfer from amongst the PMS/PAS officers only and not by promotion being in violation of all norms of justice besides law on the subject. The entire exercise is for favoring the said Ghulam Saeed and depriving the appellant of his due right of posting as DG which could not be given retrospective effect. **(Copies of Notifications dated 31-10-2017 & Notification dated 25-04-2022 is enclosed as Annexure M & N).**
- K. That even the rules were not amended as per law governing the subject matter including provisions of Fundamental Rules and strangely, the proforma depicts that the department has tried to mislead the SSRC thereby providing information that the amendment is aimed at not changing the rules regarding the post of DG while later on the rules regarding the post of DG has been changed and notified which speaks of anything but not fair and bonafide. **(Copy of Letter dated 09-08-2021 with proforma is enclosed as Annexure O).**
- L. That strangely the posting of the appellant against the post of Additional Director General was, proposed by the time when even such post was not created nor were the rules regarding its appointment, qualification etc notified. **(Copy of Summary, Approval & Letter dated 10-05-2022 is enclosed as Annexure P & Q).**
- M. That even no reasons has been assigned in the said proforma which is mandatory as per the Estacode instructions, further the letter dated 09-08-2021 further depicts that the exercise was regarding 12

newly created posts while for reasons other than fair and bonafide, the method of filling the post of DG was amended.

**N.** That the post of DG is a technical post and changing criteria for the same is to be justified by giving reasons which lack in the instant case, thus too the appellant is not treated in accordance with law on the subject.

**O.** That the appellant has about 14 years of service with unblemished service record.

**P.** That the appellant seeks permission of this honorable Tribunal for additional grounds at the time of arguments.

**It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.**

**Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.**

**Dated:-01-06-2022**

  
**Appellant**

**Through**



**Fazal Shah Mohmand**  
Advocate,  
Supreme Court of Pakistan.

**LIST OF BOOKS**

1. Constitution 1973.
2. other books as per need

**CERTIFICATE:**

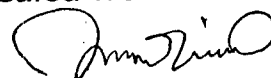
Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.



**ADVOCATE**

**AFFIDAVIT**

I, Muhammad Arabi, Director General, Tourist Services, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the 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**

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

Service Appeal No \_\_\_\_\_/2022

Muhammad Arabi.....Appellant

**V E R S U S**

Govt. & Others.....Respondents

**Application for interim relief thereby directing respondents to post the appellant as Director General (BPS-19), Tourist Services, Khyber Pakhtunkhwa**

Respectfully Submitted:

1. That the titled Service Appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may kindly be considered as integral part of this application.
3. That the appellant has been promoted as DG while he is denied posting against his post for reasons other than fair and bonafide.
4. That the appellant has got good prima facie case in his favor and is sanguine of its success.
5. That the balance of convenience lies in favor of the appellant and if the appellant is not posted against the post of DG, the applicant would suffer an irreparable loss.

**It is therefore prayed that on acceptance of this application, the respondents may kindly be directed to post the appellant as Director General Tourist Services Khyber Pakhtunkhwa, till the final disposal of instant appeal.**

**Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.**

**Dated:-01-06-2022**

  
**Appellant**

**Through**



**Fazal Shah Mohmand**  
Advocate,  
Supreme Court of Pakistan.

**AFFIDAVIT**

I, Muhammad Arabi, Director General, Tourist Services, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

  
**DEPONENT**

DTS-4(228)/2008  
Government of Pakistan  
Department of Tourist Services  
\*\*\*\*\*

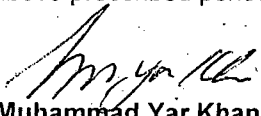
7- "A"

7<sup>th</sup> Floor, Green Trust Tower, Blue Area, Jinnah Avenue,  
Islamabad, the 10<sup>th</sup> July, 2008

Subject: **RECRUITMENT TO THE POST OF ASSISTANT CONTROLLER ( BS-17)**

On the recommendation of FPSC Mr. Muhammad Arabi S/o Mr. Muhammad Rafiq is offered an appointment of Assistant Controller(BPS-17) in the Department of Tourist Services term and conditions of the appointment will be as under:-

- a. His appointment will be purely temporary, terminable at fortnight's notice or in lieu of the notice payment of sum equivalent to his 14-days pay or for the period by which the notice falls short of 14-days. He is liable to serve the government until his resignation is accepted by the government.
  - b. He will have no claim to seniority and confirmation from the date earlier to his date of appointment and in preference to persons already serving in the Department of Tourist Services.
  - c. He will be entitled to pay in the BPS-17 as admissible to Govt. servant.
  - d. He will be on probation for a period of one year in the first instance extendable by an order before on after its completion for further period of one year. During probation his service are liable for termination at any time without assigning any reason.
  - e. His appointment will be provisional subject to verification of his character and antecedents and medical fitness (for fresh appointees only)
  - f. His present place of duty will be at Department of Tourist Services, 1<sup>st</sup> Floor, Shafi Court Building, Merewether Road, Karachi but he may be posted any where in Pakistan.
  - g. He will be required to report for duty in the office at Para-(f) within 15 days.
  - h. For all other terms not covered above, he will be governed by the government servants temporary employment rules.
2. He would bring with him the following documents
- i. His original domicile certificate, educational certificate (Matriculation etc.) and two attested copies thereof.
  - j. Two character certificate signed by two different class 1 Gazetted Officer (Bank copies are enclosed)
3. He should immediately but not later than 25<sup>th</sup> July, 2008 inform this office whether or not the offer of appointment is acceptable to him.
4. If the offer is acceptable to him, he should immediately contact the office as indicated at Para-I (f) above to ascertain the date on which he is required to report for medical examination/duty. The offer of appointment is liable to be canceled if he fails to report for duty within the above prescribed period.
5. No TA/DA will be paid for joining the duty by his Department

  
(Muhammad Yar Khan)  
Controller  
Tel: 051-9203772

Mr. Muhammad Arabi  
S/o Mr. Muhammad Rafiq,  
House No.72, Street No.1,  
Sector N-2 Hayatabad Phase-6, Peshawar

**Copy to:-**

1. AGPR, Karachi
2. The Director, FPSC, Islamabad.
3. The Section Officer (IC), Ministry of Tourism, Islamabad
4. The Deputy Controller, DTS, Karachi.
5. Personal File

**Endst. of even No. & date.**

A copy is forwarded to: -

- 9-
1. The Chairman, Provincial Inspection Team, Khyber Pakhtunkhwa,
  2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
  3. The Secretary to Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
  4. The Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.
  5. The Secretary to Govt. of Khyber Pakhtunkhwa, Zakat & Usher Department.
  6. The Secretary to Govt. of Khyber Pakhtunkhwa, Sports, Culture & Tourism Department.
  7. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department.
  8. The Secretary to Govt. of Khyber Pakhtunkhwa, Excise & Taxation Department.
  9. The Secretary to Govt. of Khyber Pakhtunkhwa, Labour Department.
  10. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department.
  11. The Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
  12. The Secretary to Govt. of Khyber Pakhtunkhwa, Population Welfare Department.
  13. The Secretary to Govt. of Khyber Pakhtunkhwa, Public Health Engineering Department.
  14. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department.
  15. The Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department.
  16. The Secretary to Govt. of Khyber Pakhtunkhwa, Home & TAs Department.
  17. The Secretary to Govt. of Khyber Pakhtunkhwa, Environment, Forestry & Wildlife Department.
  18. The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock, Dairy Development & Cooperative Department.
  19. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
  20. The Secretary to Govt. of Khyber Pakhtunkhwa, Law & Parliamentary Affairs department with the request to attend the meeting alongwith Advocate General, Khyber Pakhtunkhwa for legal opinion in litigation cases.

They are requested to kindly attend meeting of the PSB to be held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. They are further requested to bring synopsis of PERs, original PER files and other service record of the officers concerned for perusal of the Board.

SECTION OFFICER (PSB)

**Endst of even No. & date.**

A copy is forwarded to: -

1. The Section Officer (E-I) / (E-II) / (Secret), Establishment Department.
2. PAs to Deputy Secretaries (Reg.-I, II & III), Establishment Department.

SECTION OFFICER (PSB)

-8-

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/ 1-1/2021/(9)  
Dated Peshawar, the 28.07.2021



To

1. The Additional Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Planning & Development Department.
2. The Senior Member, Board of Revenue,  
Khyber Pakhtunkhwa.

**SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.**

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting as per agenda of the meeting attached.

Yours faithfully,

*[Signature]* 28.7.2021  
SECTION OFFICER (PSB)

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Establishment), Establishment department.
4. The P.S to Special Secretary (Reg.) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

*[Signature]*  
SECTION OFFICER (PSB)

P.T.O

-10-

**AGENDA OF THE PSB MEETING  
TO BE HELD ON 30.07.2021 AT 01:30 PM**

ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
1.	Promotion of Senior Engineer BS-18 to the post of Member (Technical) BS-19 in Provincial Inspection Team, Khyber Pakhtunkhwa.	1	1	PIT
2.	Promotion of Assistant Treasury Officer BS-17 to the post of District Accounts Officer / Treasury Officer BS-18	24	12	Finance
3.	Promotion of PPS BS-19 officers to the post of PPS BS-20	3	4	P&D
4.	Promotion of Deputy Chief Inspector of Mines BS-19 to the post of Chief Inspector of Mines BS-20	2	1	Minerals Development
5.	Promotion of Assistant Administrator / District Zakat Officer BS-17 to the post of Deputy Administrator / Senior District Zakat Officer BS-18	8	6	Zakat
6.	Promotion of Deputy Director BS-18 to the post of Director General BS-19 in Directorate of Tourist Services, Khyber Pakhtunkhwa	1	1	Sports
7.	Promotion of Director BS-19 on regular basis in the Directorate of Culture, Khyber Pakhtunkhwa	2	1	Sports
8.	Promotion of Deputy Director / Regional Sports Officer BS-18 to the post of Director BS-19	4	2	Sports
9.	Promotion of Associate Professor BS-19 (Basic Sciences and Humanity Group) to the post of Professor BS-20 (Basic Sciences and Humanity Group)	12	4	Industries
10.	Promotion of Associate Professor BS-19 (Technical Subjects) to the post of Professor BS-20 (Technical Subjects) at Govt. College of Technology / Govt. Polytechnic Institutes	16	6	Industries
11.	Promotion of Principal BS-18 (GTVC Women) to the post of Principal BS-19 GTVC Women	1	4	Industries
12.	Promotion of Accounts Officer BS-17 to the post of Deputy Director Administration BS-18 in the Directorate of Industries & Commerce.	1	1	Industries
13.	Promotion of Assistant Excise & Taxation Officer BS-17 to the post of Excise & Taxation Officer BS-18	28	16	Excise
14.	Promotion of Statistical Officer BS-17 to the post of Deputy Director Labour Planning BS-18	1	1	Labour
15.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18	4	2	Labour
16.	Promotion of Deputy District Attorney BS-18 to the post of District Attorney BS-19	32	16	Law
17.	Promotion of Administrative Officer BS-17 to the post of Senior Administrative Officer BS-18	1	1	Law
18.	Promotion of Librarian BS-17 as Reference and Research Officer BS-18	1	1	Law
19.	Promotion of Chief Librarian BS-18 to the post of Director BS-19	1	1	HED
20.	Promotion of Librarian BS-18 to the post of Librarian (Senior Scale BS-18) on regular basis of College Cadre Higher Education Department	1	1	HED
21.	Promotion of Research Officer BS-17 to the post of Deputy Director BS-18	2	1	HED
22.	Promotion of Additional Director General BS-20 to the post of Director General BS-20	1	1	Population
23.	Promotion of Assistant Director / DDPWO (Non-Tech) / TPWO/ Dy. Demographer / Instructor (Non-Tech) / Accounts Officer BS-17 to the post of Deputy Director (Non-Tech) / DPWO (Non-Tech) / Demographer / Senior Instructor BS-(Non-Tech) BS-18	6	3	Population
24.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19	11	8	PHE
25.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-18	14	7	Irrigation

"C" -11-

ITEM NO. (06)

SECRETARY, SPORTS, CULTURE, TOURISM, ARCHAEOLOGY, MUSEUMS & YOUTH AFFAIRS  
KHYBER PAKHTUNKHWA  
(Meeting of PSB held on 30.07.2021)

SUBJECT:- PROMOTION OF DEPUTY DIRECTOR BS-18 TO THE POST OF DIRECTOR GENERAL BS-19 IN DIRECTORATE OF TOURIST SERVICES, KHYBER PAKHTUNKHWA.

Secretary Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs apprised the Board that due to new creation, the post of Director General BS-19 is lying vacant in the Directorate of Tourist Service, Khyber Pakhtunkhwa.

2. According to the service rules, the post is required to be filled as under:-  
"By promotion, on the basis of seniority-cum-fitness from amongst the Deputy Directors having twelve years service in BPS-17 and above; and  
Provided that if no suitable person is available for promotion then by transfer from amongst PMS or PAS officers".

3. The service record of the officer included in the panel was discussed as follows:-

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Muhammad Arabi.	His date of birth is 05.03.1978. He joined government service on 15.07.2008 in BS-17. He was promoted to BS-18 on 22.05.2018. He has completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2020 is generally good. His quantified score is 62 and the Board awarded him 15 out of 30 marks. Secretary Sports has not yet provided a certificate as required under Section 8 (iii) of Khyber Pakhtunkhwa Tourism Act 2019. The Board directed that the Finance Department shall create a post of Additional Director General in Directorate of Tourist Services, Khyber Pakhtunkhwa  The Board recommended the officer for promotion to the post of Director General BS-19 on regular basis. He will be on probation for a period of one year.

*[Signature]*  
Secretary (PSB)  
Khyber Pakhtunkhwa  
Government Department





**SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA**

Subject: **APPROVAL OF RECOMMENDATIONS OF PROVINCIAL SELECTION BOARD ON PROMOTIONS.**

The Provincial Selection Board in its meetings held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM considered promotion cases of civil servants to BS-17 and above. The PSB considered cases of employees of the following Departments for promotion:-

- i. Provincial Inspection Team, Khyber Pakhtunkhwa
- ii. Finance Department
- iii. Planning & Development Department
- iv. Minerals Development Department
- v. Zakat, Ushr & Social Welfare Department
- vi. Sports, Culture & Tourism Department
- vii. Industries, Commerce & Technical Education Department
- viii. Labour Department
- ix. Excise Department
- x. Elementary & Secondary Education Department
- xi. Higher Education Department
- xii. Population Welfare Department
- xiii. Public Health Engineering Department
- xiv. Irrigation Department
- xv. Establishment Department
- xvi. Communication & Works Department
- xvii. Home & Tribal Affairs Department
- xviii. Environment, Forestry & Wildlife Department
- xix. Agriculture, Livestock, Dairy Development & Cooperative Department
- xx. Health Department
- xxi. Law, Parliamentary Affairs & Human Rights Department
- xxii. Revenue & Estate Department

-13-

xxiii. Science & Technology and Information Technology Department

xxiv. Local Govt. Elections & Rural Development Department

2. Approved minutes of PSE meetings held on 30.07.2021 and 31.07.2021 are added as Flag "A" & "B".

3. The Chief Minister, Khyber Pakhtunkhwa being competent authority, may kindly approve recommendations of the PSE as detailed in its minutes placed below at Flag "A" & "B".

(MUTAHER ZEB)  
Secretary, Establishment

17/2021

CHIEF SECRETARY,  
KHYBER PAKHTUNKHWA

Chief Minister

*[Handwritten Signature]*

48

Chief Secretary  
Govt. of Khyber Pakhtunkhwa

oy - kara - 375 approved

*[Handwritten Signature]*

03-08-2021

Chief Minister  
Khyber Pakhtunkhw

*[Handwritten Signature]*

IMMEDIATE  
CONFIDENTIAL



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

NO SO(PSB)ED/1-5/2021/P-71  
Dated Peshawar the 04.08.2021

-14- "D"  
5-8-21  
10906

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Sports, Culture & Tourism Department.

SUBJECT: MINUTES OF THE MEETING OF PROVINCIAL SELECTION  
BOARD HELD ON 30.07.2021.

PROMOTION OF DEPUTY DIRECTOR BS-18 TO THE POST OF  
DIRECTOR GENERAL BS-19 IN DIRECTORATE OF TOURIST  
SERVICES, KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to Sports, Culture & Tourism Department  
letter No. SO(DTS)6-13/2013/6759-60, dated 19.04.2021 on the subject and to  
forward herewith an extract of Agenda Item No (06) of the  
minutes/recommendations of the meeting of Provincial Selection Board held on  
30.07.2021 as well as copy of approved summary wherein the Chief Minister,  
Khyber Pakhtunkhwa being competent authority in terms of Rule 4 (1) (a) of  
the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989  
has approved the recommendations of the PSB, for further necessary action.

Yours faithfully,

4.8.2021  
SECTION OFFICER (PSB)

Encl: As Above.

P. up draft  
order  
SOF

W.S. 8.21

SOF

6/8/21

"E"  
-15-



GOVERNMENT OF  
KHYBER PAKHTUNKHWA,  
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH AFFAIRS & MUSEUMS  
DEPARTMENT.  
13-A, KHYBER ROAD, PESHAWAR CANTT:

Dated Peshawar the 13<sup>th</sup> October, 2021

**NOTIFICATION**

**No. SO(T)5-81/2021/PAITHOM**

In pursuance of Government of Khyber Pakhtunkhwa, Finance Department letter No. BO-III/FD/514/SNEs/2021-22 dated 5-10-2021, sanction of the Government of Khyber Pakhtunkhwa Sports, Tourism, Archaeology, Youth Affairs & Museums Department is hereby accorded for the creation of one post Additional Director General (BPS-19) in the Directorate of Tourist Services Khyber Pakhtunkhwa Peshawar with immediate effect under DDO Code PR 4947- Directorate of Tourist Services, Khyber Pakhtunkhwa (Position Code 81140063) as approved by the SNE Committee in its meeting held on 15-09-2021.

2. The expenditure involved is debatable to the Function-Cum-Object Classification "04-Economic Affairs 047-Other Industries 0472-Subsidies 047202-Tourism , DDO Code PR 4947- Directorate of Tourist Services, Khyber Pakhtunkhwa within the sanctioned Budget Grant during financial year 2021-22.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
SPORTS, TOURISM, CULTURE, YOUTH AFFAIRS,  
ARCHAEOLOGY & MUSEUMS DEPARTMENT

Endst: No.B.O.I/FD/5-17/2021-22/SNE

Dated 25-10-2021

Copy to :

1. Accountant General Khyber Pakhtunkhwa, Peshawar.

Budget Officer (III)  
Finance Department

Copy to:-

1. Director General Directorate of Tourist Services, Khyber Pakhtunkhwa.
2. Director FMIU, Finance Department KP, Peshawar.
3. District Accounts Officer Peshawar.
4. Budget Officer-III, Finance Department KP, Peshawar.
5. PS to Secretary Sports, Tourism, Culture, Youth Affairs and Archaeology Department Khyber Pakhtunkhwa, Peshawar.

13/10/21

Section Officer (Tourism)

-16- "F"

SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject

POSTING OF MUHAMMAD ARABI, DEPUTY DIRECTOR (BS-18) AGAINST THE  
POST OF DIRECTOR GENERAL, DIRECTORATE OF TOURIST SERVICES,  
KHYBER PAKHTUNKHWA AS PER RECOMMENDATION OF PSB

The Provincial Selection Board (PSB) in its meeting held on 30.07.2021 recommended to promote Muhammad Arabi, Deputy Director, BS-18 to the post of Director General, BS-19 and the same was communicated by Section Officer (PSB) on 04.08.2021. The Board also recommended that the Finance Department shall create a post of Additional Director General (ADG) in Directorate of Tourist Services, Khyber Pakhtunkhwa (Annex-I). Subsequently, the Finance Department created a post of ADG, BS-19 in Directorate of Tourist Services, Khyber Pakhtunkhwa and communicated audit copy of the same to this Department (Annex-II).

2- It is pertinent to mention here that the service rules of Directorate of Tourist Services, Khyber Pakhtunkhwa notified on 31.10.2017 enunciates at S. No. (1) the method of promotion of Deputy Director, BS-18 to the post of Director General, BS-19 as under:

*"By promotion on the basis of seniority-cum-fitness from amongst the Deputy Directors having twelve years' service in BS-17 and above; provided that if no suitable candidate is available for promotion then by transfer from amongst PMS or PAS officers" (Annex-III)*

3- The post of ADG was created due to the reasons that (1) the Department was of the considered opinion to not relieve – in case of appointment of the promoted officer to the post of Director, DTS, BS-19 – incumbent Director, DTS, Mr. Ghulam Saeed, PMS, BS-19, is performing exceptionally well (2) the Section 8 of the Khyber Pakhtunkhwa Tourism Act, 2019 has also placed an indirect bar on such a matter (Annex-IV) and (3) amendments in the said Act were under process to the Provincial Cabinet (which have now been discussed and approved by the Provincial Cabinet).

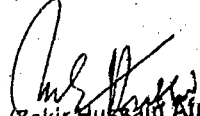

4- It is, now, appropriate time that the officer's promotion as well as posting orders are issued keeping in view the provision of Promotion Policy of the Provincial Government that "if a civil servant is recommended for promotion and the recommendations are not approved by the competent authority within a period of six months from such recommendations, they would lapse (Annex-V).

5- In the view of above, it is proposed that the Establishment Department may notify promotion of Muhammad Arabi, Deputy Director, BS-18, to the post of Director General, BS-19, Directorate of Tourist Services, Khyber Pakhtunkhwa with immediate effect as per recommendations of PSB for one day actualization ONLY, and subsequently post the officer against the newly created post of Additional Director General, DTS, BS-19, while Mr. Ghulam Saeed, PMS, BS-19, Director DTS will continue to work on the same post afterwards.

- 17 - "G"

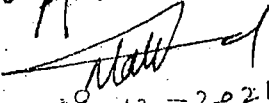
Summary for Chief Minister, Khyber Pakhtunkhwa moved by Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department regarding posting of Muhammad Arabi, Deputy Director (BS-16) against the post of Director General, Directorate of Tourist Services, Khyber Pakhtunkhwa as per recommendation of Provincial Selection Board has been examined and found in order.

Proposal of the Administrative Department at Para 5 of the Summary may be submitted for approval of the Chief Minister, Khyber Pakhtunkhwa being competent authority under Rule 4(1)(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 (Annex-VI).

  
(Zakir Hussain Afridi)  
Secretary Establishment  
20 November 2021  


Chief Secretary Khyber Pakhtunkhwa

HCM  


Para - 2/s, approved.  
  
08-12-2021

Chief Minister  
Khyber Pakhtunkhwa

CS

**BETTER COPY OF THE PAGE NO.** 17

7. Summary for Chief Minister, Khyber Pakhtunkhwa moved by Sports Culture, Tourism Archaeology Museums & Youth Affairs Department regarding posting of Muhammad Arabi, Deputy Director (BS-18) against the post of Director General, Directorate of Tourist Services Khyber Pakhtunkhwa as per recommendation of Provincial Selection Board has been examined and found in order.

8. Proposal of the Administrative Department at Para 5 of the Summary may be submitted for approval of the Chief Minister, Khyber Pakhtunkhwa being competent authority under Rule 4(1)(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 (Annex-VI)

(Zakir Hussain Afridi)  
Secretary Establishment  
30<sup>th</sup> November, 2021

**Chief Secretary Khyber Pakhtunkhwa**

HCM  
Para-8/5, approved.

Chief Minister  
Khyber Pakhtunkhwa.

-18-

Proposal contained in para b ante is submitted for perusal and approval of Chief Minister Khyber Pakhtunkhwa is requested to approve proposal at Para 6/ante, please

*Muhammad Asif*  
(MUHAMMAD ASIF MAJEED)  
SECRETARY TOURISM  
SECRETARY  
Tourism, Sports, Youth, Affairs,  
Archaeology & Museums Department  
Govt. of Khyber Pakhtunkhwa

SECRETARY ESTABLISHMENT

CHIEF SECRETARY,  
KHYBER PAKHTUNKHWA

CHIEF MINISTER,  
KHYBER PAKHTUNKHWA

9.10



**BETTER COPY OF THE PAGE NO.**

18

Proposal contained in Para-5 ante is submitted for perusal and approval of Chief Minister, Khyber Pakhtunkhwa is requested to approve proposal at Para 6/ante. Please.

(Muhammad Abid Majeed)  
Secretary Tourism

**SECRETARY ESTABLISHMENT**

**CHIEF SECRETARY**  
**KHYBER PAKHTUNKHWA**

**CHIEF MINISTER,**  
**KHYBER PAKHTUNKHWA**



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH AFFAIRS &  
MUSEUMS DEPARTMENT.  
13-A, KHYBER ROAD, PESHAWAR CANTT:

"H"

No: SO (T)/DTS/6-17/2021/2188-90-19-  
Dated Peshawar the 13<sup>th</sup> December, 2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department, Peshawar.

Subject:

POSTING OF MUHAMMAD ARABI, DEPUTY DIRECTOR (BS-18)  
AGAINST THE POST OF DIRECTOR GENERAL, DIRECTORATE OF  
TOURIST SERVICES, KHYBER PAKHTUNKHWA AS PER  
RECOMMENDATION OF PSB

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of summary duly approved by Chief Minister, Khyber Pakhtunkhwa along with minutes of the Provincial Selection Board (PSB) meeting held on 30-07-2021.

2. I am further directed to request to notify promotion of Muhammad Arabi, Deputy Director (BS-18) to the post of Director General (BS-19), Directorate of Tourist Services, Khyber Pakhtunkhwa with immediate effect as per recommendations of PSB for one day actualization ONLY and subsequently post the officer against the newly created post of Additional Director General, Directorate of Tourist Services, Khyber Pakhtunkhwa, while Mr. Ghulam Saeed (PMS BS-19), will continue to work on the same post afterwards, please.

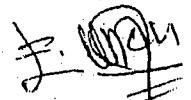
Yours faithfully,

  
Section Officer (Tourism) 13/12/2021

Endst: and date even:

Copy forwarded to:

1. PS to Secretary, Sports & Tourism Department, Khyber Pakhtunkhwa.
2. Master File.

  
Section Officer (Tourism)

No. DTS-RN-167/09  
Government of Punjab, Pakistan  
Directorate of Tourist Services  
4th Floor, F-7/2, Sunehri Masjid Road  
Rawalpindi, the 06<sup>th</sup> September, 2021

Secretary to the Government,  
Tourism, Archaeology, Youth Affairs & Museums Department,  
13-A, All-India Road, Rawalpindi

Subject: NOTIFICATION FOR PROMOTION TO THE POST OF DG (BS-19) DTS.

Reference the subject noted above and in light of the recommendation of the Board in the rotational selection Board (RSB) meeting held on 30.07.2021 regarding "Promotion of Deputy Director BS-18 to the Post of Director General BS-19 DTS" it is stated that, Muhammad Arabi, have been recommended for promotion to the post of DG BS-19 DTS while the necessary notification has still not been issued.

In order to ensure proper charge of the recommended post of DG BS-19 it is, therefore, requested that the notification may be issued, please

*Muhammad Arabi*

Muhammad Arabi  
Deputy Director

Copy for information for  
1. PS to Chief Secretary, Punjab, Pakistan

0/

Directorate of Tourist Services F.C. Phase  
4th Floor, F-7/2, Sunehri Masjid Road

06 SEP 2021

5702-70570

*[Signature]*

**BETTER COPY OF THE PAGE NO.**

26

No. DTS-PR-1(67)/09  
Government of Khyber Pakhtunkhwa  
Directorate of Tourist Services  
4<sup>th</sup> Floor, FC Plaza, Sunerhi Masjid Road,  
Peshawar, the 06<sup>th</sup> September, 2021

The Secretary to the Government,  
Sports, Tourism, Archeology, Youth Affairs & Museums  
Department, 13-A, Khyber Road, Peshawar.

Subject: **NOTIFICATION FOR PROMOTION TO THE POST OF  
DG (BS-19) DTS.**

Dear Sir,

Reference the subject noted above and in light of the recommendation of the Board in the Provincial Selection Board (PSB) meeting held on 30.07.2021 regarding "Promotion of Deputy Director BS-18 to the Post of Director General BS-19 DTS" it is stated that I, Muhammad Arabi, have been recommended for promotion to the post of DG BS-19 DTS while the necessary notification has still not been issued.

In order to assume proper charge of the recommended post of DG BS-19 it is, therefore, requested that the notification may be issued, please.

Muhammad Arabi  
Deputy Director

Copy for information to:

1. PS to Chief Secretary, Khyber Pakhtunkhwa.

Directorate of Tourist Services F.C Plaza  
4<sup>th</sup> Floor Peshawar Cantt

08 Sep 2021  
5702 to 570  
SD/-

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 22 /2022

Diary No. 13  
Date 05/01/2022

Muhammad Arabi, Deputy Director, Directorate of Tourist Services,  
Khyber Pakhtunkhwa, Peshawar. ....Appellant

**V E R S U S**

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary, Sports, Tourism, Archeology, Youth Affairs & Museums Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Secretary Establishment Department Govt. of Khyber Pakhtunkhwa, Peshawar.

.....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 FOR NOTIFYING THE PROMOTION OF THE APPELLANT AS DIRECTOR GENERAL TOURIST SERVICES, GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF STATUTORY PERIOD.**

**PRAYER:-**

On acceptance of this appeal, the respondents may kindly be directed to issue the Notification of the promotion of the appellant as Director General, Tourist Services, Khyber Pakhtunkhwa, (BPS-19) w.e.f 03-08-2021, with all back benefits.

**Respectfully Submitted:-**

1. That the appellant was appointed as Assistant Controller (BPS-17), upon the recommendations of Federal Public Service Commission on 15-07-2008 and since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That after eighteenth amendment, the Federal Ministry of Tourism was devolved into provinces, and consequently the services of the appellant were placed at the disposal of Khyber Pakhtunkhwa Government. The appellant was promoted as Deputy Director (BPS-18) in the Directorate of Tourist Services Khyber Pakhtunkhwa on 22-05-2018.

5/1/2022  
Registrar

3. That in the year 2021 the appellant as per rules governing the subject was due for promotion as Director General (BPS-19), Tourist Services Khyber Pakhtunkhwa and in July 2021, the meeting of the Provincial Selection Board was scheduled for 31-07-2021 and according to the Agenda Item No 6 the case of the appellant was placed before the same for promotion as Director General (BPS-19), Tourist Services Khyber Pakhtunkhwa, as per Letter dated 28-07-2021. **(Copy of Letter dated 28-07-2021 & Copy of Agenda is enclosed as Annexure A & B).**
4. That accordingly the said meeting was held wherein the appellant was recommended for promotion as Director General (BPS-19), Tourist Services Khyber Pakhtunkhwa as evident from its minutes and which recommendations were approved by the competent authority, i.e. the honorable Chief Minister Khyber Pakhtunkhwa on 03-08-2021 which was communicated to the parent department vide letter dated 04-08-2021. **(Copy of Minutes & Letter dated 04-08-2021 is enclosed as Annexure C & D).**
5. That illegally and in violation of law and rules, in the note prepared for the approval of competent authority it was malafidely mentioned that the Board directed that the Finance Department shall create a post of Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, however the promotion of the appellant was not notified whereas those considered in the same PSB were notified.
6. That the post of Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, was finally created which was notified vide Notification dated 13-10-2021. **(Copy of Notification dated 13-10-2021 is enclosed as Annexure E).**
7. That after the creation of stated post respondents moved another summary before the honorable Chief Minister for the posting of the appellant against the post of Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, as per the recommendations of PSB for one day for actualization malafidely and his subsequent posting as Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, which was approved by the competent authority on 08-12-2021 which was forwarded by respondent No 2 to respondent No 4 vide Letter dated 13-12-2021. **(Copy of Summary, Approval dated 08-12-2021 & Letter dated 13-12-2021 is enclosed as Annexure F, G & H).**
8. That the appellant filed departmental appeal before respondent No 2 on 06-09-2021 which has not been responded so far despite the lapse of more than the statutory period of ninety

-23-

days. (Copy of departmental appeal dated 06-09-2021 is enclosed as Annexure I).

9. That this action of respondents of not issuing notification of promotion of the appellant as Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, is against the law, facts and principles of justice on grounds inter-alia as follows:-

**G R O U N D S :-**

- A. That the omissions and commissions of respondents are illegal and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C. That not issuing the notification of the appellant as Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, is not in consonance with law and principles of natural justice and is based on malafide.
- D. That the respondents are bent upon to favor one Ghulam Saeed who is posted as Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, since June 2019 and who as per law is not entitled to be posted as such.
- E. That the law and rules on the subject are very much clear which provide for the filling of the post of Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, by promotion only and the same can only be filled by transfer in case no suitable person is available while in the instant case, the appellant has been recommended for promotion, hence the inaction of respondents is not known to law on the subject. **(Copy of rules is enclosed as Annexure J).**
- F. That the malafide of the respondents is further proved from the fact that directions for creation of the post of Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, were issued by the PSB which directions is void being not its mandate.
- G. That strangely the issue of posting the appellant against the post of Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, was proposed by the time when the said post was even not created rather the same was created in October 2021, i.e much after the appellant was recommended and even approval was

-24-

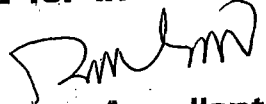
granted by the competent authority which speaks of anything but not fair and bonafide.

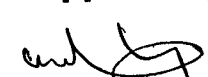
- H. That even otherwise the said Ghulam Saeed has served his normal tenure under the law/policy but even then he is favored at the cost of the appellant.
- I. That there is no omission or commission on part of the appellant and he being fit and even recommended by the competent forum is kept deprived of his due rights.
- J. That the appellant did nothing that amounts to misconduct.
- K. That the appellant has more than 13 years of service with unblemished service record with no previous complaint of the sort against him.
- L. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated:-05-01-2022

Through

  
Appellant

  
Fazal Shah Mohmand  
Advocate,  
Supreme Court of Pakistan

### LIST OF BOOKS

1. Constitution 1973.
2. other books as per need

### CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

  
ADVOCATE

### AFFIDAVIT

I, Muhammad Arabi, Deputy Director, Directorate of Tourist Services, Khyber Pakhtunkhwa, Pehsawar, do hereby solemnly affirm and declare on oath that the 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  
ESTABLISHMENT DEPARTMENT

-25-"K"

Dated Peshawar, the January 21, 2022

NOTIFICATION

NO.SO(E-I)E&AD/9-114/2021. The Competent Authority on the recommendations of Provincial Selection Board in its meeting held on 30/07/2021, is pleased to promote Mr. Muhammad Arab, Deputy Director (BS-18), to the post of Director General (BS-19), Tourist Services, Khyber Pakhtunkhwa on regular basis, with immediate effect.

2. The officer, on promotion, will 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 & Transfer) Rules, 1989.

3. Posting/transfer Notification of the above-named officer will be issued, later on.

CHIEF SECRETARY,  
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. of even No. & date

Copy forwarded to the -

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. Secretary to Govt. of Khyber Pakhtunkhwa Sports Department
4. Accountant General, Khyber Pakhtunkhwa
5. Director General, Tourist Services, Khyber Pakhtunkhwa
6. Director General, Information & P.Rs, Khyber Pakhtunkhwa
7. PSO to Chief Secretary, Khyber Pakhtunkhwa
8. PS to Chief Secretary, Khyber Pakhtunkhwa
9. PS to Secretary (Estt)/Special Secretary (Estt)/ Special Secretary (R)/PA to AS (Estt)/AS (HRD)/ SO (Secret)/ SO (HRD-I) & SO (E-II) Establishment Department
10. PS to Secretary (Admn)/AS (Admn)/D S (Admn)/SO (Transport)/Estate Officer/DD (IT) and ACSO Cypher Administration Department
11. Officers concerned

(ZIA.UL.HAQ)

SECTION OFFICER (ESST-I)

Ph. No. 091-9210529

IMDAD KHAN

21-1-2022

**Subject:- Appeal for the Ante-dation of Notification dated 21-01-2022 with all back benefits.**

Respectfully Submitted:-

-26-

"L"

1. That the appellant was appointed as Assistant Controller (BPS-17) upon the recommendations of Federal Public Service Commission on 15-07-2008 and since appointment he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
  2. That after Eighteenth Constitutional Amendment the Federal Ministry of Tourism was devolved into Provinces and consequently the services of the appellant were placed at the disposal of Khyber Pakhtunkhwa Government. The appellant was promoted as Deputy Director (BPS-18) in the Directorate of Tourist Services Khyber Pakhtunkhwa on 22-05-2018.
  3. That in the year 2021 the appellant as per rules governing the subject was due for promotion as Director General Tourist Services Khyber Pakhtunkhwa (BPS-19) (herein after referred to as DG) and in July 2021 the meeting of the Provincial Selection Board was scheduled for 31-07-2021 and according to the Agenda Item No 6, the case of the appellant was placed before the same for promotion as DG as per letter dated 28-07-2021. **(Copy of Letter dated 28-07-2021 and copy of Agenda is enclosed as Annexure A & B).**
  4. That accordingly the said meeting was held wherein the appellant was recommended for promotion as DG as evident from its minutes and which recommendations were approved by your honor on 03-08-2021 which was communicated to the parent department vide Letter dated 04-08-2021. **(Copy of Minutes & Letter dated 04-08-2021 is enclosed as Annexure C&D).**
- That illegally and in violation of law and rules, in the note prepared for the approval of competent authority it was malafidely mentioned that the Board directed that the Finance department shall create a post of Additional Director General Directorate of Tourist Services Khyber Pakhtunkhwa however the promotion of the appellant was not notified whereas those considered in the same PSB were notified
6. That the post of Additional Director General, Directorate of Tourist Services Khyber Pakhtunkhwa was finally created which was notified vide Notification dated 13-10-2021. **(Copy of Notification dated 13-10-2021 is enclosed as Annexure E).**

Directorate of Tourist Services F.C Plaza  
4th Floor Peshawar Cantt

7. That after the creation of stated post another summary was moved before your honor for the posting of the appellant against the post of DG as per the recommendation of PSB for one day for actualization malafidely and his subsequent posting as Additional Director General, Directorate of Tourists Services KPK which was approved by the Competent Authority on 08-12-2021, which was Forwarded by the Secretary of the department Vide letter Dated 13-12-2021. **(Copy of Summary Approval Dated 08-12-2021 and letter Dated 13-12-2021 is enclosed as Annexure F, G and H).**

8. That the appellant filed Departmental Appeal on 06-09-2021, which was despite the lapse of more than the statutory period on ninety days, where after the appellant filed Service Appeal No. 22/2022 before the honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar which is fixed for hearing on 25-02-2022. **(Copy of Departmental Appeal & Service Appeal is enclosed as Annexure I & J).**

9. That in the meanwhile Notification dated 21-01-2022 was issued whereby the appellant has been promoted as DG with immediate effect while his posting order is yet to be issued, the impugned Notification dated 21-01-2022 is as such liable to modification thereby promoting the appellant as DG Tourist Services KP with effect from 03-08-2021, instead of immediate effect on grounds inter-alia as follows:-

**GROUNDS:-**

A. That the impugned Notification dated 21-01-2022 to the extent of the appellant by promoting him with immediate effect is liable to modification by giving it effect from 03-08-2021.

B. That the appellant is not treated in accordance with law and rules which being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.

C. That the recommendations regarding promotion of the appellant were approved by your honor on 03-08-2021, hence the impugned Notification is required to be given effect from the same date.

D. That the notification regarding promotion was not issued timely and was delayed in order to favor and post one Ghulam Muhammad as DG who as per law and rules on the subject cannot be even posted on the said post.

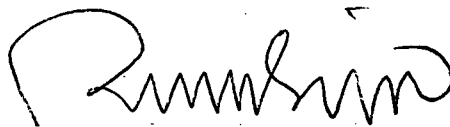
E. That the chain of instances smacks malice aimed at favoring one Ghulam Muhammad, as the PSB issued

directions for the creation of the post of Additional Director General and post the appellant on such post for one day for the purpose of actualization and thus depriving the appellant of his due right of posting as DG. -28-

- F. That the promotion of the appellant on the post of DG has been recommended and even such recommendations have been approved on 03-08-2021, as such the impugned notification is liable to modification by giving it effect from 03-08-2021.
- G. That the malice is further proved from the directions of PSB which issued directions for creation of the post of Additional Director General of the department beyond its mandate and to post the appellant against such post.
- H. That the record depicts that strangely the posting of the appellant against the post of Additional Director General was proposed when such post was even not created.
- I. That there is no omission and commission on part of the appellant and the appellant could not be punished for the fault of others if any.
- J. That the appellant is having about 14 years of service with unblemished service record.

**It is therefore prayed that on acceptance of this appeal, the impugned Notification dated 21-01-2022 may kindly be varied/modified thereby promoting the appellant as Director General Tourist Services KP with effect from 03-08-2021 with all back benefits.**

Dated:-21-02-2022



**Muhammad Arabi,**  
Director General, Tourist Services  
Khyber Pakhtunkhwa, Peshawar.  
Cell # \_\_\_\_\_



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
SPORTS, TOURISM, CULTURE, ARCHAEOLOGY, YOUTH AFFAIRS & MUSEUMS  
DEPARTMENT. 16

NOTIFICATION

Peshawar, Dated the 31st October, 2017

**No. SO (DTS)6-17/2017/Service Rules:-** In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Sports, Culture, Tourism, Archaeology and Youth Affairs Department, in Consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions, specified in column No.3 to 5 of the Appendix to this Notification, which shall be applicable to the posts in the Directorate of Tourist Services Khyber Pakhtunkhwa, specified in column No.2 of the said Appendix.

APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment or by transfer.	Age limit.	Method of recruitment.
1	2	3	4	5
1.	Director General (BPS-19).	-----	-----	By promotion, on the basis of seniority-cum-fitness from amongst the Deputy Directors having seven years service as:  Provided that if no suitable person is available for promotion then by transfer from amongst PMS or PAS officers.
2.	Deputy Director (BPS-18).	-----	-----	By promotion, on the basis of seniority-cum-fitness from amongst the Assistant Directors, Assistant Controllers, Law Officers and Admin and Accounts Officers having five years service as such:

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				for promotion then by transfer from amongst PMS or PAS officer.  Note: For the purpose of promotion a joint seniority list of Assistant Directors, Assistant Controllers, Law Officers and Admin and Accounts Officers shall be maintained.
3.	Law Officer (BPS-17).	At least Second Class LLB Degree from a recognized University with three (03) years experience at the Bar.	25 to 35 years.	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Legal Assistants with three years service as such:  Provided that if no suitable person is available for promotion then by initial recruitment; and  (ii) fifty percent by initial recruitment.
4.	Assistant Director (BPS-17)	At least Second Class Master's Degree in Tourism and Hospitality, Economics, Public Administration, Business Administration or equivalent qualification from a recognized University with two years experience in tourism sector.	24 to 34 years.	By initial recruitment.
5.	Assistant Controller (BPS-17).	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors with three years service as such.
6.	Admin and Accounts Officer (BPS-17).	At least Second Class Master's Degree in Commerce, Business Administration (Finance) or equivalent qualification from a recognized University with two years relevant experience.	24 to 34 years.	(i) Thirty-three percent by promotion, on the basis of seniority-cum-fitness from amongst the Superintendents with three years service as such:  Provided that if no suitable candidate is available for promotion, then by initial recruitment; and  (ii) sixty seven percent by initial recruitment.

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	Superintendent (BPS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Stenographers with at least five years service as such.  Note: For the purpose of promotion a joint seniority list of Assistants and Stenographers shall be maintained.
8.	Inspector (BPS-16)	(a) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University; and  (b) Height...five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.	21 to 30 years.	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Inspectors with at least five years services as such:  Provided that if no suitable person is available for promotion, then by initial recruitment; and  (ii) fifty percent by initial recruitment.
9.	Legal Assistant (BPS-16).	At least Second Class LLB Degree from a recognized University with two years experience at the Bar.	25 to 35 years.	By initial recruitment.
10.	Assistant (BPS-16).	At least Second Class Bachelor's Degree or its equivalent qualification from a recognized University.	20 to 32 years.	(i) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks and Accountants with at least five years service as such:  Provided that if no suitable person is available for promotion, then by initial recruitment; and  (ii) twenty five percent by initial recruitment.  Note: For the purpose of promotion, a joint list of Senior Clerks and Accountants shall be maintained.
11.	Stenographer (BPS-16).	At least Second Class Bachelor's Degree from a recognized University with—	20 to 32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Steno Typists with at least five years service as such:

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		(a) a speed of seventy (70) words per minute in shorthand in English and forty-five(45) words per minute in typing; and  (b) knowledge of Computer in using MS Word and MS Excel.		Provided that if no suitable person is available for promotion, then by initial recruitment.
12.	Computer Operator (BPS-16).	(a) At least Second Class Bachelor's Degree in Computer Science / Information Technology (BCS / BIT four years), from a recognized University; or  (b) At least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	21 to 32 years.	By initial recruitment.
13.	Sub-Inspector (BPS-14).	(a) At least Second Class Bachelor's Degree or its equivalent qualification from a recognized University; and  (b) Height...five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.	21 to 32 years.	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Sub-Inspectors with three years service as such:  Provided that if no suitable person is available for promotion then by initial recruitment; and  (ii) fifty percent by initial recruitment.
14.	Senior Clerk (BPS-14).	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least two years service as such.

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	Senior Typist (BPS-14).	At least Second Class Intermediate School Certificate or its equivalent qualification from a recognized Board with—  (a) a speed of fifty (50) words per minute in shorthand in English and thirty five (35) words per minute in typing; and  (b) knowledge of Computer in using MS Word and MS Excel.	18to30 years.	By initial recruitment.
16.	Accountant (BPS-14).	(a) At least Second Class Bachelor's Degree in Commerce, Business Administration or equivalent qualification from a recognized University; and  (b) a proficiency in accounts related software.	21to28 years.	By initial recruitment.  
17.	Junior Clerk (BPS-11).	(a) At least Second Class Secondary School Certificate or its equivalent qualification from a recognized Board; and  (b) typing speed of thirty (30) words per minute on Computer.	18to30 years.	(i) Thirty three percent by promotion, on the basis of seniority-cum-fitness from amongst the Dispatch riders, Duplicate Machine Operators, Naib Qasids and Farashs having Secondary School Certificate; and  (ii) sixty-seven percent by initial recruitment.  Note: For the purpose of promotion a joint seniority list of Dispatch Riders, Duplicate Machine Operators, Naib Qasids and Farashs etc shall be maintained with reference to the dates of their acquiring the Secondary School Certificate:  Provided that—  (a) if two or more officials have acquired the Secondary School Certificate in the same

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session, the inter-se-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and

(b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.

18.	Assistant -Sub-Inspector (BPS-09).	<p>(a) At least Second Class Intermediate Certificate or its equivalent qualification from a recognized Board; and</p> <p>(b) Height... five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.</p>	18-28 years.	<p>(i) Thirty-three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Head Constables with three years service as such; and</p> <p>(ii) sixty seven percent by initial recruitment.</p>
19.	Head Constable (BPS-07).	<p>(a) At least Second Class Secondary School Certificate or its equivalent qualification from a recognized Board; and</p> <p>(b) Height... five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.</p>	18to28 years.	<p>(i) Thirty-three percent by promotion, <del>from</del> On the basis of seniority-cum-fitness, <del>from</del> amongst the Constables with three years service as such; and</p> <p>(ii) sixty seven percent by initial recruitment.</p>
20.	Driver (BPS-06).	<p>literate with valid driving license of light transport vehicle.</p> <p>Note: Preference will be given to those</p>	18 to 40 years.	By initial recruitment.

*[Handwritten signature]*

		who have relevant experience in driving, repair and maintenance of vehicles.		
21.	Dispatch Rider (BPS-05).	At least Second Class Intermediate Certificate or its equivalent qualification from a recognized Board with valid motorbike license.	18to28 years.	(i) Thirty-three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Drivers, Duplicate Machine Operators and Naib Qasids; and  (ii) sixty seven percent by initial recruitment.  Note:-for the purpose of promotion ,a joint seniority list of the Drivers, Duplicate Machine Operators and Naib Qasids shall be maintained.
22.	Constable (BPS-05).	(a) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and  (b) Height... five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.	18to28 years.	By initial recruitment.
23.	Duplicate Machine Operator (BPS-04).	Preferably literate.	18to40 years.	By initial recruitment.
24.	Naib Qasid (BPS-03).	Preferably literate.	18to40 years.	By initial recruitment.
	Farash (BPS-03).	Preferably literate.	18to40 years.	By initial recruitment.

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26.	Chowkidar (BPS-03).	Preferably literate.	18to40 years.	By initial recruitment.
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SECRETARY TO  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,  
SPORTS, CULTURE, TOURISM, YOUTH AFFAIRS, ARCHAEOLOGY  
AND MUSEUMS DEPARTMENT.

Peshawar, Dated the 31st October, 2017

Ends No. SO (DTS)6-17/2017/Service Rules:-

*12872-95*

Copy is forwarded to:

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. The Registrar, Peshawar High Court, Khyber Pakhtunkhwa, Peshawar.
3. The Registrar, Service Tribunal, Khyber Pakhtunkhwa, Peshawar.
4. The Manager Government Printing Press, Khyber Pakhtunkhwa, Peshawar, with the request to publish in the next issue of Government Gazette. 10 Copies of Gazette Notification when published may be sent to this Department.
5. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar w/r to his letter No. KPPSC/Lit/Reg/S.Rules/F-21/2017 dated 19-05-2017.
6. The Assistant Legal Drafter-IV, Law Department Govt. of Khyber Pakhtunkhwa w/r to her letter No. Reg: 1(2)76/Vol-III/29140-42 dated 25-10-2017.
7. The Director, Tourist Services, Khyber Pakhtunkhwa.
8. PS to Chief Secretary, Khyber Pakhtunkhwa.
9. The Section Officer (Reg-I) Establishment Department, Khyber Pakhtunkhwa, Peshawar.
10. The Section Officer (SR-II) Finance Department, Khyber Pakhtunkhwa, Peshawar.
11. The PS to Minister for Sports, Culture, Youth Affairs, Tourism, Archaeology & Museum Khyber Pakhtunkhwa.
12. The PS to Secretary Sports & Tourism Department Khyber Pakhtunkhwa.

*(Signature)*  
(Mir Rehman) 31/10  
Section Officer (Tourism)

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GOVERNMENT OF KHYBER PAKHTUNKHWA,  
SPORTS, TOURISM, ARCHAEOLOGY, MUSEUMS & YOUTH AFFAIRS DEPARTMENT.

Dated Peshawar 25<sup>th</sup> April, 2022

NOTIFICATION

No. SO(T)/6-17/SSRC/2022/4279-88

In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the Sports, Tourism, Culture, Archaeology, Museums and Youth Affairs Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notification No. SO (DTS) 6-17/2017/Service Rules, dated: 31.10.2017, the following amendments shall made, namely:

AMENDMENTS

- (i) against Serial No. 1, in Column No. 5, for the existing entries, the following shall be substituted, namely:

"By transfer from amongst the PMS / PAS officers.";

- (ii) after Serial No.1, as so amended, the new entries shall be inserted, in the respective Column, namely:

1-A	Additional Director General (BPS-19).	---	---	By promotion, on the basis of seniority-cum-fitness from amongst the holders of the posts of Deputy Director, having seven years service as such:  Provided that if no suitable person is available for promotion, then by transfer from amongst the PMS or PAS officers.
-----	---------------------------------------	-----	-----	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(iii) against Serial No. 2, in Column No. 5, after the words and comma "Assistant Directors", the words, hyphen and comma "Assistant cum-Controller", shall be inserted;

(iv) against Serial Nos.4 and 5, for the existing entries, the following shall be substituted, namely:

*4	Assistant Controller / Assistant Director / Assistant Director-cum-Assistant Controller (BPS-17).	At least Second Class Master's Degree in Tourism and Hospitality, Economics, Public Administration, Business Administration or its equivalent qualification from a recognized University.	22 to 32 years.	<p>(a) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Inspector and Assistant with three years service as such; and</p> <p>(b) twenty percent (20%) by initial recruitment.</p> <p>Note: For the purpose of promotion a joint seniority list of the holders of the posts of Assistant and Inspector shall be maintained.</p>
5	Assistant Director (IT) (BPS-17) and Assistant Director (Planning) (BPS-17).	—	—	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Computer Operator with three years of service as such.”;

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*[Handwritten signature]*

i) against Serial No. 7, in Column No. 5, the words "Assistant and" shall be deleted;

ii) against Serial No.6, in Column No.5, for the existing entries, the following shall be substituted, namely:

39- (a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Accountant with three years service as such; and

(b) fifty percent (50%) by initial recruitment.";

(vii) against Serial No.8, in Column No.5, for the existing entries, the following shall be substituted, namely:

(a) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Sub-Inspector with three years service as such; and

(b) twenty percent (20%) by initial recruitment.";

(viii) against Serial No.10, in Column No.5, for the existing entries, the following shall be substituted, namely:

(a) Seventy five (75%) percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Senior Clerk with at least three years service as such; and

(b) twenty five (25%) percent by initial recruitment.";

(ix) against Serial No.13, in Column No.5, for the existing entries, the following shall be substituted, namely:

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" (a) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant Sub-Inspector with three years service as such; and

(b) twenty percent (20%) by initial recruitment.";

(x) against Serial No.18, in Column No. 5, for the existing entries, the following shall be substituted, namely:

"(a) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Head Constable with three (3) years service as such; and

(b) twenty percent (20%) by initial recruitment.";

(xi) against Serial No.19, in Column No.5, for the existing entries, the following shall be substituted, namely:

"By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Constable with at least three years' service as such"; and

(xii) against Serial No.20, in Column No.5, for the existing entries, the following shall be substituted, namely:



(a) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Chowkidar, subject to eligibility as per required qualification; and

(b) eight percent (80%) by initial recruitment."

Secretary  
Government of Khyber Pakhtunkhwa  
Sports, Tourism, Culture, Archaeology, Museums and  
Youth Affairs Department.

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ndst: No. & Date even: 41-771-88

copy forwarded to:

1. All Administrative Secretaries, Khyber Pakhtunkhwa.
2. Registrar, Peshawar High Court, Peshawar.
3. Registrar, Services Tribunal, Peshawar.
4. Manager, Government Printing Press & Stationary Department, Khyber Pakhtunkhwa with the request to public in the next issue of Govt. Gazette and provide 10 copies of gazette Notification.
5. Secretary, Khyber Pakhtunkhwa Public Service Commission.
6. Director General, Directorate of Tourist Services, Khyber Pakhtunkhwa.
7. PS to Secretary Sports and Tourism Department, Govt. of Khyber Pakhtunkhwa.
8. PA to A.S-I, Sports & Tourism Department.
9. PA to D.S-III, Sports & Tourism Department.
10. Master File.

*J. M. Khan*  
# 25.4.22  
SECTION OFFICER (TOURISM)

(Recd/15/08/21)




No.DTS-PR-5(20)/16- A&E  
Government of Khyber Pakhtunkhwa  
Directorate of Tourist Services  
4<sup>th</sup> Floor, FC Plaza, Sunehri Masjid Road,  
Peshawar, the 09<sup>th</sup> August 2021

-42- "0"

The Section Officer (Tourism)  
Sports, Tourism, Archaeology,  
Youth Affairs & Museums Department  
13-A, Khyber Road, Peshawar

Subject: PROPOSED DRAFT/ AMENDMENT OF SERVICE RULES FOR OFFICER/ OFFICIALS OF DIRECTORATE OF TOURIST SERVICES.


Reference the subject noted above it is stated that Finance Department Committee in its meeting held on 14.01.2021 recommended 12 new posts for this Directorate. Draft is attached for consideration of SSRC, please.

  
Director General

*o/c*

Directorate Of Tourist Services  
4th Floor Peshawar Cantt

09 AUG 2021

ISSUE/DIARY NO. 5551 

Admin Section, DTS

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SR#	Nomenclature of the post.			Qualification			Age			Method of recruitment		
	2			3			4			5		
	Existing	Proposed	Reasons	Existing	Proposed	Reasons	Existing	Proposed	Reasons	Existing	Proposed	Reasons
1.	Director General (BPS-19).		No change			- No change			- No change			- No change
2.	Deputy Director (BPS-18).		No change			- No change			- No change			- No change
3.	Law Officer (BPS-17).		No change	At least Second Class LLB Degree from a recognized University with three (03) years experience at the Bar.		- No change	25 to 35 years.		- No change	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Legal Assistants with three years service as such: Provided that if no suitable person is available for promotion then by initial recruitment; and (ii). fifty percent by initial recruitment.		No change

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### Constitution of Standing Service Rules Committee

Under the provision of Rule 3(2) of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Provincial Government is pleased to constitute with immediate effect and in supersession of Services and General Administration Department Notification No.SOR.II (S&GAD)2(9)/97 dated 12<sup>th</sup> September, 2001, the Standing Service Rules Committee with the following composition:-

- |    |                                                         |                  |
|----|---------------------------------------------------------|------------------|
| 1. | Administrative Secretary concerned                      | Chairman         |
| 2. | Additional Secretary (Regulation)<br>E&A Department     | Member           |
| 3. | Additional Secretary (Regulation)<br>Finance Department | Member           |
| 4. | Additional Secretary<br>Law Department                  | Member           |
| 5. | Head of the attached Department concerned               | Member           |
| 6. | Deputy Secretary(Admn) of the<br>Department concerned   | Member/Secretary |

2. I am further directed to request that the Working Paper for the Standing Service Rules Committee should be prepared in light of instructions issued vide letter No.SOR-I (S&GAD) 1-206/74(A) dated 13<sup>th</sup> October, 1990.

(Authority: Notification No.SOR.VI(E&AD)2-69/2003, dated 29<sup>th</sup> Jan, 2005)

### Framing of Service Rules/Recruitment Rules

I am directed to refer to this department letter No.SOR-I(S&GAD) 4-2/85, dated 4.12.1985, on the subject noted above and to enclose herewith revised proforma (Annexure- 'I' and Annexure-'II') for initiating proposals for framing new Service/Recruitment Rules. The Administrative Departments are requested that all proposals for framing of new Service Rules and amendments in the existing rules should be accompanied by a working paper (six copies) explaining background and justification for the proposal, particularly where existing rules are required to be amended.

2. It is requested that while sending proposals for framing of new Service Rules and making amendments in the existing rules, the qualifications proposed for appointment to posts should suit the requirement of the job.

3. It has been decided that the Law Department/Public Service Commission and Finance Department would in no case delay vetting/ clearance/ concurrence of rules for more than one month.

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Annexure-I

NEW RULES

PROFORMA SHOWING PROPOSED METHOD OF RECRUITMENT APPLICABLE TO THE POSTS IN THE \_\_\_\_\_

S.No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment or by transfer	Minimum qualification for appointment by promotion	Age limit	Method of recruitment
1	2	3	4	5	6

Annexure-II

PROFORMA SHOWING PROPOSED AMENDMENT IN THE EXISTING SERVICE RULES

Nomenclature of the post. (Existing) (Proposed)(Reasons)	Qualification (Existing) (Proposed) (Reasons)	Age (Existing)(Proposed)(Reasons)	Method of recruitment (Existing) (Proposed) (Reasons)
2	3	4	5

Sanction of the post/posts by the Finance Deptt may also be quoted and enclosed.

(Authority; No.SOR-I(S&GAD) 1-206/74(A) Dated Peshawar 13.10.1990)

**Framing of Service/Recruitment Rules.**

I am directed to refer to this Department letter of even number dated 15.10.1998 on the subject noted above and to say that ever since the re-organization of the Standing Service Rules Committee, the Administrative Departments, fix schedule of the Standing Service Rules Committee meetings without consulting S&GAD and Finance Department. Needless to point out that representatives of those Departments do have other important official engagements/commitments.

2. Furthermore, the working papers/proposals for framing of service/ recruitment rules are forwarded to this Department shortly before the meeting. As such it becomes difficult to examine the proposals properly.

3. I am, therefore, directed to request you to kindly ensure that proposals/ working paper for framing/amending the rules shall be furnished to the S&GAD and Finance Department at least seven days, before the date of the meeting. The above instructions may be brought to the notice of all concerned for strict compliance.

(Authority S&GAD letter No.SORII(S&GAD)2(9)/98 dated 24.12.98)



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**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH  
AFFAIRS & MUSEUMS DEPARTMENT.  
13-A, KHYBER ROAD, PESHAWAR CANTT:**

**SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA**

Subject: **POSTING OF MUHAMMAD ARABI (BS-19) AGAINST THE POST OF  
ADDITIONAL DIRECTOR GENERAL (BS-19), DIRECTORATE OF TOURIST  
SERVICES, KHYBER PAKHTUNKHWA**

The Provincial Selection Board (PSB) in its meeting held on 30.07.2021 recommended to promote Muhammad Arabi, Deputy Director, BS-18 to the post of Director General, BS-19 and the same was communicated by Section Officer (PSB) on 04.08.2021. The Board also recommended that the Finance Department shall create a post of Additional Director General (ADG) in Directorate of Tourist Services, Khyber Pakhtunkhwa (Annex-I). Subsequently, the Finance Department created a post of ADG, BS-19 in Directorate of Tourist Services, Khyber Pakhtunkhwa and communicated audit copy of the same to this Department (Annex-II).

2. The Establishment Department on the recommendations of Provincial Selection Board (PSB) in its meeting held on 30.07.2021, promoted Mr. Muhammad Arabi, Deputy Director (BS-18) to the post of Director General (BS-19), Directorate of Tourist Services, Khyber Pakhtunkhwa on regular basis with immediate effect. Moreover, it was intimated that posting / transfer Notification of the above named officer will be issued later on (Annex-III & IV).

3. In light of above, it is therefore proposed that Establishment Department may post Muhammad Arabi (BS-19) against the newly created post of Additional Director General (BS-19), Directorate of Tourist Services, Khyber Pakhtunkhwa with immediate effect.

4. Under Schedule-III of the Khyber Pakhtunkhwa Govt. Rules of Business, 1985, the Chief Minister is the competent authority for the posting / transfer of officers in BS-18 and above (Annex-V).

5. Proposal at Para-3 ante is submitted for approval of Chief Minister, Khyber Pakhtunkhwa, please.

6. Establishment Department may add views en-route, please.

  
(AMER SULTAN TAREEN)  
SECRETARY

**SPORTS, TOURISM, CULTURE,  
YOUTH AFFAIRS, ARCHAEOLOGY  
& MUSEUMS DEPARTMENT**

-47-

7. Summary for Chief Minister, Khyber Pakhtunkhwa moved by Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department regarding posting of Muhammad Arabi (BS-19) against the post of Additional Director General (BS-18), Directorate of Tourist Services, Khyber Pakhtunkhwa has been examined and found in line with the recommendations of the Provincial Selection Board (Annex-I).

8. Proposal of the Administrative Department at Para 3 of the Summary may be submitted for approval of the Chief Minister, Khyber Pakhtunkhwa being competent authority in terms of Schedule III of the Khyber Pakhtunkhwa Govt. Rules of Business, 1985 (Annex-V).

*Jalil*

(Fit. Lt. Retd. Iftikhar Ali Sahoo)  
Secretary Establishment

19 April 2022

Chief Secretary Khyber Pakhtunkhwa

9.

*Para 8 endorsed.*

*HGM*

*[Signature]*  
20/4/22

10. Para - 9/5 is approved

CHIEF SECRETARY  
Govt. of KHYBER PAKHTUNKHWA

*[Signature]*

21-04-2022

Chief Minister

Office of the Chief Minister, Khyber Pakhtunkhwa

*Ch*



-48- "Q" ~~Q~~

**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH AFFAIRS &  
MUSEUMS DEPARTMENT.  
13-A, KHYBER ROAD, PESHAWAR CANTT:**

No: SO (T)/DTS/6-17/2021

Dated Peshawar the 10<sup>th</sup> May, 2022

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department.

Subject: POSTING OF MUHAMMAD ARABI (BS-19) AGAINST THE POST OF ADDITIONAL  
DIRECTOR GENERAL (BS-19), DIRECTORATE OF TOURIST SERVICES,  
KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to Establishment Department letter No. SO(E-I)/E&AD/9-114/2022 dated 01.03.2022 on the subject noted above and to enclose herewith a copy of summary approved by Chief Minister, Khyber Pakhtunkhwa.

2. The approved Para of the summary is reproduced below:

*"Establishment Department may post Muhammad Arabi (BS-19) against the newly created post of Additional Director General (BS-19), Directorate of Tourist Services, Khyber Pakhtunkhwa with immediate effect"*

3. Foregoing in view, it is therefore, requested to take further necessary action accordingly as per approval of Chief Minister, Khyber Pakhtunkhwa, please.

Yours faithfully,

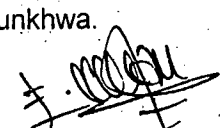
  
SECTION OFFICER (TOURISM)

Endst. and date even:


Copy forwarded to:

1. Director General, Directorate of Tourist Services, Khyber Pakhtunkhwa.
2. PS to Secretary, Sports & Tourism Department, Khyber Pakhtunkhwa.
3. Master File.

Dispatcher  
Directorate Of Tourist Services F C Plaza  
4th Floor Peshawar Cantt.

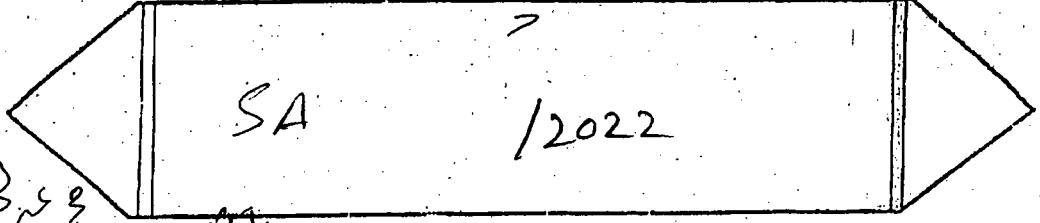
  
SECTION OFFICER (TOURISM)

13 MAY 2022

Signature 374 



بعد الت عالم کنفڈر



محمد عمر بی  
2022ء پنجاب محمد عمر بی

محمد عمر بی

بنام ابورکنٹ وغیرہ

موزخہ

مقدمہ

دعویٰ

ایم

باعث تحریر آنکے

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی اور وائی متعلقہ  
آن مقام گیتا اور کیلئے فضل شاہ سمند ASC + العصغر اللوکنڈ

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثیت فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

باندورت ڈگری کرنے اجراء اور صولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا سائلہ

بواحدہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشین التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا جد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 31 ماہ 20

Accepted  
Part 7

واہ الع

لکھنے کے منظور ہے۔

AAstal & Acafter

بہ مقام

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

879

APPEAL No. .... of 20 ..

Muhammad Arabi

Appellant/Petitioner

Versus

Govt of KP through Chief Secy

RESPONDENT(S)

Respondent (2)  
Govt of KP through Chief Secy

Notice to Appellant/Petitioner

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on ..... at .....

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*[Signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Copy of appeal is attached

*[Signature]*  
11/01/22

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

877

APPEAL No..... of 20<sup>22</sup>.

Muhammad Arabi

Appellant/Petitioner

Versus

Govt of KPK through Chief Secy Pesh.

RESPONDENT(S)

Respondent (3)

Secy, Establishment

Notice to Appellant/Petitioner

Department

Govt of KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 02/04/2022 at 9:30 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*[Handwritten signature]*

*[Handwritten signature]*

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Copy of Appeal is Attached

*[Handwritten signature]*

“A”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR. SB

No.

375

APPEAL No. .... of 20 ..

Mohammad Arabi

Appellant/Petitioner

Versus

Govt of KPK through Chief Secy Peshawar.

RESPONDENT(S)

Report (2) Secy. Sp. Secy. Tourism,

Notice to Appellant/Petitioner

Department of Govt of KPK Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 01/04/2022 at Peshawar.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For R/S

Copy of appeal is Attached

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.