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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

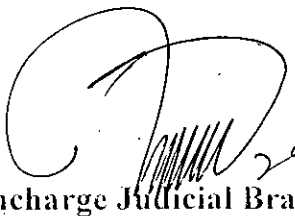
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Muhammad Arabi vs Govt of KPK

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Muharrir


29/5/24
Incharge Judicial Branch

- 18
899. Sher Zamin Khan Superintendent Governor Secretariat Dept Peshawar
 900. Muhammad Ayib s/o: Mir Azam Baig
 901. Muhammad Aftab Superintendent finance Dept Peshawar
 902. Zarshad Khan s/o: Ulas Khan Superintendent population Dept Peshawar
 903. Muhammad Ayaz Superintendent Auqaf Dept Peshawar
 904. Rasool Muhammad
 905. Shakeel Ahmad s/o: Waheed Gul
 906. Arshad Aziz Quraishi
 907. Ali Nawaz Khan s/o: Hassan Bndshah
 908. Shah Balcht
 909. Khan Raziq
 910. Nasib Khan
 911. Abdur Rahman s/o: Abbas Ali Khan
 912. Fazal ur Rahman Superintendent Excise & Taxation Dept Peshawar
 913. Syed Mukhtiar Ahmad Shah s/o: Syed Noor Muhammad
 914. Zahid Shams
 915. Zahoor Shah
 916. Samin Jan
 917. Pervez Khan Superintendent transport Dept Peshawar
 918. Umar Zada
 919. Amanullah s/o: Karim Gul
 920. Muhammad Ilyas s/o; Muhammad Ishogue
 921. Feroz Khan
 922. Muhammad Ibrahim s/o: Akhtar Munir
 923. Irfanullah Superintendent Governor House Dept Peshawar
 924. Muhammad Iqbal s/o: Hazrat Shah
 925. Iftikhar Superintendent E & SE Dept Peshawar
 926. Muhammad Ishaq s/o: Ghulam Halder
 927. Shaukat Zaman
 928. Sahibzada Abbas Khan
 929. Aqil Javed
 930. Obaidullah Superintendent Home Dept Peshawar
 931. Dost Muhammad Superintendent IPC Dept Peshawar
 932. Savindar Kumar s/o: Kor Chand
 933. Shah Wali Khan s/o: Bakht Baldar
 934. Juma Khan Superintendent P&D Dept Peshawar
 935. Riaz Khan Superintendent E&AD Dept Peshawar
 936. Sald Faqir Superintendent P&D Dept Peshawar
 937. Khaliq ur Rahman Superintendent E&SE Dept Peshawar
 938. Rahmat Khan
 939. Mian Shah Hussain
 940. Bakhtiar Wali Khan s/o: Wali Zar Khan Wali
 941. Hamayun Khan s/o: Waisal Khan Superintendent Housing Dept Peshawar
 942. Hashmatullah Superintendent law Dept Peshawar
 943. Shahmshad Hussain Superintendent E & SE Dept Peshawar
 944. Sha Muhammad Superintendent Mineral Dept Peshawar
 945. Umarbaz Superintendent PHE Dept Peshawar
 946. Shahbaz Khan Superintendent Health Dept Peshawar
 947. Aimal Kha s/o: Jehangir Khan
 948. Muhammad Kamran Superintendent law Dept Peshawar
 949. Syed Muhammad Asif Sattar Superintendent E&AD CS issue Dept Peshawar
 950. Muhammad Saleem Sajid
 951. Sher Ali Khan Superintendent IE&SE Dept Peshawar
 952. Sawab Gul Superintendent Environment Dept Peshawar
 953. Muhammad Javed s/o: Shah Zaman Superintendent law Dept Peshawar
 954. Rahmat Shah Superintendent Finance Dept Peshawar
 955. Muhammad Nawab Superintendent E&AD HRD II Section Dept Peshawar
 956. Muhammad Riaz s/o: Sher Khan Superintendent PHE Dept Peshawar
 957. Atiqur Rahman s/o: Muhammad Ayub Superintendent E&SE Dept Peshawar
 958. Muhammad Farooq Superintendent Transport Dept Peshawar
 959. Bahar ud Din Superintendent Finance Dept Peshawar
 960. Ijaz Rahim Superintendent Transport Dept Peshawar
 961. Shehryar Ahmad Superintendent excise Dept Peshawar
 962. Gul Nawaz Khan s/o: Nek Nawaz Khan Superintendent Information Dept Peshawar
 963. Zhaid Melmood Superintendent C&W Dept Peshawar
 964. Fazli Rauf Superintendent law Industries Peshawar
 965. Sona Khan Superintendent P&D Dept Peshawar
 966. Muhammad Hashim Khan Superintendent CM secretariat Dept Peshawar
 967. Kifayatullah s/o: Abdus Samad Superintendent law Excise & Taxation Peshawar
 968. Miraj s/o: Niaz Muhammad Superintendent Agriculture Dept Peshawar
 969. Muhammad Bashir Superintendent E&AD Dept Peshawar
 970. Hazrat shah s/o: Ahmad Shah Superintendent PHE Dept Peshawar
 971. Muhammad Riaz s/o: Abdur Rahman Superintendent Higher edu Dept Peshawar
 972. Balchtiarullah Superintendent E&AD Dept Peshawar
 973. Muhammad Hanif Superintendent Information Dept Peshawar
 974. Inayatullah s/o: Abdur Rashid P&D Superintendent P&D Dept Peshawar
 975. Abdul Hannan Superintendent E&SE Dept Peshawar
 976. Ejaz Muhammad Superintendent Transport Dept Peshawar
 977. Muhammad Saleem s/o: Noor Muhammad Superintendent E & AD Dept Peshawar
 978. Mushtaq Shah Superintendent P&D Dept Peshawar
 979. Khizer Hayat Superintendent Finance Dept Peshawar
 980. Multammad Tufail Superintendent Health Dept Peshawar
 981. Shamsul Islami Superintendent finance Dept Peshawar

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Ser

No. 879/2022 titled "Muhammad Arabi Vs. Government of Khyber
Punjkhwa through Chief Secretary, Peshawar and others".

ORDER

16th May, 2024

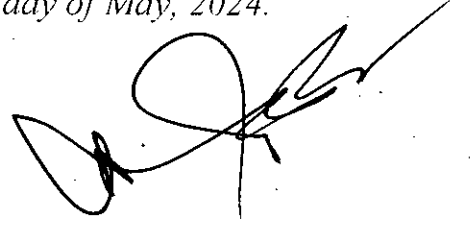
Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Learned counsel for the appellant requested for withdrawal of this appeal. As a token of admission of his submission, he signed the margin of order sheet. Dismissed as withdrawn. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 16th day of May, 2024.*



(Rashida Bano)
Member (Judicial)



(Kalim Arshad Khan)
Chairman

9 withdrawn instat appeal
16-5-24

SCANNED
KPPT
PESHAWAR

(2)


S.A No. 879/2022


21.09.2023

Appellant in person present. Mr. Asif Masood Ali Shah,
Deputy District Attorney for the respondents present.

Appellant seeks adjournment on the ground that as his
counsel namely Mr. Fazal Shah Mohmand has been appointed
as Additional Advocate General, therefore, he may be given
some time to engage another counsel. Adjourned. To come up
for arguments on 18.01.2024 before the D.B. Parcha Peshi
given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)


Naeem Amin

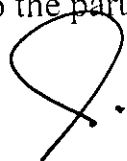
18.01.2024

Clerk of learned counsel for the appellant present.
Mr. Muhammad Jan, District Attorney for the respondents
present.

Clerk of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the
appellant is unable to attend the Tribunal due to strike of
lawyers. Adjourned. To come up for arguments on
16.05.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Salah-ud-Din)
Member (J)

Naeem Amin

Muhammad

31st Mar, 2023

Junior to counsel for the appellant present. Mr. ~~Raza~~

Fazal Shah
Shah Mohmand, Additional Advocate General for the respondents present.

Junior to counsel for the appellant seeks adjournment.

To come up for arguments on 12.06.2023 before D.B. P.P

given to the parties.

SCANNED
KPST
Peshawar

(Salah Ud Din)
Member (Judicial)

(Kalim Arshad Khan)
Chairman

12th June, 2023

1. Appellant in person present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

2. Lawyers are on strike. Therefore, case is adjourned to 21.09.2023 for arguments before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

4

23.11.2022

Junior to counsel for the appellant present. Kabir Ullah Khattak learned Additional Advocate General alongwith Muhammad Javid S.O (Lit) for respondents present.

Written reply on behalf of respondents No. 1 to 3 submitted which is placed on file. Written reply on behalf of respondent No. 4 is still awaited. Learned AAG sought time for submission of written reply on behalf respondent No. 4. Last chance is given. To come up for written reply/comments on 22.12.2022 before S.B.



(Rozina Rehman)
Member (J)

22nd Dec, 2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl:AG for respondents present.

SCANNED
KPST
Peshawar

Written reply/comments on behalf of respondents No. 1 to 3 have already been submitted but respondent No.4 has not submitted his written reply/comments despite last chance, therefore, his right for submission of written reply/comments is struck off. To come up for arguments on 31.03.2023 before D.B.,



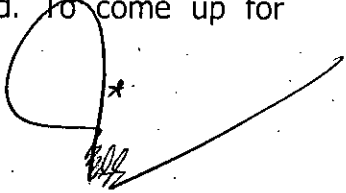
(Kalim Arshad Khan)
Chairman

02.09.2022

Learned counsel for the appellant present. Mr. Naseer-Ud-Din Shah, Assistant Advocate General alongwith Mr. Amjid Khan, Section Officer for the respondents present.

**SCANNED
KPST
Peshawar**

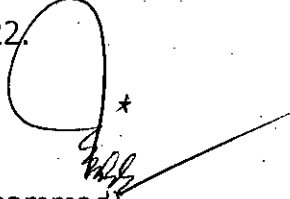
Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments on the next date. Adjourned. To come up for reply/comments on 29.09.2022 before S.B.


(Mian Muhammad)
Member (E)

29.09.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General alongwith Mr. Amjid Khan, Section Officer for the respondents present. None present on behalf of private respondents No. 4.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments on the next date. Notice be issued to private respondent No. 4 for submission of reply/comments. Adjourned. To come up for reply/comments before the S.B on 23.11.2022.


(Mian Muhammad)
Member (E)

6

21.06.2022

Mr. Fazal Shah Mohmand, Advocate for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant was cleared for promotion from BS-18 to BS-19 by the Provincial Selection Board in its meeting on 30.07.2021 and summary to this effect was also approved by the Chief Minister on 03.08.201. However, the promotion order was not issued by the department and the appellant approached the Service Tribunal in the first round of litigation through service appeal No. 22/20222 on 05.01.2022. During pendency of his service appeal, and issuance of the impugned Notification dated 21.01.2022, the earlier service appeal became infructuous and was therefore withdrawn. In the meanwhile, the service Rules of the department were amended mala fide on 25.04.2022 whereby the post of Additional Director General (BS-19) was to be filled by transferred from amongst PMS or PAS officer in case holders of the post of Deputy Director are not available with 07 years as such. As a result thereof the impugned Notification has been issued whereby the appellant has been proposed for posting as Additional Director General (BPS-19) against the newly created post. It was further contended that the appellant is entitled for promotion from the date of recommendation by the PSB i.e 30.07.2021 and not with immediate effect as well as posting as Director General and not as Additional Director General.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 09.08.2022. Alongwith the service appeal learned counsel for the appellant submitted an application for impleadement of one Mr. Ghulam Saeed PMS Officer (BS-19) presently posted as Director General Tourist services Khyber Pakhtunkhwa. The said application is allowed and the office is directed to include the said officer as private respondents in the list of respondents.

*Rs 600/-
Appellant Deposited
Security & Process Fee
A. H. H. 28/8/22*

(Mian Muhammad)
Member (E)

9.8.2022

*Due to the Public Holiday The
Case is Adjourned to 2-9-2022*

Reader

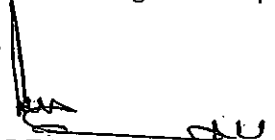

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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 879/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2022	<p>The appeal of Mr. Muhammad Arabi presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	14.6.22 Noted Hidayat C/o Fazal Shah ASC Hidayat 18/6/22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>21-06-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>

(8)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No 879 /2022

Muhammad Arabi.....Appellant

SCANNED
KPST
Peshawar

V E R S U S

Govt. & Others.....Respondents

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4.	Copy of Minutes & Letter dated 04-08-2021	C & D	11-14
5.	Copy of Notification dated 13-01-2021	E	15
6.	Copy of Summary, Approval dated 08-12-2021 & Letter dated 13-12-2021	F, G & H	16-19
7.	Copy of departmental appeal, service appeal, & Notification dated 21-01-2022	I, J & K	20-25
8.	Copy of Departmental Appeal	L	26-28
10.	Copies of Notifications dated 31-10-2017 & Notification dated 25-04-2022	M & N	29-41
11.	Copy of Letter dated 09-08-2021 with proforma	O	42-45
12.	Copy of Summary, Approval & Letter dated 10-05-2022	P & Q	46-48
13.	Vakalat Nama		49

Dated:-01-06-2022


Appellant

Through



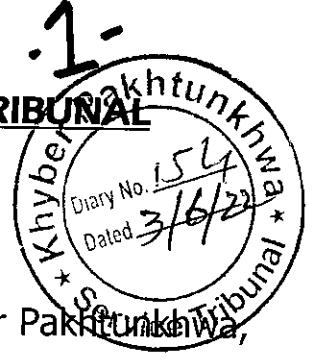
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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(9)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



Service Appeal No 879/2022

Muhammad Arabi, Director General, Tourist Services, Khyber Pakhtunkhwa,
Peshawar.....**Appellant**

V E R S U S

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Secretary, Sports, Tourism, Archeology, Youth Affairs & Museum Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Establishment Department, Govt. of Khyber Pakhtunkhwa, Peshawar.....**Respondents**
4. *Director General Tourist Services Peshawar*

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 FOR THE MODIFICATION OF NOTIFICATION DATED 21-01-2022 WHEREBY THE APPELLANT HAS BEEN PROMOTED AS DIRECTOR GENERAL (BPS-19), TOURIST SERVICES KHYBER PAKHTUNKHWA, WITH IMMEDIATE EFFECT INSTEAD OF 04-08-2021 AND FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT DATED 22-02-2022 HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal, the impugned Notification dated 21-01-2022 may kindly be modified thereby promoting and posting the appellant as Director General (BPS-19), Tourist Services Khyber Pakhtunkhwa, with effect from 04-08-2021 instead of 21-01-2022, with all back benefits

Respectfully Submitted:-

1. That the appellant was appointed as Controller (BPS-17), upon the recommendations of Federal Public Service Commission on 15-07-2008 and since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That after eighteenth Constitutional amendment, the Federal Ministry of Tourism was devolved into Provinces and consequently the services of the appellant were placed at the disposal of respondent No 2, wherein the appellant was promoted as Deputy Director (BPS-18) on 22-05-2018.
3. That in the year 2021, the appellant as per rules governing the subject was due for promotion as Director General, Tourist Services,

*vide order
sent dated
21/6/2022*

Khyber Pakhtunkhwa (herein after referred to as DG), and the meeting of Provincial Selection Board was scheduled on 31-07-2021 and according to the agenda Item No 6, the case of the appellant was placed before the same for his promotion as DG as per letter dated 28-07-2021. **(Copy of order dated 10-07-2008 & Letter dated 28-07-2021 & copy of agenda is enclosed as Annexure A & B).**

4. That the same meeting was held wherein the appellant was recommended for promotion as DG as evident from its minutes and which recommendations were approved by the honorable Chief Minister Khyber Pakhtunkhwa on 03-08-2021 which was communicated to the parent department vide letter dated 04-08-2021 however illegally and unlawfully, at the same time the PSB directed Finance department that it shall create a post of Additional Director General in the Directorate of Tourist Services Khyber Pakhtunkhwa. **(Copy of Minutes & Letter dated 04-08-2021 is enclosed as Annexure C & D).**
5. That the promotion of the appellant was not notified, whereas the promotion notification of those considered in the same PSB were notified and finally the post of Additional Director General, Directorate of Tourist Services Khyber Pakhtunkhwa was created which was notified vide Notification dated 13-10-2021. **(Copy of Notification dated 13-01-2021 is enclosed as Annexure E).**
6. That after the creation of stated post, respondents moved another summary before the honorable Chief Minister Khyber Pakhtunkhwa for the posting of the appellant against the post of DG for one day for actualization malafidely and his subsequent posting as Additional Director General which was approved by the competent authority on 08-12-2021 which was forwarded by respondent No 2 to respondent No 3 vide Letter dated 13-12-2021. **(Copy of Summary, Approval dated 08-12-2021 & Letter dated 13-12-2021 is enclosed as Annexure F, G & H).**
7. That even then the notification of promotion of the appellant as DG was not issued, so the appellant after exhausting departmental remedy, filed Service Appeal No 22/2022, however during the pendency of which the appellant was promoted as DG vide Notification dated 21-01-2022 thereby promoting the appellant as DG with immediate effect instead of promoting him as DG with effect from 04-08-2021. The appellant thus requested for the withdrawal of

his service appeal. **(Copy of departmental appeal, service appeal, & Notification dated 21-01-2022 is enclosed as Annexure I, J & K).**

8. That the appellant preferred departmental appeal on 22-02-2022 for his promotion w.e.f 04-08-2021 which has not been responded so far despite the lapse of more than the statutory period of ninety days. **(Copy of Departmental Appeal is enclosed as Annexure L).**
9. That the impugned Notification dated by prompting the appellant as GD with effect from 21-01-2022 instead of promoting him from 04-08-2021 is liable to modification thereby promoting the appellant as DG w.e.f. 04-08-2021, on grounds inter-alia as follows:-

GROUND:-

- A. That the impugned Notification is liable to modification as the same is not according to laws and rules governing the matter.
- B. That the appellant has not been treated according to Law and rules which being his fundamental right as per Article 4 and 25 of the Constitution.
- C. That the appellant is entitled to be promoted as DG from the date his promotion as such was approved by the competent authority, thus the impugned Notification is liable to modification accordingly.
- D. That the appellant is discriminated as other officers considered in the same PSB were promoted from the date of their approval while the appellant was kept deprived of such right for no fault.
- E. That the promotion Notification of the appellant was not issued in time which was delayed for reasons other than fair and legal, aimed at favoring and posting one Ghulam Saeed as DG who as per law and rules cannot even be posted as DG.
- F. That the chain of instances smacks malice at favoring the said Ghulam Saeed, as the PSB issued directions for the creation of the post of Additional Director General and post the appellant on such post for one day for actualization and thus depriving the appellant of his due right of posting as DG.
- G. That the malice is further surfaced from the fact that the directions for the creation of the post of Additional Director General were issued

by the PSB beyond its mandate and such is the case of the posting of the appellant which are void being beyond the mandate of PSB.

- H. That strangely the posting of the appellant against the post of Additional Director General was, proposed by the time when even such post was not created nor were the rules regarding its appointment, qualification etc notified. **(Copy of Summary, Approval & Letter dated 10-05-2022 is enclosed as Annexure P & Q).**
- I. That there is no omission or commission on part of the appellant and the appellant could not be punished for the fault and malice of others, thus the appellant is required to be promoted from due date and be posted against his post.
- J. That in order to deprive the appellant of his due right of posting as DG, the rules notified vide Notification dated 31-10-2017 were amended vide Notification dated 25-04-2022, thereby filling the post of DG by transfer from amongst the PMS/PAS officers only and not by promotion being in violation of all norms of justice besides law on the subject. The entire exercise is for favoring the said Ghulam Saeed and depriving the appellant of his due right of posting as DG which could not be given retrospective effect. **(Copies of Notifications dated 31-10-2017 & Notification dated 25-04-2022 is enclosed as Annexure M &N).**
- K. That even the rules were not amended as per law governing the subject matter including provisions of Fundamental Rules and strangely, the proforma depicts that the department has tried to mislead the SSRC thereby providing information that the amendment is aimed at not changing the rules regarding the post of DG while later on the rules regarding the post of DG has been changed and notified which speaks of anything but not fair and bonafide. **(Copy of Letter dated 09-08-2021 with proforma is enclosed as Annexure O).**
- L. That strangely the posting of the appellant against the post of Additional Director General was, proposed by the time when even such post was not created nor were the rules regarding its appointment, qualification etc notified. **(Copy of Summary, Approval & Letter dated 10-05-2022 is enclosed as Annexure P & Q).**
- M. That even no reasons has been assigned in the said proforma which is mandatory as per the Estacode instructions, further the letter dated 09-08-2021 further depicts that the exercise was regarding 12

newly created posts while for reasons other than fair and bonafide, the method of filling the post of DG was amended.

- N.** That the post of DG is a technical post and changing criteria for the same is to be justified by giving reasons which lack in the instant case, thus too the appellant is not treated in accordance with law on the subject.
- O.** That the appellant has about 14 years of service with unblemished service record.
- P.** That the appellant seeks permission of this honorable Tribunal for additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.

Any other relief deemed appropriate in the circumstances of the case and not specifically asked for may also be granted in favor of the appellant.

Dated:-01-06-2022

[Signature]
Appellant

Through

[Signature]

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan.

LIST OF BOOKS

1. Constitution 1973.
2. other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

[Signature]

ADVOCATE

AFFIDAVIT

I, Muhammad Arabi, Director General, Tourist Services, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



[Signature]

DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2022

Muhammad Arabi.....Appellant

V E R S U S

Govt. & Others.....Respondents

Application for interim relief thereby directing respondents to post the appellant as Director General (BPS-19), Tourist Services, Khyber Pakhtunkhwa

Respectfully Submitted:

1. That the titled Service Appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may kindly be considered as integral part of this application.
3. That the appellant has been promoted as DG while he is denied posting against his post for reasons other than fair and bonafide.
4. That the appellant has got good prima facie case in his favor and is sanguine of its success.
5. That the balance of convenience lies in favor of the appellant and if the appellant is not posted against the post of DG, the applicant would suffer an irreparable loss.

It is therefore prayed that on acceptance of this application, the respondents may kindly be directed to post the appellant as Director General Tourist Services Khyber Pakhtunkhwa, till the final disposal of instant appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

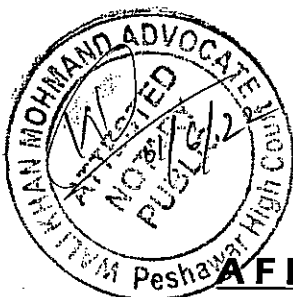
Dated:-01-06-2022

Muhammad Arabi
Appellant

Through

Fazal Shah Mohmand

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan.



AFFIDAVIT

I, Muhammad Arabi, Director General, Tourist Services, Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Muhammad Arabi
DEPONENT

15

DTS-4(228)/2008
Government of Pakistan
Department of Tourist Services

-7- "A"

7th Floor, Green Trust Tower, Blue Area, Jinnah Avenue,
Islamabad, the 10th July, 2008

Subject: RECRUITMENT TO THE POST OF ASSISTANT CONTROLLER (BS-17)

On the recommendation of FPSC Mr. Muhammad Arabi S/o Mr. Muhammad Rafiq is offered an appointment of Assistant Controller(BPS-17) in the Department of Tourist Services term and conditions of the appointment will be as under:-

- a. His appointment will be purely temporary, terminable at fortnight's notice or in lieu of the notice payment of sum equivalent to his 14-days pay or for the period by which the notice falls short of 14-days. He is liable to serve the government until his resignation is accepted by the government.
- b. 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.
- c. He will be entitled to pay in the BPS-17 as admissible to Govt. servant.
- d. He will be on probation for a period of one year in the first instance extendable by an order before on after its completion for further period of one year. During probation his service are liable for termination at any time without assigning any reason.
- e. His appointment will be provisional subject to verification of his character and antecedents and medical fitness (for fresh appointees only).
- f. His present place of duty will be at Department of Tourist Services, 1st Floor, Shafi Court Building, Merewether Road, Karachi but he may be posted any where in Pakistan.
- g. He will be required to report for duty in the office at Para-(f) within 15 days.
- h. For all other terms not covered above, he will be governed by the government servants temporary employment rules.

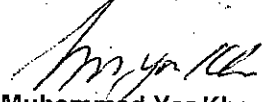
2. He would bring with him the following documents

- i. His original domicile certificate, educational certificate (Matriculation etc.) and two attested copies thereof.
- j. Two character certificate signed by two different class 1 Gazetted Officer (Bank copies are enclosed)

3. He should immediately but not later than 25th July, 2008 inform this office whether or not the offer of appointment is acceptable to him.

4. 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.


5. No TA/DA will be paid for joining the duty by his Department


(Muhammad Yar Khan)
Controller
Tel: 051-9203772

Mr. Muhammad Arabi
S/o Mr. Muhammad Rafiq,
House No.72, Street No.1,
Sector N-2 Hayatabad Phase-6, Peshawar

Copy to:-

1. AGPR, Karachi
2. The Director, FPSC, Islamabad.
3. The Section Officer (IC), Ministry of Tourism, Islamabad
4. The Deputy Controller, DTS, Karachi.
5. Personal File

ATTESTED

to be verified by
Accountant



16

-8-

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

No. SO(PSE)ED/ 1-1/2021/(9) ✓
Dated Peshawar, the 28.07.2021 B1

To

1. The Additional Chief Secretary,
Government of Khyber Pakhtunkhwa,
Planning & Development Department.
2. The Senior Member, Board of Revenue,
Khyber Pakhtunkhwa.

SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting as per agenda of the meeting attached.

Yours faithfully,

[Signature] 28.7.2021
SECTION OFFICER (PSB)

Encl. As above

Endst. of even No. & date.

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S to Secretary Establishment Department.
3. The P.S to Special Secretary (Establishment), Establishment department.
4. The P.S to Special Secretary (Reg.) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

SECTION OFFICER (PSB)

P.T.O

ATTESTED

to be true copy
Advocate

Endst. of even No. & date.

A copy is forwarded to: -

1. The Chairman, Provincial Inspection Team, Khyber Pakhtunkhwa,
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.
5. The Secretary to Govt. of Khyber Pakhtunkhwa, Zakat & Usher Department.
6. The Secretary to Govt. of Khyber Pakhtunkhwa, Sports, Culture & Tourism Department.
7. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department.
8. The Secretary to Govt. of Khyber Pakhtunkhwa, Excise & Taxation Department.
9. The Secretary to Govt. of Khyber Pakhtunkhwa, Labour Department.
10. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department.
11. The Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
12. The Secretary to Govt. of Khyber Pakhtunkhwa, Population Welfare Department.
13. The Secretary to Govt. of Khyber Pakhtunkhwa, Public Health Engineering Department.
14. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department.
15. The Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department.
16. The Secretary to Govt. of Khyber Pakhtunkhwa, Home & TAs Department.
17. The Secretary to Govt. of Khyber Pakhtunkhwa, Environment, Forestry & Wildlife Department.
18. The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock, Dairy Development & Cooperative Department.
19. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
20. The Secretary to Govt. of Khyber Pakhtunkhwa, Law & Parliamentary Affairs department with the request to attend the meeting alongwith Advocate General, Khyber Pakhtunkhwa for legal opinion in litigation cases.

They are requested to kindly attend meeting of the PSB to be held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. They are further requested to bring synopsis of PERs, original PER files and other service record of the officers concerned for perusal of the Board.

SECTION OFFICER (PSB)

Endst of even No. & date.

A copy is forwarded to: -

1. The Section Officer (E-I) / (E-II) / (Secret), Establishment Department.
2. PAs to Deputy Secretaries (Reg.-I, II & III), Establishment Department.

SECTION OFFICER (PSB)

[Handwritten signature and notes]

AGENDA OF THE PSB MEETING TO BE HELD ON 30.07.2021 AT 01:30 PM				
ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
1.	Promotion of Senior Engineer BS-18 to the post of Member (Technical) BS-19 In Provincial Inspection Team, Khyber Pakhtunkhwa.	1	1	PIT
2.	Promotion of Assistant Treasury Officer BS-17 to the post of District Accounts Officer / Treasury Officer BS-18	24	12	Finance
3.	Promotion of PPS BS-19 officers to the post of PPS BS-20	3	4	P&D
4.	Promotion of Deputy Chief Inspector of Mines BS-19 to the post of Chief Inspector of Mines BS-20	2	1	Minerals Development
5.	Promotion of Assistant Administrator / District Zakat Officer BS-17 to the post of Deputy Administrator / Senior District Zakat Officer BS-18	8	6	Zakat
6.	Promotion of Deputy Director BS-18 to the post of Director General BS-19 In Directorate of Tourist Services, Khyber Pakhtunkhwa	1	1	Sports
7.	Promotion of Director BS-19 on regular basis in the Directorate of Culture, Khyber Pakhtunkhwa	2	1	Sports
8.	Promotion of Deputy Director / Regional Sports Officer BS-18 to the post of Director BS-19	4	2	Sports
9.	Promotion of Associate Professor BS-19 (Basic Sciences and Humanity Group) to the post of Professor BS-20 (Basic Sciences and Humanity Group)	12	4	Industries
10.	Promotion of Associate Professor BS-19 (Technical Subjects) to the post of Professor BS-20 (Technical Subjects) at Govt. College of Technology / Govt. Polytechnic Institutes	16	6	Industries
11.	Promotion of Principal BS-18 (GTVC Women) to the post of Principal BS-19 GTVC Women	1	4	Industries
12.	Promotion of Accounts Officer BS-17 to the post of Deputy Director Administration BS-18 in the Directorate of Industries & Commerce.	1	1	Industries
13.	Promotion of Assistant Excise & Taxation Officer BS-17 to the post of Excise & Taxation Officer BS-18	28	16	Excise
14.	Promotion of Statistical Officer BS-17 to the post of Deputy Director Labour Planning BS-18	1	1	Labour
15.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18	4	2	Labour
16.	Promotion of Deputy District Attorney BS-18 to the post of District Attorney BS-19	32	16	Law
17.	Promotion of Administrative Officer BS-17 to the post of Senior Administrative Officer BS-18	1	1	Law
18.	Promotion of Librarian BS-17 as Reference and Research Officer BS-18	1	1	Law
19.	Promotion of Chief Librarian BS-18 to the post of Director BS-19	1	1	HED
20.	Promotion of Librarian BS-18 to the post of Librarian (Senior Scale BS-18) on regular basis of College Cadre Higher Education Department	1	1	HED
21.	Promotion of Research Officer BS-17 to the post of Deputy Director BS-18	2	1	HED
22.	Promotion of Additional Director General BS-20 to the post of Director General BS-20	1	1	Population
23.	Promotion of Assistant Director / DDPWO (Non-Tech) / TPWO/ Dy. Demographer / Instructor (Non-Tech) / Accounts Officer BS-17 to the post of Deputy Director (Non-Tech) / DPWO (Non-Tech) / Demographer / Senior Instructor BS-(Non-Tech) BS-18	6	3	Population
24.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19	11	8	PHE
25.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-18	14	7	Irrigation

ATTACHED
to be filed

19

"C" -11-

PSB meeting held on 30.07.2021

ITEM NO. (10)

SECRETARY SPORTS, CULTURE, TOURISM, ARCHAEOLOGY, MUSEUMS & YOUTH AFFAIRS
KHYBER PAKHTUNKHWA
(Meeting of PSB held on 30.07.2021)

SUBJECT:- PROMOTION OF DEPUTY DIRECTOR BS-18 TO THE POST OF DIRECTOR GENERAL BS-19 IN DIRECTORATE OF TOURIST SERVICES, KHYBER PAKHTUNKHWA.

Secretary Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs apprised the Board that due to new creation, the post of Director General BS-19 is lying vacant in the Directorate of Tourist Service, Khyber Pakhtunkhwa.

- According to the service rules, the post is required to be filled as under:-
 "By promotion, on the basis of seniority-cum-fitness from amongst the Deputy Directors having twelve years service in BPS-17 and above; and
 Provided that if no suitable person is available for promotion then by transfer from amongst PMS or PAS officers".
- The service record of the officer included in the panel was discussed as follows:-

S#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Muhammad Arabi.	<p>His date of birth is 05.03.1978. He joined government service on 15.07.2008 in BS-17. He was promoted to BS-18 on 22.05.2018. He has completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2020 is generally good. His quantified score is 62 and the Board awarded him 15 out of 30 marks. Secretary Sports has not yet provided a certificate as required under Section 8 (iii) of Khyber Pakhtunkhwa Tourism Act 2019. The Board directed that the Finance Department shall create a post of Additional Director General in Directorate of Tourist Services, Khyber Pakhtunkhwa</p> <p>The Board recommended the officer for promotion to the post of Director General BS-19 on regular basis. He will be on probation for a period of one year.</p>

Secretary (PSB)
Khyber Pakhtunkhwa
Government Department

to be filled



SUMMARY FOR CHIEF MINISTER KHYBER PAKHTUNKHWA

Subject: **APPROVAL OF RECOMMENDATIONS OF PROVINCIAL SELECTION BOARD ON PROMOTIONS.**

The Provincial Selection Board in its meetings held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM considered promotion cases of civil servants to BS-17 and above. The PSB considered cases of employees of the following Departments for promotion:-

- i. Provincial Inspection Team, Khyber Pakhtunkhwa
- ii. Finance Department
- iii. Planning & Development Department
- iv. Minerals Development Department
- v. Zakat, Ushr & Social Welfare Department
- vi. Sports, Culture & Tourism Department
- vii. Industries, Commerce & Technical Education Department
- viii. Labour Department
- ix. Excise Department
- x. Elementary & Secondary Education Department
- xi. Higher Education Department
- xii. Population Welfare Department
- xiii. Public Health Engineering Department
- xiv. Irrigation Department
- xv. Establishment Department
- xvi. Communication & Works Department
- xvii. Home & Tribal Affairs Department
- xviii. Environment, Forestry & Wildlife Department
- xix. Agriculture, Livestock, Dairy Development & Cooperative Department
- xx. Health Department
- xxi. Law, Parliamentary Affairs & Human Rights Department
- xxii. Revenue & Estate Department

ATTACHED
to be filed by
Govt.

XXIII. Science & Technology and Information Technology Department

XXIV. Local Govt. Elections & Rural Development Department

Approved minutes of PSB meetings held on 30.07.2021 and 31.07.2021 are added as Flag "A" & "B".

The Chief Minister, Khyber Pakhtunkhwa being competent authority, may kindly approve recommendations of the PSB as detailed in its minutes placed below at Flag "A" & "B".

(MUTAHER ZEB)
Secretary, Establishment
17/8/2021

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Chief Minister

17/8
Chief Secretary
Govt. of Khyber Pakhtunkhwa

oy - para - 375 approved

17/8
03-08-2021
Chief Minister
Khyber Pakhtunkhwa

17/8

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to be filed by

22

-14- "D"
5-8-21
10906

IMMEDIATE
CONFIDENTIAL



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NO. SO(PSB)ED/1-5/2021/P-71
Dated Peshawar the 04.08.2021

The Secretary to Govt. of Khyber Pakhtunkhwa,
Sports, Culture & Tourism Department.

SUBJECT: MINUTES OF THE MEETING OF PROVINCIAL SELECTION BOARD HELD ON 30.07.2021.

PROMOTION OF DEPUTY DIRECTOR BS-18 TO THE POST OF DIRECTOR GENERAL BS-19 IN DIRECTORATE OF TOURIST SERVICES, KHYBER PAKHTUNKHWA.

Dear Sir,

I am directed to refer to Sports, Culture & Tourism Department letter No. SO(DTS)6-13/2013/6759-60, dated 19.04.2021 on the subject and to forward herewith an extract of Agenda Item No (06) of the minutes/recommendations of the meeting of Provincial Selection Board held on 30.07.2021 as well as copy of approved summary wherein the Chief Minister, Khyber Pakhtunkhwa being competent authority in terms of Rule 4 (1) (a) of the Khyber Pakhtunkhwa (Appointment, Promotion & Transfer) Rules, 1989 has approved the recommendations of the PSB, for further necessary action.

Yours faithfully,

4.8.2021
SECTION OFFICER (PSB)

Encl: As Above.

P. up draft
mex.
for

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3-2
3-3
3-4
3-5
3-6

28.8.21

dst.

Signature

APPROVED
to be filed by
[Signature]

23

"E" -15-



GOVERNMENT OF
KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH AFFAIRS & MUSEUMS
DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR CANTT;

Dated Peshawar the 13th October, 2021

NOTIFICATION

No.SO(T)5-81/2021/PAITHOM In pursuance of Government of Khyber Pakhtunkhwa, Finance Department letter No. BO-III/FD/514/SNEs/2021-22 dated 5-10-2021, sanction of the Government of Khyber Pakhtunkhwa Sports, Tourism, Archaeology, Youth Affairs & Museums Department is hereby accorded for the creation of one post Additional Director General (BPS-19) in the Directorate of Tourist Services Khyber Pakhtunkhwa Peshawar with immediate effect under DDO Code PR 4947- Directorate of Tourist Services, Khyber Pakhtunkhwa (Position Code 81140063) as approved by the SNE Committee in its meeting held on 15-09-2021.

2. The expenditure involved is debatable to the Function-Cum-Object Classification "04-Economic Affairs 047-Other Industries 0472-Subsidies 047202-Tourism , DDO Code PR 4947- Directorate of Tourist Services, Khyber Pakhtunkhwa within the sanctioned Budget Grant during financial year 2021-22.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
SPORTS, TOURISM, CULTURE, YOUTH AFFAIRS,
ARCHAEOLOGY & MUSEUMS DEPARTMENT

Endst: No.B.O.II/FD/5-17/2021-22/SNE

Dated 25-10-2021

Copy to :

1. Accountant General Khyber Pakhtunkhwa, Peshawar.

Budget Officer (III)
Finance Department

Copy to:-

1. Director General Directorate of Tourist Services, Khyber Pakhtunkhwa.
2. Director FMIU, Finance Department KP, Peshawar.
3. District Accounts Officer Peshawar.
4. Budget Officer-III, Finance Department KP, Peshawar.
5. PS to Secretary Sports, Tourism, Culture, Youth Affairs and Archaeology Department Khyber Pakhtunkhwa, Peshawar.

13/10/21

Section Officer (Tourism)

(24)



-16- "F"

SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject: POSTING OF MUHAMMAD ARABI, DEPUTY DIRECTOR (BS-18) AGAINST THE POST OF DIRECTOR GENERAL, DIRECTORATE OF TOURIST SERVICES, KHYBER PAKHTUNKHWA AS PER RECOMMENDATION OF PSB

The Provincial Selection Board (PSB) in its meeting held on 30.07.2021 recommended to promote Muhammad Arabi, Deputy Director, BS-18 to the post of Director General, BS-19 and the same was communicated by Section Officer (PSB) on 04.08.2021. The Board also recommended that the Finance Department shall create a post of Additional Director General (ADG) in Directorate of Tourist Services, Khyber Pakhtunkhwa (Annex-I). Subsequently, the Finance Department created a post of ADG, BS-19 in Directorate of Tourist Services, Khyber Pakhtunkhwa and communicated audit copy of the same to this Department (Annex-II).

2- It is pertinent to mention here that the service rules of Directorate of Tourist Services, Khyber Pakhtunkhwa notified on 31.10.2017 enunciates at S. No. (1) the method of promotion of Deputy Director, BS-18 to the post of Director General, BS-19 as under:

"By promotion on the basis of seniority-cum-fitness from amongst the Deputy Directors having twelve years' service in BS-17 and above; provided that if no suitable candidate is available for promotion then by transfer from amongst PMS or PAS officers" (Annex-III)

3- The post of ADG was created due to the reasons that (1) the Department was of the considered opinion to not relieve – in case of appointment of the promoted officer to the post of Director, DTS, BS-19 – incumbent Director, DTS, Mr. Ghulam Saeed, PMS, BS-19, is performing exceptionally well (2) the Section 8 of the Khyber Pakhtunkhwa Tourism Act, 2019 has also placed an indirect bar on such a matter (Annex-IV) and (3) amendments in the said Act were under process to the Provincial Cabinet (which have now been discussed and approved by the Provincial Cabinet)

4- It is, now, appropriate time that the officer's promotion as well as posting orders are issued keeping in view the provision of Promotion Policy of the Provincial Government that "if a civil servant is recommended for promotion and the recommendations are not approved by the competent authority within a period of six months from such recommendations, they would lapsed (Annex-V).

5- In the view of above, it is proposed that the Establishment Department may notify promotion of Muhammad Arabi, Deputy Director, BS-18, to the post of Director General, BS-19 Directorate of Tourist Services, Khyber Pakhtunkhwa with immediate effect as per recommendations of PSB for one day actualization ONLY, and subsequently post the officer against the newly created post of Additional Director General, DTS, BS-19, while Mr. Ghulam Saeed, PMS, BS-19, Director DTS will continue to work on the same post afterwards.

[Handwritten signature and stamp]

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- 17 - "G"

Summary for Chief Minister, Khyber Pakhtunkhwa moved by Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department regarding posting of Muhammad Arabi, Deputy Director (BS-18) against the post of Director General, Directorate of Tourist Services, Khyber Pakhtunkhwa as per recommendation of Provincial Selection Board has been examined and found in order.

Proposal of the Administrative Department at Para 5 of the Summary may be submitted for approval of the Chief Minister, Khyber Pakhtunkhwa being competent authority under Rule 4(1)(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 (Annex-VI).

Zakir Hussain Afridi
(Zakir Hussain Afridi)
Secretary Establishment
30 November 2021

Chief Secretary Khyber Pakhtunkhwa

HCM

Para - 2/s, approved.

08-12-2021

Chief Minister
Khyber Pakhtunkhwa

CS

[Handwritten signature]
10/11/2021

BETTER COPY OF THE PAGE NO.

7. Summary for Chief Minister, Khyber Pakhtunkhwa moved by Sports Culture, Tourism Archaeology Museums & Youth Affairs Department regarding posting of Muhammad Arabi, Deputy Director (BS-18) against the post of Director General, Directorate of Tourist Services Khyber Pakhtunkhwa as per recommendation of Provincial Selection Board has been examined and found in order.

8. Proposal of the Administrative Department at Para 5 of the Summary may be submitted for approval of the Chief Minister, Khyber Pakhtunkhwa being competent authority under Rule 4(1)(a) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 (Annex-VI)

(Zakir Hussain Afridi)
Secretary Establishment
30th November, 2021

Chief Secretary Khyber Pakhtunkhwa

HCM
Para-8/5, approved.

Chief Minister
Khyber Pakhtunkhwa.

19/11/2021
[Signature]

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-18-

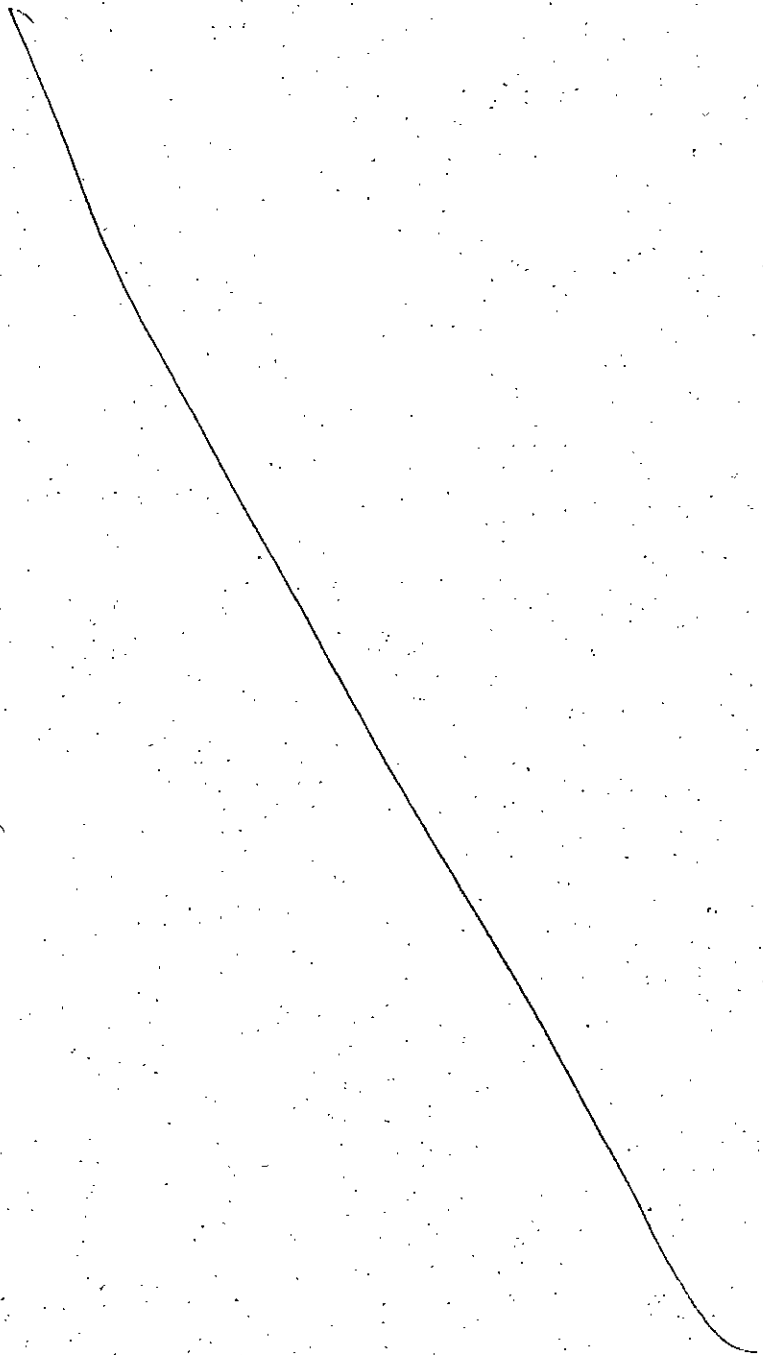
Proposal contained in para 6 ante is submitted for perusal and approval of Chief Minister, Khyber Pakhtunkhwa is requested to approve proposal at Para 6/ante, please

Muhammad Afid Majeed
(MUHAMMAD AFID MAJEED)
SECRETARY TOURISM
SECRETARY
Tourism, Sports, Youth, Affairs
Archaeology & Museums Department
Govt. of Khyber Pakhtunkhwa

SECRETARY ESTABLISHMENT

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

CHIEF MINISTER,
KHYBER PAKHTUNKHWA



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Proposal contained in Para-5 ante is submitted for perusal and approval of Chief Minister, Khyber Pakhtunkhwa is requested to approve proposal at Para 6/ante. Please.

(Muhammad Abid Majeed)
Secretary Tourism

SECRETARY ESTABLISHMENT

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

CHIEF MINISTER,
KHYBER PAKHTUNKHWA

10/6/2011



29

"H"

**GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH AFFAIRS &
MUSEUMS DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR CANTT:**

No: SO (T)/DTS/6-17/2021/2188-90-19-
Dated Peshawar the 13th December, 2021

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department, Peshawar.

Subject:

**POSTING OF MUHAMMAD ARABI, DEPUTY DIRECTOR (BS-18)
AGAINST THE POST OF DIRECTOR GENERAL, DIRECTORATE OF
TOURIST SERVICES, KHYBER PAKHTUNKHWA AS PER
RECOMMENDATION OF PSB**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of summary duly approved by Chief Minister, Khyber Pakhtunkhwa along with minutes of the Provincial Selection Board (PSB) meeting held on 30-07-2021.

2. I am further directed to request to notify promotion of Muhammad Arabi, Deputy Director (BS-18) to the post of Director General (BS-19), Directorate of Tourist Services, Khyber Pakhtunkhwa with immediate effect as per recommendations of PSB for one day actualization ONLY and subsequently post the officer against the newly created post of Additional Director General, Directorate of Tourist Services, Khyber Pakhtunkhwa, while Mr. Ghulam Saeed (PMS BS-19), will continue to work on the same post afterwards, please.

Yours faithfully,


13/12/2021
Section Officer (Tourism)

Endst: and date even:

Copy forwarded to:

1. PS to Secretary, Sports & Tourism Department, Khyber Pakhtunkhwa.
2. Master File.


Section Officer (Tourism)

to be
with

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57102 to 5710
D. SEP 2021

Directorate of Tourist Services F.C. 31st
4th Floor Peshawar Cantt

1/0

Copy for information to
1. The Chief Secretary, Khyber Pakhtunkhwa

Muhammad Arabi
Deputy Director

[Handwritten signature]

requested that the notification may be issued, please

in order to assume proper charge of the recommended post of DG BS-19 (I), therefore,
it has not been issued.
been recommended for promotion to the post of DG BS-19 DTS while the necessary notification has
Director BS-15 to the Post of Director General BS-19 DTS" it is stated that I, Muhammad Arabi, have
the promotion selection Board (PSB) meeting held on 30.07.2021 regarding "Promotion of Deputy
reference the subject noted above and in light of the recommendation of the Board in

Page 4/1

NOTIFICATION FOR PROMOTION TO THE POST OF DG (BS-19) DTS.

to Ministry to the Government,
Islamabad, (for information), Khyber Pakhtunkhwa
Government of Khyber Pakhtunkhwa,
Peshawar, the 06th September, 2021

No.DTS-PH-1(67)/09
Directorate of Tourist Services
4th Floor, F.C. Plaza, Sunehri Masjid Road
Peshawar, the 06th September, 2021

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"9"

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31

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26

No. DTS-PR-1(67)/09

Government of Khyber Pakhtunkhwa
Directorate of Tourist Services
4th Floor, FC Plaza, Sunerhi Masjid Road,
Peshawar, the 06th September, 2021

The Secretary to the Government,
Sports, Tourism, Archeology, Youth Affairs & Museums
Department, 13-A, Khyber Road, Peshawar.

Subject: NOTIFICATION FOR PROMOTION TO THE POST OF
DG (BS-19) DTS.

Dear Sir,

Reference the subject noted above and in light of the recommendation of the Board in the Provincial Selection Board (PSB) meeting held on 30.07.2021 regarding "Promotion of Deputy Director BS-18 to the Post of Director General BS-19 DTS" it is stated that I, Muhammad Arabi, have been recommended for promotion to the post of DG BS-19 DTS while the necessary notification has still not been issued.

In order to assume proper charge of the recommended post of DG BS-19 it is, therefore, requested that the notification may be issued, please.

Muhammad Arabi
Deputy Director

Copy for information to:

1. PS to Chief Secretary, Khyber Pakhtunkhwa.

Directorate of Tourist Services F.C Plaza
4th Floor Peshawar Cantt

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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Khyber Pakhtunkhwa Service Tribunal

Service Appeal No 22 /2022

Diacy No. 13

Date 05/01/2022

Muhammad Arabi, Deputy Director, Directorate of Tourist Services, Khyber Pakhtunkhwa, Peshawar.Appellant

V E R S U S

- 1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Secretary, Sports, Tourism, Archeology, Youth Affairs & Museums Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
- 3. Secretary Establishment Department Govt. of Khyber Pakhtunkhwa, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 FOR NOTIFYING THE PROMOTION OF THE APPELLANT AS DIRECTOR GENERAL TOURIST SERVICES, GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF STATUTORY PERIOD.

PRAYER:-

On acceptance of this appeal, the respondents may kindly be directed to issue the Notification of the promotion of the appellant as Director General, Tourist Services, Khyber Pakhtunkhwa, (BPS-19) w.e.f 03-08-2021, with all back benefits.

RECEIVED
5/11/2022

Respectfully Submitted:-

- 1. That the appellant was appointed as Assistant Controller (BPS-17), upon the recommendations of Federal Public Service Commission on 15-07-2008 and since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
- 2. That after eighteenth amendment, the Federal Ministry of Tourism was devolved into provinces, and consequently the services of the appellant were placed at the disposal of Khyber Pakhtunkhwa Government. The appellant was promoted as Deputy-Director (BPS-18) in the Directorate of Tourist Services Khyber Pakhtunkhwa on 22-05-2018.

Signature

3. That in the year 2021 the appellant as per rules governing the subject was due for promotion as Director General (BPS-19), Tourist Services Khyber Pakhtunkhwa and in July 2021, the meeting of the Provincial Selection Board was scheduled for 31-07-2021 and according to the Agenda Item No 6 the case of the appellant was placed before the same for promotion as Director General (BPS-19), Tourist Services Khyber Pakhtunkhwa, as per Letter dated 28-07-2021. **(Copy of Letter dated 28-07-2021 & Copy of Agenda is enclosed as Annexure A & B).**
4. That accordingly the said meeting was held wherein the appellant was recommended for promotion as Director General (BPS-19), Tourist Services Khyber Pakhtunkhwa as evident from its minutes and which recommendations were approved by the competent authority, i.e the honorable Chief Minister Khyber Pakhtunkhwa on 03-08-2021 which was communicated to the parent department vide letter dated 04-08-2021. **(Copy of Minutes & Letter dated 04-08-2021 is enclosed as Annexure C & D).**
5. That illegally and in violation of law and rules, in the note prepared for the approval of competent authority it was malafidely mentioned that the Board directed that the Finance Department shall create a post of Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, however the promotion of the appellant was not notified whereas those considered in the same PSB were notified.
6. That the post of Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, was finally created which was notified vide Notification dated 13-10-2021. **(Copy of Notification dated 13-10-2021 is enclosed as Annexure E).**
7. That after the creation of stated post respondents moved another summary before the honorable Chief Minister for the posting of the appellant against the post of Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, as per the recommendations of PSB for one day for actualization malafidely and his subsequent posting as Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, which was approved by the competent authority on 08-12-2021 which was forwarded by respondent No 2 to respondent No 1 vide Letter dated 13-12-2021. **(Copy of Summary, Approval dated 08-12-2021 & Letter dated 13-12-2021 is enclosed as Annexure F, G & H).**
8. That the appellant filed departmental appeal before respondent No 2 on 06-09-2021 which has not been responded so far despite the lapse of more than the statutory period of ninety

for
to

days. (Copy of departmental appeal dated 06-09-2021 is enclosed as Annexure I).

9. That this action of respondents of not issuing notification of promotion of the appellant as Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, is against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUNDS:-

- A. That the omissions and commissions of respondents are illegal and void ab-initio.
- B. That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C. That not issuing the notification of the appellant as Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, is not in consonance with law and principles of natural justice and is based on malafide.
- D. That the respondents are bent upon to favor one Ghulam Saeed who is posted as Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, since June 2019 and who as per law is not entitled to be posted as such.
- E. That the law and rules on the subject are very much clear which provide for the filling of the post of Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, by promotion only and the same can only be filled by transfer in case no suitable person is available while in the instant case, the appellant has been recommended for promotion, hence the inaction of respondents is not known to law on the subject. (Copy of rules is enclosed as Annexure J).
- F. That the malafide of the respondents is further proved from the fact that directions for creation of the post of Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, were issued by the PSB which directions is void being not its mandate.
- G. That strangely the issue of posting the appellant against the post of Additional Director General, Directorate of Tourist Service, Khyber Pakhtunkhwa, was proposed by the time when the said post was even not created rather the same was created in October 2021, i.e much after the appellant was recommended and even approval was

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granted by the competent authority which speaks of anything but not fair and bonafide.


- H. That even otherwise the said Ghulam Saeed has served his normal tenure under the law/policy but even then he is favored at the cost of the appellant.
- I. That there is no omission or commission on part of the appellant and he being fit and even recommended by the competent forum is kept deprived of his due rights.
- J. That the appellant did nothing that amounts to misconduct.
- K. That the appellant has more than 13 years of service with unblemished service record with no previous complaint of the sort against him.
- L. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Dated: 05-01-2022

Through


Appellant


**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan**

LIST OF BOOKS

1. Constitution 1973.
2. other books as per need

CERTIFICATE:


Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.


ADVOCATE

AFFIDAVIT

I, Muhammad Arabi, Deputy Director, Directorate of Tourist Services, Khyber Pakhtunkhwa, Pehsawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT


to be read



36 GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

-25-"K"

Dated Peshawar, the January 21, 2022

NOTIFICATION

NO.SO(E-I)E&AD/9-114/2021. The Competent Authority on the recommendations of Provincial Selection Board in its meeting held on 30 07 2021, is pleased to promote Mr. Muhammad Arabi, Deputy Director (BS-18) to the post of Director General (BS-19), Tourist Services, Khyber Pakhtunkhwa on regular basis, with immediate effect.

2 The officer, on promotion, will remain on probation for a period of one year, in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989

3 Posting/transfer Notification of the above-named officer will be issued, later on.

CHIEF SECRETARY,
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. of even No. & date

Copy forwarded to the -

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa Sports Department
4. Accountant General, Khyber Pakhtunkhwa
5. Director General, Tourist Services, Khyber Pakhtunkhwa
6. Director General, Information & P.Rs, Khyber Pakhtunkhwa.
7. PSO to Chief Secretary, Khyber Pakhtunkhwa.
8. PS to Chief Secretary, Khyber Pakhtunkhwa
9. PS to Secretary (Estt)/Special Secretary (Estt)/ Special Secretary (R)/PA to AS(Estt)/AS (HRD)/ SO(Secret)/ SO(HRD-I) & SO(E-II) Establishment Department
10. PS to Secretary (Admn)/AS(Admn)/D S (Admn)/SO(Transport)/Estate Officer/DD(IT) and ACSO Cypher Administration Department
11. Officers concerned

(ZIA.UL.HAQ)
SECTION OFFICER (ESST-I)
Ph. No. 091-9210529

21-1-2022

to be...

Subject:- Appeal for the Ante-dation of Notification dated 21-01-2022 with all back benefits.

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Respectfully Submitted:-

1. That the appellant was appointed as Assistant Controller (BPS-17) upon the recommendations of Federal Public Service Commission on 15-07-2008 and since appointment he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
 2. That after Eighteenth Constitutional Amendment the Federal Ministry of Tourism was devolved into Provinces and consequently the services of the appellant were placed at the disposal of Khyber Pakhtunkhwa Government. The appellant was promoted as Deputy Director (BPS-18) in the Directorate of Tourist Services Khyber Pakhtunkhwa on 22-05-2018.
 3. That in the year 2021 the appellant as per rules governing the subject was due for promotion as Director General Tourist Services Khyber Pakhtunkhwa (BPS-19) (herein after referred to as DG) and in July 2021 the meeting of the Provincial Selection Board was scheduled for 31-07-2021 and according to the Agenda Item No 6, the case of the appellant was placed before the same for promotion as DG as per letter dated 28-07-2021. **(Copy of Letter dated 28-07-2021 and copy of Agenda is enclosed as Annexure A & B).**
 4. That accordingly the said meeting was held wherein the appellant was recommended for promotion as DG as evident from its minutes and which recommendations were approved by your honor on 03-08-2021 which was communicated to the parent department vide Letter dated 04-08-2021. **(Copy of Minutes & Letter dated 04-08-2021 is enclosed as Annexure C&D).**
- That illegally and in violation of law and rules, in the note prepared for the approval of competent authority it was malafidely mentioned that the Board directed that the Finance department shall create a post of Additional Director General Directorate of Tourist Services Khyber Pakhtunkhwa however the promotion of the appellant was not notified whereas those considered in the same PSB were notified
6. That the post of Additional Director General, Directorate of Tourist Services Khyber Pakhtunkhwa was finally created which was notified vide Notification dated 13-10-2021. **(Copy of Notification dated 13-10-2021 is enclosed as Annexure E).**

Directorate Of Tourist Services F.C Plaza
4th Floor Peshawar Cantt

to be
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7. That after the creation of stated post another summary was moved before your honor for the posting of the appellant against the post of DG as per the recommendation of PSB for one day for actualization malafidely and his subsequent posting as Additional Director General, Directorate of Tourists Services KPK which was approved by the Competent Authority on 08-12-2021, which was Forwarded by the Secretary of the department Vide letter Dated 13-12-2021. **(Copy of Summary Approval Dated 08-12-2021 and letter Dated 13-12-2021 is enclosed as Annexure F, G and H).** -27-

8. That the appellant filed Departmental Appeal on 06-09-2021, which was despite the lapse of more than the statutory period on ninety days, where after the appellant filed Service Appeal No. 22/2022 before the honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar which is fixed for hearing on 25-02-2022. **(Copy of Departmental Appeal & Service Appeal is enclosed as Annexure I & J).**

9. That in the meanwhile Notification dated 21-01-2022 was issued whereby the appellant has been promoted as DG with immediate effect while his posting order is yet to be issued, the impugned Notification dated 21-01-2022 is as such liable to modification thereby promoting the appellant as DG Tourist Services KP with effect from 03-08-2021, instead of immediate effect on grounds inter-alia as follows:-

GROUND S:-

- A. That the impugned Notification dated 21-01-2022 to the extent of the appellant by promoting him with immediate effect is liable to modification by giving it effect from 03-08-2021.
- B. That the appellant is not treated in accordance with law and rules which being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.
- C. That the recommendations regarding promotion of the appellant were approved by your honor on 03-08-2021, hence the impugned Notification is required to be given effect from the same date.
- D. That the notification regarding promotion was not issued timely and was delayed in order to favor and post one Ghulam Muhammad as DG who as per law and rules on the subject cannot be even posted on the said post.
- E. That the chain of instances smacks malice aimed at favoring one Ghulam Muhammad, as the PSB issued

directions for the creation of the post of Additional Director General and post the appellant on such post for one day for the purpose of actualization and thus depriving the appellant of his due right of posting as DG.

- F. That the promotion of the appellant on the post of DG has been recommended and even such recommendations have been approved on 03-08-2021, as such the impugned notification is liable to modification by giving it effect from 03-08-2021.
- G. That the malice is further proved from the directions of PSB which issued directions for creation of the post of Additional Director General of the department beyond its mandate and to post the appellant against such post.
- H. That the record depicts that strangely the posting of the appellant against the post of Additional Director General was proposed when such post was even not created.
- I. That there is no omission and commission on part of the appellant and the appellant could not be punished for the fault of others if any.
- J. That the appellant is having about 14 years of service with unblemished service record.

It is therefore prayed that on acceptance of this appeal, the impugned Notification dated 21-01-2022 may kindly be varied/modified thereby promoting the appellant as Director General Tourist Services KP with effect from 03-08-2021 with all back benefits.

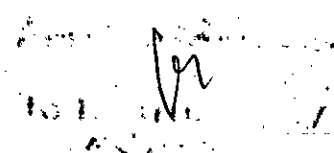
Dated: 21-02-2022

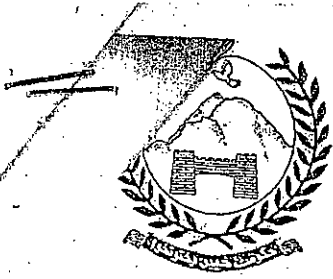


Muhammad Arabi,

Director General, Tourist Services
Khyber Pakhtunkhwa, Peshawar.

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

NOTIFICATION

Peshawar, Dated the 31st October, 2017

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 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.
2.	Deputy Director (BPS-18).	-----	-----	By promotion, on the basis of seniority-cum-fitness from amongst the Assistant Directors, Assistant Controllers, Law Officers and Admin and Accounts Officers having five years service as such:

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				for promotion then by transfer from amongst PMS or PAS officer. 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.
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.	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Legal Assistants with three years service as such: Provided that if no suitable person is available for promotion then by initial recruitment; and (ii) fifty percent by initial recruitment.
4.	Assistant Director (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 with two years experience in tourism sector.	24 to 34 years.	By initial recruitment.
5.	Assistant Controller (BPS-17).	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors with three years 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.	(i) Thirty-three percent by promotion, on the basis of seniority-cum-fitness from amongst the Superintendents with three years service as such: Provided that if no suitable candidate is available for promotion, then by initial recruitment; and (ii) sixty seven percent by initial recruitment.

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	Superintendent (BPS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Stenographers with at least five years service as such. Note: For the purpose of promotion a joint seniority list of Assistants and Stenographers shall be maintained.
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.	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Inspectors with at least five years services as such: Provided that if no suitable person is available for promotion, then by initial recruitment; and (ii) fifty percent 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.
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 and Accountants with at least five years service as such: Provided that if no suitable person is available for promotion, then by initial recruitment; and (ii) twenty five percent by initial recruitment. Note: For the purpose of promotion, a joint list of Senior Clerks and Accountants shall be maintained.
11.	Stenographer (BPS-16).	At least Second Class Bachelor's Degree from a recognized University with—	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:

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		<p>(a) a speed of seventy (70) words per minute in shorthand in English and forty-five(45) words per minute in typing; and</p> <p>(b) knowledge of Computer in using MS Word and MS Excel.</p>		<p>Provided that if no suitable person is available for promotion, then by initial recruitment.</p>
12.	Computer Operator (BPS-16).	<p>(a) At least Second Class Bachelor's Degree in Computer Science / Information Technology (BCS / BIT four years), from a recognized University; or</p> <p>(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.</p>	21 to 32 years.	By initial recruitment.
13.	Sub-Inspector (BPS-14).	<p>(a) At least Second Class Bachelor's Degree or its equivalent qualification from a recognized University; and</p> <p>(b) Height...five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.</p>	21to32 years.	<p>(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Sub-Inspectors 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>
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.

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	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. <i>Amu</i>
17.	Junior Clerk (BPS-11).	(a) At least Second Class Secondary School Certificate or its equivalent qualification from a recognized Board; and (b) typing speed of thirty (30) words per minute on Computer.	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 (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

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				<p>session, the inter-se-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and</p> <p>(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.</p>
18.	Assistant -Sub-Inspector (BPS-09).	<p>(a) At least Second Class Intermediate Certificate or its equivalent qualification from a recognized Board; and</p> <p>(b) Height... five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.</p>	18-28 years.	<p>(i) Thirty-three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Head Constables with three years service as such; and</p> <p>(ii) sixty seven percent by initial recruitment.</p>
19.	Head Constable (BPS-07).	<p>(a) At least Second Class Secondary School Certificate or its equivalent qualification from a recognized Board; and</p> <p>(b) Height... five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.</p>	18to28 years.	<p>(i) Thirty-three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Constables with three years service as such; and</p> <p>(ii) sixty seven percent by initial recruitment.</p>
20.	Driver (BPS-06).	<p>literate with valid driving license of light transport vehicle.</p> <p>Note: Preference will be given to those</p>	18 to 40 years.	By initial recruitment.

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		who have relevant experience in driving, repair and maintenance of vehicles.		
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.
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.

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26.	Chowkidar (BPS-03).	Preferably literate.	18to40 years.	By initial recruitment.
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**SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,
SPORTS, CULTURE, TOURISM, YOUTH AFFAIRS, ARCHAEOLOGY
AND MUSEUMS DEPARTMENT.**

Peshawar, Dated the 31st October, 2017

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

/12872-95.

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.
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.

(Signature)
(Mir Rehman)

Section Officer (Tourism)

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

Dated Peshawar 25th April, 2022

NOTIFICATION

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:

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
-----	---------------------------------------	-----	-----	---

N-37-13

48

12

10/10/2022

(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:

*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.";

49-38-
64

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i) against Serial No. 7, in Column No. 5, the words "Assistant and" shall be deleted;

ii) against Serial No.6, in Column No.5, for the existing entries, the following shall be substituted, namely:

- 39-
- (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:

- 50
- (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."

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

- J. M. M. M.
- (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:

40-

"(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:

51

"(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

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

106

(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."

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

52-41-
ndst: No. & Date even: 4879-88

copy forwarded to:

1. All Administrative Secretaries, Khyber Pakhtunkhwa.
2. Registrar, Peshawar High Court, Peshawar.
3. Registrar, Services Tribunal, Peshawar.
4. Manager, Government Printing Press & Stationary Department, Khyber Pakhtunkhwa with the request to public in the next issue of Govt. Gazette and provide 10 copies of gazette Notification.
5. Secretary, Khyber Pakhtunkhwa Public Service Commission.
6. Director General, Directorate of Tourist Services, Khyber Pakhtunkhwa.
7. PS to Secretary Sports and Tourism Department, Govt. of Khyber Pakhtunkhwa.
8. PA to A.S-I, Sports & Tourism Department.
9. PA to D.S-III, Sports & Tourism Department.
10. Master File.

J. M. Khan
25.4.22
SECTION OFFICER (TOURISM)

53

(Ref/Date)



No.DTS-PR-5(20)/16- A&E
Government of Khyber Pakhtunkhwa
Directorate of Tourist Services
4th Floor, FC Plaza, Sunehri Masjid Road,
Peshawar, the 09th August 2021

-42- "0"

The Section Officer (Tourism),
Sports, Tourism, Archaeology,
Youth Affairs & Museums Department
13-A, Khyber Road, Peshawar

Subject: PROPOSED DRAFT/ AMENDMENT OF SERVICE RULES FOR OFFICER/
OFFICIALS OF DIRECTORATE OF TOURIST SERVICES.

Reference the subject noted above it is stated that Finance Department Committee in its meeting held on 14.01.2021 recommended 12 new posts for this Directorate. Draft is attached for consideration of SSRC, please.

[Signature]
Director General

o/c

Directorate Of Tourist Services
4th Floor, Peshawar Cantt.

09 AUG 2021

Issue/Date No. 5551 *[Signature]*

Admin Section, DTS

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TO BE FILLED
 5/24

Sl. No.	Nomenclature of the post.			Qualification			Age			Method of recruitment		
	Existing	Proposed	Reasons	Existing	Proposed	Reasons	Existing	Proposed	Reasons	Existing	Proposed	Reasons
1.	Director General (BPS-19)		No change			No change			No change	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.		No change
2.	Deputy Director (BPS-18)		No change			No change			No change	By promotion, on the basis of seniority-cum-fitness from amongst the Assistant Directors, Assistant Controllers, Law Officers and Admin and Accounts Officers having five years service as such: Provided that if no suitable person is available for promotion then by transfer from amongst PMS or PAS officer. 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.		No change
3.	Law Officer (BPS-17)		No change	At least Second Class LLB Degree from a recognized University with three (03) years experience at the Bar.		No change	25 to 35 years.		No change	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Legal Assistants with three years service as such: Provided that if no suitable person is available for promotion then by initial recruitment; and (ii). fifty percent by initial recruitment.		No change

5/24

Constitution of Standing Service Rules Committee

Under the provision of Rule 3(2) of the NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Provincial Government is pleased to constitute with immediate effect and in supersession of Services and General Administration Department Notification No.SOR.II (S&GAD)2(9)/97 dated 12th September, 2001, the Standing Service Rules Committee with the following composition:-

- | | | |
|----|---|------------------|
| 1. | Administrative Secretary concerned | Chairman |
| 2. | Additional Secretary (Regulation)
E&A Department | Member |
| 3. | Additional Secretary (Regulation)
Finance Department | Member |
| 4. | Additional Secretary
Law Department | Member |
| 5. | Head of the attached Department concerned | Member |
| 6. | Deputy Secretary(Admn) of the
Department concerned | Member/Secretary |

2. I am further directed to request that the Working Paper for the Standing Service Rules Committee should be prepared in light of instructions issued vide letter No.SOR-I (S&GAD) 1-206/74(A) dated 13th October, 1990.

(Authority: Notification No.SOR.VI(E&AD)2-69/2003. dated 29th Jan, 2005)

Framing of Service Rules/Recruitment Rules

I am directed to refer to this department letter No.SOR-I(S&GAD) 4-2/85, dated 4.12.1985, on the subject noted above and to enclose herewith revised proforma (Annexure 'I' and Annexure-'II') for initiating proposals for framing new Service/ Recruitment Rules. The Administrative Departments are requested that all proposals for framing of new Service Rules and amendments in the existing rules should be accompanied by a working paper (six copies) explaining background and justification for the proposal, particularly where existing rules are required to be amended.

2. It is requested that while sending proposals for framing of new Service Rules and making amendments in the existing rules, the qualifications proposed for appointment to posts should suit the requirement of the job.

3. It has been decided that the Law Department/Public Service Commission and Finance Department would in no case delay vetting/ clearance/ concurrence of rules for more than one month.

TO BE FILED
AD...

NEW RULES

PROFORMA SHOWING PROPOSED METHOD OF RECRUITMENT APPLICABLE TO THE POSTS IN THE _____

S.No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment or by transfer	Minimum qualification for appointment by promotion	Age limit	Method of recruitment
1	2	3	4	5	6

PROFORMA SHOWING PROPOSED AMENDMENT IN THE EXISTING SERVICE RULES

Nomenclature of the post. (Existing) (Proposed)(Reasons)	Qualification (Existing) (Proposed) (Reasons)	Age (Existing)(Proposed)(Reasons)	Method of recruitment (Existing) (Proposed) (Reasons)
2	3	4	5

Sanction of the post/posts by the Finance Deptt may also be quoted and enclosed.

(Authority; No.SOR-I(S&GAD) 1-206/74(A) Dated Peshawar 13.10.1990)

Framing of Service/Recruitment Rules.

I am directed to refer to this Department letter of even number dated 15.10.1998 on the subject noted above and to say that ever since the re-organization of the Standing Service Rules Committee, the Administrative Departments, fix schedule of the Standing Service Rules Committee meetings without consulting S&GAD and Finance Department. Needless to point out that representatives of those Departments do have other important official engagements/commitments.

2. Furthermore, the working papers/proposals for framing of service/ recruitment rules are forwarded to this Department shortly before the meeting. As such it becomes difficult to examine the proposals properly.

3. I am, therefore, directed to request you to kindly ensure that proposals/ working paper for framing/amending the rules shall be furnished to the S&GAD and Finance Department at least seven days, before the date of the meeting. The above instructions may be brought to the notice of all concerned for strict compliance.

(Authority S&GAD letter No.SORII(S&GAD)2(9)/98 dated 24.12.98)

to be filed
AD/100

(57)

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"D"



GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH
AFFAIRS & MUSEUMS DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR CANTT:

SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

Subject: **POSTING OF MUHAMMAD ARABI (BS-19) AGAINST THE POST OF
ADDITIONAL DIRECTOR GENERAL (BS-19), DIRECTORATE OF TOURIST
SERVICES, KHYBER PAKHTUNKHWA**

The Provincial Selection Board (PSB) in its meeting held on 30.07.2021 recommended to promote Muhammad Arabi, Deputy Director, BS-18 to the post of Director General, BS-19 and the same was communicated by Section Officer (PSB) on 04.08.2021. The Board also recommended that the Finance Department shall create a post of Additional Director General (ADG) in Directorate of Tourist Services, Khyber Pakhtunkhwa (Annex-I). Subsequently, the Finance Department created a post of ADG, BS-19 in Directorate of Tourist Services, Khyber Pakhtunkhwa and communicated audit copy of the same to this Department (Annex-II).

2. The Establishment Department on the recommendations of Provincial Selection Board (PSB) in its meeting held on 30.07.2021, promoted Mr. Muhammad Arabi, Deputy Director (BS-18) to the post of Director General (BS-19), Directorate of Tourist Services, Khyber Pakhtunkhwa on regular basis with immediate effect. Moreover, it was intimated that posting / transfer Notification of the above named officer will be issued later on (Annex-III & IV).

3. In light of above, it is therefore proposed that Establishment Department may post Muhammad Arabi (BS-19) against the newly created post of Additional Director General (BS-19), Directorate of Tourist Services, Khyber Pakhtunkhwa with immediate effect.

4. Under Schedule-III of the Khyber Pakhtunkhwa Govt. Rules of Business, 1985, the Chief Minister is the competent authority for the posting / transfer of officers in BS-18 and above (Annex-V).

5. Proposal at Para-3 ante is submitted for approval of Chief Minister, Khyber Pakhtunkhwa, please.

6. Establishment Department may add views en-route, please.

(AMER SULTAN TAREEN)
SECRETARY

SPORTS, TOURISM, CULTURE,
YOUTH AFFAIRS, ARCHAEOLOGY
& MUSEUMS DEPARTMENT

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7- Summary for Chief Minister, Khyber Pakhtunkhwa moved by Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department regarding posting of Muhammad Arabi (BS-19) against the post of Additional Director General (BS-18), Directorate of Tourist Services, Khyber Pakhtunkhwa has been examined and found in line with the recommendations of the Provincial Selection Board (Annex-I).

8- Proposal of the Administrative Department at Para 3 of the Summary may be submitted for approval of the Chief Minister, Khyber Pakhtunkhwa being competent authority in terms of Schedule III of the Khyber Pakhtunkhwa Govt. Rules of Business, 1985 (Annex-V).

Jan 2022

(Fit. Lt. Retd. Iftikhar Ali Sahoo)
Secretary Establishment

19 April 2022

Chief Secretary Khyber Pakhtunkhwa

9.

para 8 endorsed

HGM

[Signature]
20/4/22

CHIEF SECRETARY
Govt. of KHYBER PAKHTUNKHWA

10. Para - 9/5 is approved

[Signature]
21-04-2022

Chief Minister

[Small text]

CL

to b. [unclear]
Admin

59

-48- "Q"



GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, YOUTH AFFAIRS &
MUSEUMS DEPARTMENT.
13-A, KHYBER ROAD, PESHAWAR CANTT:

No: SO (T)/DTS/6-17/2021

14731-33

Dated Peshawar the 10th May, 2022

To

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

Subject: POSTING OF MUHAMMAD ARABI (BS-19) AGAINST THE POST OF ADDITIONAL DIRECTOR GENERAL (BS-19), DIRECTORATE OF TOURIST SERVICES, KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to Establishment Department letter No. SO(E-I)/E&AD/9-114/2022 dated 01.03.2022 on the subject noted above and to enclose herewith a copy of summary approved by Chief Minister, Khyber Pakhtunkhwa.

2. The approved Para of the summary is reproduced below:

"Establishment Department may post Muhammad Arabi (BS-19) against the newly created post of Additional Director General (BS-19), Directorate of Tourist Services, Khyber Pakhtunkhwa with immediate effect".

3. Foregoing in view, it is therefore, requested to take further necessary action accordingly as per approval of Chief Minister, Khyber Pakhtunkhwa, please.

Yours faithfully,

SECTION OFFICER (TOURISM)

Endst. and date even:

Copy forwarded to:

1. Director General, Directorate of Tourist Services, Khyber Pakhtunkhwa.
2. PS to Secretary, Sports & Tourism Department, Khyber Pakhtunkhwa.
3. Master File.

Dispatcher
Directorate Of Tourist Services F C Plaza
4th Floor Peshawar Cantt

SECTION OFFICER (TOURISM)

13 MAY 2022

Signature 374

to be filed
10/5/22

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar
Serbia Appeal No 879/22

Govt of India vs

Muhammad Azebi

Applicant/Appellant

Respondent

A Application for impudment of Ghulam Saad PMS BS-19
Presently posted as Director General, Tourist Services KP
in the Panel of respondents

Respectfully submitted:

1- That the filed appeal is pending before this honorable
Tribunal which is fixed for today i.e 22-6-2022

2. That the appellant has also prayed for his posting as

Director General which posts is presently occupied

by the said Ghulam Saad hence his impudment
is necessary for the just disposal of case and this
honorable Tribunal is very much valued with

powers to order accordingly.

It is therefore prayed that on acceptance of this appeal,
The said Ghulam Saad may please be impudment

as respondent.

Appellant

Trusts

Fazal Shahmanan

Advocate Peshawar

Dated 22-6-22

Signature

(61)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.879/2022

Muhammad Arabi

.... Petitioners


VS

Government of Khyber Pakhtunkhwa & Others

.... Respondents

INDEX

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3.	Authority Letter	----	05


Deponent

Service Appeal No.879/2022

Muhammad Arabi.....Appellant

VS

Government of Khyber Pakhtunkhwa through Chief Secretary & others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01, 02 & 03

Respectfully sheweth,

PRELIMINARY OBJECTIONS

1. That the appeal in hand is not maintainable in its present form.
2. That the appeal is bad for misjoinder/ non-joinder of necessary parties
3. That under section 4(6) of Khyber Pakhtunkhwa Services Tribunal Act 1974 no appeal shall lie before the Tribunal against an order or decision of a departmental authority regarding fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or cadre on this score alone the appeal is not maintainable.
4. That this honourable Tribunal has no jurisdiction to entertain instant service appeal.
5. That the appellant has got no cause of action to file the instant appeal.
6. That the appellant has been promoted to the post of Director General (BS-19) vide notification dated 21.01.2022 on the basis of merit and in accordance with the law and rules prevailing at the relevant time no illegality or irregularity has been committed by the answering respondents and now vide order dated 22-07-2022 the appellant has been posted against post of Additional Director General (BS-19).
7. That the appeal of the appellant is badly barred by law & limitation.

ON FACTS

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.

- 217
1
4. Denied as laid. There is no mala-fide or illegality on part of Provincial Selection Board (hereinafter referred as PSB) as it has recommended for creation of a new post of Additional Director General in the same grade/BPS as of Director General i.e. BPS-19.
5. Denied as laid. The promotion of the appellant was not notified because Provincial Selection Board has asked for the creation of a post of Additional Director General for the appellant hence his promotion as Director General at that time was needless.
6. Denied as laid. The fact is that respondents/ Department moved the summary in good faith and without any mala-fide. It was in the interest of the Department to retain incumbent as Director General and the post of Additional Director General was to be created for appellant. (Para-3 & 4 of the Summary)
7. Incorrect. The Summary for creation of post of Additional Director General for appellant was in process.
8. That Department has issued posting order of appellant as Additional Director General on 22-07-2022 after approval of Hon'ble Chief Minister on a Summary. The appellant has not filed any appeal against this order and has been performing duties as Additional Director General.
9. As mentioned above.


ON GROUNDS

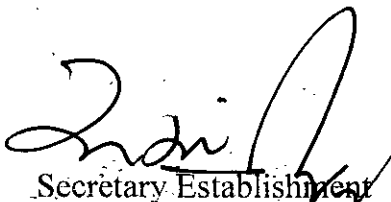
- A. Incorrect impugned notification is well in accordance with law and the notification dated 22.07.2022 is now in field, against which no departmental appeal has been filed
- B. Incorrect appellant has been treated in accordance with law none of the vested/Fundamental Right of the appellant have been violated as order dated 22-07-2022 posts him against BS-19.
- C. Incorrect as appellant has not approached this Department against order dated 22-07-2022.
- D. Incorrect as the same PSB directed to create post for appellant.
- E. Incorrect as the Department acted in public interest.
- F. Incorrect as the post of Ad DG is of BS-19 as well thus no harm to appellant, Department acted in public interest.
- G. Incorrect.
- H. No comments
- I. As explained above, appellant may file Departmental appeal against order dated 22-07-2022.


- (64)
- 3/50
- J. No comments as Department works in public interest
- K. Contents incorrect. Service Rules are vetted by Law and Establishment Department.
- L. Already explained
- M. Incorrect as Department serves in bona-fide and in public interest.
- N. Criteria have been modified as per Rules and Law and with concurrence of Establishment and Law Departments.
- O. Pertains to record.
- P. Need no reply however replying respondents also seek permission of the honorable Service Tribunal to reply on additional grounds at the time of hearing of appeal.

PRAYER

It is therefore, humbly prayed that the appeal may kindly be dismissed being devoid of merits, with Costs.


Secretary Sports & Tourism
Sports & Tourism Department
(Respondent No. 02)
Secretary to Government
Khyber Pakhtunkhwa
Sports, Culture, Tourism Youth Affairs
Archaeology & Museums Department


Secretary Establishment
Establishment Department
(Respondent No. 03)


Chief Secretary
Government of Khyber Pakhtunkhwa
(Respondent No. 01)

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Seey ESTT.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNEL

Service Appeal No.879/2022

Muhammad Arabi

.... Petitioners.

VS

Government of Khyber Pakhtunkhwa & Others

.... Respondents

Affidavit

I, Muhammad Javed, Section Officer (Litigation) (BPS-17), Sports & Tourism Department Khyber Pakhtunkhwa, do hereby solemnly affirm and declare an oath that the contents of Para wise Comments in the above service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed form this Hon'ble Service Tribunal.



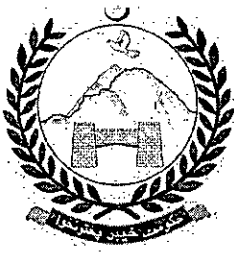
DEPONENT
CNIC 17301-5434125-9
Cell No. 03068540467

Identified By

DISTRICT ATTORNEY
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

04 NOV 2022





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

13-A, KHYBER ROAD, PESHAWAR CANTT:



091- 9223448.



091-9212535.



Sportslitigation@gmail.com

NO. SO(LIT)/S&TD/1- 478/2022M.Arabi
Dated Peshawar the, ___ October , 2022.

AUTHORITY LETTER

Muhammad Javed, Section Officer Litigation (BPS-17), Sports, Culture, Tourism, Archaeology, Youth Affairs & Museums Department is hereby authorized to submit the comments and attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar in case titled "Muhammad Arabi VS Govt of Khyber Pakhtunkhwa" on behalf of the undersigned till the final decision of the case.

(Muhammad Tahir Orakzai)

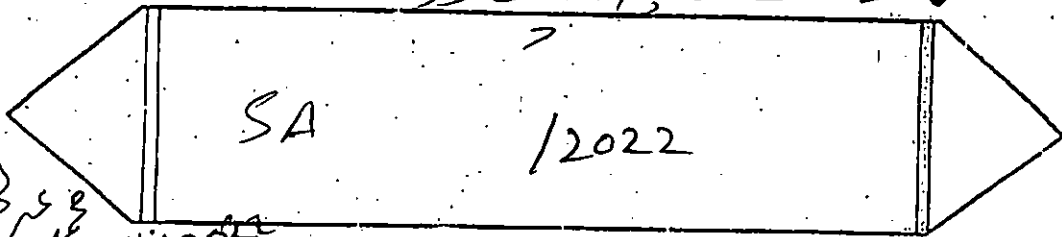
SECRETARY

SPORTS, TOURISM, CULTURE,
YOUTH AFFAIRS, ARCHAEOLOGY & MUSEUMS
DEPARTMENT

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

49-

بعد الت عالیہ کنستور

محمد علی
بنام ابورکنٹ و غیرمحمد علی
محمد علیموزخ
مقدم
دعویٰ
برم

باعث تحریر آنگہ

مقدمہ بندرج عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آج مقام کنستور کیلئے افضل شاہ سمند ASC + العمصطر اللو کنستور

مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا۔ نیز
وکیل صاحب کو راضی نامہ کر... نے و تقرر ثالثہ فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور
باصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل غرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ از صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہولت
یا واختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائہ التوائے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 31 ماہ 20

واہ الع

محمد علی

AAsted & AAccepted
and