



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

Dated Peshawar, the 22.02.2024

ORDER

No.SOE-IV/(E&AD)/1-10/2014:- WHEREAS, Muhammad Fayaz was appointed as Junior Clerk (BS-05) by the then Information, Sports Culture and Tourism Department in a project titled "Planning Cell in Information Department" vide Notification No SO(INF/11(105)/93, dated 30.10.1995. The Project was then converted into regular side vide Notification No.XV/4.103/FD/98-99 dated 19.02.2000 by the Finance Department.

2. **AND WHEREAS**, the appellant filed Service Appeal No. 874/2018 in Service Tribunal, Peshawar praying therein to include his name in the Seniority List of Junior Clerk (BS-11), maintained by the Establishment Department.
3. **AND WHEREAS**, Khyber Pakhtunkhwa Service Tribunal, Peshawar in its Judgment dated 24.05.2019 directed that the request of the appellant is allowable to the extent of inclusion of his name in the relevant seniority list in **case he has been regularized into service.**
4. **AND WHEREAS**, Judgment of the Service Tribunal dated 24.05.2019 was challenged in the Supreme Court of Pakistan through CPLA No.525-P of 2019.
5. **AND WHEREAS**, the appellant filed Execution Petition No. 560/2022 in Service Appeal No. 874/2018 for inclusion of his name in the relevant seniority.
6. **AND WHEREAS**, in pursuance of the order of the Honorable Service Tribunal, the Sports Department was asked vide letter No.SOE-IV(E&AD)01.10.2014 dated 13.12.2022 for provision of regularization order. Sports & Youth Affairs Department vide letter No.SO(Lit)S&TD/1-80/2022/M.Fayaz/5518-22, dated 20.12.2022 confirmed and conveyed that no regularization order is available in the official record of the department.
7. **AND WHEREAS**, in the meanwhile the Supreme Court of Pakistan in its Judgment dated 04.12.2023 disposed of the Civil Petition that the matter is in the discretion of Government of Khyber Pakhtunkhwa and cannot be categorized as an order by which the Government could be aggrieved."
8. **NOW THEREFORE**, I, Shahidullah Khan, Secretary Establishment, after examining material available in the file and taking into consideration all the facts of the case

in pursuance of Judgment of the Honorable Service Tribunal with regard to regularization order, hereby reject the request of the appellant for inclusion of his name in the seniority list of the Junior Clerks of the Establishment Department being not tenable and devoid of merit.

SECRETARY ESTABLISHMENT

Endst: Even No. & Date.

Copy of the above is forwarded to: -

1. Accountant General, Khyber Pakhtunkhwa.
2. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
3. PS to Chief Secretary, Khyber Pakhtunkhwa.
4. Section Officer (Litigation), Sports & Youth Affairs Department.
5. Section Officer (Litigation-I), Establishment Department.
6. PS to Secretary, Establishment Department.
7. PS to Secretary Sports & Youth Affairs Department.
8. P.S to Special Secretary (E), Establishment Department.
9. PA to Addl. Secretary (E), Establishment Department.
10. PA to Addl. Secretary (Judicial), Establishment Department.
11. PA to Dy. Secretary (E), Establishment Department.
12. The official concerned.


SECTION OFFICER (E-IV)

next date?