

24.03.2022

Counsel for the appellant present.

Preliminary arguments heard. To come up for order on 25.03.2022 before S.B.



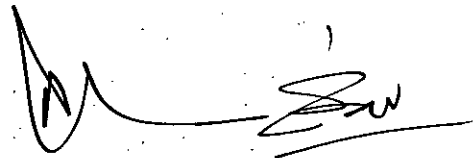
Chairman

25th March, 2022

Learned counsel for the appellant present and submitted an application for withdrawal of the appeal on the ground that instant appeal was filed against the tentative seniority list and by the time present appeal was filed, the department had not issued final seniority list, which according to him, has now been issued and the appellant wants to challenge the same as that would be proper to do.

2. This appeal is, therefore, dismissed as withdrawn in view of request of the appellant. The appellant may file appeal challenging the final seniority list which, if filed, will be decided on its own merits. Consign.

3. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 25th day of March, 2022.



(KALIM ARSHAD KHAN)
Chairman

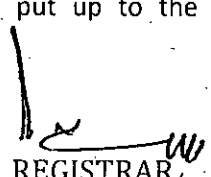

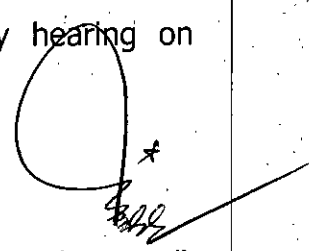


Form- A

FORM OF ORDER SHEET

Court of _____


Case No.- 7839 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge.
1	2	3
1-	03/12/2021	<p>The appeal presented today by Mr. Javed Iqbal Gulbela Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>25/01/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	25.01.2022	<p>Clerk of counsel for the counsel present.</p> <p>Former requests for adjournment due to general strike of the bar. Adjourned. To come up for preliminary hearing on 24.03.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>

The appeal of Mr. Adnan Khan received to-day i.e. on 01.12.2021 which is returned to the counsel for the appellant with the remarks to submit one more copy/set of the appeal along with annexures i.e. complete in all respect within 15 days.

No. 2376 /S.T,

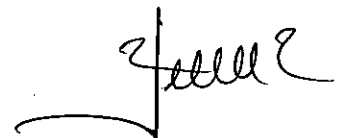
Dt. 02/12 /2021


Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Javed Iqbal Gulbela Adv. Pesh.

Respected Sir,

objection removed resubmitted
after necessary completion.


Javed Iqbal Gulbela
ASC

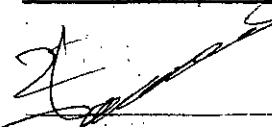
**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Adnan Khan vs Govt of K.P.K & others

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Javed Iqbal Gulbelar</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly pagged?		
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cuttings/overwriting?	✓	✓
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?		
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Javed Iqbal Gulbelar

Signature: 

Dated: 1/12/2021

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A 7839 /2021

Adnan Khan

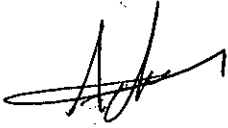
VERSUS

Government of Khyber Pakhtunkhwa & Others

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4	Addresses of parties		8
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6	Copy of W.P. No. 4304-P/2017 AND Order Dated 21-03-2018	"B & C"	10-16
7	Copy of COC No. 328-P/2019 & Order Dated 03-07-2019	"D & E"	17-20
8	Copy of Order Dated 16-12-2019	"F"	21
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10	Copy of impugned order dated 12-08-2021	"H"	25-26
11	Copy of COC No. 380-P/2021 Dated 03-11-2021	"I & J"	27-31
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Dated: 01/12/2021


Appellant

Through


Javed Iqbal Gulbela
Advocate,
Supreme Court of Pakistan.

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

In S.A. 7839 /2021

Diary No. 7954

Dated 01/12/2021

Adnan Khan S/o Muhamad Humayun Khan R/o Rustam Khel,
Khas, District Mardan.

-----Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Tourism, Sports, Culture & Youth Affairs Khyber Pakhtunkhwa at Civil Secretariat, Peshawar.
2. Director General Sports Khyber Pakhtunkhwa, Directorate of Sports, Qayyum Stadium, Peshawar.
3. Hassan Nangyal, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
4. Muhammad Yasir Islam, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
5. Imaad, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
6. Hayat Said, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
7. Muhammad Yousaf, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
8. Wali Khan, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
9. Faheem Hussain, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
10. Salman Babar, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
11. Sabir Rehman, Store Keeper (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
12. Farzand Ali, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
13. Saleem Khan, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.

Filed to day
Registrar

2

14. Arshad Ishfaq, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
15. Meher Alam, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
16. Amjad Iqbal, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
17. Zubair, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
18. Sheheryar, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.

-----Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT -
1974 AGAINST THE IMPUGNED SENIORITY
LIST DATED 05-07-2021 WHEREBY JUNIORS
FROM THE APPELLANT WERE PLACED
AHEAD OF THE APPELLANT, & AGAINST THE
IMPUGNED ORDER DATED 02-08-2021,
WHEREBY THE DEPARTMENTAL
REPRESENTATION OF THE APPELLANT
AGAINST THE IMPUGNED SENIORITY LIST
WAS TURNED DOWN IN A CLASSICAL,
CURSORY AND WHIMSCICAL MANNER.

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family of District Mardan.
2. That initially the Appellant was appointed against the vacant post of caretaker (BPS-07) on fixed pay vide order dated 02-11-2009 in Mardan Sports Complex. (Copy of Appointment order dated 02-11-2009 is annexed herewith as Annexure "A").

3. That it was in this back-drop that the Khyber Pakhtunkhwa Employees (Regularization of Services) Act 2009 was promulgated, but the services of the Appellant was not regularized in pursuance of the ibid Act.
4. That feeling aggrieved, the Appellant preferred a Writ Petition No. 4304-P/2017, before the Hon'ble Peshawar High Court Peshawar, for regularization of his services, and the Hon'ble Peshawar High Court was gracious enough to allow the Writ Petition of the Appellant and due to the same, the services of the Appellant was regularized from the date of his appointment vide Order Dated 21-03-2018. (Copy of W.P No. 4304-P/2017 AND Order Dated 21-03-2018 are annexed herewith as Annexure "B & C").
5. That the respondents were reluctant to implement the highly reverend Orders of the Hon'ble Peshawar High Court Peshawar, which constrained the Appellant to file Contempt of Court Petition No. 328-P/2019, which was disposed of vide order Dated 03-07-2019 with strict directions to calculate the perks and privileges if any which got accrued, pursuant to the regularization and pay the same to the Appellant. (Copy of COC No. 328-P/2019 & Order Dated 03-07-2019 are annexed herewith as Annexure "D & E" respectively).
6. That the Appellant was appointed against the vacant post of Caretaker (BPS-08) on regular basis w.e.f his initial date of appointment i.e 02-11-2009, vide order dated 16-12-2019. (Copy of Order Dated 16-12-2019 is annexed herewith as Annexure "F").
7. That on 05-07-2021, the impugned tentative seniority list of Caretakers / Store Keepers (BPS-08) got circulated whereby, Juniors from the Appellant were placed ahead of the Appellant, which is not only illegal and unlawful, but the same

is liable to be rectified and corrected. (Copy of impugned seniority list is annexed herewith as Annexure "G").

8. That feeling aggrieved, the Appellant preferred an Appeal / Application to the worthy director general Sports Khyber Pakhtunkhwa, but the same was turned down vide impugned order dated 12-08-2021 in a classical, cursory & whimsical manner. (Copy of impugned order dated 12-08-2021 is annexed herewith as Annexure "H").
9. That thereafter, the Appellant moved the Hon'ble Peshawar High Court Peshawar in COC No. 380-P/2021, which was disposed of with the direction to approach the proper forum for redressal of his grievances vide Order Dated 03-11-2021. (Copy of COC No. 380-P/2021 Dated 03-11-2021 is annexed herewith as Annexure "I & J" respectively).
10. That feeling highly aggrieved, the Appellant approaches this Hon'ble Tribunal for modification in the impugned seniority list, upon the following grounds, inter-alia:

Grounds:

- A. That the impugned tentative seniority list is illegal, unlawful and void, hence liable to be modified and corrected.
- B. That where, the services of the Appellant was regularized from the date of initial appointment, i.e. 02-11-2009, then not extending the benefits and privileges, accrued to the Appellant, pursuant to the regularization is illegal and unlawful.
- C. That where the services of the Appellant has been regularized, the same is the ample proof that the Appellant is a regular civil servant from the date of his appointment, i.e. 02-11-2009, then not considering him on top of the seniority list is certainly not justified in any canon of law.

- D. That how can even the Respondents place the Juniors, who got entry in service in the Year 2012 or afterwards, neglecting the services rendered by the Appellant since 2009?
- E. That under the mandate of Article 4 of the Constitution, no one should be treated otherwise than in accordance with law, but here the case is volta-facie and a totally different yardstick has been used to treat the Appellant.
- F. That the law and law courts of the land have always preferred and appreciated that rules are to be followed, and have always discouraged, depreciated, and deplored any variation from rules or its violation.
- G. That such reckless demeanor on part of the Respondents is an unreasonable departure from the Principles of Policy contained within the Constitution requiring them to secure well-being of the Appellant by ensuring equitable adjustment of rights between the employer - Respondents and employee - Appellant.
- H. That the Appellant has been treated as a forgotten child as the Respondents are reluctant in conferring upon his the principles of equality, social and economic justice as enunciated by Islam under the mandate of the Constitution.
- I. That the long-continued service of the Appellant, which depends on length of his service and equity, justifiably desires and requires that having rendered his prime youth and life in the services of the Respondents, the Appellant should not be exploited or hung in dark.
- J. That from every angle, the Appellant is entitled to be placed on top of the seniority list and be given his due placement in the seniority list.

(b)

K. That any other ground not raised here may graciously be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned seniority list dated 05/07/2021 may very graciously be modified / rectified to the extent of the Appellant and by doing so, the Appellant may very graciously be placed at Serial No. 01 of the impugned seniority list with all back benefits.

Any other relief not specifically asked for may also graciously be extended in favor of the appellant in the circumstances of the case.

Dated: 01/12/2021.



Appellant

Through

Javed Iqbal Gulbela
Advocate,
Supreme Court of Pakistan.

Saghir Iqbal Gulbela

&
Ahsan Sardar
Advocates, High Court
Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate.



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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Adnan Khan

VERSUS

Government of Khyber Pakhtunkhwa & Others

AFFIDAVIT

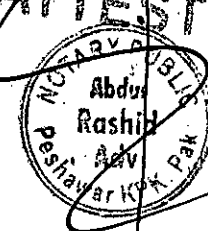
I, Adnan Khan S/o Muhamad Humayun Khan R/o Rustam Khel, Khas, District Mardan, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.


DEPONENT

Identified By:



Javed Iqbal Gulbela
Advocate,
Supreme Court of Pakistan.

ATTESTED

10 1 DEC 2021

(8)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR**

In Re S.A _____/2021

Adnan Khan
VERSUS
Government of Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES

APPELLANT


Adnan Khan S/o Muhamad Humayun Khan R/o Rustam Khel, Khas,
District Mardan.

ADDRESSES OF RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Secretary Tourism, Sports, Culture & Youth Affairs Khyber Pakhtunkhwa at Civil Secretariat, Peshawar.
2. Director General Sports Khyber Pakhtunkhwa, Directorate of Sports, Qayyum Stadium, Peshawar.
3. Hassan Nangyal, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
4. Muhammad Yasir Islam, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
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16. Amjad Iqbal, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
17. Zubair, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.
18. Sheheryar, Care taker (BPS-8), Directorate General of Sports Khyber Pakhtunkhwa Peshawar.

Dated: 01/12/2021

Through


Appellant


Javed Iqbal Gulbela
Advocate,
Supreme Court of Pakistan.

(9)

Ann 'A'

(18)

OFFICE OF THE DISTRICT SPORTS OFFICER,
MARDAN.

NO. 76-79/DSC(M)-2/8-Sports Complex Supervisory
Staff (Fixed Pay Employee).

Dated Mardan the 02/11/2009.

OFFICE ORDER.

Consequent upon the endorsement Order of District Nazim Mardan of date 21/10/2009 Mr. Adnan Khan S/O Mr. Hamayoun Khan R/O Rustam Khel Mardan is hereby appointed as Care Taker for the look after of the Sports Complex Mardan on fixed pay @ Rs, 5000/- (Rs, Five Thousand Only) per month in the interest of public place. The individual will draw his pay from the receipts of Sports Complex Mardan.

dc By Order of
District Nazim Mardan.

NO. 76-79/DSC(M)-2/8-Sports Complex Supervisory Staff.
(Fixed Pay Employee).

Copies to:-

- 1). The District Nazim Mardan.
- 2). The District Coordination Officer, Mardan.
- 3). The Executive District Officer (F&P) Mardan
- 4). Mr. Adnan Khan S/O Hamayoun Khan R/O Rustam Khel Mardan.
- 5). Office Office.

dc District Sports Officer,
Mardan.

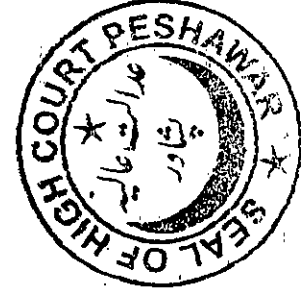
JAVED KOBAL GULBELA
Associate
Supreme Court of Pakistan
(ASC # 5317)

(10)

Ann "B"
1

IN THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 4304/2017



Adnan Khan

S/o Hamayun Khan,
Caretaker, Mardan Sports Complex.
R/o Rustam Khel, District Mardan.

Petitioner

Versus

1. **The Govt. of Khyber Pakhtunkhwa**
through Secretary Sports, Culture & Tourism Department
Civil Secretariat, Peshawar.
2. **The Director General**
Sports & Youth Affairs,
Peshawar Sports Complex, Peshawar Cant.
3. **The District Sports Officer**
Mardan Sports Complex,
Nowshera Road, Mardan

Respondents

WRIT PETITION UNDER ARTICLE, 199 OF THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973.

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That petitioner is permanent resident of District Mardan and has qualified his Intermediate Examination in the year 2007 vide Certificate (Annex:-A). Way back in 2008, multiple vacancies were sanctioned by the Finance Department, Govt. of Khyber Pakhtunkhwa for Mardan Sports Complex including the post of Caretaker (BPS-7) as would be evident from the letter dated 05.08.2008 (Annex:-B).
2. That as per the Service Rules vide Notification dated 01.09.2003 (Annex:-C) the qualification for the post of Caretaker is Intermediate or equivalent qualification from a recognized Board with age limit 18-25 years and the method of recruitment is through initial recruitment.

FILED TODAY
Deputy Registrar

27 OCT 2017

ATTESTED

EXAMINER
Peshawar High Court

06 APR 2018

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(11)

Ann⁹ C^v

Judgment Sheet

PESHAWAR HIGH COURT
PESHAWAR
(Judicial Department)



Writ Petition No. 4304-P/2017

Adnan Khan

Versus

*The Government of Khyber Pakhtunkhwa through
Secretary Sports, Culture & Tourism Department Civil
Secretariat, Peshawar.*

Date of hearing. 21.03.2018

Petitioner By *Khaliq Rehman Advocate*

Respondents. By *Syed Qaiser Ali Shah Advocate*

JUDGMENT

MUSARR AT HILALI:- This writ petition has been filed by the petitioner under Article 199 of the Islamic Republic of Pakistan, 1973 for issuance of a writ to the respondents to act in the matter in accordance with law and regularize the services of petitioner as Caretaker (BPS-7) in Mardan Sports Complex with effect from the

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*JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)*

[Signature]
TESTED
PESHAWAR HIGH COURT
06 APR 2018

date of his appointment with all consequential back benefits.

2. Brief facts, as per averments of the writ petition are that petitioner applied for appointment on the vacant post of Caretaker BPS-7 in Mardan Sports Complex and was appointed on the said post on fixed pay basis vide order dated 02.9.2011 and is still serving as such. During his service, the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 promulgated and according to section 3 of the said Act, the petitioner being in the service of respondents after the promulgation of the Act ibid is entitled to be regularized. It has further been averred in the writ petition that in the year 2016, the respondents published advertisement for filling up the subject post for which the petitioner applied and being entitled for regularization also moved application on 10.8.2017 but with no response and the respondents are now going to fill up the said post. Feeling aggrieved, the instant writ petition has been filed.

Law

ATTESTED
EXAMINER
Peshawar High Court

06 APR 2018

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

3. Comments were called for from the respondents which were accordingly submitted wherein stated that as per the Service and Recruitment Rules of the Directorate General of Sports, the method for recruitment for the post of Care Taker is at least Second class Intermediate Certificate or equivalent qualification from a recognized Board with age limit of 18 to 30, however, the petitioner has passed his Intermediate in 3rd Division and since he has been engaged on fixed pay, therefore, the Act, 2009 is not applicable to his case.

Arguments of learned counsel for the parties heard and record perused.

4. Record reveals that in the year 2009, petitioner moved an application to the District Nazim, Mardan for appointment on the post of Caretaker on fixed pay basis. The contents of the application speaks that he intended to serve on the stated post on fixed pay basis and when the same is advertised, he will apply for his appointment on regular basis.

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ATTENDED
JAVED IOBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)
06 APR 2018

(11)

5. In the year 2008, the Finance Department allocated funds in the budget for creation of 15 numbers of post for District Sports Office Mardan including the post of Care Taker (BPS-7) which was conveyed by Directorate of Sports NWFP, vide letter No. 24/QSC/06 dated 05.8.2008, to the District Sports Officer, Mardan. Therefore, it has become clear that the post on which the petitioner is serving on fixed pay basis is a sanctioned post.

6. According to the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1998 which were existing at that time and notified vide Notification dated 1st September, 2003, the qualification required for the post of Care Taker (BPS-7) is "*Intermediate or equivalent qualification from a recognized Board.*" As the petitioner has started serving on the post in question in the year 2009, therefore, the service rules mentioned above would be applicable to his case and the contention of respondents that the petitioner is lacking the requisite qualification i.e.

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JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

ATTESTED
Poshan Singh
05/07/2009

018

(15)

"Second Class Intermediate Certificate of equivalent qualification from a recognized Board" has no credence.

7. Now coming to the second limb of the case. On 24.10.2009 the North-West Frontier Province Employees (Regularization of Services) Act, 2009 (NWFP ACT No. XVI of 2009) was promulgated section 3 whereof is reproduced below:

"3. Regularization of Services of certain employees. All employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008, or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience."

man

8. In view of the foregoing discussion, the petitioner performing his duty on fixed pay against a sanctioned post and being in service of the respondent department on 22.10.2009 is entitled to be regularized on

ATTESTED

Post

05/10/09

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

16

the post of Caretaker. Resultantly, this writ petition is allowed. The respondents are directed to regularize the services of petitioner on the post of Care Taker from the date of his appointment.

Announced on;
Dated. 21.03.2018

JUDGE

JUDGE

No. 15909
 Date of Presentation 27/3/18
 No of Pages 07
 Copy 1
 Urgent P
 Total 287
 Date of Preparation of 06/4/18
 Date of Delivery of 06/4/18
 Received By [Signature]

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Examined
Peshawar High Court, Peshawar
Authorised by Order No. 57 of
The Qanun-e-Amdad Order 1984

06 APR 2018

D.B Hon'ble Mr. Justice Waqar Ahmad Seth and Hon'ble Justice Musarrat Hilali

Amir

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

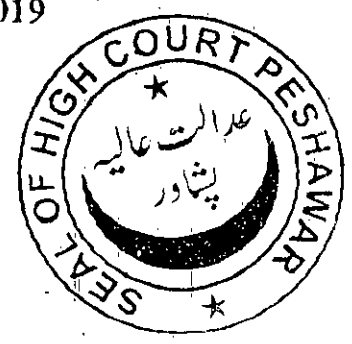
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IN THE PESHAWAR HIGH COURT PESHAWAR

COC No. 328P /2019
IN
W.P. No. 4304-P /2017



Adnan Khan
S/o Hamayun Khan
Caretaker, Mardan Sport Complex,
R/o Rustam Khel, District Mardan.

Petitioner

VERSUS

1. Mr. Rashid Mehmood,
Secretary Sports, Culture & Tourism,
Department Civil Secretariat, Peshawar.
2. Mr. Junaid Khan,
Director General, Sports & Youth Affairs,
Peshawar Sport Complex, Peshawar Capt.
CPO. Peshawar
4. Mr. Kashif Farhan,
District Sports Officer, Mardan Sports Complex,
Nowshera Road, Mardan.

Respondents

Application under Article-204 of the Constitution of Islamic Republic of Pakistan, 1973 read with Sections-3&4 of the Contempt of Court Ordinance, 2003 for initiating contempt of Court proceedings against the Contemnor.

Respectfully Sheweth,

1. That the applicant/Petitioner had filed Writ Petition No.4304-P/2017 in the august Court which was allowed vidè Judgment dated 21.03.2018 (*Annex:-*
A). The operative part of the Judgment is reproduced as below:-

"8. In view of the foregoing discussion, the petitioner performing his duty on fixed pay against a sanctioned post and being in service of the respondent department on 22.10.2009 is entitled to be regularized on the post of Caretaker, Resultantly, this writ petition is allowed. The respondents are directed to regularize the services of petitioner on the post of Caretaker from the date of his appointment.

FILED TODAY
Deputy Registrar
23 APR 2019

ATTESTED
EXAMINER
PESHAWAR HIGH COURT
12 JUL 2019

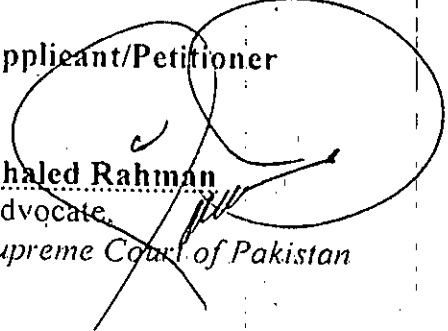
YAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

2. That after obtaining the attested copies of the Judgment, applicant/petitioner provided the same to the Contemnors through an application dated 02.07.2018 (*Annex:-B*) and moreover, the copy of the Judgment has also been transmitted by the Deputy Registrar of this Hon'ble to the Contemnors but inspite of the clear-cut directions of the Hon'ble Court the judgment of the Hon'ble Court has not been implemented.
3. That the acts and omissions of the Contemnors squarely fall within the ambit of the Contempt of the lawful orders of this Hon'ble Court and as such they are liable to be proceeded against for the contempt of the Judgment of the Hon'ble Court and for the punishment under the law.

It is therefore, humbly prayed that on acceptance of this application, the Contempt of Court proceedings may graciously be initiated against the Contemnors and they may be punished accordingly.

Through

Applicant/Petitioner


Khaled Rahman
Advocate
Supreme Court of Pakistan

Dated: 22 /04/2019

FILED TODAY
Deputy Registrar
23 APR 2019

ATTESTED
EXAMINER
Peshawar High Court
12 JUL 2019

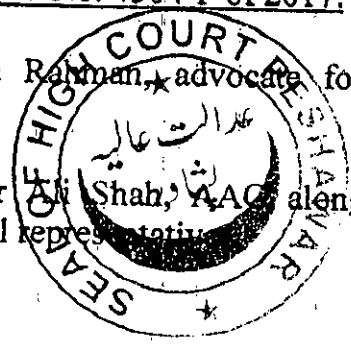
JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
03.07.2019	<p><u>COC No. 328-P/2019 in WP No. 4304-P of 2017.</u></p> <p>Present: Mr. Khaled Rahman, *advocate for the petitioner.</p> <p>Syed Qaiser Ali Shah, AAO alongwith departmental representative.</p> <p>*****</p> <p><u>WAQAR AHMAD SETH, CJ:-</u> Petitioner Adnan Khan son of Hamayun Khan, Caretaker, has directed this contempt petition for initiating of contempt of court proceedings against respondents on the ground that they are flouting the judgment of this Court dated 21.03.2018, rendered in WP No. 4304-P of 2017.</p> <p>2. Today, at the very outset, learned Addl. Advocate General while producing officer order No. 1/Court Case Adnan Mardan / 19 dated 27.06.2019 informs the Court that judgment of this Court quoted above has since been complied with by respondents-departments in letter and spirit as petitioner according to the judgment of this Court has been regularized with</p>



JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

effect from the date of his appointment i.e. 22.10.2009, requested for summarily disposal of the contempt petition. Learned counsel for petitioner when confronted though he accedes the regularization order of petitioners but was of the view that pursuant to the regularization perks and privileges have not been calculated, which ought to be given to the petitioner. Learned AAG, on this state at the bar that regularization of petitioner is conditional subject to the outcome of CPLA, but despite that petitioner may approach the respondents-department for redressal.

3. In view of the above, this contempt petition has served its purpose disposed of as such, however respondents are directed to calculate the perks & privileges if any accrued pursuant to the regularization and pay the same to petitioner, within thirty days, positively.

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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8.7 of
The Qanun-e-Shahadat Order 1984

12 JUL 2019

Chief Justice



Judge

JAVED IZAZAT GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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Sports are essential for the development of a happy, healthy & vigorous society

**DIRECTORATE GENERAL OF SPORTS
KHYBER PAKHTUNKHWA**

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT.

Ph: # 9212767, Fax # 9212766

Dated Peshawar, the 16th December, 2019

OFFICE ORDER

No. 1/Court Case Adnan Mardan/19: In compliance of Peshawar High Court's order, dated 21-03-2018, in Writ Petition No. 4304-P/2017, titled Adnan Khan V/S Government of the Khyber Pakhtunkhwa and Supreme Court of Pakistan judgement dated 23-08-2019 in Civil Petition No. 424-P of 2018, the Competent Authority is pleased to appoint **Mr. Adnan Khan S/O Hamayun Khan R/O Rustam Khel, District Mardan** against the vacant post of Care Taker (BPS-08), in the Regional Sports Office, Mardan, on regular basis, with effect from his date of appointment i.e. **02-11-2009**.

DIRECTOR GENERAL

Dated 16-12-2019

Encl: No. 1/Court Case Adnan Mardan/19.

Copy forwarded for information & necessary action to the:-

1. Registrar, Peshawar High Court, Peshawar.
2. Advocate General, Khyber Pakhtunkhwa, Peshawar.
3. Advocate-on-Record, Advocate General Office, Peshawar.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.
5. District Accounts Officer, Mardan.
6. Section Officer (Sports), Sports & Youth Affairs Department, Khyber Pakhtunkhwa, Peshawar.
7. Regional Sports Officer, Mardan.
8. ✓ Mr. Adnan Khan S/O Hamayun Khan R/O Rustam Khel, District Mardan.
9. Personal file of the official concerned.

DIRECTOR GENERAL

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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Sports are Essential for the Development of a Happy Healthy & Vigorous Society
DIRECTORATE GENERAL OF SPORTS
KHYBER PAKHTUNKHWA
PESHAWAR SPORTS COMPLEX PESHAWAR CANTT.
PH# 9212767, FAX# 9212766.

No.17/ Seniority/ 2020

Dated Peshawar, the 05-07-2021

To

All Care Takers/ Store Keeper (BPS-08),
o/o D.G Sports Khyber Pakhtunkhwa,
& Regional/ District Sports Offices in Khyber Pakhtunkhwa.

Subject: TENTATIVE SENIORITY LIST.

Reference to the subject noted above and to enclose herewith a copy of tentative seniority list of Care Takers & Store Keeper (BPS-08) of the Directorate General of Sports & Regional/ District Sports Offices in Khyber Pakhtunkhwa as stood on 05-7-2021 for your perusal and objection, if any.

You are hereby directed to submit your objections (if any) to this Directorate within fifteen (15) days time positively. The objections received after the expiry of said date will not be considered/ entertained.

Encl: As above.

DIRECTOR (OPERATION)

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Dated: 05-07-2021

TENTATIVE SENIORITY LIST OF CARE TAKER & STORE KEEPER (BPS-08)

Total Sanctioned Posts: 19,

Vacant Posts: 01

S.No.	Name of Official and Designation	Academic Qualification	D.O.B	Domicile	Date of 1 st Entry into Govt. Service	Date of regular appointment / promotion to the present post:			Method of Recruitment / Appointment	Date of Adjustment in the District Sports Office	Name of Department from where declared surplus	Remarks
						Post	BPS	Date				
1.	Hassan Nangyal	F.A	06-10-1986	Peshawar	17-12-2012	Care Taker	BPS-08	17-12-2012	By Initial recruitment	--	--	--
2.	M. Yasir Islam	F.A	01-07-1987	Peshawar	17-12-2012	Care Taker	BPS-08	17-12-2012	By Initial recruitment	--	--	--
3.	Imaad	B.A	23-08-1985	Peshawar	10-01-2013	Care Taker	BPS-08	10-01-2013	By Initial recruitment	--	--	--
4.	Hayat Said	B.A	22-02-1981	Mardan	06-05-2017	Care Taker	BPS-08	06-05-2017	By Initial recruitment	--	--	--
5.	Muhammad Yousaf	Matric	01-03-1982	Peshawar	29-03-2010	Care Taker	BPS-08	14-05-2019	By promotion	--	--	--
6.	Wali Khan	Matric	01-06-1973	Peshawar	29-03-2010	Care Taker	BPS-08	14-05-2019	By promotion	--	--	--
7.	Faheem Hussain	Nil	19-08-1981	Peshawar	29-03-2010	Care Taker	BPS-08	14-05-2019	By promotion	--	--	--
8.	Salman Baber	Matric	04-02-1989	Peshawar	29-03-2010	Care Taker	BPS-08	14-05-2019	By promotion	--	--	--
9.	Sabir Rehman	Matric	16-07-1982	Chitral	14-10-2010	Store Keeper	BPS-08	14-05-2019	By promotion	--	--	--
10.	Farzand Ali	B.A	10-11-1970	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	--	--	--
11.	Salceem Khan	Matric	1973	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	--	--	--

JAVED IQBAL GULBELA
 Advocate
 Supreme Court of Pakistan
 (ASC # 5317)

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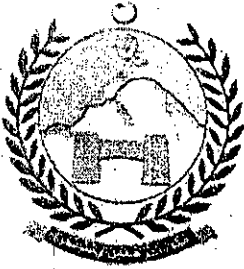
S.No	Name of Official and Designation	Academic Qualification	D.O.B	Domicile	Date of Entry into Govt. Service	Date of regular appointment / promotion to the present post			Method of Recruitment / Appointment	Date of Adjustment in the District Sports Office	Name of Department from where declared surplus	Remarks
						Post	BPS	Date				
12	Arshad Ishfaq	Nil	10-11-1976	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	--	--	--
13	Mehar Alam	Matric	05-02-1982	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	--	--	--
14	Amjad Iqbal	Nil	10-02-1982	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	--	--	--
15	Zubair	M.S.C M.A J.L.B	08-04-1991	D.I.Khan	15-08-2019	Care Taker	BPS-08	14-05-2019	By initial recruitment	--	--	--
16	Sheryar	B.S.	30-10-1994	Peshawar	19-08-2019	Care Taker	BPS-08	19-08-2019	By initial recruitment	--	--	--
17	Adnan	B.A	01-03-1985	Mardan	18-09-2019	Care Taker	BPS-08	18-09-2019	By Initial recruitment	--	--	--
18	Sikandar Zaman	M.S.C	29-04-1993	Peshawar	10-07-2020	Care Taker	BPS-08	10-07-2020	By initial recruitment	--	--	--

JAVED IQBAL (ASCO # 5371)
 Supreme Court of Pakistan
 Caretaker

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(25)

Sports are essential for the development of a happy, healthy & vigorous society



DIRECTORATE GENERAL OF SPORTS
KHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT.
Ph: # 9212767. Fax # 9212766

No. 17/Seniority List/2020

Dated Peshawar, the 12th August, 2021.

To

Mr. Adnan Khan Care Taker,
o/o of the Regional Sports Officer,
Mardan.


Subject: - TENTATIVE SENIORITY LIST.

Reference your application dated 13-07-2021 on the subject noted above.

It is pointed out that as per judgment of the Peshawar High Court, Peshawar dated 21-03-2018 your service have been regularized under the NWFP Employees (Regularization of Services) Act, 2009 (NWFP ACT No. XVI of 2009). Sub section 1 of section 4 of the said Act provides that " the employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective services or cadre, irrespective of their actual date of appointment.

In view of the above your request for correction in the tentative seniority list is not covered under the above referred Act under which your service has been regularized.


DIRECTOR GENERAL


JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

To

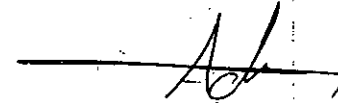
The Director General of Sports,
Khyber Pakhtunkhwa,
Peshawar.

(26)

R/Sir,

With due respect, it is submitted for your kind information that your good office has furnished seniority list of caretaker BPS 08, I Mr. Adnan Khan of Regional Sports Office Mardan have checked and found some anomalies including **(Name, Date of 1st Entry into Government Service and Date of regular appointment /Promotion to the present post)** in the seniority list. I would like to request you to please correct the above heads, my relevant documents are attached herewith including **(Court Decision and Office Order)** for further processing please.

Date: 13-7-2021



Name: **Mr. Adnan Khan**
Designation: Caretaker BPS 08
Address: Mohallah Rustam Khel
Mardan Khass

JAVED GIBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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IN THE PESHAWAR HIGH COURT PESHAWAR

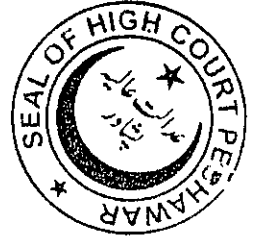
COC No. 3801 /2021

IN

COC No. 328 /2019

IN

W.P. No. 4304-P /2017



Adnan Khan

S/o Hamayun Khan

Caretaker, Mardan Sport Complex,

R/o Rustam Khel, District Mardan.

Petitioner

VERSUS

1. Mr. Abid Majeed,
Secretary Sports, Culture & Tourism,
Department Civil Secretariat, Peshawar.

2. Mr. Asfandyar Khattak,
Director General, Sports & Youth Affairs,
Peshawar Sport Complex, Peshawar Cant.
CPO, Peshawar

Respondents

Application under Article-204 of the Constitution of Islamic Republic of Pakistan, 1973 read with Sections-3&4 of the Contempt of Court Ordinance, 2003 for initiating contempt of Court proceedings against the Contemnor.

Respectfully Sheweth,

1. That the applicant/Petitioner had filed Writ Petition No.4304-P/2017 in the august Court which was allowed vide Judgment dated 21.03.2018 (Annex:- A). The operative part of the Judgment is reproduced as below:-

"8. In view of the foregoing discussion, the petitioner performing his duty on fixed pay against a sanctioned post and being in service of the respondent department on 22.10.2009 is entitled to be regularized on the post of Caretaker, Resultantly, this writ petition is allowed. The respondents are directed to regularize the services of petitioner on the post of Caretaker from the date of his appointment.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC N 5317)

FILED TODAY ATTESTED
Deputy Registrar EXAMINER
Peshawar High Court
30 AUG 2021

2. That after obtaining the attested copies of the Judgment, applicant/petitioner provided the same to the Contemnors through an application dated 02.07.2018 and moreover, the copy of the Judgment has also been transmitted by the Deputy Registrar of this Hon'ble to the Contemnors but inspite of the clear-cut directions of the Hon'ble Court the judgment of the Hon'ble Court has not been implemented but they were reluctant to comply with.
3. That applicant/petitioner was constrained to file COC No. 328/2019 before this Hon'ble Court wherein Respondents were summoned who appeared and produced a conditional order of regularization dated 16.12.2019 (Annex:-B). The COC was disposed of vide order dated 03.07.2019 (Annex:-C) to pay financial benefits within 30 days.
4. That since Respondents/Department being aggrieved of the judgment dated 21.03.2018 of this Hon'ble Court assailed the same before the Apex Court but the same was dismissed on 23.08.2019 (Annex:-D). Consequently, the services of the applicant/petitioner were regularized with effect from his date of appointment i.e. 02.11.2009 as is evident from the office order dated 16.12.2019.
5. That Petitioner was allowed financial benefits w.e.f. the date of initial appointment but denied the benefit of seniority in violation of law as they circulated Tentative Seniority List (Annex:-E) of the Caretaker & Storekeeper (BPS-08) wherein applicant/petitioner was placed at Serial No.17 by mentioning to be appointed on 18.09.2019 therein thus, he moved an application (Annex:-F) for correction of the same in light of the judgment of this Hon'ble Court but was unlawfully turned down vide letter dated 12.08.2021 (Annex:-G) by misinterpreting the law which is clear negation the judgment of the this Hon'ble Court.
6. That the acts and omissions of the Contemnors squarely fall within the ambit of the Contempt of the lawful orders of this Hon'ble Court and as such they are liable to be proceeded against for the contempt of the

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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ATTESTED
Deputy Registrar **EXAMINER**
Peshawar High Court
30 AUG 2021

Judgment of the Hon'ble Court and for the punishment under the law.

It is therefore, humbly prayed that on acceptance of this application, the Contempt of Court proceedings may graciously be initiated against the Contemnors and they may be punished accordingly.

Through Applicant/Petitioner

Muhammad Amin Ayub
Muhammad Amin Ayub

MALAKHANI, S. C. S. S. S.
Advocates, High Court

Dated: ___/08/2021

[Signature]

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EXAMINER
Cashewar High Court, Peshawar
Authorized Under Article 57 of
The Qanun-e-Shahadat Order, 1988

08 NOV 2021

FILED TODAY
Deputy Registrar
30 AUG 2021

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

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**JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT**

Cr. Misc. (COC) No.380-P/2021 in COC No.328-P/2019

in

Writ Petition No.4304-P/2017 (D).



JUDGMENT

Date of hearing : 03.11.2021.
Petitioner : By Mr. Zartaj Anwar,
Advocate.
Respondent(s) : By Malik Akhtar Hussain,
AAG.

QAISER RASHID KHAN, CJ.- The petitioner

has filed the instant petition for initiation of contempt proceedings against the respondents on account of the violation of the judgment of this court dated 21.03.2018 in WP No.4304-P/2017 followed by judgment dated 3.7.2019 in Cr. Misc. (COC) No.328-P/2019.

2. After having argued the petition at a certain length, lastly the learned counsel for the petitioner states that though the other grievances of the petitioner have been redressed whereby he has been regularized in service from the date of his appointment and also received his monetary back benefits but his due seniority has not been given to

Aliq Hussain, CS

(DB) Chief Justice Qaiser Rashid Khan
Justice S.M. Attique Shah

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

ATTESTED,
EXAMINER
Peshawar High Court


him. He states that he would approach the proper forum for the redressal of such grievance of the petitioner qua his seniority.

3. Accordingly, this petition stands disposed of.

Announced.
Dated: 03.11.2021.


CHIEF JUSTICE

No. 13226
Date of Presentation of Application 02/11/2021
No of Pages 6
Copying fee _____
Total 141
Date of Preparation of Copy 02/11/2021
Date of Delivery of Copy 02/11/2021
Received By A. M. M.


JUDGE
EXAMINED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan
08 NOV 2021

JAVED IQBAL GVLBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

وکالت نامہ

عدالت: سرس ٹرائیبل کے

عدنان خان بنام حکومت سندھ

منجانب ایڈوائٹ، دعویٰ سرس ایپل

تاریخ

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے کلاسٹ پیروی و جوابدہی

مقام کے لیے جاوید اقبال گل بیلہ ایڈووکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص روبرو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار ادا واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم اتنا ہی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند ہے۔

مورخہ 01-12-2021 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted
by

Ahsen

Jullor

عدنان خان

IN THE HON'BLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

CM No. _____/2022

In S.A # 7839/2021

Adnan Khan

Versus

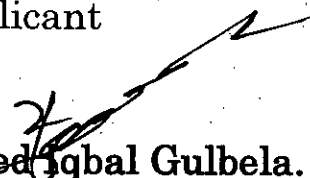
Govt of KPK and Others

INDEX

<i>S#</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
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Applicant

Through


Javed Iqbal Gulbela.
Advocate, Supreme Court
of Pakistan.

Saghir Iqbal Gulbela.
Advocate, High Court
Peshawar.

Dated: 24/03/2022

(1)

IN THE HON'BLE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

CM — /2022
in
Appeal No. 7839 /2022

POF
25/3/22

Adnan Khan

Versus

Government of Khyber Pakhtunkhwa and others

APPLICATION FOR WITHDRAWAL OF

THE INSTANT APPEAL

Respectfully Sheweth:-

A. That the above captioned appeal is pending adjudication before this Hon'ble Tribunal which is fixed for 25/03/2022.

B. That the appellant file the instant appeal against the tentative seniority list, it is pertinent to mentioned here that the respondent department now issued final seniority list, made promotion on the basis of final seniority list, from which the appellant is aggrieved and want to challenge the same before the departmental appellate forum, therefore wants to withdraw the instant appeal. (Copies of final seniority list and promotion order are annexed).

C. That due to the said reasons appellant wishes to withdraw the captioned appeal.

2

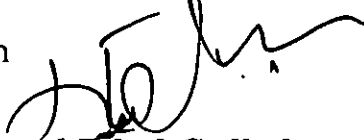
D. That there is no legal bar in the way of withdrawal of the instant appeal.

It is, therefore, prayed that on acceptance of this application the mentioned appeal may kindly be withdrawn, with permission to file fresh appeal when ever need is arraised.

Dated: 25-03-2022

Accused/Petitioner

Through



Javed Iqbal Gulbela

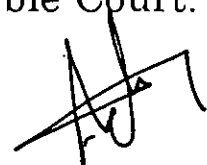
Advocate, Supreme Court
Of Pakistan.

AFFIDAVIT

I, Adnan Khan S/o Muhammad Humayun Khan R/o rustam Khel, Khas District Mardan, do hereby solemnly affirm and declare that all the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.



25-1



Deponent

16101-0192324-7

FINAL SENIORITY LIST OF CARE TAKERS & STORE KEEPER (BPS-08) OF THE DIRECTORATE

17/Seniority List/Q.S.C/2020 In pursuance of section-8 of Khyber Pakhtunkhwa Civil Servants Act, 1974 and Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989, the final seniority list of Care Takers/ Store Keepers sanctioned posts: 19 posts

filled posts: 18

Name of official	Academic qualification	Date of birth	Domicile	Date of 1 st entry into govt. service	Date of regular appointment or promotion to the present post		
					Post	BPS	
Hassan Nangyal	F.A	06-10-1986	Peshawar	17-12-2012	Care Taker	BPS-08	17
M. Yasir Islam	F.A	01-07-1987	Peshawar	17-12-2012	Care Taker	BPS-08	17
Imaad	B.A	23-08-1985	Peshawar	10-01-2013	Care Taker	BPS-08	17
Hayat Suid	B.A	22-02-1981	Mardan	06-05-2017	Care Taker	BPS-08	17
Wali Khan	Matric	01-06-1973	Peshawar	29-03-2010	Care Taker	BPS-08	17

Name of official	Academic qualification	Date of birth	Domicile	Date of 1 st entry into govt. service	Date of regular appointment / promotion to the present post			Method of recruitment / appointment	Date of adjustment in the District Sports Office
					Post	BPS	Date		
Abdool Hussain	oo	10-09-1981	Peshawar	29-03-2010	Care Taker	BPS-08	14-05-2019	By promotion	-
Muhammad Yusuf	Matric	01-03-1982	Peshawar	29-03-2010	Care Taker	BPS-08	14-05-2019	By promotion	-
Sabnan Baber	Matric	04-02-1989	Peshawar	29-03-2010	Care Taker	BPS-08	14-05-2019	By promotion	-
Sayyid Rehman	Matric	16-07-1982	Chitral	14-10-2010	Store Keeper	BPS-08	14-05-2019	By promotion	-
Ezzard Ali	B.A	10-11-1970	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	-
Saleem Khan	Matric	1973	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	-
Ashad Ishfaq	8 th	10-11-1976	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	-
Mohar Alam	Matric	05-02-1982	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	-
Azizul Iqbal	8 th	10-02-1982	Peshawar	17-12-2012	Care Taker	BPS-08	14-05-2019	By promotion	-
Zahar	M.S.C M.A LL.B	08-04-1991	D.I.Khan	15-08-2019	Care Taker	BPS-08	15-08-2019	By initial recruitment	-
Shayar	B.S	30-10-1994	Peshawar	19-08-2019	Care Taker	BPS-08	19-08-2019	By initial recruitment	-

(43)

3.8

Name of official	Academic qualification	Date of birth	Domicile	Date of 1 st entry into govt: service	Date of regular appointment / promotion to the present post		
					Post	BPS	Date
Adnan	B.A	01-03-1985	Mardan	18-09-2019	Care Taker	BPS-08	18-09-201
Standar Zaman	M.S.C	29-04-1993	Peshawar	10-07-2020	Care Taker	BPS-08	10-07-20

Forwarded for information to the:-

Officer (Sports), Sports & Youth Affairs Department Khyber Pakhtunkhwa.

concerned.



Sports are essential for the development of a happy, healthy & vigorous society

**DIRECTORATE GENERAL OF SPORTS
KHYBER PAKHTUNKHWA**

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT.
Ph. # 9212767, Fax # 9212766

Dated Peshawar, the 8th of December, 2021

OFFICE ORDER:

No.17/Promotion/OSC//2021: In pursuance of the recommendation of Departmental Promotion Committee (DPC) in its meeting held on 08-12-2021, the following Care Takers (BPS-08) of the Directorate General of Sports Khyber Pakhtunkhwa are hereby promoted to the rank of Supervisor (BPS-15) respectively with immediate effect:-

1. Mr. Hassan Nangyal
2. Mr. Yasir Islam
3. Mr. Imad Hassan
4. Mr. Hayat Said
5. Mr. Wali Khan
6. Mr. Fahem Hussain
7. Mr. Yousaf Khan

Their services will be on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973.


DIRECTOR GENERAL

Endst No. & Date even

Copy forwarded for information and necessary action to the:-

1. Director (Operation) o/o D.G Sports Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Sports), Sports and Youth Affairs Department, Khyber Pakhtunkhwa, Peshawar.
3. Officials concerned.
4. Office file.


DIRECTOR GENERAL