

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Execution petition No.560/2022

In Service Appeal No.495/2015

Muhammad Fayaz, Junior Clerk, in Planning Cell Secretary to Government of Khyber Pakhtunkhwa,
Sports & Youth Affairs Department, Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Petitioner

Diary No. 3561

Dated 14/2/2023

VERSUS

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Sports & Youth Affairs Department, Peshawar.
4. Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Civil Secretariat, Peshawar.
5. The Accountant General, Khyber Pakhtunkhwa.


Respondents

APPLICATION FOR DETACHMENT OF SALARY OF RESPONDENT # 03

Respectfully Sheweth.

1. That this Hon'ble Tribunal vide Judgment dated 24.05.2019 "*allowed the instant Service Appeal to the extent of inclusion of name of the appellant in the relevant seniority list in case he has been regularized into service.*"
2. That in pursuance of the said Judgment, matter was taken up by Respondent # 03 with Respondent # 02 where after a meeting convened by Establishment Department which was held on 02.01.2023 wherein it was decided that the Administrative Department will conduct an inquiry and submit the inquiry report to the Establishment Department with clear findings (Annex-I).
3. That the Respondent # 03 accordingly conducted inquiry and submitted the report of the inquiry committee to Establishment Department for further necessary action (Annex-II).
4. The Establishment Department raised certain observations which were responded accordingly (Annex-III). The execution of instant Judgment rests with the Respondent # 02, as the appellant has applied for inclusion of his name in the joint seniority list that are issued by the Establishment Department.
5. That the appellant is already drawing his salary against the regular post from DDO PR 4896 Secretary Sports Department w.e.f 18.02.2000 (Annex-IV).

Since the Respondent #03 has already complied with in pursuance of the Judgment of the Hon'ble Tribunal and recommended case of the appellant to the proper forum i.e Establishment Department. Therefore, it is humbly requested that the salary of Respondent #03 may graciously be detached, please.


Secretary, Sports & Youth Affairs
Department
(Respondent # 03)

CHAIRMAN
Service Tribunal, Khyber Pakhtunkhwa

** Most Immediate **



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

Archaeology, Museums Department
Khyber Pakhtunkhwa
Date: 30/12/22
1877/1281

No. SOE.IV E&AD 1-10/2014
Dated Peshawar the 30.12.2022

To

1. The Secretary to the Govt. of Khyber Pakhtunkhwa
Law Department
- ✓ 2. The Secretary to the Govt. of
Khyber Pakhtunkhwa, Sports & Youth Affairs Department

Subject: - **IMPLEMENTATION REPORT IN EXECUTION PETITION
NO.560/2022 IN SERVICE APPEAL NO.874/2018 TITLED
MUHAMMAD FAYAZ VS GOVT. OF KHYBER PAKHTUNKHWA
THROUGH CHIEF SECRETARY AND OTHERS**

Dear Sir,

I am directed to refer to the subject noted above and to inform that meeting regarding the status of regularization of Muhammad Fayaz, Sports Department, is scheduled to be held on **02.01.2023 at 10:00 A.M** under the Chairmanship of Special Secretary (Establishment), Establishment Department in his office. Working paper is enclosed.

2. It is, therefore, requested to depute a well conversant officer, not below the rank of Additional Secretary to attend the meeting on the date, time and venue, please.

Enclosure: as above

Yours faithfully,


(SIRAJ MUHAMMAD)
SECTION OFFICER (E-IV)

Endst. No. & date even.

Copy is forwarded to: -

1. Additional Secretary (Regulation-II), Establishment Department.
2. Additional Secretary (Judiciary), Establishment Department.
3. PS to Additional Secretary (Estab:), Establishment Department.

With the request
to attend the
meeting, please

SECTION OFFICER (E-IV)

*SO (Litigation)
Thi 30/12*

AS-I
DS-III
DS-IV
SO (T)
SO (Lit)
SO (Coord)

Annex-1 271

MOST IMMEDIATE
COURT MATTER



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(ESTABLISHMENT WING)

No. SOE.IV(E&AD)1-10/2014
Dated Peshawar January 6th, 2022

To

The Additional Secretary,
Sports & Youth Affairs Department,
Khyber Pakhtunkhwa.

Subject: - **EXECUTION PETITION NO.560/2022 TITLED 'MUHAMMAD FAYAZ VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND OTHERS'.**

Dear Sir,

I am directed to refer this department letter of even number dated 28.12.2022 on the subject noted above and to state that being a court matter and as per decision taken in the meeting held on 02.01.2023 in the office of Special Secretary (Establishment), Establishment Department under his chairmanship, the inquiry report so completed with clear findings may be submitted to this department at the earliest, please.

Your's faithfully,


(SIRAJ MUHAMMAD)
SECTION OFFICER (E-IV)

Endst: Even No. & Date.

Copy forwarded for information to: -

1. Section Officer (Lit-I), Establishment Department.
2. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar
3. PA to additional Secretary (Estt), Establishment Department.

SECTION OFFICER (E-IV)

3/6
As (Admin) / So (litigation)
7/1/2023



MOST IMMEDIATE/OUT TODAY
GOVERNMENT OF, KHYBER PAKHTUNKHWA,
SPORTS & YOUTH AFFAIRS DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR CANTT:

3161
Annex-1



091- 9223448.



091-9212535.



Sportslitigation@gmail.com

NO. SO(LIT)/S&TD/1- 80/2022/ M. Fayaz/58-72
Dated Peshawar the, 12th January, 2023

To

The Secretary, Govt of Khyber Pakhtunkhwa,
Establishment Department.

Attention: - Section Officer (E-IV),

Subject: EXECUTION PETITION NO.560/2022 TITLED "MUHAMMAD FAYAZ VS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND OTHERS".

Dear Sir,

I am directed to refer to your Department's letter No. SOE-IV(E&AD)1-10/2014 dated 06-01-2023 on the subject noted above and to enclose herewith an inquiry report with clear finding as desired for further necessary action, please.

Yours faithfully,

Encl: As Above.

Endst: No. & date even.

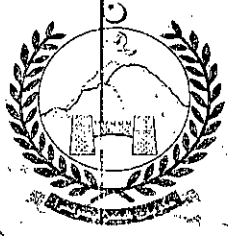
of SECTION OFFICER (LITIGATION)

A copy is forwarded for information to the

1. PS to Secretary Sports & Youth Affairs Department.
2. Section Officer(Litigation-I), Establishment Department
3. PA to Additional Secretary, Sports & Youth Affairs Department.
4. PA to Deputy Secretary(Litigation), Sports & Youth Affairs Department.

of SECTION OFFICER (LITIGATION)

12-01-2023
04:10 PM



4 #85
GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, & YOUTH AFFAIRS DEPARTMENT.

13-A, KHYBER ROAD, PESHAWAR CANTT:

TELE: 9210377.

FAX # 9212535.

Dated Peshawar the, 11th January, 2023

INQUIRY REPORT

INTRODUCTION

The undersigned alongwith Section Officer (General), Sports & Youth Affairs Department has been nominated as Inquiry Officer vide this Department's Notification No.SO(LIT)/S&TD/1-80/2022/M. Fayaz dated 05-01-2023 to probe the following **(Annex-I)**:-

- i. To inquire the regularization of Services of Muhammad Fayaz, Junior clerk of this Department.
 - ii. To determine that if services of Muhammad Fayaz, Junior Clerk was not regularized as per law, so why he is drawing his salary from regular side i.e. PR 4896- Secretary Sports Department.
 - iii. Any other record pertaining to the regularization of Muhammad Fayaz, Junior Clerk.
2. The official Muhammad Fayaz, Junior clerk (BPS-05) was appointed on the subject post vide office order No. SO(INF)/11(105)/93 dated 30-10-1995 **(Annex-II)** under Civil Servants Act. 1973 and NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989, on temporary basis.

BACKGROUND OF THE CASE

It is submitted that we have gone through all the official record provided by the Section Concerned regarding subject inquiry including personal file of the official concerned. The documents examined as well as the findings are as follows.

- i. He joined the office of Information department as Junior Clerk on 01-11-1995.
- ii. The subject project alongwith staff was then regularized by Finance department from developmental to current side vide letter No. B.XV/4-103/FD/98-99 dated 18-02-2000 **(Annex-III)**.
- iii. Accordingly Posts were created by Finance Department.
- iv. There were three Officials in the said Planning Cell out of which two officials i.e Ms. Rukhsana Qureshi Computer Operator (BS-16) & Mr. Pervez (Naib Qasib BPS-03) were regularized & included in their respective seniority list of Establishment & Administration Department **(Annex-IV)** while the remaining Muhammad Fayaz, Junior Clerk was left behind.
- v. Muhammad Fayaz, Junior Clerk requested this Department to take up case with Establishment Department for inclusion of his name in the combined seniority list & the same was forwarded to Establishment Department for consideration vide **Annex-V**.
- vi. Establishment Department vide letter dated 04-02-2008 did not consider his application on the grounds that he has not been appointed on the sanction post of Junior Clerks of Civil Secretariat.
- vii. Moreover, on 24-07-2008, this Department also issued D.O letter to Establishment Department to review and consider the case of Muhammad Fayaz, Junior Clerk for consideration but the case was again not considered for inclusion in seniority list **(Annex-VI)**

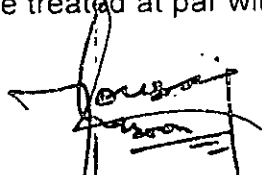
5 10/16

FINDINGS OF THE INQUIRY

1. The regularization order in respect of Muhammad Fayaz, Junior Clerk has not been found in the record.
2. The Official is already drawing salary from regular side of PR-4896 and his record has also been checked from his file and service book wherein all entries have been made and is awarded all the increments and benefits of up gradation as well.
3. Due to Finance Department letter vide No. F.D. BO-IV/1-49/99-2000 wherein regularized the project "Planning cell of Information Department" was shifted from ADP to current side **alongwith all staff** and out of those the then three employees, two officials i.e. **Ms. Rukhsana Qureshi** Computer Operator (BS-16) & Mr. Pervez (Naib Qasib BPS-03) are enjoying regular status at the strength of Establishment & Administration Department and their inter-se seniority has also been maintained in their respective cadre by virtue of Notification of Finance Department and on the orders of Supreme Court of Pakistan. Since then the right of regularization of all employees has been established as all were appointed and brought to regular side in the same order. However the incumbent official was deprived from his due right of inclusion in the seniority list of Establishment Department even after taking up the case with Establishment Department number times.

RECOMMENDATIONS

As evident from the correspondence of this Department with Establishment Department, there seems no procedural lapse on the part of this Department. Furthermore, this Department proceeded as per Finance Departments Notification and the subject official after rendering 27 Years of service may not be punished owing to non-issuance of regularization order by the Competent Authority, and may be treated at par with other two officials.

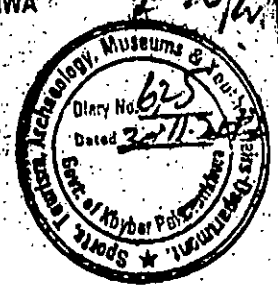

11/1/2023
Section Officer (General)
Sports & Youth Affairs Department
(Inquiry Officer)


Deputy Secretary-I
Sports & Youth Affairs Department
(Inquiry Officer)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT.

NO:SOE-V(E&AD)/8-9/2007
Dated Peshawar, the November 23, 2012



To

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

Subject: IMPLEMENTATION OF THE JUDGMENT OF SUPREME COURT OF
PAKISTAN DATED 03.7.2012 IN LETTER & SPIRIT

Dear Sir,

I am directed to refer to the application dated 05-11-2012 received from Miss Rukhsana Qureshi, Computer Operator, FMIU, Finance Department on the subject noted above (copy enclosed) and to state that pursuant to the judgment/order dated 03-07-2012 of Supreme Court of Pakistan and judgment/order dated 16-11-2010 of Peshawar High Court Peshawar in W.P No.1617/2008, the Provincial Govt. Establishment Department has recognized the services of Miss Rukhsana Qureshi Computer Operator, as "regular" with effect from initial appointment dated 30-10-1995. Consequently, she will be given her seniority in the inter-se-seniority under rule 17(3) of Govt. Servant (Appointment, Promotion & Transfer) Rules 1989.

2. I am, therefore, directed to request that the official may be informed accordingly please.

Yours faithfully,

Section Officer (E-V)

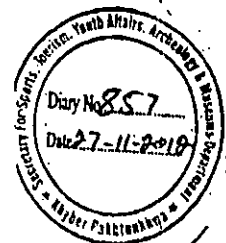
Encls: AA

Encls: No. & Date Even:-

Copy forwarded to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Sports, Tourism Department w/r to his letter No.SO(LIT)2-28/2012/5558 dated 27-07-2012.
2. The Accountant General, Khyber Pakhtunkhwa.
3. Section Officer (Admn)/Secre/EO/Librarian, E&A Department.
4. Assistant Secretary (Admn), Benevolent Fund Cell, Administration Department, Govt. of Khyber Pakhtunkhwa.
5. Official concerned.
6. Master file.

Section Officer (E-V)



Handwritten notes:
SOLIC
M. J. Khan
27/11
29/11/12
2012

TENTATIVE SENIORITY LIST OF COMPUTER OPERATOR/ DATA ENTRY OPERATOR BS-12

Sl. No.	Name of officer with academic qualification	Date of birth and domicile	Date of 1st entry into Govt service	Regular appointment/promotion			Present appointment
				Date	BPS	Method of recruitment	
1	2	3	4	5	6	7	8
1	Shakeel Ahmad B.A	12/11/1970 Peshawar	17/5/1989	10/9/1991	12	By Promotion	Finance
2	Khalid Rehman B.A Economics	11/5/1967 Battagram	17/5/1989	10/9/1991	12	By Promotion	Finance
3	Mr. Habib Jamal FSc	11/9/1975 Mardan	15/1/2001	15/1/2001	12	By Initial Rec.	Excise & Taxation
4	Hanif-Ur-Rehman B.A	4/1/1966 Nowshera	17/5/1989	11/11/2002	12	By Promotion	Finance
5	Jamil Khan Durrani Matric	1/1/1963 Peshawar	17/5/1989	11/11/2002	12	By Promotion	Finance
6	Khalid Mehmood F.A	23/4/1968 Peshawar	13/8/1990	11/11/2002	12	By Promotion	Finance
7	Rukhsana Qureshi B.A, Diploma in IT (BTE) Govt of NWFP	14/10/1969 Peshawar	18/2/2000	25/10/2003	12	By Promotion	Sports & Culture
8	syed Mahmood Shah B.Sc	2/3/1963 Peshawar	23/11/1989	23/11/1989	12	Initial Recruitment	P & D Deptt
9	Khan Mohammad M.A	11/2/1965 Peshawar	19/09/1990	19/09/1990	12	Initial Recruitment	P & D Deptt
10	Shahida Anjum B.A and one Year Diploma in Computer Science	18/2/1965 Peshawar	22/10/1990	22/10/1990	12	By Initial Rec.	Works & Services

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)**

PHONE# 091-9213457

FAX# 091-9210447

Email: sectionofficerv@gmail.com

SECRETARY
Culture, Tourism Youth, Arts
& Museums Department
Khyber Pakhtunkhwa
Dairy No: 25-5-21/10/15
Date: 25-5-21

DATED PESHAWAR, THE MAY 20, 2021;

NOTIFICATION

No.SO-E-V(E&AD)5-11/2017:- In pursuance of Section 8 (1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 10 of Khyber Pakhtunkhwa (Provincial Information Technology Group) Service Rule, 2006, the Seniority List of Computer Operator (BPS-16) (as it stood on 20.05.2021) Civil Secretariat, Khyber Pakhtunkhwa is hereby notified / circulated for general information.

**FINAL SENIORITY LIST OF COMPUTER OPERATOR (BPS-16) OF PROVINCIAL I.T GROUP,
CIVIL SECRETARIAT, KHYBER PAKHTUNKHWA (AS IT STOOD ON 20.05.2021)**

S#	Name of Official	Academic Qualification	D.O.B and Domicile	Date of Retirement	Date of 1 st entry into Govt. Service	Date of Regular Appointment to Present Post	Department
1.	Muhammad Riaz	M.Com + DIT	3/2/1967 Mardan	02-02-2027	5/12/1990	5/12/1990	Home & TAs
2.	Waqar Hussain	B.A LLB + DIT	12/9/1967 Swabi	11-09-2027	3/12/1991	18/11/1998	Home & TAs
3.	Jamil Khan Durrani	Matric	1/1/1963 Peshawar	31-12-2022	17/5/1989 (B-10)	11/3/2013	P&D
4.	Muhammad Rafiq	BA	6-10-1968 Bannu	05-10-2028	2-9-1990 (BPS-10)	2-9-1990	Social Welfare
5.	Khan Mohammad	MA	11-2-1965 Peshawar	10-02-2025	19-9-1990 (BPS-11)	19-9-1990	Finance
6.	Abdul Ghani	FA	12-4-1969 Peshawar	11-04-2029	7-3-1988 (BPS-5)	4-12-1990	Law, PAs & HRS
7.	Nasira Shaheen	D.Com	11-04-1964 Peshawa	10-04-2024 Female Quota	02-06-1992 (B-11)	01-07-1994	Agriculture

S#	Name of Official	Academic Qualification	D.O.B and Domicile	Date of Retirement	Date of 1 st entry into Govt. Service	Date of Regular Appointment to Present Post	Department
8.	Nizam Ud Din	M.Sc MS(IT)	12-1-1968 Swat	11-01-2028	15-12-1994 (B-11)	15-12-1994	Law, PAs & HRs
9.	Rukhsana Qureshi	B.A + DIT	14-10-1969 Peshawar	13-10-2029 Female Quota	30-10-1995	30-10-1995	P&D
10.	Hafiz Muhammad Athar	MCS, MSc (Statistics), LLB + Diploma in Computer Science	18/7/1973 Charsadda	17-07-2033	24/03/1996 (B-10)	24/03/1996	Housing
11.	Ashrafuddin	BA + DIT	20/05/1976 Peshawar	19-05-2036	15/4/1999 (B-10)	15/4/1999	Administration
12.	Muhammad Hanif	MCS + Diploma in Computer Programming	3/4/1971 Peshawar	02-04-2031	4/5/2000 (B-10)	4/5/2000	Auqaf
13.	Imran Ahmad	BA	28/5/1974 Peshawar	27-05-2034	4/5/2000 (B-10)	4/5/2000	Chief Minister's Secretariat
14.	Habib Jamal	BA + DIT	11/9/1975 Mardan	10-09-2035	15/1/2001 (B-12)	15/1/2001	Sports
15.	Shaheen Yousaf	BA	24/12/1961 Peshawar	23-12-2021 Female Quota	22/12/1987 (B-11)	18/6/2002	Finance
16.	Shams-ud-Din	Post Graduate Diploma in Comp: Science + MCS	20/04/1974 Karak	19-04-2034	29/04/2003 (B-11)	29/04/2003	Finance
17.	Muhammad Imran Afridi	BA + Diploma in Computer Science	1/1/1980 Khyber Agency	31-12-2040	29/04/2003 (B-11)	29/04/2003	Local Govt.
18.	Muhammad Itaf Khan	BSC + Diploma in Computer Science	15/04/1975 Nowshera	14-04-2035	29/04/2003 (B-11)	29/04/2003	Finance
19.	Shafi Ur Rehman	MA + MCS + Diploma in C.S	1/2/1973 Moh. Agency	31-01-2033	29/04/2003 (B-11)	29/04/2003	Finance
20.	Syed Saadat Ali Shah	M.Com + Diploma in Comp Science	13/1/1981 Abbottabad	12-01-2041	28/6/2003	28/6/2003	On deputation to PDMA

	Name of Official	Academic Qualification	B.O.B and Domicile	Date of Retirement	Date of 1 st entry into Govt. Service	Date of Regular Appointment to Present Post	Department
110.	Awais Khan	BSC (Computer System Engineering)	01-10-1995 Peshawar	30-09-2055	19-06-2019	19-06-2019	Finance
111.	Farrukh Sear	MCS	06-06-1982 Peshawar	05-06-2042 Disable Quota	19-06-2019	19-06-2019	Minerals Development
112.	Durdana Pervez	BCS (Hons) + MS	01-02-1988 Peshawar	31-01-2048 Minority Quota	19-06-2019	19-06-2019	Social Welfare

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

DATED PESHAWAR, THE MAY 20, 2021

Endst: No SOE-V(E&AD)5-11/2017

Copy forwarded to the:-

1. All concerned Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. Director General, Provincial Disaster Management Authority (PDMA), Khyber Pakhtunkhwa.
5. Coordinator, Performance Management Reforms Unit (PMRU), O/O Chief Secretary Khyber Pakhtunkhwa.
6. Director (Admn), National Vocational & Technical Training Commission (NVTC), Evacuee Trust Complex, Sector F-5/1, Islamabad.
7. Deputy Director (I.T), Establishment & Administration Department for uploading on the official website of the department.
8. Section Officer (Secret), Establishment Department.
9. Assistant Director (Admn/HR), Khyber Pakhtunkhwa Culture & Tourism Authority.
10. PS to Secretary, Establishment Department.
11. PA to Additional Secretary (Estt), Establishment Department.


(RESHMA TULLAH)
SECTION OFFICER (E-V)



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GOVERNMENT OF
KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, ARCHAEOLOGY,
YOUTH AFFAIRS & MUSEUMS DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR CANTT:
TELE: 9210426.
FAX # 9212535.

Dated Peshawar, the 31st May, 2018

ORDER.

No. SOG(S&TD)1-121/2018/L

5401-09

In pursuance of the judgment passed by the Khyber Pakhtunkhwa Service Tribunal dated 11-04-2018 in Service Appeal No.755/2015 titled "Pervez Vs Chief Secretary Government of Khyber Pakhtunkhwa and others". The competent authority is pleased to regularize the services of Mr. Pervez, Naib Qasid, with immediate effect.

Secretary to Government of Khyber Pakhtunkhwa,
Sports, Tourism, Archaeology, Museums &
Youth Affairs, Department.

Endst: No & date even.

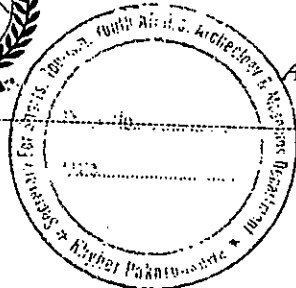
A copy is forwarded for information and necessary action to the :-

1. Account General, Khyber Pakhtunkhwa.
2. Chairman, Service Tribunal, Khyber Pakhtunkhwa w/r. to his Order Sheet dated 11-04-2018 in Appeal No:755/2015.
3. Secretary to Govt: of Khyber Pakhtunkhwa, Finance Department.
4. Secretary to Govt: of Khyber Pakhtunkhwa, Establishment Department.
5. Secretary to Govt: of Khyber Pakhtunkhwa, Administration Department with the request that he will be given his seniority, in the Inter-se-Seniority list (Non-Matriculate) from the date of his initial appointment dated 30-10-1995 under Rule 17(3) of Government Servant (Appointment, Promotion & Transfer Rules 1989) under intimation to this Department as well as the official concerned accordingly, please.
6. Assistant Secretary (Admn), Benevolent Fund Cell, Administration Department, Government of Khyber Pakhtunkhwa.
7. PS to Secretary Sports & Tourism Department.
8. Official concerned.
9. Personal File.


Section Officer (General)



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT



NO: E&A(AD) 04 (173) 2014
Dated Peshawar the 27-01-2014

To

Section Officer (Litigation)
Sports & Tourism Department.

Subject:-

WRIT PETITION NO.1992-P /2013 (MUHAMMAD FAYAZ
AND OTHERS VERSUS CHIEF SECRETARY, KHYBER
PAKHTUNKHWA ETC)

P-263/c

I am directed to refer to your letter No.SO(Lit)/S&TD/2-26/2002/37-38 dated 31-12-2013 on the subject noted above and to clarify that recruitment in Civil Secretariat to the posts Class-IV is de-centralized and dealt with by every administrative department of Civil Secretariat. Mr.Pervaiz (Naib Qasid) is also an appointee of Sports & Tourism Department. Therefore, Sports & Tourism Department should deal at its own level with service regularization of Mr.Pervaiz (Niab Qasid) and matters related i.e. salaries back benefits etc. However, as seniority of Class IV in Civil Secretariat is maintained by Administration Department, it would, after his regularization, evaluate the official for seniority under relevant rules.

(MAQBOOL HUSSAIN)
SECTION OFFICER (ADMN)

GOVERNMENT OF NWFP
ADMINISTRATION DEPARTMENT

No. E&A(A1)4(17)/2008
Dated Peshawar the 10.11.2008

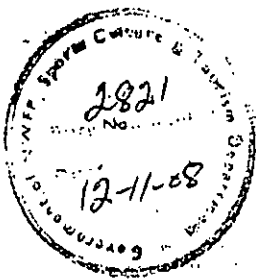
The Section Officer (Admn),
Sports, Culture & Tourism,
Department.

2-14/2002/PF

SUBJECT: INCLUSION OF NAME OF MR. PERVEZ IN THE LIST OF
NAIB QASIDS, MAINTAINED BY THE ESTABLISHMENT
DEPARTMENT.

Reference your letter No. SOG(SC&T)2-14/2002/PF/33063
dated 03.11.2008 on the subject noted above and to state that the name of
the above named official has already been included at Sr. No. 301 of the
seniority list maintained by this department and the official may be
informed accordingly.

Ehan Elahi
(EHAN ELAHI)
SECTION OFFICER (ADMN)



*Congulate to Mr. Pervez
w/o 2 calls inform him*

[Signature]
12-1

*18
13
138*



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT**

Dated: 16/11/2021

NOTIFICATION

Dated Peshawar, the 16/11/2021

NO.E&A(AD)04(17)2021:- In pursuance of Section 8 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the final seniority list of Naib Qasid (Non-Matriculate) for the post of Qasid (BS-04) Civil Secretariat Peshawar as stood on 16/11/2021 is hereby notified / circulated for general information.

FINAL SENIORITY LIST OF NAIB QASID (NON-MATRICULATE) FOR PROMOTION TO THE POST OF QASID (BS-04)

Sr.#	NAME & DESIGNATION	DESIGNATION	DATE OF BIRTH	DATE OF JOINING GOVT. SERVICE	DATE OF JOINING SECTT. SERVICE	PRESENT POSTING	EXPECTED D.O.R	REMARKS
1	Muhammad Zahid Khan	Naib Qasid	11-12-1965	11-12-1985	01-07-1987	Finance	10-12-2025	Not interested in promotion and withdrew. Vide Order No.E&A(AD)04(17)2015-16 dated 24-06-2016
2	Liaqat Ali	Naib Qasid	01-07-1969	14-11-1987	24-05-1988	Finance	30-06-2029	Not interested in promotion and withdrawn vide Order No.E&A(AD)04(17)2017-18 dated 30-03-2018
3	Firdos Khan	Naib Qasid	01-07-1964	02-07-1988	02-07-1988	Finance	30-06-2024	Not interested in promotion and withdrawn vide Order No.E&A(AD)04(17)2017-18 dated 30-03-2018
4	Ikramullah	Naib Qasid	19-07-1969	16-07-1988	16-07-1988	Health	18-07-2029	Not interested in promotion and withdrawn vide Order No.E&A(AD)04(17)2017-18 dated 30-03-2018
5	Amin Jan s/o Fazal Muhammad	Naib Qasid	15-12-1963	13-03-1983	10-06-1989	E&AD (D/O Minister for Higher Education)	14-12-2023	
6	Sajjad Ahmad s/o Sardar Dilbar Khan	Naib Qasid	14-05-1969	01-07-1989	01-07-1989	LG&RD	13-05-2029	Submitted application to resign (promoted 01-06-2019)
7	Muhammad Riaz	Naib Qasid	05-06-1962	03-07-1989	03-07-1989	Finance	04-06-2022	Not interested in promotion and withdrawn vide Order No.E&A(AD)04(17)2017-18 dated 30-03-2018
8	Muhammad Yousaf	Naib Qasid	08-06-1969	01-08-1989	01-08-1989	Forest	07-06-2029	
9	Zafar Ali s/o Hanif Zada	Naib Qasid	01-07-1971	13-11-1989	13-11-1989	Finance	30-06-2031	
10	Saffoor Shah s/o Munawar Shah	Naib Qasid	15-03-1965	18-03-1990	18-03-1990	P&D	14-03-2025	
11	Fayyaz Khan s/o Ziarat Gul	Naib Qasid	15-07-1963	31-05-1990	31-05-1990	Health	14-07-2023	
12	Noor Hameed s/o Muhammad Hayat	Naib Qasid	01-07-1968	04-11-1990	04-11-1990	CM Sectt	30-08-2028	
13	Fahim Hussain s/o Muhammad Arif	Naib Qasid	05-05-1969	08-11-1987	01-12-1990	Finance	04-05-2029	
14	Muhammad Nawaz	Naib Qasid	01-10-1986	01-12-1990	01-12-1990	Finance	30-09-2046	The official has shown his unwillingness to be promoted, therefore, deferred his case
15	Noor Rahim s/o Abdur Rahim	Naib Qasid	05-04-1967	31-01-1991	31-01-1991	Governor Sectt	04-04-2027	
16	Salim Javed s/o Azam Khan	Naib Qasid	01-07-1973	20-11-1991	20-11-1991	LG&RD	30-06-2031	
17	Pervez Khan s/o Sadaf Khan	Naib Qasid	01-01-1963	22-12-1991	22-12-1991	C&W	31-12-2022	

(Sd/-)
[Signature]
12

2. costs in BS-18 and above / respective Authority

49	Rahát Gul	Naib Qasid	01-12-1970	01-12-1989	05-08-1993	Energy & Power	30-11-2030
50	Hamid Khan s/o Sarfaraz Khan	Naib Qasid	18-01-1974	14-11-1989	05-08-1993	Industries	17-01-2034
51	Tarveer Ahmed s/o Bashir Ahmad	Naib Qasid	10-04-1967	11-08-1993	11-08-1993	Governor Sectt	09-04-2027
52	Ghulam Hussain	Naib Qasid	08-10-1972	11-08-1993	11-08-1993	C&W	07-10-2032
53	Rahamdad Khan	Naib Qasid	01-07-1973	11-08-1993	11-08-1993	Finance	30-06-2033
54	Ahmad Ali s/o Hanif Zada	Naib Qasid	01-07-1963	12-08-1993	12-08-1993	Environment	30-05-2029
55	Aurang Zeb	Naib Qasid	01-01-1964	12-08-1988	19-09-1993	PP&H	31-12-2023
56	Imran Shahzad s/o Muhammad Rafique	Naib Qasid	20-10-1972	17-04-1994	17-04-1994	E&AD	18-10-2032
57	Ulas Khan s/o Mukhram Khan	Naib Qasid	01-07-1965	18-07-1991	01-06-1994	Law	30-06-2025
58	Liaq Khan s/o Kamal Khan	Naib Qasid	01-07-1973	07-07-1994	07-07-1994	E&AD (Adv. to CM on E&T)	30-06-2033
59	Zarbad Shah	Naib Qasid	01-02-1972	11-07-1994	11-07-1994	Social Welfare	31-01-2032
60	Asad Khan s/o Ajab Khan	Naib Qasid	01-07-1964	17-07-1990	28-09-1994	Finance	30-06-2024
61	Fayaz Shakil s/o Khan Gul	Naib Qasid	30-04-1973	18-10-1994	18-10-1994	Governor Sectt	28-04-2033
62	Fayyaz Khan s/o Afridi Khan	Naib Qasid	01-07-1966	20-03-1989	25-10-1994	E&AD (Issue Branch)	30-06-2026
63	Sajad Khan	Naib Qasid	15-05-1975	05-01-1995	05-01-1995	P&D	12-05-2035
64	Sudesh Kumar	Naib Qasid	09-02-1970	11-01-1995	11-01-1995	Local Govt.	08-02-2030
65	Fazle Ghani s/o Noor Zada	Naib Qasid	03-12-1973	01-03-1995	01-03-1995	Finance	02-12-2033
66	Fahad Khan s/o Gul Muhammad	Naib Qasid	01-07-1972	12-03-1995	12-03-1995	E&AD (O/O AS (Etab))	30-06-2032
67	Pervez Bhatti	Naib Qasid	02-02-1969	13-03-1995	13-03-1995	Auqaf	07-02-2029
68	Muhammad Asif	Naib Qasid	01-04-1975	26-03-1995	26-03-1995	RAB	11-03-2035
69	Iftikhar Khan s/o Hastam Khan	Naib Qasid	01-01-1973	01-03-1989	30-03-1995	PDMA	11-12-2032
70	Ajmal Khan	Naib Qasid	25-04-1973	29-06-1995	29-06-1995	Environment	28-04-2033
71	Akhtar Khan s/o Zar Khan	Naib Qasid	01-07-1971	03-07-1995	03-07-1995	E&P	30-06-2031
72	Mukaram Khan	Naib Qasid	11-05-1972	10-07-1995	10-07-1995	Education	10-05-2032
73	Farmanullah	Naib Qasid	20-12-1967	12-09-1995	12-09-1995	E&AD	19-12-2027
74	Ghulam Haider s/o Sahib Zada Ghulam	Naib Qasid	01-07-1966	25-09-1995	25-09-1995	Home & Tas	30-06-2026
75	Muhammad Nawaz s/o Arif Ullah	Naib Qasid	15-09-1975	15-10-1995	15-10-1995	Irrigation	14-09-2035
76	Pervez s/o Wali Muhammad	Naib Qasid	01-01-1970	01-11-1995	01-11-1995	Sports	31-12-2029
77	Zulfiqar Ali Shah s/o Rahim Baksh	Naib Qasid	01-07-1967	12-11-1995	12-11-1995	Irrigation	30-06-2027
78	Shawkat Ali s/o Fazal Karim	Naib Qasid	08-04-1975	03-12-1995	03-12-1995	Auqaf	07-04-2035
79	Imran Anjum	Naib Qasid	01-06-1977	18-12-1995	18-12-1995	P&D	31-05-2037

POSTS IN BS-18 AND ABOVE TO THE POST OF QASID (NON-MATRIC) SENIORITY LIST (NON-MATRIC NAIB QASID (2021))

S. NO.	Posts	Respective Authority
1	Posts in BS-18 and above	Chief Secretary Khyber Pakhtunkhwa
2	Posts in BS-17	Secretary Establishment

16

204	Adnan Khan s/o Niamat Ullah	Naib Qasid	01-01-1992	02-11-2020	02-11-2020	Finance Department*	31-12-2051	
205	Asfandyar s/o Muhammad Ayub Khan	Naib Qasid	21-11-1993	02-11-2020	02-11-2020	Finance Department*	20-11-2053	
206	Aqil Javed s/o Javed Ahmad	Naib Qasid	10-05-1994	05-08-2020	58-8-2020	E&AD (Working as Mali)	09-05-2054	Deceased - Inheritance Quota

It is certified that:

1. The officials are not involved in any departmental proceeding, Anti-corruption case and Judicial enquiry etc.
2. The officials hold the post on regular basis.
3. The officials have not been awarded any penalty; and
4. The seniority position of officials is final, undisputed and notified.

Endst: No. E&A(AD)04(17)2021

Copy forward to:-

1. All Section Officer (Admn/General), Civil Secretariat/Governor Sectt/ CM Sectt.
2. All Private Secretaries to Provincial Minister/Advisors/Special Assistants.
3. All Personal Assistant to Additional Secretaries / Deputy Secretaries in E&AD.
4. All Section Officers in E&A Department
5. All PS/PA to Secretaries/Special Secretaries/Additional Secretaries/Deputy Secretaries in E&A Department.

[Signature]
SECTION OFFICER (ADMN) 16/12/2021

With the request to bring the above mentioned seniority into the notice of all concerned

[Signature]
SECTION OFFICER (ADMN) 16/12/2021

50/51

138

COURT MATTER / MOST IMMEDIATE



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

No. SOE.IV (E&AD) 1-10/2014
Dated Peshawar, the 24.01.2023

To

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

Subject:

IMPLEMENTATION REPORT IN EXECUTION PETITION NO. 560/2022 IN SERVICE APPEAL NO. 874/2018 TITLED MUHAMMAD FAYAZ VS GOVT. OF KHYBER PAKHTUNKHWA THROUGH CHIEF SECRETARY AND OTHERS

Dear Sir,

I am directed to refer to your letter No. SO(Lit)S&TD/1-80/2022/M. Fayaz dated 05.01.2023 on the subject noted above and to request for clarification regarding finding and recommendations of inquiry committee as given below:-

- i. The committee has not given its clear finding about whether Muhammad Fayaz was regularized after due process and instead mentioned that his regularization order was not found.
- ii. That whether the referenced letter of Finance Department vide No. B.XV/4-103/FD/98-99 dated 18.02.2000 was meant for regularization or for shifting of posts from project to regular side?
- iii. The committee has recommended that there is no procedural lapse on part of the department, whereas vide DO letter No. SOG (S&E) 2-26/2002/5544 dated 24.07.2008, the department admitted procedural oversight.

I am further directed to request to kindly clarify the above observations at the earliest so as to proceed further in the matter, please.

Yours faithfully,

(SIRAJ MUHAMMAD)
SECTION OFFICER (E-IV)

Endst: Even No. & Date.

Copy of the above is forwarded to:-

1. P.S to Secretary, Establishment Department.
2. P.S to Special Secretary (Estt), Establishment Department.
3. PA to Addl: Secretary (Estt), Establishment Department.
4. PA to Deputy: Secretary (Estt), Establishment Department.

SECTION OFFICER (E-IV)

2. PS to Secretary Sports & Youth Affairs Department.
3. PA to Additional Secretary, Sports & Youth Affairs Department.
4. PA to Deputy Secretary-IV, Sports & Youth Affairs Department.



GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, & YOUTH AFFAIRS DEPARTMENT.

13-A, KHYBER ROAD, PESHAWAR CANTT:

TELE: 9210377.

FAX # 9212535.

Annex-III 18

No: SOG(S&TD)/2-26/2002/P.F / 1266
Dated Peshawar the, 27th January, 2023

To

The Section Officer (Litigation),
Sports & Youth Affairs Department.

Subject: **EXECUTION PETITION NO. 560/2022 TITLED "MUHAMMAD
FAYAZ VS GOVERNMENT OF KHYBER PAKHTUNKHWA
THROUGH CHIEF SECRETARY AND OTHERS".**

I am directed to refer to your letter No. SO(LIT)/S&TD/1-80/2022/M.
Fayaz dated 24-01-2023 on the subject noted above and to submit herewith
parawise reply of the inquiry committee in respect of Muhammad Fayaz, Junior
Clerk of this Department.

- i. This Department principally agrees that order of the regularization in respect of Muhammad Fayaz has not been issued by this department for no obvious reason. The same can be read as oversight to the extent that after creation of regular positions/ posts sanctioned by Finance department in respect of the above official should have been issued. However, it does not justify to nullify the rights of the official to be taken as necessary cause by not granting him regularization plus inclusion into the inter-se-seniority and the same has been properly advocated in the inquiry report already shared with the department by the inquiry committee. Hence, observation at Para-I is addressed.
- ii. As far as letter of Finance Department vide No. B.XV/4-103/FD/98-99 dated 18-02-2000 was not only meant for shifting of posts from project to regular side but also a step forward towards regularization for it was a necessary process to convert a project post to regular side.
- iii. As mentioned in Para i & ii, any oversight if committed by the Sports Department, Finance Department or Establishment Department cannot be a necessary oversight/ lapse on the part of the candidate. Hence, he may not only be regularized from the dated of his conversion to the regular side but his name may also be included in the inter-se-seniority or as mentioned in the judgment of the Services Tribunal, Khyber Pakhtunkhwa.

Section Officer (General)
Sports & Youth Affairs Department

Deputy Secretary-Admn
Sports & Youth Affairs Department

Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (January-2023)

Annex-IV
19



Personal Information of Mr MUHAMMAD FAYAZ d/w/s of FIDA MUHAMMAD

Personnel Number: 00044184 CNIC: 1730114696623 NTN: 0
 Date of Birth: 23.02.1972 Entry into Govt. Service: 01.11.1995 Length of Service: 27 Years 03 Months 001 Days

Employment Category: Active Temporary

Designation: JUNIOR CLERK 80003997-GOVERNMENT OF KHYBER PAKH
 DDO Code: PR4896-SO.ADMN:SPORT CULTURE TOURISM MUSEUMS & ARCHAEOLOGY DEPTT.

Payroll Section: 010 GPF Section: 002 Cash Center:
 GPF A/C No: GA 015966 GPF Interest applied **GPF Balance: 411,781.00 (provisional)**

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 11 Pay Stage: 23

Wage type		Amount	Wage type		Amount
0001	Basic Pay	48,780.00	1210	Convey Allowance 2005	2,856.00
1300	Medical Allowance	1,500.00	2148	15% Adhoc Relief All-2013	675.00
2199	Adhoc Relief Allow @10%	452.00	2283	Secretariat Perform Allow	24,390.00
2315	Special Allowance 2021	3,500.00	2341	Dispr. Red All 15% 2022KP	4,789.00
2347	Adhoc Rel Al 15% 22(PS17)	4,789.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3011	GPF Subscription	-1,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-1,113.00	3620	House Rent Deduction 5%	-2,439.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6501	HBA Loan Principal Instal	124,800.00	-1,040.00	17,680.00

Deductions - Income Tax

Payable: 13,107.05 Recovered till JAN-2023: 7,546.00 Exempted: 0.60- Recoverable: 5,561.65

Gross Pay (Rs.): 91,731.00 Deductions: (Rs.): -7,682.00 Net Pay: (Rs.): 84,049.00

Payee Name: MUHAMMAD FAYAZ

Account Number: 3004186435

Bank Details: NATIONAL BANK OF PAKISTAN, 230986 CIVIL SECRETARIAT CIVIL SECRETARIAT, PESHAWAR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESHAWAR

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: muhammadfayaz711@gmail.com

Housing Status: Official