

28.09.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought further time for submission of written reply/comments. Last chance is given to the respondents to submit written reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for submission of written reply/comments on 24.10.2022 before the D.B at Camp Court D.I.Khan.



(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

24.10.2022

Appellant in person present.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Zakir Ullah Assistant Director for respondents present.

Representative of respondents requested for time to submit reply/comments; granted but on payment of cost of Rs. 2000/- to be paid in Court through proper receipt which will later on be paid to the appellant. To come up for reply/comments 22.11.2022 before S.B at Camp Court, D.I.Khan.



(Rozina Rehman)  
Member (J)  
Camp Court, D.I.Khan

30<sup>th</sup> June 2022

Appellant alongwith his counsel present. Muhammad Adeel Butt, AAG alongwith Mr. Zakir Ullah A.D (Sports) on behalf of official respondents No. 2 & 3 present.

Mr. Jalal-ud-din, Advocate is present and submitted that he is representing the respondent No. 2 to 4. Learned counsel Mr. Muhammad Yousaf Khan, Advocate submitted Wakalatnama on behalf of the appellant and has at the very outset stated that a private counsel cannot represent the government in a matter in which the government is party. The learned counsel appearing on behalf of respondents No. 2 to 4 submitted that he was legal advisor of respondents No. 2 & 3. Without entering into this controversy as the law officers already present in the court are representing the government, let the respondent be given an opportunity to submit reply duly signed by them and the affidavit/verification should also be signed by the respondents themselves, on or before next date. To come up for written reply/comments before the S.B on 27.07.2022 at Camp Court, D.I.Khan. The impugned order dated 17.03.2022, shall remain suspended till the next date.



(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan


27/07/2022

Due to Summer vacation case  
up 28/08/2022

Reader

20<sup>th</sup> June, 2022

Appellant alongwith his counsel present.

Learned counsel for the appellant submits that the appellant was transferred vide notification No. SO(Sports) 1-5/2022/4799-4807 dated 27.01.2022 from the post of Regional Sports Officer, Bannu and was posted as District Sports Officer DIK with additional charge of the post of Regional Sports Officer, D.I.Khan but within two months he was again transferred on 17.03.2022 from the post of Regional Sports Officer, D.I.Khan and was directed to be retained as RSO, Bannu in his own pay and scale. Against the impugned order dated 17.03.2022, he filed departmental appeal on 18.03.2022 and awaiting ninety days when he did not receive any response from the department regarding decision of his representation, he filed this appeal which is within time. Let this appeal be admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 30.06.2022 before S.B at camp court D.I.Khan 

As to the application for suspension of the operation of the impugned order dated 17.03.2022, it is directed that the operation of the impugned order shall stand suspended till the next date subject to the notices to the other side.



(Kalim Arshad Khan)  
Chairman

Rs-600/-  
Appellant Deposited  
Security & Process Fee

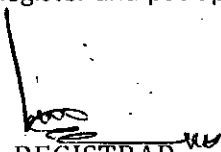
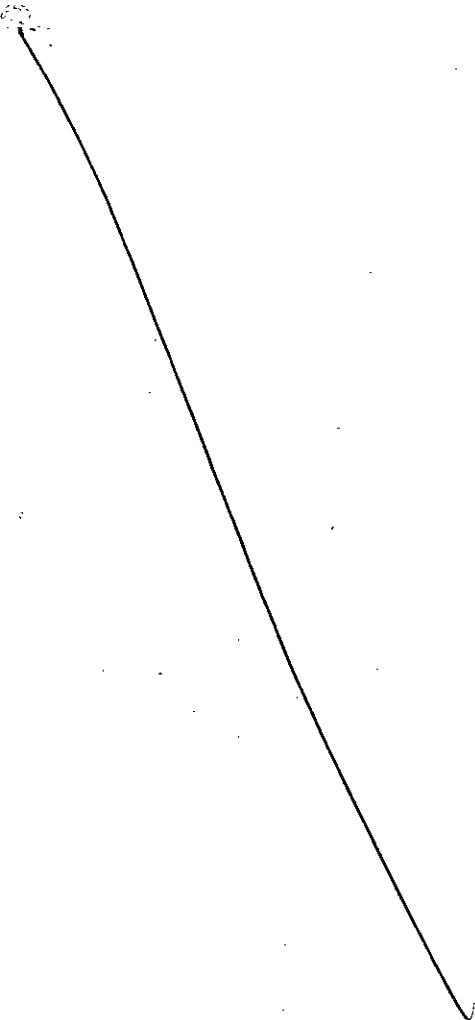
A. J. 21/6/22

Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 926/2022

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1-    | 20/06/2022                | <p>The appeal of Mr. Anwar Kamal Burki presented today by Mr. Waqar Khalil 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;"><br/>REGISTRAR</p> <p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">CHAIRMAN</p>  |

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 926 /2022

**Anwar Kamal Burki**

**Versus**

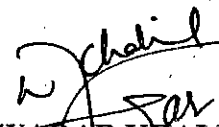
**Government of Khyber Pakhtunkhwa through Secretary Sports and others**

**INDEX**

| S.No | Description of documents               | Annex | Pages |
|------|--|-------|-------|
| 1.   | Memo of Appeal along with Affidavit    |       | 1-8   |
| 2.   | Addresses of Parties                   |       | 9     |
| 3.   |  |       |       |
| 4.   | Copy of Notification dated 27.01.2022  | A     | 10-12 |
| 5.   | Copy of Notifications dated 17.03.2021 | B     | 13-14 |
| 6.   | Copy of Representation                 | C     | 15-17 |
| 7.   | Notice and Court Fee                   |       |       |
| 8.   | Wakalat Nama                           |       |       |

**APPELLANT**

**Through**

  
**WAQAR KHALIL**  
Advocate High Court(s)

(1)

**BEFORE THE KHYBER PUKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

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

**Anwar Kamal Burki,**  
District Sports Officer,  
Dera Ismail Khan, Khyber Pakhtunkhwa.

...APPELLANT

Versus

1. **The Government of Khyber Pakhtunkhwa,**  
Through Chief Secretary,  
Civil Secretariat, Peshawar.
2. **Secretary to Government of Khyber Pakhtunkhwa,**  
Sports, Tourism, Culture, Archaeology,  
Museums and Youth Affairs Department,  
Civil Secretariat, Peshawar.
3. **Director General, Khyber Pakhtunkhwa,**  
Sports, Tourism, Culture, Archaeology,  
Museums and Youth Affairs Department,  
Civil Secretariat, Peshawar.
4. **Assistant Director (H.Q),**  
Directorate General of Sports, Khyber Pakhtunkhwa,  
Peshawar.

.....Respondents

---

**APPEAL UNDER SECTION 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974**  
**AGAINST THE ORDER DATED 17.03.2022 WHEREBY**  
**THE APPELLANT HAS BEEN PREMATURELY**  
**TRANSFERRED FROM THE POST OF REGIONAL**  
**SPORTS OFFICER D.I. KHAN AND DIRECTED TO**  
**REPORT TO THE DIRECTORATE GENERAL OF**

(2)

SPORTS AS REGIONAL SPORTS OFFICER, BANNU,  
AGAINST WHICH HIS DEPARTMENTAL APPEAL  
FILED BY THE APPELLANT HAS NOT REPLIED.

PRAYER:

BY ALLOWING THE PRESENT APPEAL THIS  
HONOURABLE TRIBUNAL MAY GRACIOUSLY SET-  
ASIDE THE IMPUGNED NOTIFICATION DATED  
17.03.2022 AS THE SAME IS ILLEGAL, UNLAWFUL,  
ARBITRARY, WITHOUT ANY LAWFUL AUTHORITY,  
VOID AB INITIO AND INEFFECTIVE UPON THE  
RIGHTS OF THE APPELLANT AND ALLOW THE  
APPELLANT TO CONTINUE HIS SERVICES AS  
DISTRICT SPORTS OFFICER, DERA ISMAIL KHAN.

RESPECTFULLY SHEWETH:

1. That the Appellant was initially appointed as Deputy District Sports Officer (BS-17) through Public Service Commission in the year 2005 in the Department of Sports, Culture, Tourism, Archaeology, Museums and Youth Affairs. Later on in the year 2017, the Appellant was promoted to the post of District Sports Officer (BS-18).
2. That the Appellant was transferred to the post of District Sports Officer Dera Isamil Khan and he was also assigned an additional charge of Regional Sports Officer, Dera Isamil Khan vide Notification dated 27.01.2022.

(Copy of Notification dated 27.01.2022 is annexed herewith marked as "A")

3

3. **That** the Appellant was shocked when he came to know that after a lapse of two months, the competent authority/ Respondent No. 2 vide impugned Notification dated 17.03.2022, prematurely transferred the Appellant from the aforementioned post and has been directed to take charge as Regional Sports Officer Bannu, with immediate effect. Needless to mention that the Appellant was posted as District Sports Officer vide order dated: 27/01/2022 and was assigned the additional charge of Regional Sports Officer.

*(Copy of Notifications dated 17.03.2021 is annexed herewith marked as "B")*

4. **That** it is pertinent to mention that as per the posting/ transfer policy of the Government of Khyber Pakhtunkhwa, the period of tenure currently in field is three years, while the Appellant has been transferred prematurely after serving for two months without an exigency of service or plausible reason.

5. **That** it is of relevance to state here that in District Dera Ismail Khan there are two posts one is **Regional Sports Officer** while the other is **District Sports Officer**. Through the impugned order 17/03/2022, one Razi Ullah has been posted as Regional Sports Officer Dera Ismail Khan, which was retained by the Appellant on additional charge basis. As mentioned in the preceding paragraph the Appellant was posted as District Sports Officer Dera Ismail Khan vide order dated: 27/01/2022 and was only having additional charge of Regional Sports Officer

6. **That** its quite surprising that in the impugned order the Appellant has been transferred/ directed to relinquish the post i.e. Regional Sports Officer which was retained/ occupied by the Appellant on additional charge basis. Malafide is apparent.

7. **That** the Appellant filed representation before the competent authority, however the same has not been replied to.

*(Copy of Representation is annexed herewith marked as "C")*

8. **That** the Appellant aggrieved of the conduct of the Respondents filed the present appeal under the enabling provisions of the Act.

9. **That** the Appellant seeks the indulgence of this Hon'ble Tribunal on the following amongst other grounds:



(4)

**GROUND:**

- A. **Because** the transfer/posting order is based on mala fide and is inherently illegal, arbitrary, unlawful and without jurisdiction, thus the same is liable to be set-aside.
- B. **Because** the Appellant has been treated illegally, unlawfully and against the spirit of the law.
- C. **Because** the fundamental Rights of the Appellant protected under Article 4, 9, 18 and 25 of the Constitution of Islamic Republic of Pakistan 1973 are being violated.
- D. **Because** Respondents have neither the authority to ignore nor override the prescribed rules in vogue, thus the actions of respondents are/is illegal, unlawful, tainted with mala fide and issued without any jurisdiction albeit lawful authority.
- E. **Because** the actions and inactions of the Respondents proclaim their own mala fide.
- F. **Because** the Appellant has got the fundamental right of being treated in accordance with law but the treatment meted out to the Appellant is on consideration other than legal and he has been deprived of his rights duly guaranteed to him by the constitution of Pakistan.
- G. **Because** the Respondents cannot be allowed under the law to pass any illegal order.
- H. **Because** the impugned notification has been issued without jurisdiction and lawful authority.
- I. **Because** the respondents have transgressed their power and authority by passing the impugned notification.
- J. The Appellant craves for leave to add further grounds at the time of his oral arguments before this Hon'ble Tribunal highlighting further contraventions of the provisions of the Constitution & Laws which adversely affected the Appellant.

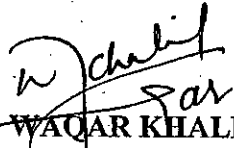
PRAYER:

In view of the above, it is humbly prayed that this Hon'ble Tribunal by allowing the present Appeal set aside the impugned order Notification dated: 17/03/2022 and allow the Appellant to continue his services as District Sports Officer Dera Ismail Khan.

Any other relief deemed appropriate in the circumstance of the case may also be granted.

Through

Appellant

  
WAQAR KHALIL  
Advocate High Court(s)

6

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

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

**Anwar Kamal Burki**

**Versus**

**Government of Khyber Pakhtunkhwa through Secretary Sports and others**

**AFFIDAVIT**

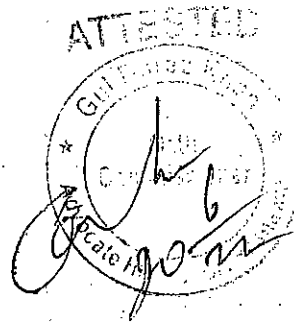
I, **Anwar Kamal Burki**, District Sports Officer, Dera Ismail Khan, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of accompanied Service Appeal are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Hon'ble Court.

~~Signature~~  
**Deponent**

CNIC No.

12101-2254717-9

Identified By:  
*Waqar Khalil*  
**WAQAR KHALIL**  
Advocate High Court(s)



7

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

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

**Anwar Kamal Burki**

**Versus**

**Government of Khyber Pakhtunkhwa through Secretary Sports and others**

**APPLICATION FOR AND ON BEHALF OF THE APPELLANT FOR SUSPENSION OF THE IMPUGNED ORDER DATED: 17/03/2022 AND ALLOW THE APPLICANT/ APPELLANT TO CONTINUE HIS DUTIES AS DISTRICT SPORTS OFFICER DERA ISMAIL KHAN:**

**RESPECTFULLY SHEWETH**

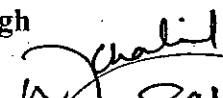
- 1- That the Applicant has filed the above-titled appeal, in which no date has been fixed.
- 2- That the contents of the appeal and other supportive documents may be deemed as an integral part of the present Application.
- 3- That the Applicant has a very good prima-facie case as the Appellant is still holding the post of District Sports Officer and receiving salary of the aforementioned post. Obviously the balance of convenience is also in favour of the Applicant.
- 4- That the Applicant would suffer irreparable loss in case the impugned order dated: 17/03/2022 is not suspended.

**It is, therefore, most respectfully prayed that on acceptance of the present application this Honorable Tribunal may be please to suspend the order dated: 17-03-2022.**

**APPELLANT/ APPLICANT**

Through

Dated:-20/06/2022

  
**WAQAR KHALIL**  
Advocate High Court(s)

8

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

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

**Anwar Kamal Burki**

**Versus**

**Government of Khyber Pakhtunkhwa through Secretary Sports and others**

**AFFIDAVIT**

I, **Anwar Kamal Burki**, District Sports Officer, Dera Ismail Khan, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of Application are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Hon'ble Court.

**Deponent**

CNIC No.

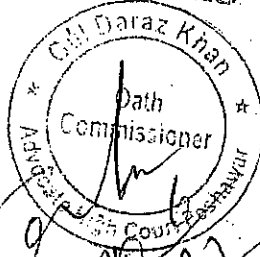
12101-2254717-9

Identified By:

**WAQAR KHALIL**

Advocate High Court(s)

**ATTESTED**



9

**BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**

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

**Anwar Kamal Burki**

**Versus**

**Government of Khyber Pakhtunkhwa through Secretary Sports and others**

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

**Anwar Kamal Burki, District Sports Officer, Dera Ismail Khan, Khyber Pakhtunkhwa.**


**Versus**

**RESPONDENTS:**

1. **The Government of Khyber Pakhtunkhwa,  
Through Chief Secretary,  
Civil Secretariat, Peshawar.**
2. **Secretary to Government of Khyber Pakhtunkhwa,  
Sports, Tourism, Culture, Archaeology,  
Museums and Youth Affairs Department,  
Civil Secretariat, Peshawar.**
3. **Director General, Khyber Pakhtunkhwa,  
Sports, Tourism, Culture, Archaeology,  
Museums and Youth Affairs Department,  
Civil Secretariat, Peshawar.**
4. **Assistant Director (H.Q),  
Directorate General of Sports, Khyber Pakhtunkhwa,  
Peshawar.**

**Through**

**Appellant**

  
**WAQAR KHALIL**  
**Advocate High Court(s)**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
SPORTS, TOURISM, CULTURE, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT  
(Sports & Youth Affairs Section)

Dated Peshawar the 27<sup>th</sup> January, 2022

**NOTIFICATION**

No. SO (Sports) 1-5/2022/477-480 The following posting / transfer is hereby made amongst the officers / officials of Directorate General of Sports, Khyber Pakhtunkhwa with immediate effect, in the best public interest: -

| Sr. # | Name, BPS & Designation  | From  | To  |
|-------|--|---|---|
| 1     | Mr. Niamat Ullah Khan,<br>BS-18, DD/RSO                        | O/o Dte. Gen. of<br>Sports, Khyber<br>Pakhtunkhwa                           | RSO, Mardan   |
| 2     | Mr. Aziz Ullah Jan,<br>BS-18, DD/RSO                           | O/o Dte. Gen. of<br>Sports, Khyber<br>Pakhtunkhwa                           | RSO, Peshawar   |
| 3     | Mr. Mir Bashir Khan,<br>BS-18, DD/RSO                          | RSO, Peshawar   | Deputy Director, Directorate<br>of Sports /<br>Focal Person Arbab Niaz<br>Cricket Ground & Hayat<br>Abad cricket Ground     |
| 4     | Mr. Anwar Kamal Burki<br>RSO, Bannu (BPS-18)<br>(OPS)          | RSO, Bannu  | DSO D.I. Khan/ Assign the<br>additional charge of RSO<br>D.I. Khan  |
| 5     | Mr. Razi Ullah,  | RSO DI Khan   | RSO Bannu in OPS  |
| 6     | Mr. Muhammad Jamshed,<br>BS-17,<br>ADs / DSOs / Administrators | DSO, Mardan   | Assigned the Additional Charge<br>of DSO Peshawar By Reliving<br>DSO Charsadda From<br>Additional Charge of DSO<br>Peshawar |
| 7     | Mr. Muhammad Suleman,<br>BS-17,<br>ADs / DSOs / Administrators | Administrator 1, Mardan<br>Sports Complex,<br>Mardan (w.e.f 30-11-<br>2021) | Also Assigned the Additional<br>Charge of Administrator 2<br>Mardan   |
| 8     | Mr. Amjad Iqbal,<br>BS-17,<br>ADs / DSOs / Administrators      | O/O Dte. Gen. of Sports<br>Khyber Pakhtunkhwa                               | Administrator Regional Sports<br>Office, Peshawar.  |
| 9     | Mr. Ahmad Zaman<br>District Sports Officer (BPS-<br>17)        | District Sports Officer,<br>Manselira                                       | DSO, Abbottabad & Assigned<br>the Additional Charge of RSO<br>Abbottabad in OPS   |

|    |  |  |   |
|----|--|--|---|
| 10 | Mr. Munir Abbas Assistant Director (BPS-17)      | On deputation to CTA   | O/O Directorate General of Sports Khyber Pakhtunkhwa  |
| 11 | Mr. Hamid Ali Assistant Director (BPS-17)        | Assistant Director Litigation O/O Dte. Gen. of Sports Khyber Pakhtunkhwa | Assistant Director (HQ) O/O Directorate General of Sports Khyber Pakhtunkhwa                  |
| 12 | Mr. Arshadullah Superintendent (BPS-17)          | O/O Directorate General of Sports Khyber Pakhtunkhwa                     | Supdt RSO Office, Peshawar.   |
| 13 | Mst. Haya Naz Superintendent (BPS-17)            | Regional Sports Office, Peshawar   | Superintendent O/O Dte. Gen. of Sports Khyber Pakhtunkhwa                                     |
| 14 | Mr. Ubaid Ullah Khan Computer Operator (BPS-16)  | DSO Office Swat  | DSO Swat (Ops)  |
| 15 | Mr. Ghulam Mustafa Computer Operator (BPS-16)    | O/o DSO Mansehra   | DSO Mansehra (Ops)  |
| 16 | Mr. Shehryar Ahmad, Superintendent (BPS-17)      | Administrator 2, District Sports Office, Mardan                          | Relieved to parent Department i.e., Establishment Department                                  |
| 17 | Mr. Muhammad Tariq SDO Engineering Wing (BPS-17) | O/O Directorate General of Sports Khyber Pakhtunkhwa                     | Report to Sports Department   |
| 18 | Mr. Muhammad Akram, Computer Operator (BPS-16)   | DSO Office Baltagram   | DSO Baltagram (Ops)   |
| 19 | Mr. M Arif Computer Operator (BPS-16)            | O/o DSO Kolai Palas  | DSO (Ops) Kolai Palas by Relieving AC Kolai Palas From DSO Kolai Palas From Additional Charge |
| 20 | Mr. Adil Shah Superintendent (BPS-17)            | Senior Coach DSO Office, Bannu   | District Sports Officer Tank (BPS-17) (OPS)   |
| 21 | Mr. Amir Zaman Assistant (BPS-16)                | District Sports Office, Peshawar   | District Sports Officer, Chitral Lower (BPS-17) (OPS) Additional Charge of DSO Upper Chitral  |
| 22 | Mr. Ibrar Ahmad Assistant (BPS-16)               | DSO (Ops), Lower Dir   | DSO (Ops), Dir Upper Additional Charge  |
| 23 | Mr. Tehsin Ullah Computer Operator (BPS-16)      | o/o DSO, Shangla   | DSO, Shangla (OPS)  |
| 24 | Mr. Ishfaq Ahmad Computer Operator (BPS-16)      | AD (HQ) (Ops) O/o Dte. Gen. of Sports, Khyber Pakhtunkhwa                | Assigned the additional charge of AD (Litigation) Ops.  |



12

|    |   |   |   |
|----|---|---|---|
| 25 | Mr. Rafiullah<br>Computer Operator (BPS-16)     | o/o DSO, Malakand   | DSO, Malakand (Ops)   |
| 26 | Mr. Muhammad Amin<br>Computer Operator (BPS-16) | District Sports Office<br>Kohistan Upper                          | District Sports Officer, Kohistan<br>Upper (OPS)                |
| 27 | Mr. Saqib<br>Computer Operator (BPS-16)         | Presently working in<br>Planning Section of<br>Sports department. | Report to Directorate General of<br>Sports, Khyber Pakhtunkhwa. |

Sd/-  
Secretary  
Sports, Tourism, Culture, Archaeology,  
Museums & Youth Affairs Department,  
Khyber Pakhtunkhwa

Endst No. SO (Sports) 1-5/2022 4799-4807 date Peshawar the 27<sup>th</sup> January, 2022

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General Sports, Khyber Pakhtunkhwa.
3. PS to Secretary, Sports & Youth Affairs Department.
4. PA to Additional Secretary-II, Sports & Youth Affairs Department.
5. PA to Deputy Secretary-I, Sports & Youth Affairs Department.
6. PA to Deputy Secretary-II, Sports & Youth Affairs Department.
7. Officers / officials concerned.

*JMM*  
*27/01/2022*  
Section Officer (Sports)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
SPORTS, TOURISM, CULTURE, ARCHAEOLOGY,  
MUSEUMS & YOUTH AFFAIRS DEPARTMENT  
*Sports & Youth Affairs Section*

Dated Peshawar the 17<sup>th</sup> March, 2022

**NOTIFICATION**

No. SO (Sports) 1-5/2022/9119-26 The following posting / transfer are hereby made amongst the Regional / District Sports Officers of Directorate General of Sports, Khyber Pakhtunkhwa, in the best public interest with immediate effect: -

| Sr. # | Name                                      | From   | To   |
|-------|---|--|--|
| 1     | Mr. Raziullah Khan,<br>DSO (BPS-17)       | Under transfer as<br>RSO, Bannu (BPS-<br>18) in his own pay<br>& scale     | Retained as RSO, D.I.<br>Khan (BPS-18) in his<br>own pay & scale. He<br>is also authorized to<br>hold the additional<br>charge of the post of<br>DSO D.I. Khan |
| 2     | Mr. Anwar Kamal,<br>DSO (BPS-17)          | Under transfer as<br>RSO, D.I. Khan<br>(BPS-18) in his own<br>pay & scale. | Retained as RSO,<br>Bannu (BPS-18) in his<br>own pay & scale.  |
| 3     | Mr. Azmal Ali Shah,<br>Assistant (BPS-16) | Assistant O/o<br>DSO, Bannu.   | DSO, Bannu (BPS-17)<br>in his own pay &<br>scale.  |

Sd/

Secretary

Sports, Tourism, Culture, Archaeology,  
Museums & Youth Affairs Department,  
Khyber Pakhtunkhwa

Encl No. & date even / 9119-26

Copy to the:-

1. Accountant General, Khyber Pakhtunkhwa
2. Director General Sports, Khyber Pakhtunkhwa
3. Director (Operation) Directorate General of Sports, Khyber Pakhtunkhwa
4. PS to Secretary, Sports Department, Khyber Pakhtunkhwa.
5. District Accounts Officer concerned
6. PA to Additional Secretary-II, Sports & Youth Affairs Department
7. PA to Deputy Secretary-II, Sports & Youth Affairs Department.
8. Officers concerned.

(Khan Azla)

Section Officer (Sports)



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

No. SO (Sports) 1-5/P&1/2022/1165-71  
Dated Peshawar the 25<sup>th</sup> April, 2022

To

The Director General Sports,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: - DEPARTMENTAL APPEAL AGAINST THE TRANSFER ORDER  
DATED 17-03-2022

Dear Sir,

I am directed to refer to your letter No. 17/Posting Transfer Officers/2021/770-71 dated 01-04-2021 on the subject noted above and to state that the appellant viz. Mr. Anwar Kamal Burki (BPS-17), RSO, Bannu (Ops) may be directed to appear before the Worthy Secretary, Sports, Tourism, Culture, Archaeology, Museums & Youth Affairs Department to his office on 28-04-2022 at 1400 hours to be heard in person in the subject case.

Yours faithfully,

Section Officer (Sports)

Copy to the:

1. Mr. Anwar Kamal Burki (Appellant), Regional Sports Officer (Ops), Bannu.
2. PS to Secretary, Sports Department, Peshawar.
3. PA to Additional Secretary-II, Sports Department, Peshawar.
4. PA to Deputy Secretary-II, Sports Department, Peshawar.

Section Officer (Sports)

25.4.2022

C  
15

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Sports & Youth Affairs Department.

Through: Director General Sports, Khyber Pakhtunkhwa.

Subject: DEPARTMENTAL APPEAL AGAINST THE TRANSFER ORDER DATED  
17/03/2022.

Respectfully Submitted;

1. That the appellant served as Regional Sports Officer, Bannu and the appellant is transferred vide Notification No. SO (sports)1-5/2022/4799-4807 dated 27/01/2022 from Bannu to D.I. Khan as District Sports officer and also assigned the additional charge of Regional Sports Officer D.I. Khan Copy of Notification dated 27/07-2022 is enclosed as ANNEXURE "A".
2. That just after a short span, the appellant is again re-transferred to Bannu against the post of Regional Sports Officer vide notification No.SO (sports)1-5/2022/9119-26 dated 17-03-2022 ANNEXURE "B" without any complaint and the impugned order which is a Non-speaking order which is not sustainable in the eye of Law.
3. That the word public interest is not a ground for issuing any transfer order. The authorities are required to pass a speaking order in view of section 24-A of the general clauses Act.
4. That while passing the order, it is duty of authority to apply its Judicial mind and powers not be exercised in arbitrary manner. Impugned order dated 17/03/2022 is issued after a very short span of time and authority was required. Valid reason in this respect. Reliance is placed on PLJ 2013 Supreme Court (AJ &K) page 344 where, once an order is issued and acted upon, then it cannot be reconsidered or recalled unless very strong grounds are available. Whereas, the order dated 27/01/2022 is acted upon and the appellant resumed the charge in D.I. Khan in pursuance of order dated 27/01/2022 and subsequent order dated 17/02/2022 is illegal without Justification and also against fundamental rights guaranteed by the constitution.
5. That the competent authority indeed has power to transfer a civil servant but such transfer order should be passed fairly, justly, impartially and Judicially. Transfer order should not be passed arbitrarily, Mala fide, motivated by political considerations and in colorable exercise of power. Transfer order which is passed without wisdom and good sense would not be a Judicial Order, such order would be arbitrary, Fanciful and Mala fide which is not sustainable in Law.
6. It is therefore, humbly requested that in view of the above submissions, by accepting the instant appeal, the impugned order dated 17/03/2022 may kindly be set aside.

Dated: 18-03-2022

*Received*  
*18/3/22*

*AK*  
Your humble Appellant  
Muhammad Anwar Kamal  
District Sports Officer

*Dated 18-03-2022*





**"B"**

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

No.

TB DIK

CEP 3 AMM-AD  
28-06-22

Appeal No. 926 of 20 22

Arman Kamal Buxki Appellant/Petitioner

Versus

Through Chief Secy: Respondent

Respondent No. 2

Notice to: - Secretary Sports Tourism Culture Archaeology  
Museums and Youth Affairs Deptt. Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 30-6-22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such a address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 20

Day of 6 20 22

at camp court

DIKhu

[Signature]

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**“B”**

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

TR D/Khan

No.

CO 2/1111 A-D  
22-06-22

Appeal No.....926..... of 20 22

.....Anwar Kamal Buxki.....Appellant/Petitioner

Versus

.....Through Chief Secy:.....Respondent

Respondent No.....3.....

Notice to: - DG Sports Tourism Archaeology  
Museum and Youth Affairs Deptt: Pesh-

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on.....30/6/22.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith/any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....20.....

Day of.....6.....20 22

at camp court

D/Khan

[Signature]

[Signature]  
Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.



**"B"**

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

No.

*CO 23/11/16-AD*  
*22-06-22*

*TB Dikem*

Appeal No. *926* of 20 *22*

*Anwar Kamal Burki* Appellant/Petitioner

Versus

*Through Chief Secy:* Respondent

Respondent No. *4*

Notice to:

*Assistant Director (H.Q.)*  
*Directorate General of Sports KPK Peshawar*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on *20-6-22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this *20* .....

Day of *6* 20 *22*

*at camp Court*

*Dikem*

Registrar,

Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
  2. Always quote Case No. While making any correspondence.



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


DIRECTORATE GENERAL SPORTS  
KHYBER PAKHTUNKHWA  
PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT.  
Ph: # 9212767, Fax # 9212766

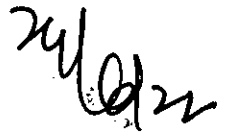
No. 1/Court Case/Anwar Kamal /2022

Dated: 24-06-2022

**AUTHORITY LETTER**

Mr. Zakir Ullah Khan Assistant Director Sports is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal D. I. Khan Bench on behalf of Secretary Sports Department Khyber Pakhtunkhwa and Director General Sports Khyber Pakhtunkhwa regularly in the case titled Anwar Kamal Vs Govt. of Khyber Pakhtunkhwa & Others till the decision of the case.

  
DIRECTOR GENERAL



**SUPREME COURT BAR ASSOCIATION OF PAKISTAN**  
**MUHAMMAD YOUSAF KHAN**  
 ADVOCATE SUPREME COURT  
 12101-2665069-9

قلب حسن  
President

قسم ملک  
Secretary

# وکالت نامہ

بعدالت جناب سردار سید محمد یوسف خان

منجانب  
 رتھو کمال برکی بنام  
 KPR

دعویٰ یا جرم  
 تفصیل دعویٰ یا جرم

S.A 926/2022

## باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف بیروی و جواب دہی برائے پیشی یا تصدیق مقدمہ بنام

## محمد یوسف خان ایڈووکیٹ سپریم کورٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ روبرو عدالت حاضر ہوتا ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذکر یا نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثانی یا راضی نامہ و فیصلہ برخلاف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ پکھری صدر بیروی مقدمہ مذکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ذکر یا ایک طرفہ یا درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از فیصلہ اجراء ذکر یا بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختار بیروی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے جزوی کاروائی یا بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو سپنہ بجائے یا اپنے ہمراہ مقرر کریں اور مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التوا پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کا پوری فیس تاج پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہو گا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے۔

مورخہ 30 6 2022

مضمون کا وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور پڑھ لیا ہے

*(Handwritten signature)*

رتھو کمال برکی

*(Handwritten signature)*