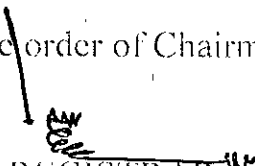


FORM OF ORDER SHEET

Court of

Case No. -

600/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	2	3
1-	20/03/2023	<p>The appeal of Mr. Rafiq Ahmad presented today by Mr. Ali Gohar Durrani Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>22/3/23</u> Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Appeal No. 600 /2023

Mr Rafiq Ahmad

Versus

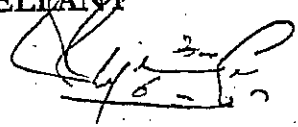
Government of Khyber Pakhtunkhwa through Chief Secretary and others

INDEX

S.No	Description of documents	Annex	Pages
1.	Appeal with affidavit		1-5
2.	Addresses of Parties		6
3.	Copy of Notification	A	7-8
4.	Copy of the notification dated 03-01-2022	B	9
5.	Copy of the Final Seniority List	C	10
6.	Copy of the working paper	D	11-13
7.	Copy of the notification dated 31-10-2017	E	14-22
8.	Copy of the notification dated 30-07-2019	F	23-28
9.	Copy of the Minutes of the meeting	G	29-34
10.	Copy of the Appeal dated 02-12-2022	H	35-36

APPELLANT

Through


ALI GOHAR DURRANI
Advocate High Court(s)
0332-9297427
khaneliegohar@yahoo.com

1

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

APPEAL No. 600 /2023

Mr. Rafiq Ahmad Assistant (BPS-17) Directorate of Tourist Services Peshawar,
Khyber Pakhtunkhwa .

..... Appellant

Versus-

1. The Government of Khyber Pakhtunkhwa,
Through Chief Secretary Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.
2. The Sports, Culture, Tourism, Museum and Youth Affairs Department,
Through Secretary Tourism to the Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
3. The Finance Department,
Through Secretary Finance to the Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
4. The Establishment Department,
Through Secretary Establishment to the Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar
5. The Administration Department,
Through Secretary Administration to the Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar
6. Directorate of Tourist Services,
Through DG Tourist Services.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 FOR PROMOTION.**

RESPECTFULLY SUBMITTED:

The appellant most humbly beg to submit as under:

1. That the Appellant is a law-abiding citizen of Pakistan and also hails from a respectable family who holds a Master Degree in English. He is serving as Assistant (BPS-16) in Directorate of Tourist Services Peshawar Khyber Pakhtunkhwa who entered in a Government services on 01-02-2019 vide notification dated 23-01-2019. Copy of the notification is Annex-A.
2. That the Appellant was appointed by initial appointment to the post of Assistant (BPS-16) through KPPSC. Copy of the notification dated 03-01-2022 is Annex-B.
3. That the Government of Khyber Pakhtunkhwa Directorate of Tourist Services Peshawar issued a joint seniority list of Inspectors and Assistant of Directorate of Tourist Services vide Notification dated 03-01-2022. Assistant

Copy of the Final Seniority Lists Annex-C.

4. That a working paper was issued by Department of Sports and Tourism, Directorate of Tourist Services, Khyber Pakhtunkhwa Peshawar for Promotion/Appointment to the post of Assistant Controller/Assistant Director/ Assistant Director-Cum-Assistant Controller on Regular/ Charge Basis and the appellant was considered eligible for appointment to the post of Assistant Controller/ Assistant Director-cum-Assistant Controller on ~~acting~~ ^{Regular} charge basis

Copy of the working paper is Annex-D.

5. That on 31-10-2017 a notification was issued by the Government of Khyber Pakhtunkhwa, Sports, Tourism, Culture, Archaeology, Youth Affairs and Museums Department in pursuance of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 which lays down the method of Recruitment, Qualification and other Conditions.

Copy of the notification dated 31-10-2017 is Annex-E.

6. That subsequently certain amendments were made in the above mentioned Service Rules vide notification dated 25-04-2022 by the Government of Khyber Pakhtunkhwa, Sports, Tourism, Culture, Archaeology, Youth Affairs and Museums Department.

Copy of the notification dated 25-04-2022 is Annex-F.

7. That a meeting of the Departmental Promotion Committee of the Directorate of Tourist Services Khyber Pakhtunkhwa, Peshawar was held on 07-11-2022 under the chairmanship of the Secretary Sports, Tourism, Archaeology, Museum and Youth Affairs Department.

Copy of the Minutes of the meeting is Annex-G.

8. That being aggrieved of the minutes of the meeting held on 07-11-2022 the Appellant filed an Appeal/representation to the worthy Chief Secretary that the decision of the Departmental Promotion Committee be declared null and void and fresh directions may be issued for Fresh Departmental Promotion Committee and the appellant be recommended for promotion as per Rules/ entitlement..

Copy of the Appeal dated 02-12-2022 is Annex-H.

9. That it requires mention that under the purview of Section 8 of the Tourism Act 2019, the services of appellant were to be placed in surplus pool. To be stopped from processing the case of the appellant for placement in surplus pool, the appellant approached the honorable Peshawar high Court in writ jurisdiction for the seeking of directions of holding of DPC meeting. During the pendency of the writ petition the DPC meeting dated 07-11-2022 took place. And the writ petition was dismissed.

10. That being denied to promotion as per Rules/entitlement to the appellant having no alternate remedy but to approach this Honorable Tribunal amongst others on the following grounds:

Grounds:

- a. Because the Appellant has been treated illegally, unlawfully and against the spirit of the law.

b. Because the Rights of the Petitioner are secured under Article 8, and the entirety of Part II of the Constitution of the Islamic Republic of Pakistan, and its redress falls solely within the ambit of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, and lie with this honorable tribunal.

c. Because when the law requires a thing to be done in a particular manner, it has to be done in that manner alone. Reliance is placed on 2020 CLC 1453 Pesh, 2022 PLC (CS) 478 Pesh, 2017 SCMR 1427, 2008 SCMR 1148.

d. Because the right to due process as per Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 is being made redundant in the instant case against the Appellant. The right is absolute and cannot be done away with and it needs to be taken as liberally as possible as per the dictum laid by the Honorable Supreme Court in PLD 2022 SC 497.

“Incorporation of the right to a fair trial and due process by Article 10-A in the Constitution as an independent fundamental right underscores the constitutional significance of fair trial and due process and like other fundamental rights, it is to receive a liberal and progressive interpretation and enforcement.”

e. Because the Honorable Supreme Court of Pakistan in the recent judgment in Justice Qazi Faez Isa case has held in unequivocal terms that even the highest of offices are not to be denied the fundamental rights so guaranteed by the Constitution. The judgment is reported as PLD 2022 SC 119 and lay as under:

“Right to be dealt with in accordance with law. No one, including a Judge of the highest court in the land, is above the law, At the same time, no one, including a Judge of the highest court in the land, can be denied his right to be dealt with in accordance with law; it matters little if the citizen happens to hold a high public office, he is equally subject to and entitled to the protection of law.”

The judgment referred to above further lay clear that the principles of natural justice are to be met in every circumstances in the following terms:

“After recognition of the right to fair trial and due process as a fundamental right by insertion of Art. 10A in the Constitution, violation of the principles of natural justice, which are the necessary components of the right to fair trial and due process, is now to be taken as a violation of the said fundamental right as well.”

These principles are time and again reiterated by the Honorable Supreme Court and have been recently held of immense value in PLD 2021 SC 600 in the following words:

“Constitutional guarantee of the right to be dealt with in accordance with law, under Art. 4 of the Constitution, is available not only to every citizen of the country but also to every other person for the time being within Pakistan, Said constitutional guarantee cannot be curtailed or limited in the case or matter of any person whosoever he may be and whatever the allegations against him may be.”

f. Because even otherwise promotion after retirement is permissible under the law, if otherwise employees fulfil the conditions of eligibility, suitability and fitness.

g. Because it is well settled preposition of law laid down by the superior courts that when employee has wrongly been prevented from promotion to the higher post without his fault despite of availability of vacancy against the promotion quota, the employee is entitled to notional/anti-dated promotion. Reliance is placed on promotion on 2010 SCMR1466, 2011 SCMR389, 1998 SCMR2544, 2012 PLC (CS)566 and 2011 SCMR788.

- h. Because it has been held by the superior court time in again, that remedy would always be available to the employee, where any executive authority entrusted with responsibility for taking certain action in accordance with the law, and had not been done so. Reliance is placed on 2007 PLC 366.
- i. Because the mechanism provided under Article 212 is attracted for the reason of the order being coram non iudice and illegal for the entrenched malice on part of the Respondents in the case.
- j. Because the actions on part of the respondents seriously are in the negation of the Constitution of the Islamic Republic of Pakistan, 1973 and the Civil Servants Act.
- k. Because the Fundamental Rights of the Appellant have been violated in relation to Article 4, 8, 9, 18 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973. The said rights flow out of the Constitution the terms and conditions of service of the Appellant and this Honorable Court being the custodian of the Fundamental Rights of citizens of Pakistan, as well as the protection afforded by the Constitution of Islamic Republic of Pakistan 1973, is why the Appellant seeks the redress of their grievances and to end the ordeal the Appellant is going through due to the illegal, unlawful and unjust acts and inaction of the Respondents.
- l. 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.
- m. Because the appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the Law are badly violated.
- n. Because the Appellant crave 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 Honorable Tribunal may graciously be pleased to direct that the Appellant be granted promotion and the decision taken in the minutes of meeting of the DPC dated 07-11-2022 be set aside. Any other relief deemed appropriate in the circumstance of the case may also be granted.

Interim Relief:

That pending disposal of the instant appeal, may it please this honorable tribunal to restrain the respondents from placement of the services of the appellant in surplus pool.

Ali Gohar Durrani
Appellant

Through

ALI GOHAR DURRANI
Advocate High Court(s)
0332-9297427
khaneligohar@yahoo.com
SHAH | DURRANI | KHATTAK
(A REGISTERED LAW FIRM)
HOUSE NO. 231-A, STREET
NO.13, NEW SHAMI ROAD,
PESHAWAR.

5

BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Appeal No. _____/2023

Mr. Rafiq Ahmad

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary and others

AFFIDAVIT

I, Rafiq Ahmad Assistant (BPS-17) Directorate of Tourist Services Peshawar, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of accompanied writ petition are true and correct to the best of my knowledge and belief and nothing has been intentionally concealed from this Honorable Court.

Rafiq Ahmad

Deponent
CNIC No.

15401-7254778-9
0315-4331871

Identified By:

Ali Gohar Durrani

Ali Gohar Durrani
Advocate High Court(s)



No.TSW-PR-1(148)/19-A&E
Government of Khyber Pakhtunkhwa
Directorate of Tourist Services

4th Floor, FC Plaza, Sunehri Masjid Road,
Peshawar, the 23rd January, 2019

Subject: RECRUITMENT TO THE POST OF ASSISTANT (BPS-16)

On the recommendation of KPKPSC is offered on appointment of Assistant (BPS-16) in the Directorate of Tourist Services. Terms and conditions of the appointment will be as under:-

- He will get pay at the minimum of BPS-16 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
 - He will have no claim to seniority and confirmation from the date earlier to his date of appointment and in preference to persons already serving in the Department of Tourist Services.
 - He shall be governed by the Civil Servant Act, 1973 and all the laws. Applicable to the Civil Servants and Rules, made there.
 - He will be on probation for a period of one year in the first instance extendable by an order before or after its completion for further period of one year. During probation his services are liable for termination at any time without assigning any reason.
 - His appointment will be provisional subject to verification of his character and antecedents and medical fitness (for fresh appointees only)
 - He will report for joining at Directorate of Tourist Services, 4th Floor FC Plaza Peshawar Saddar, and letter on will be posted any where in Khyber Pakhtunkhwa.
 - He will be required to report for duty in the office at Para-(f) within 15 days.
 - He shall produce a medical certificate of fitness from Medical Superintendent, Services Hospital, Peshawar, before joining duties in the Civil Secretariat, as required under the rules.
 - For all other terms not covered above, he will be governed by the government servant's temporary employment rules.
 - He has to join duties at his own expenses. In case he wishes to resign at any time 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
 - He would bring with him the following documents:
 - His original domicile certificate, educational certificate (Matriculation etc.) and two attested copies thereof from the concerned board / University.
 - Two character Certificate signed by two different class 1 Gazette Officer (Band copies are enclosed)
- He should immediately but not later than 06.02.2019 inform this office whether or not the offer of appointment is acceptable to him.
 - If the offer is acceptable to him, he should immediately contact the office as indicated at Para-I (f) above to ascertain the date on which he is required to report for medical examination/duty. The offer of appointment is liable to be canceled if he fails to report for duty within the above prescribed period.
 - No TA/DA will be paid for joining the duty his Department.

Mr. Rafiq Ahmad
S/o Zarif Khan
R/o Village & P/O Meherdi
Tehsil Dargal District Malakand,

Copy is forwarded for information to:

- Accountant General, Khyber Pakhtunkhwa, Peshawar
- The Director, Directorate of Tourist Services, Govt. of Khyber Pakhtunkhwa.
- PS to Secretary, Sport & Tourism Department, Govt. of Khyber Pakhtunkhwa
- The Section Officer Tourism,
- Personal File

Directorate Of Tourist Services FC Plaza
4th Floor Peshawar Cantt

23 JAN 2019

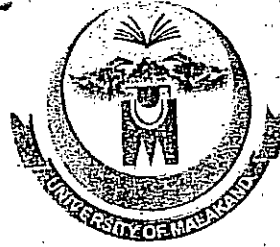
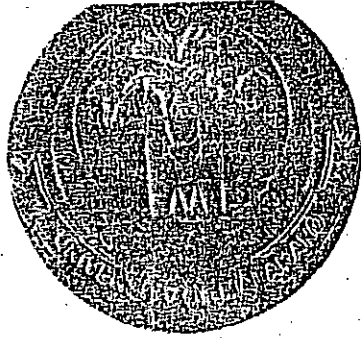
Issued/Diary No

6473 to 6477

Signature

Rafiq Ahmad
(Director)

Rafiq Ahmad



Session 200

~~RAFIQ AHMAD~~ Son of ~~ZARIF KHAN~~ Registration No. 2006570516 Student of Govt. Jahanzeb Coll
Saidu Sharif Swat having passed the prescribed examination held in Nov-Dec, 2009 under Roll No. 3695
admitted by the University of Malakand to the degree of

∞

Master of Arts

ms

in English in Second Division

The examination was taken in parts.

[Signature]

Controller of Examinations

Countersigned

Result Declared on 08-Mar-2010
Issuance Date 22-Aug-2011

Verified & Found Correct
12/04/18
Dir. Controller of Examinations
University of Malakand
[Signature]
12/04/2018

M. Masooda
Vice Chancellor



9

Government of Khyber Pakhtunkhwa
Directorate of Tourist Services Peshawar
Dated: 03.01.2022, PH:9210008

B


Annex

NOTIFICATION

No.DTS-PR-5(30)/17-A&E: In pursuance of Section 8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the final joint seniotiy list of Inspectors and Assistants of Directorate of Tourist Services (as stood on 01.01.2022) is hereby notified/ circulated for general information.

S.No.	Name of official with qualification	Date of birth with Domicile	Date of entry in to govt. service	Regular appointment/ promotion to the present post			Present appointment with date	Remarks
				Date	BPS	Method of recruitment		
1	Raza Khan	11.08.1965 Mansehra	16.11.1989	27.11.2017	16	By promotion	Superintendent acb	
2	Rafiq Ahmad MA English	14.02.1985 Malakand	01.02.2019	01.02.2019	16	By initial appointment through KPPSC	Assistant 01.02.2019	
3	Muhammad Bilal MBA	20.04.1987 Mardan	01.07.2020	01.07.2020	16	By initial appointment through KPPSC	Inspector 01.07.2020	
4	Hisham Khan MBA	02.10.1988 Bannu	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	
6	Asif Shahzad MBA	20.03.1992 Swabi	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	
7	Muhammad Fahim	17.04.1992 FR Kohat	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	
8	Imran Khan	15.03.1992 Mardan	10.08.2020	10.08.2020	16	By initial appointment through KPPSC	Inspector 10.08.2020	
9	Khalid Bashir	01.04.1990 Lakki Marwat	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	
10	Zer Muhamamd Khan	07.04.1992 Bannu	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	

mm


Director General



Government of Khyber Pakhtunkhwa
Directorate of Tourist Services Peshawar
Dated: 03.01.2022, PH:9210008

Annex

NOTIFICATION

No.DTS-PR-5(30)/17-A&E: In pursuance of Section 8(1) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with rule 17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the final joint seniority list of Inspectors and Assistants of Directorate of Tourist Services (as stood on 01.01.2022) is hereby notified/ circulated for general information.

S.No.	Name of official with qualification	Date of birth with Domicile	Date of entry in to govt. service	Regular appointment/ promotion to the present post			Present appointment with date	Remarks
				Date	BPS	Method of recruitment		
1	Raza Khan	11.08.1965 Mansehra	16.11.1989	27.11.2017	16	By promotion	Superintendent acb	
2	Rufiq Ahmad MA English	14.02.1985 Malakand	01.02.2019	01.02.2019	16	By initial appointment through KPPSC	Assistant 01.02.2019	
3	Muhammad Bilal MBA	20.04.1987 Mardan	01.07.2020	01.07.2020	16	By initial appointment through KPPSC	Inspector 01.07.2020	
4	Hisham Khan MBA	02.10.1988 Bannu	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	
5	Asif Shahzad MBA	20.03.1992 Swabi	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	
6	Muhammad Fahim	17.04.1992 FR Kohat	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	
7	Imran Khan	15.03.1992 Mardan	10.08.2020	10.08.2020	16	By initial appointment through KPPSC	Inspector 10.08.2020	
8	Khalid Bashir	01.04.1990 Lakki Marwat	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	
9	Zer Muhammad Khan	07.04.1992 Bannu	06.05.2020	06.05.2020	16	By initial appointment through KPPSC	Inspector 06.05.2020	

Director General



DEPARTMENT OF SPORTS AND TOURISM
(DIRECTORATE OF TOURIST SERVICES)
KHYBER PAKHTUNKHWA PESHAWAR

Annex

11

D

Subject:- WORKING PAPER FOR PROMOTION/ APPOINTMENT TO THE POST OF ASSISTANT CONTROLLER/ASSISTANT DIRECTOR/ ASSISTANT DIRECTOR-CUM-ASSISTANT CONTROLLER ON REGULAR/ ACTING CHARGE BASIS.

There are six sanctioned posts of Assistant Controller/Assistant Director/ Assistant Director-cum-Assistant Controller (Bps-17) in the Directorate of Tourist Services Khyber Pakhtunkhwa wherein 01 post (Assistant Director) has been filled and 05 posts are laying vacant and falls to the share of promotion quota and are required to be filled in by promotion from amongst the Assistants and Inspectors. (Annex-I),

2. According to Clause-IV (4) of Service Rules of DTS (Amendment) (Notification NO. SO(T)/6-17/SSRC/2022/4279-88 dated 25.04.2022, Govt: of Khyber Pakhtunkhwa, Tourism and Sports Department (Annex-II), the following method of recruitment has been prescribed for appointment to the post of Assistant Controller/Assistant Director/ Assistant Director-cum-Assistant Controller (Bps-17):-

"(a) Eighty percent (80%) by promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Inspectors and Assistants with three years service as such: and

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

Note: for the purpose of promotion a joint seniority list of the holders of the post of Assistant and Inspectors shall be maintained";

Post	Total Sanctioned Strength	Initial Quota	Filled posts	Promotion Quota	Required to be filled by promotion/ appointment
Assistant Controller/Assistant Director/ Assistant Director-Cum-Assistant Controller	06	20%	01	80%	05

3. Joint Seniority list of Assistants and Inspectors of DTS is at

4. The official at serial No.01 in the seniority list was promoted to the post of Superintendent on acting charge basis vide Notification No. SO(DTS)6-13/2020 vide date 26.11.2020, while the official still holds the post of Assistant on regular basis. As per the Service Rules of DTS (Amendment) (Notification NO. SO(T)/6-17/SSRC/2022/4279-88 dated 25.04.2022. The post of Assistants have been deleted from promotion to the post of Superintendent Copy at (Annex-VII).

5. The following senior most Assistants and Inspectors having either 03 years of service or more than 02 years of service eligible for promotion/ appointment to the post of Assistant Controller/Assistant Director/ Assistant Director-Cum-Assistant Controller on regular basis and

mm

appointment on acting charge basis under the Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989 which provides:

"Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis", (Annex-IV).

12

The detail is as under:

S. No	Names	Qualification	Date of regular promotion /appointment to BPS-16	Whether the required length of service has completed	Remarks
1.	Raza Khan	F.A	27.11.2017	Yes	Eligible for promotion to the post of Assistant Controller/ Assistant Director-cum-Assistant Controller on regular basis.
2.	Rafiq Ahmad	MA English	01.02.2019	Yes	Eligible for promotion to the post of Assistant Controller/ Assistant Director-cum-Assistant Controller on regular basis.
3	Muhammad Bilal	MBA	01.7.2020	No	Eligible for appointment to the post of Assistant Controller/ Assistant Director-cum-Assistant Controller on acting charge basis.
4	Hisham Khan	MBA	06.05.2020	No	Eligible for appointment to the post of Assistant Controller/ Assistant Director-cum-Assistant Controller on acting charge basis.
5	Asif Shahzad	MBA	06.05.2020	No	Eligible for appointment to the post of Assistant Controller/ Assistant Director-cum-Assistant Controller on acting charge basis.

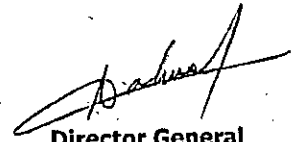
6. Bio-data of the officials are attached at (Annex V) and Synopsis from Annual Confidential Report along with complete CR dossiers of the officials included in the panel is placed as (Annex-VI).

It is certified that officials included in the panel for promotion are:-

- i. Holding the lower post on regular basis.
- ii. That neither any disciplinary/Departmental Proceeding/Anti-corruption cases/Judicial inquiry is pending against any of the above officials, proposed for promotion/ appointment nor has any penalty been imposed on any one of them.
- iii. That the above officials are regular members of the service/cadre and are presently serving in their respective service/cadre.
- iv. Seniority list of the cadre is not disputed & final

7. The Departmental Promotion Committee is requested to determine the suitability of the officials at serial No 01 & 02 of the panel for promotion on regular basis and officials at serial No. 03, 04 and 05 for appointment on acting charge basis, as their required length of service is not completed so far, to the post of Assistant Controller/Assistant Director/ Assistant Director-Cum-Assistant Controller in Directorate of Tourist Services, Khyber Pakhtunkhwa.

13



Director General
Directorate of Tourist
Services, Peshawar

mm



(E)

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

Peshawar, Dated the 31st October, 2017

NOTIFICATION

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

APPENDIX

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

**inserted/ amended vide Notification No. SO(T)/6-17/SSRC/2022/4279-88/ dated 25.04.2022

(17)

2.	Deputy Director (BPS-18).			<p align="center">**</p> <p>By promotion, on the basis of seniority-cum-fitness from amongst the Law Officers and Admin and Accounts Officers having five years service as such:</p> <p>Provided that if no suitable person is available for promotion then by transfer from amongst PMS or PAS officer.</p> <p>Note: For the purpose of promotion a joint seniority list of Assistant Directors, Assistant Controllers, Law Officers and Admin and Accounts Officers shall be maintained.</p>
3.	Law Officer (BPS-17):	At least Second Class LLB Degree from a recognized University with three (03) years experience at the Bar.	25 to 35 years.	<p>(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Legal Assistants with three years service as such:</p> <p>Provided that if no suitable person is available for promotion then by initial recruitment; and</p> <p>(ii) fifty percent by initial recruitment.</p>
4.	Assistant Controllers / Assistant Directors / Assistant Directors -cum-Assistant Controller (BPS-17)	At least Second Class Master's Degree in Tourism and Hospitality, Economics, Public Administration, Business Administration or equivalent qualification from a recognized University.	24 to 34 years.	<p align="center">**</p> <p>(a) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Inspectors and Assistant with three years' service as such; and</p> <p>(b) twenty percent (20%) by initial recruitment.</p>

Handwritten signature

Handwritten mark

**inserted/ amended vide Notification No. SO(T)/6-17/SSRC/2022/4279-88/ dated 25.04.2022

				Note: for the purpose of promotion a joint seniority list of all the holders of the posts of Assistant an Inspector shall be maintained.
5. **	Assistant Director (IT) (BPS-17) And Assistant Director (Planning) (BPS-17).			By Promotion on the basis of seniority-cum-fitness from amongst the holders of the post of Computer Operator with three years of service as such.
6.	Admin and Accounts Officer (BPS-17).	At least Second Class Master's Degree in Commerce, Business Administration (Finance) or equivalent qualification from a recognized University with two years relevant experience.	24 to 34 years.	** (a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness from amongst the Accountant with three years service as such: (b) Fifty percent (50%) by initial recruitment.
7.	Superintendent (BPS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers with at least five years service as such.
8.	Inspector (BPS-16)	(a) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University; and (b) Height...five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.	21 to 30 years.	** (a) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Inspectors with at least five years services as such: (b) twenty percent (20%) by initial recruitment.
9.	Legal Assistant (BPS-16).	At least Second Class LLB Degree from a recognized University with two years experience at the Bar.	25 to 35 years.	By initial recruitment.

handwritten mark

handwritten mark

**inserted/ amended vide Notification No. SO(T)/6-17/SSRC/2022/4279-88/ dated 25.04.2022

10.	Assistant (BPS-16).	At least Second Class Bachelor's Degree or its equivalent qualification from a recognized University.	20 to 32 years.	** (i) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least three years service as such: and (ii) twenty five (25%) percent by initial recruitment.
11.	Stenographer (BPS-16).	At least Second Class Bachelor's Degree from a recognized University with— (a) a speed of seventy (70) words per minute in shorthand in English and forty-five(45) words per minute in typing; and (b) knowledge of Computer in using MS Word and MS Excel.	20 to 32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Steno Typists with at least five years service as such: Provided that if no suitable person is available for promotion, then by initial recruitment.
12.	Computer Operator (BPS-16).	(a) At least Second Class Bachelor's Degree in, Computer Science / Information Technology (BCS / BIT four years), from a recognized University; or (b) At least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	21 to 32 years.	By initial recruitment.
13.	Sub-Inspector (BPS-14).	(a) At least Second Class Bachelor's Degree or its equivalent qualification from a recognized University; and	21 to 32 years.	** (i) Eight percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Sub-Inspectors

**inserted/ amended vide Notification No. SO(T)/6-17/SSRC/2022/4279-88/ dated 25.04.2022

17

		(b) Height...five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.		with three (3) years' service as such: and (ii) twenty percent (20%) by initial recruitment.
14.	Senior Clerk (BPS-14).			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least two years' service as such.
15.	Steno Typist (BPS-14).	At least Second Class Intermediate School Certificate or its equivalent qualification from a recognized Board with— (a) a speed of fifty (50) words per minute in shorthand in English and thirty five (35) words per minute in typing; and (b) knowledge of Computer in using MS Word and MS Excel.	18to30 years.	By initial recruitment.
16.	Accountant (BPS-14).	(a) At least Second Class Bachelor's Degree in Commerce, Business Administration or equivalent qualification from a recognized University; and (b) a proficiency in accounts related software.	21to28 years.	By initial recruitment.
17.	Junior Clerk (BPS-11).	(a) At least Second Class Secondary School Certificate or its equivalent qualification from a recognized Board; and	18to30 years.	(i) Thirty three percent by promotion, on the basis of seniority-cum-fitness from amongst the Dispatch riders, Duplicate Machine Operators, Naib Qasids and Farashs having Secondary School Certificate; and

**inserted/ amended vide Notification No. SO(T)/6-17/SSRC/2022/4279-88/ dated 25.04.2022

10

Full

		(b) typing speed of thirty (30) words per minute on Computer.		(ii) sixty-seven percent by initial recruitment. Note: For the purpose of promotion a joint seniority list of Dispatch Riders, Duplicate Machine Operators, Naib Qasids and Farashs etc shall be maintained with reference to the dates of their acquiring the Secondary School Certificate: Provided that— (a) if two or more officials have acquired the Secondary School Certificate in the same session, the inter-se-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and (b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.
18.	Assistant -Sub-Inspector (BPS-09).	(a) At least Second Class Intermediate Certificate or its equivalent qualification from a recognized Board; and (b) Height..five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.	18-28 years.	** (i) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the Head Constables with three years service as such; and

**inserted/ amended vide Notification No. SO(T)/6-17/SSRC/2022/4279-88/ dated 25.04.2022

				(ii) twenty percent (20%) by initial recruitment.
19.	Head Constable (BPS-07).	(a) At least Second Class Secondary School Certificate or its equivalent qualification from a recognized Board; and (b) Height... five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.	18to28 years.	** By promotion, on the basis of seniority-cum-fitness, from amongst the Constables with three years service as such.
20.	Driver (BPS-06).	literate with valid driving license of light transport vehicle. Note: Preference will be given to those who have relevant experience in driving, repair and maintenance of vehicles.	18 to 40 years.	** (a) Twenty percent (20%) by promotion on the basis of seniority-cum-fitness, from amongst the holders of the post of Chowkidar, subject to eligibility as per required qualification: and (b) Eight percent (80%) by initial recruitment."
21.	Dispatch Rider (BPS-05).	At least Second Class Intermediate Certificate or its equivalent qualification from a recognized Board with valid motorbike license.	18to28 years:	(i) Thirty-three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Drivers, Duplicate Machine Operators and Naib Qasids; and (ii) sixty seven percent by initial recruitment. Note: -for the purpose of promotion, a joint seniority list of the Drivers, Duplicate Machine Operators and Naib Qasids shall be maintained.

Call

**inserted/ amended vide Notification No: SO(T)/6-17/SSRC/2022/4279-88/ dated 25.04.2022

20

22.	Constable (BPS-05).	(a) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (b) Height... five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.	18to28 years.	By initial recruitment.
23.	Duplicate Machine Operator (BPS-04).	Preferably literate.	18to40 years.	By initial recruitment.
24.	Naib Qasid (BPS-03).	Preferably literate.	18to40 years.	By initial recruitment.
25.	Farash (BPS-03).	Preferably literate.	18to40 years.	By initial recruitment.
26.	Chowkidar (BPS-03).	Preferably literate.	18to40 years.	By initial recruitment.

**SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, YOUTH AFFAIRS,
ARCHAEOLOGY AND MUSEUMS DEPARTMENT.**

Peshawar, Dated the 31st

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

Copy is forwarded to:

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. The Registrar, Peshawar High Court, Khyber Pakhtunkhwa, Peshawar.
3. The Registrar, Service Tribunal, Khyber Pakhtunkhwa, Peshawar.

****inserted/ amended vide Notification No. SO(T)/6-17/SSRC/2022/4279-88/ dated 25.04.2022**

(12)

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

(Mir Rehman)
Section Officer (Tourism)

1/5

F

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 25th APRIL, 2022.

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

NOTIFICATION

Dated: 25th April, 2022.

luc

No. SO(T)/6-17/SSRC/2022/4279-88/—In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989, the Sports, Tourism, Culture, Archaeology, Museums and Youth Affairs Department in consultation with the Establishment Department and the Finance Department hereby directs that in this Department's Notification No. SO (DTS) 6-17/2017/Service Rules, dated: 31.10.2017, the following amendments shall made, namely:

1711

Annex

23

F

AMENDMENTS

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

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

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

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

Amended

- (iii) against Serial No. 2, in Column No. 5, after the words and comma "Assistant Directors", the words, hyphen and comma "Assistant-cum-Controller", shall be inserted;
- (iv) against Serial Nos.4 and 5, for the existing entries, the following shall be substituted, namely:

(24)

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

Call

- (v) against Serial No. 7, in Column No. 5, the words "Assistant and" shall be deleted;
- (vi) against Serial No. 6, in Column No. 5, for the existing entries, the following shall be substituted, namely:

25

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

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

- (a) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Sub-Inspector with three years service as such; and
- (b) twenty percent (20%) by initial recruitment.”;

Amir

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

- (a) Seventy five (75%) percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Senior Clerk with at least three years service as such; and
- (b) twenty five (25%) percent by initial recruitment.”;

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

"(a) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant Sub-Inspector with three years service as such; and
(b) twenty percent (20%) by initial recruitment.";

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

"(a) Eighty percent (80%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Head Constable with three (3) years service as such; and
(b) twenty percent (20%) by initial recruitment.";

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

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

22

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

- "(a) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Chowkidar, subject to eligibility as per required qualification; and
- (b) eight percent (80%) by initial recruitment."

lur

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

20

Subject:- MINUTES OF THE MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE (DPC) HELD ON 07-11-2022 UNDER THE CHAIRMANSHIP OF SECRETARY SPORTS & TOURISM DEPARTMENT

Ammer
6

29

A meeting of the Departmental Promotion Committee of the Directorate of Tourist Services Khyber Pakhtunkhwa, Peshawar was held on 07.11.2022 at 11.00 AM under the Chairmanship of Secretary Sports, Tourism, Archaeology, Museum & Youth Affairs Department regarding the promotion of the following employees of the Directorate of Tourist Services, Khyber Pakhtunkhwa.

- I. Promotion to the post of Assistant Director IT (BS-17) and Assistant Director Planning (BS-17) on regular basis.
- II. Appointment to the post of Law Officer (BS-17) on acting charge basis.
- III. Promotion / appointment to the post of Assistant Director / Assistant Controller / Assistant Director-cum-Assistant Controller (BS-17) on regular basis / acting charge basis.

2. The following Officers attended the meeting:

Intend

- i. Mr. Muhammad Tahir Orakzai, Secretary Sports & Tourism Deptt: Chairman
- ii. Mr. Yasir Ali Khan, Additional Secretary, Sports & Tourism Deptt: Member
- iii. Mr. Afsar Ali Shah Director General, Directorate of Tourists Services, Peshawar Member
- iv. Syed Habib-ul-Hassan Gillani, DS (Regulation-I), Establishment Department Member
- v. Mr. Muhammad Saleem, DS (Regulation-I), Finance Department Member
- vi. Mr. Fazal Wahid, Section Officer (Tourism-I), Sports & Tourism Department Member

I. Promotion to the post of Assistant Director IT (BS-17) and Assistant Director Planning (BS-17) on regular basis.

3. The meeting commenced with the recitation from the Holy Quran. The Chair welcomed the participants. The Director General Directorate of Tourist Services, Khyber Pakhtunkhwa informed the forum that there are two (02) sanctioned posts of Assistant Director (IT/Planning) (BS-17) in the Directorate of Tourist Services, Khyber Pakhtunkhwa. 100% quota comes under the share of promotion as per Amended Services Rules of Directorate of Tourist Services KP, duly notified vide Sports & Tourism Department Notification dated 25.04.2022.

4. Accordingly, all working papers and seniority lists of Computer Operators (BS-16) have been prepared by the Directorate of Tourist Services, Khyber Pakhtunkhwa. The seniority list of said cadre is final and free from all sort of litigations. The proposed official i.e. Mr. Muhammad Amajd and Mr. Shaher Yar Khan, Computer Operators (BS-16) have completed their required length of services and there are no adverse remarks recorded in the ACRs of the officials.

mm

5. The Representative of Finance Department has raised some observations on the Services Rules of DTS, which have been duly vetted by Law Department and approved by the Establishment Department being the approving authority. Representative of Finance Department is of the view that both Computer Operators (BS-16) are proposed for promotion, but one is being proposed as AD-IT (BS-17) while other is being proposed to be promoted as AD-Planning (BS-17), to the extent of promotion of Computer Operators to AD-IT (BS-17) seems justified but how can a Computer Operator (BS-16) be promoted to the AD-Planning (BS-17) being different cadre.

30

6. After detailed discussion, the Departmental Promotion Committee made the following recommendation:-

S.No	Name of Official	From the post	Recommendation
1.	Mr. Muhammad Amjad	Computer Operator (BS-16)	The DPC deferred the promotion of said officials due to objections raised on the Service Rules of DTS by Representative of Finance Department and DG DTS was directed to rectify the Service Rules of DTS.
2.	Mr. Shaheer Yar Khan	Computer Operator (BS-16)	

Muhammad

II. Appointment to the post of Law Officer (BS-17) on acting charge basis:

7. The Director General, Directorate of Tourist Services, Khyber Pakhtunkhwa informed the forum that there is one (01) sanctioned post of Law Officer (BS-17) in the Directorate of Tourist Services, Khyber Pakhtunkhwa. 50% quota comes under the share of promotion and 50% quota comes under the share for initial appointment as per Service Rules of Directorate of Tourist Services, KP duly notified vide Sports & Tourism Department Notification dated 31.10.2017.

111

8. Accordingly, working paper and seniority list of Legal Assistant (BS-16) has been prepared by the Directorate of Tourist Services, Khyber Pakhtunkhwa. The seniority list of said cadre is final and free from all sort of litigations. The proposed official i.e. Mr. Muhammad Waqar Khan, Legal Assistant (BS-16) has not completed the required length of services, which is short by 03 months as required under the Service Rules of DTS.

Muhammad

9. After detailed discussion, the Departmental Promotion Committee made the following recommendation:-

S.No	Name of Official	From the post	Recommendation
1.	Mr. Muhammad Waqar Khan	Legal Assistant (BS-16)	The DPC deferred the appointment of the said official to the post of Law Officer (BS-17) due to non-completion of required service length.

31

III. Promotion / appointment to the post of Assistant Director / Assistant Controller / Assistant Director-cum-Assistant Controller (BS-17) on regular basis / acting charge basis:

10. The Director General Directorate of Tourist Services, Khyber Pakhtunkhwa informed the forum that there are six (06) sanctioned posts of Assistant Director / Assistant Controller / Assistant Director-cum-Assistant Controller (BS-17) in the Directorate of Tourist Services, Khyber Pakhtunkhwa. 80% quota comes under the share of promotion and 20% quota comes under the share for initial appointment as per amended Services Rules of Directorate of Tourist Services, KP duly notified vide Sports & Tourism Department Notification dated 25.04.2022.

11. Accordingly, all working papers and seniority lists of Assistants (BS-16) & Inspectors (BS-16) have been prepared by the Directorate of Tourist Services, Khyber Pakhtunkhwa. The seniority list is final and free from all sort of litigations. Two of the proposed official i.e. (i) Mr. Raza Khan and (ii) Mr. Rafiq Ahmad have completed their required length of services and three of the officials i.e. (i) Mr. Muhammad Bilal (ii) Mr. Hisham Khan and (iii) Mr. Asif Shehzad (Inspectors BS-16), are short of service length. Further there are no adverse remarks recorded in the ACRs of the officials.

12. After detailed discussion, the Departmental Promotion Committee made the following recommendation:-

S.No	Name of Official	From the post	Recommendation
1.	Mr. Raza Khan	Superintendent (ACB) (BS-17)	The said official has already been promoted to the post of Superintendent (BS-17) on ACB in light of Service Rules of DTS duly notified on 31.10.2017 and there is no provision for promotion of said official to the post of Assistant Director / Assistant Controller / Assistant

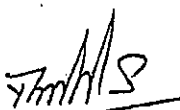
			Director-cum-Assistant Controller in the Amended Service Rules of DTS notified on 25.04.2022. Hence the Committee deferred the promotion of said incumbent.
2	Mr. Rafiq Ahmad	Assistant (BS-16)	The DPC deferred the promotion of said official due to objections raised on the Service Rules of DTS by Representative of Establishment & Finance Department and DG DTS was directed to rectify the Service Rules of DTS.
3	Mr. Muhammad Bilal	Inspector (BS-16)	The DPC deferred the appointment to the post of Assistant Director / Assistant Controller / Assistant Director-cum-Assistant Controller (BS-17) on acting charge basis, due to non-completion of required service length as per Service Rules of DTS.
4	Mr. Hisham Khan	Inspector (BS-16)	
5	Mr. Asif Shahzad	Inspector (BS-16)	

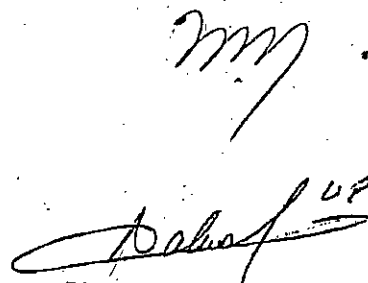
32

13. DG, DTS apprised the forum that objections on Service Rules are not the mandate of DPC as the Service Rules are already approved by the concerned committee (SSRC). Furthermore, as per Promotion Policy, 2009, promotion cases cannot be deferred due to the said reason.

14. The meeting ended with the vote of thanks from the Chair.

Signatures


 Additional Secretary,
 Sports Tourism Arch:
 Museums & Youth Affairs


 Director General,
 Directorate of Tourist Services,
 Khyber Pakhtunkhwa

HOUSE / (A)
Deputy Secretary (Reg-I)
Establishment
Department

Adani
Deputy Secretary (Reg-I)
Finance
Department

M. S. J. (33)
Section Officer (Tourism-I)
Sports & Tourism
Department

[Signature]
SECRETARY/CHAIRMAN
Government of Punjab, Patiala
Sports, Culture, Tourism, Archaeology, Museums &
Youth Affairs, Department

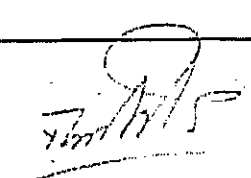
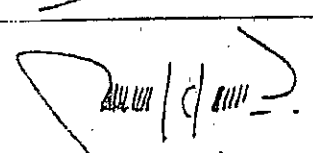
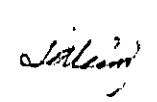
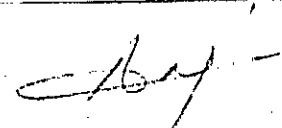

mm

GOVERNMENT OF KH
SPORTS, TOURISM, CULTURE, YOUTH AFFAIRS,
ARCHEOLOGY & MUSEUMS DEPARTMENT

34

DPC MEETING ATTENDANCE SHEET

Date: 07/11/2022

Name	Designation & Department	Contact	Signature
Yasir Ali Khan	As (Sports & Tourism)	0300-5959407	
Syed Habib ul Hassan Gillani	DS (Reg-I) Establishment	091-9210904 0331-9201642	
Muhammad Saleem	DS (Reg-I) F.D		
Afsar Ali Shah	DC. D.T. S	03339179123	
FAYAL WAHED	SO (CI)		



PS/O/S Khyber Pakhtunkhwa

Diary No. 4005/1115

Date: 02-12-2022

25

Secy: Tourism

SECRETAR
Culture, Tourism
Museums Dept
Khyber Pakhtunkhwa
Date: 05/12/22

To,

The Worthy Chief Secretary,
Government of Khyber Pakhtunkhwa.

Deputy Secretary/
PS to Chief Secretary
Khyber Pakhtunkhwa Peshawar

Subject:

APPEAL AGAINST THE DECISION OF DEPARTMENTAL PROMOTION
COMMITTEE MEETING HELD ON 07.11.2022.

4

Respected Sir,

Annex

It is to state that the appellants are regular employees of Directorate of Tourist Services and are submitting this appeal against the decision made in the Departmental Promotion Committee meeting held on 07.11.2022 under the Chairmanship of Secretary, Tourism Department. The DPC meeting was held to determine the suitability of the appellants for promotion.

2. That the appellants (04 officials) were eligible and proposed for promotion on regular basis and other 04 officials were eligible for appointment on acting charge basis.
3. That the DPC has deferred the promotion/ appointment of the appellants on the basis of objection on the **Service Rules**. Minutes of the meeting are at **Annexure A**.
4. That the services of the appellants are regulated under the service rules of the Directorate of Tourist Services which were notified vide notification dated 31.10.2017 and subsequently amended vide notification dated 24.04.2022. Copy is at **Annexure B**.
5. The service rules (amendments) were duly approved by the Standing Service Rules Committee (SSRC) (competent forum) in its meeting held under the Chairmanship of Secretary Tourism Department, and attended by Additional Secretary Tourism Department, Director General Directorate of Tourist Services, Deputy Secretary Tourism Department, Deputy Secretary (R-II) Establishment Department and Section Officer (R-II) Finance Department.
6. That the Service Rules were notified by the Tourism Department vide date 25.04.2022 after fulfilling all the codal formalities i.e. vetting from Department of Law and approval from Establishment Department.
7. That the DPC forum has no mandate to raise objection on service rules as no such provision has been given in the "Khyber Pakhtunkhwa promotion policy, 2009" (**Annex-C**). As per the Section V of the said policy Promotion of a civil servant will be deferred if:
 - (i) His inter-se-seniority is disputed/sub-judice.
 - (ii) Disciplinary or departmental proceedings are pending against him.
 - (iii) The PER dossier is incomplete or any other document/ information required by the PSB/DPC for determining his suitability for promotion is not available for reasons beyond his control.
8. That the meeting of the DPC was held after the fulfilment of codal formalities and circulation of working papers amongst all the members before the due date of the meeting. Copy of the working papers are at **Annexure D**.

AS-1
5/12/22

AS-1
PS-III
V

(Lit)
SO (Coord)

DS (Tourism)

10-12-22

2022

36

9. That the deferment on the basis of service rules have affected the promotion cases lower staff as well, i.e about 22 officials are eligible for promotion under the said service rules, they have filed writ petition as well in Peshawar High Court Peshawar for their promotion.

10. The Khyber Pakhtunkhwa Assembly promulgated the Khyber Pakhtunkhwa Tourist Act, 2019, under section 08 of the Act the Directorate of Tourist Services will be ceased and merged into the newly established authority and for the employees surplus pool will be created. In such situation their right of promotion will be denied and in future they may not get chance of promotion as they will try getting adjustment in other Departments and once adjusted they will be placed at the bottom of seniority list as per rules.

Keeping in view the facts mentioned above it is, therefore, humbly requested to declare the decision of DPC as null and void and necessary directions may be issued for fresh DPC and recommendation of the appellants for promotion as per rules/ entitlement, please.

Regards

Rafiq Ahmad (Assistant)

Address: DTS 4th Floor, FC Trust Building, Sunehri masjid Road Peshawar Cantt.

Copy for information to:

- i. PS to Secretary Tourism Department.
- ii. PS to DG, Directorate of Tourist Services.

mm

POWER OF ATTORNEY

BEFORE THE Service Tribunal Peshawar
Service Appeal No. 2023 of 2022

37

Mr. Rafiq Khanael

VERSUS

Govt

I/we Appellant do hereby appoint & constitute The Law Firm of **SHAH | DURRANI | KHATTAK** (a registered law firm) as counsel in the above mentioned case, to do all or any of the following acts, deeds and things:-

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file Plaint/Written Statement or withdraw all proceedings, petitions, suit appeals, revision, review, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for proper conduct, prosecution or defence of the said case at any stage.
3. To do and perform all other acts which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:-

- a) To ratify whatever the said Advocates may do in the proceedings in my interest. Not to hold the Advocates responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing or is decided against me/us.
- b) That the Advocates shall be entitled to withdraw from the prosecution of the said case if the whole OR any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me / us this _____ day of _____ at _____

Rafiq Khanael
Signature of Executant(s)

Accepted subject to term regarding payment of fee for/on behalf of The Law Firm of Shah | Durrani | Khattak.

Ali Gohar Durrani
ALI GOHAR DURRANI
Advocate High Court
aligoohar@sdklaw.org
+92-332-929-7427

Zurak Arif Shah
Zurak Arif Shah
Advocate High Court
0333-8335886

Babar Khan Durrani
Babar Khan Durrani
Advocate High Court
0301-8891818

Shah | Durrani | Khattak
(A registered law firm)

www.sdklaw.org info@sdklaw.org
231-A, Street No. 13, New Shami Road, Peshawar.