BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.446/2024

Shakeel Ahmad

VERSUS

Director General, Sports and others.

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Through

Respondent no. 05

(ALI GOHAR DURRANI)
Advocate Supreme Court
0332-9297427

khaneliegohar@yahoo.com Shah | Ducrani | Khattak (a registered law firm)

House No. 231-A, New Shami Road, Peshawar.

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BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.446/2024

Shakeel Ahmad

VERSUS

Director General, Sports and others.

PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO 05

Respectfully Submitted:

The answering Respondent beg to submit as under:

Preliminary Objections:

- a) Because the Appellant is not an aggrieved person and has no locus standi to file the appeal in hand before this honorable tribunal.
- b) Because the instant appeal filed by the appellant is misconceived, not competent in its present form, is not maintainable, and is therefore liable to be dismissed forthwith. The appellant hasn't come with clean hands and has concealed material facts from this Honorable Court.
- c) Because the appeal of the appellant is badly time barred, and thus directly hit by the law of limitation and on that score alone the appeal is liable to be dismissed.
- d) Because the appellant, by concealing material and necessary facts from this Hon'ble Court, has come to seek justice when his own hands are unclean and tainted with the malafide of her own admitted conduct; and, the pleas of the petitioner should be rejected in their totality as a result.
- e) Because the appellant has acquiesced and is estopped by his own conduct to bring the instant appeal.
- f) Because the Appellant has got no cause of action to file the instant case.
- g) Because filing of this appeal is futile exercise and wastage of precious time of this Honorable Service Tribunal, liable to be dismissed forthwith.
- h) Becausethe instant appeal is barred by law and not maintainable.
- i) Because the appeal in hand is barred by limitation.
- j) Because the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- k) Because this Hon'ble tribunal has no jurisdiction to adjudicate upon the matter.

On Facts:

- 1. Para-1 pertains to record. The appointment was made without any advertisement. Later on he was upgraded to BPS-16 vide notification dated 20-05-2014. Subsequently on 24-11-2016 he was promoted as Budget and account Officer BPS-16, and finally he was promoted as AD on 28-05-2019.
 - Copy of details are Annex-A
- 2. Para-2 is correct and needs no reply.
- 3. Para-3 is misconceived as laid the appellant is blowing hot and cold in the same breath per his own admissions and the seniority list so annexed. The answering respondent is at serial no. 01 of the seniority list and no objection has been raised by the appellant on her seniority position as is clear from para 3 and 4 and also Annex-C appended with the appeal. It bears mention that in the wake of merger of fata into Khyber Pakhtunkhwa, the Establishment department vide notification dated 15-11-



2018 directed for the Directorate of Sports in FATA to report to Secretary Sports, Culture, Tourism and Youth affairs. This was followed by notification dated 28-11-2018 of the Tourism, Sports, Archeology, Museums, Culture and Youth Affairs Department.

A notification containing a committee was notified on 21-12-2018, however this committee did not come up with any findings till 2022. It is pertinent to mention that because the seniority list dated 13-05-2019 did not reflect the employees of erstwhile Fata, the answering respondent and others filed representations in this regard in the series of correspondence, which culminated in the speaking order dated 10-09-2021. This notification appreciated the merger and all the matters auxiliary thereto and held the answering respondent to be entitled to the position at serial no. 01 of the seniority list dated 15-09-2021. Needless to mention that the appellant is relying on seniority list dated 15-09-2021, he has not challenged the seniority of the answering respondent nor is the notification dated 10-09-2021 challenged by him, which makes the entire case of the appellant based in a nullity.

Copy of Notification dated 15-11-2018, 28-11-2018 and 21-12-2018 are Annex-B Copy of Seniority list dated 13-05-2019 is Annex-C

Copies of the Application, Communication, Notification dated 10-09-2021 are Annex-D

- 4. Para-4 is misconceived, as the responded in para-03 above with further addition that the appellant is stopped by conduct to agitate seniority against the answering respondent.
- 5. Para-05 as laid is misconceived, as stated earlier the appellant did not raise any objection on the name of the answering respondent with respect to seniority moved on 15-09-2021, so he is estopped to bring any objections. Furthermore, it bears mention that on 22-02-2022 a committee was committed vis-à-vis grievances of AD's, DSO's and Administrations BPS-17 of Director General Sports. This was modified vide 16-03-2022 and it gave its findings on 22-03-2022. The findings in itself, discredits the entire case of the appellant.

Copy of Notification dated 22-02-2022 and 16-03-2022 is Annex-E Copy of report is Annex-F

Copy of tentative seniority list issued by department on advice of establishment department is Annex-G

6. Pata-06 as laid is misconceived; the answering respondent preferred an appeal dated 06-12-2022 for issuance of final seniority list. However, a departmental committee, which assumed its role after 4 years illegally and unlawfully in negation of previous orders of Admin Secretary and Establishment as well as the report of a notified committee excluded the assuming final seniority list, against which she preferred an appeal dated 23-02-2023 she was heard in person on 14-03-2023. Report of directorate was sent, department sought re-examination of the seniority list. A committee was constituted on 14-07-2023 in the light of the letter dated 09-06-23 to fixate the seniority list to re-examine the same. The committee reiterated the stance earlier taken vide 07-05-2021 which is already annex-D.

Copy of appeal dated 06-12-2022 is Annex-H

Copy of MOM dated 13-12-2022 is Annex-I

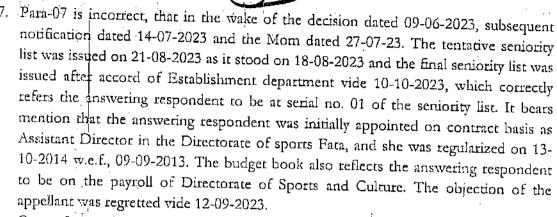
Copy of appeal/representation dated 23-02-2023 is Annex-J

Copy of notice for hearing is Annex-K

Copy of report of directorate dated 17-04-2023 is Annex-L

Copy of direction to re-examine seniority in 09-06-2023 is Annex-M

Copy of the notification to the decision taken vides M.M dated 27-07-2023 is Annex-



Copy of regret letter dated 12-09-2023 is Annex-O

Copy of Final seniority list is Annex-P

Copy of appellant regularization/budget copy is Annex-Q

- 8. Para-8 is incorrect hence denied, as laid in para 07 reply above the objection was regretted and the final seniority list was issued after all the fulfillment of codal formalities and law and rules.
- 9. Para-09 is incorrect, the plea is unsubstantiated in light of the advice of the Establishment Department, the orders of Administration Secretary of Sports Department and the report of the committee as well as the committee tasked to reexamine, which clearly held that the appellant is not entitled to any relief.
- 10. Para-10 as laid is misconceived.

REPLY ON GROUNDS:

- a. The ground A does not concern the answering respondent.
- b. The ground B does not pertains to the answering respondent.
- c. The ground C as laid is misconceived as illegal and without any substance. It has been responded in great detail in the para wise responses.
 - d. The ground D is misconceived hence denied.
 - e. The ground E as stated above the answering respondent in wake of merger has rightly been placed at serial no. 01.
 - f. The ground F is incorrect hence denied; the seniority list is rightly drawn, and the appellant is rightly placed at Serial No. 1 of the seniority list.
 - g. The ground G is misconceived hence denied.
 - h. The ground H does not pertains to the answering respondent.
 - i. The ground I does not pertains to the answering respondent.
 - . The ground J does not pertains to the answering respondent.
 - k. The answering respondent also seek the permission of this Honble Tribunal to advance additional arguments and raise additional grounds at the time of arguments.

Prayen -

In view of the above submissions, it is humbly prayed that the Service Appeal in hand may be dismissed with costs, being devoid of merit and time barred.

Through

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例 回 回 (ALI ĞOHAR DURRANI) Advocate Supreme Court 0332-9297427

khaneliegohar@yahoo.com Shah | Durrani | Khattak



(a registered law firm) House No. 231-A, New Shami Road, Peshawar.

BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO.446/2024

Shakeel Ahrnad

VERSUS

Director General, Sports and others.

Affidavit

It is stated on oath that the contents of the reply are true and correct to the best of my knowledge and belief and nothing has been concealed.

Deponent

Identified By

Ali Gohar Durrani

Advocate Supreme Court.

OLLICK OF 1	IE DISTRICT COORDINATION	OFFICER PROPERTY.	
No	/Estt/8(Main file)		•
ı	OFFICE ORDER	Dated Daggar the 2/1/2008.	
	Consequent upon the recommend	Intions - for	777
the minutes of the District Bunca is conditions given	a meeting held on 18/01/2008) Mr.S hereby appointed as Assisbant(BP) below with immediate effect.	stations of the District Selection Board Buner (as containe hakeel Ahmad S/o Khurshaid Ali resident of village Nawa S-14) in the District Sports Office, Buner on the terms	d in gai
Terms & Condition		on the terms	und
	He will be in		
	Government Servant of the same	of BPS-14 with usual allowances as permissible to	the
ii	His appointment is purely as		
•	any time without assigning any re	ary and on contract basis and his service can be terminated	d at
iii.	His services with a		
	special provision of C.P.Fund Department Circular letter No.SO	der Govt: of NWFP Civil Servant Act 1973 except with instead of pension in the Government of NWFP EVI/E&AD/1-13/2005, dated 10/8/2003.	the . &A
iv.	FOT all other numbers and		
			by
v.	His service will be subject to their		
vi.	He will be provided same facilities. Servants at the rates to be prescrib	es under Benevolent Fund as admissible to the Government	ent
vīL "			шп
viii.	He will not contribute to GPF and	shall not be entitled for Pension and Gratuity benefits.	• .
ix.	'n TA/DA will be admissible to the	nem on joining his first appointment.	
X.	Fie can not resign the service imm and in lieu thereof, one month pay	ediately but he has to put in writing at least one month pr shall be forfeited from him.	
xi.	If he accept the appointment on office/place of duty mentioned about	the above terms and conditions, he may report to	the
zii.	On assuming duties it will be t conditions.	aken for that he has accepted all the above terms a	and
xiii.	His appointment is subject to fulfi	llment of all the conditions laid down in the service ru	
		TO SOME IN THE SELVICE UP	ics. , · · ·
21 20		DISTRICT COORDINATION OFFICER, BUNER.	

Copy forwarded to :-

- The Executive District Officer, Finance & Planning, Buner.
- 2. The District Officer, Revenue & Estate, Buner.
- 3. The Actistant Coordination Officer, Buner.
- The District Accounts Officer, Buner.

 The District Sports Officer, Buner.
- Official concerned for compliance.

OFFICE OF THE DISTRICT COORDINATION OFFICER BUNER

No._____/Estt:/8(Main file)

Dated Daggar the 2/2/2008.

OFFICE ORDER.

In exercise of the Power conferred upon me vide Establishment & Administration Department Peshawar letter No.SO-VI(E&AD) 1-10/2003, dated 9/8/2003, I being the appointing/competent authority hereby relax the upper age limit for 04 years 11 months and 15 days in respect of Mr.Shakeel Ahmad S/o Khurshaid Ali, resident of village Nawagai District Buner, appointed vide this office order No.34-39/Estt:/8(Main file), dated 18/01/2008 as Assistant(BPS-14) in the office of District Sports Officer, Buner, with immediate effect in the interest of public service

DISTRICT COORDINATION OFFICER, BUNER.

No. 41-46 /Estt:/8(Main file)

Copy forwarded to:-

- 1. The Executive District Officer, Finance & Planning, Buner.
- The District Officer, Revenue & Estate, Buner.
- 3. The Assistant, Coordination Officer, Buner.
- 4. The District Accounts Officer, Buner.
- 5. The District Sports Officer, Buner.

Official concerned.

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DISTRICT COORDINATION OFFICER,

BUNER.



GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING)

Dated Peshawar, the 20-05-2014

NOTIFICATION

NO.FD/SO(FR)10-22/2014 The competent authority has been pleased to accord senction to the upgradation of pay scales of the following posts, wherever exist, in all the Departments ! Offices (except Civil Secretariar) of the Government of Khyber Pakhtunkhwa with immediate effect:

S.No.	Namenclanus es		w with millionials
.3.,140	1 wife bost	Existing Scale	Upgraded Scale
l	Superintendent	BS-16	BS-17
2	Assistant	BS-14_	BS-16
3	Senior Clerk	BS-09	BS-14
4	Junior Clerk	BS-07	BS-11
		<u> </u>	1 1

The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Endst No. & Date even.

Conv. of the above is forwarded for information and necessary action to the: -

- PS to Additional Chief Secretary, FATA.
- All Administrative Secretaries Government of Khyber Pakhunkhwa.
- Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- Accountant General, Kliyber Pakhtunkliwa, Pesliawar,
- Accountant General, Kliyber Pakhtunkhwa, Feshawar, Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
- 6. Principal Secretary to Chief Minister, Khyber Pakhunkhwd.
- 7. Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- All Heads of Attached Departments in Khyber Pakhtunkhwa.
- Registrar, Peshawar High Court, Peshawor.
- 10. All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Klipber Pakhtunkliwa.
- Chairman, Khyber Pakhrunkhwa, Public Service Commission, Peshawar,
- 12. Registrar, Service Tribunal Khyber Pakhtunkliwa.
- 13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa
- 14. Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Labore, Karachi and Quetto.
- 15 The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khun.
- 16. The Senior District Accounts Officer Nowshern, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
- 17. The Treasury Officer, Peshawar,
- 18. All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA
- 19. I'SO to Senior Minister for Finance, Khyber Pukhtunkhwa.
- 30 PSU to Chief Secretary Kityber Pakhun vilka:
- 21. Director Local Fund Audit, Khyber Pakidinkhiva Peshawar.
- 22: PS to Finance Secretary 23. PAs to All Additional Secretaries Deputy Secretaries in Finance Department.
- 24. All Section Officers/Budget Officers in Finance Department.
 25. Abbas Khan President of Khyber Pakhtunkhwa Civil Secretarius Superintendent. Assistant, Clerks Association with reference to his application No. PR/KPS/SACA/2-1/2013 dated 8-01-2014

(SHAUKAT ULLAH) The property of



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



No. SO(Sports) 1-7/2006 Dated Peshawar, the 24th November, 2016.

NOTIFICATION.

(8)

No. SO(Sports) 1-7/2006:- On the recommendation of the Departmental Promotion Committee, Mr. Shakeel Ahmad, Assistant (BPS-16) of the Directorate General Sports, Khyber Pakhtunkhwa is hereby promoted as Budget & Account Officer (BPS-16) with immediate effect:-

On promotion, the above officers will be on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servant Act, 1973, read with Rules-15 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989.

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

Endst: No. SO(Sports) 1-7/2006:-/10308-11 Dated Peshawar the 24th Nov, 2016

Copy forwarded for information to the: -

Director General Sports and Youth Affairs, Khyber Pakhtunkhwa.

2. Accountant General, Khyber Pakhtunkhwa.

Officer concerned.

4. PS to Secretary Sports and Youth Affairs, Khyber Pakhtunkhwa.

SECTION OFFICER (SPORTS)

AFFAIRS DEPARTMENT.



No. SO(Sports) 1-7/2018 Dated Peshawar, the 28th May, 2019.



NOTIFICATION:

No. SO(Sports)1-7/2018:- On the recommendations of the Departmental Promotion Committee, the Competent Authority is pleased to promote the following officials/ officers of Directorate General of Sports Khyber Pakhitunkhwa, to the next higher posts, on regular basis, with immediate effect as mentioned against each:-

- 1. Mr. Hamld Ali, Assistant (BPS-16) promoted as Superintendent (BPS-17).
- 2. Mr. Riza Hussain, Assistant (BPS-16) promoted as Superintendent (BPS-17).
- 3. Mr. Zeeshan Faneem Qureshi, Assistant (BPS-16) promoted as Superintendent (BPS-17).
- 4. Mr. Asghar, Khan, Assistant (BPS-16) promoted as Superintendent (BPS-17).
- 5. Mr. Arshad Ullah, Assistant (BPS-16) promoted as Superintendent (BPS-17).
- 6. Mr. Ibad Ullah Khan, Assistant (BPS-16) promoted as Superintendent (BPS-17).
- Miss Haya Naz, Assistant (BPS-16) promoted as Superintendent (BPS-17).
- 8. Mr. Amjad Iqbai, Superintendent (BPS-17) promoted as Assistant Director (BPS-17).
- 9. Mr. Shakil Ahmad, B & A.O (BPS-16) promoted to the post of Assistant Director (BPS17).
- The officers concerned will remain on probation for a period of one year in terms of rules 6(2) of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 15(1) & (2) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer) Rules, 1989 as amended vide Notification No. dated 07-12-2017.
- 3. Consequent upon the promotion of the above, the following postings/ transfers are hereby made with immediate effect in the best public interest:

	ì			
S. #	Nam	e	From	То
1.	Mr. Hamid	Ali	Assistant (BPS-16), o/o Director General Sports Khyber Pakhtunkhwa	Superintendent (BPS-17) o/o Director General Sports Khyber Pakhtunkhwa against the vacant post
2.	Mr. Riza Hi	ıssain	Assistant (BPS-16), o/o District Sports Officer Chitral	Superintendent (BPS-17) o/o Regional Sports Officer Malakand against the vacant post
3.	Mr. Faheem Q	Zeeshan Ureshi	Assistant (BPS-16), o/o Regional Sports Officer Kohat	Superintendent (BPS-17) o/o Regional Sports Officer Kohat against the vacant post
4.	Mr. Asgha	Khan	Assistant (BPS-16), o/o District Sports Officer Lakki Marwat	Superintendent (BPS-17) o/o Regional Sports Officer Mardan against the vacant post
5.	Mr. Arsha	Ullah	Assistant (BPS-16), o/o Director General Sports Khyber Pakhtunkhwa	Superintendent (BPS-17), o/o-Director General Sports Khyber Pakhtunkhwa against the vacant post

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Assistant (BPS-16), o/o Director General Sports Khyber Pakhtunkhya	Superintendent (BPS-17), o/o Director General Sports Khyber Pakhtunkhwa against
Assistant (BPS-16), o/o Regional Sports Officer Peshawar	the vacant post Superintendent (BPS-17), o/o Regional Sports Officer Peshawar
Khyber Pakhtunkhwa	Assistant Director Accounts (BPS-17), o/o Director General Sports Khyber Pakhtunkhwa
Budget & Accounts Officer (BPS-16), c/o Director General Sports	Assistant Director Litigation (BPS-17), o/c Director General Sports Khyber Pakhtunkhwa
	Assistant (BPS-16), o/o Regional Sports Officer Peshawar Superintendent (BPS-17), o/o Director General Sports Khyber Pakhturkhwa Budget & Accounts Officer (BPS-16), o/o Director

Sd/xx Secretary to Government of Khyber Pakhtunkhwa Sports, Tourism, Archaeology, Museums & Youth Affairs Department

Endst: No. SO (Sports) 1-7/2018

Dated Peshawar the 28th May, 2019

Copy forwarded for information to: -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawat.

2. The Managing Director Tourism Corporation, Knyber Pakhtunkhwa.

3. The Director General Sports, Khyber Pakhtunkhwa.

4. The Regional Sports Officer Peshawar/ Malakand/ Kohat / Mardan

5. The District Accounts Officer Chitral/Malakand/Kohat/Lakki Marwat/Mardan/Peshawar.

6. The Section Officer (Reg-I), Government of Khyber Pakhtunkhwa, Establishment Department.

7. The Section Officer (SR-II), Government of Khyber Pakhtunkhwa, Finance Department.

8. The District Sports Officer Chitral / Lakki Marwat.

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9. PS to Secretary Sports and Youth Affairs, Khyber Pakhtunkhwa.

√10. All Officers concerned.

(SAJID NAWAZ) SECTION OFFICER (SPORTS)



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

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Dated Peshawar, the 30/04/2019

NOTIFICATION

NO.SO(S)1-41/2017:- In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Protestion and Transfer) Rules, 1989, joint final seniority list of Assistant Directors, District Sports Officers and Administrators (PS-17) as stood on 05-03-2019 is notified / circulated.

FINAL SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BS-17)

	Name of Officer and	Name of Officer and Academic DOR Parts Entry			-	ent / promotion nt posts	Present			
S.#	Designation -	Qualification	D.O.B	Domicile	into Govt. Service	Date	BPS	Method of recruitment / appointment	appointment	Remarks
1)	Syed Muhammad Saqlain Shah (District Sports Officer)	B.A/LLB	01-04-1962	D.I.Khan	26-2-1987	11-02-2004	17	By promotion	DSO	Working against the post of Director (Operations) in OPS
2)	Mr. Muhammad Saleem Raza, (District Sports Officer)	M.A. (M.Ed) / MSc. (HPE)	12-09-1969	Charsadda	08-10-1995	01-08-2009	17	`By initial	DSO	Working against the post of Administrator Abdul Walikhan Sports Complex Charsadda.
3)	Mr. Naimatullah Khan, (Assistant Director)	M.Sc	05-01-1981	Lakki Marwat	27-6-2009	27-06-2009	17	By initial	AD	Working against the post of Deputy Director in OPS
4)	Mr. Mir Bashar Khan; (District Sports Officer)	, B:A.	23-93-1965	Peshawar	01-02-1996	01-10-2609	17	By promotion	; ¡D\$O _{,vte} ,	Working against the post of Administrator Mardan Sports Complex
5)	ivir Azizuliaii Jan. (Assistant Director)	· · · · · · · · · · · · · · · · · · ·	03-05-1965	Charsadda	30-04-1983	28-05-2010	17	By promotion	ADM.P	Working against the post of Deputy Director in OPS
6)	Mr. Muhammad Tariq (Assistant Director)	F.A.	10-09-1963	Peshawar	11-03-1987	03-12-2012	17	By promotion	AD	Working against the post of Deputy Director in OPS
7)	Mr. Sikandar Shah (District Sports Officer)	M.Sc.	·· 25-04-1963 ·	Kohat	04-06-1991	10-01-2017	17-	By promotion	DSO .	Working against the post of RSO Kohat in OPS

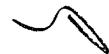
Annex CE

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of pr	,
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		Name of Officer and	Academic			Date of 1st Entry		Regular appointment / promotion to the present posts		Present	
	S.#	Designation	Qualification	D.O.B	Domicile	into Govt. Service	Date	BPS	Method of recruitment / appointment	appointment	Remarks
· .	6)	Muhammad Jamshid (District Sports Officer)		05-05/1978	· VD.1.Klino	01-01-2005	20 <u>-12-2017</u>	1.7	By prometion	_ DSO	Working against the post of RSO Peshawar in OPS
	9)	Muhammad Suleman (District Sports Officer)	M.Sc.	01-04-1971	Dir	06-06-1990	20-12-2017	17	By promotion	DSO	DSO Buner
	10)	Mr. Anwar Kamal (District Sports Officer)	B.A	27-03-1975	D.I.Khan	29-09-2005	20-12-2017	17	By promotion	DSO	Working against the post of Administrator DIKhan Sports Complex
	11)	Mr. Amir Zahid Shah (District Sports Officer)	M.Sc.	05-09-1967	Bannu	29-06- 1992	20-12-2017	17	By promotion	DSO	Working against the post of RSO Bannu in OPS
	12)	Mr. Zakir Ullah (District Sports Officer)	M.A.	22-04-1977	Peshawar	29-09-2005	20-12-2017	17	By promotion	DSO	Working against the post of Assistant Director
	13)	Mr. Razi Ullah Khan (District Sports Officer)	M.Sc.	01-10-1979	Tank	02-09-2002	20-12-2017	17	By promotion	DSO	Working against the post of RSO DIKhan in OPS
	14)	Muhammad Ismail Khan (District Sports Officer)	M.Sc.	02-06-1977	Bannu	19-06-2005	08-03-2018	17	By Upgradation	DSO	DSO Karak
	15)	Mr. Tariq Muhammad (District Sports Officer)	M.Sc	. 22-10-1972	Swabi	26-06-1997	08-03-2018	17	By Upgradation	DSO	DSO Swabi
	16)	Mr. Asad Khan (District Sports Officer)	M.A.	20-05-1968	Mardan	20-03-2006	08-03-2018	17	By Upgradation	DSO	Working against the post of Assistant Director
	17)	Mr. Ahmad Zaman (District Sports Officer)	M.Sc.	30-04-1980	Haripur	17-06-2009	08-03-2018	17	By Upgradation	DSO	DSO Haripur
2.	18)	Mr. Munir Abbas (District Sports Officer)	v en dsBa ldies	12-3-1984	Hangu	09-08-2006	08-03-2018	17.	By Upgradation		Working against the post of Dy Director in OPS
	19)	Kashif Farhan (District Sports Officer)	o Uncento : ,	13-07/1984	Bannu , -	31-08-2017	08-03-2018	17	¹Bỳ Upgradatiön		Working against the post of RSO Mardan.
	20)	Hazarat Ullalı (District Sports Officer)	MS	01-01-1984	Karak	31-08-2017	08-03-2018	17	By Upgradation		Working against the post of RSO Swat.





1 Sec. 211

S.#	Name of Officer and Designation	Academic Qualification	D.O.B	Domicile	Date of 1st Entry into Govt. Service			ent / promotion nt posts Method of recruitment / appointment	Present appointment	Remarks
21)	Gul Rokh Gulfam (District Sports Officer)	M.Se ^{-t} . Ar	01-06-1991	- Abbottabad	29-09 <u>-2017</u>	08-03-2018	17	By Upgradation	DSO	DSO Mansehra-

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

Dated Peshawar the 30th April, 2019

Endst: NO.SO(S)1-41/2017:-.

Copy forwarded for information to the: -

1. Director General Sports, Khyber Pakhtunkhwa.

2. All the officers concerned.

PS to Secretary Sports, Youth Affairs, Culture, Tourism, Archeology and Museum Department, Khyber Pakhtunkhwa.
 PS to Minister for Sports and Culture, Khyber Pakhtunkhwa.

(Sajid Nawaz) SECTION OFFICER (Sports & Youth Affairs)

Annex (



GOVERNMENT KHYBER PAKHTURE ESTABLISHMENT DEPARTMENT

Dated Peshawar November 15, 2018

NOTIFICATION

NO. SO(E-I)/E&AD/9-126/2018. In pursuance of integration and merger of erstwhile FATA with Khyber Pakhtunkhwa and in order to provide better line of administrative management, the following Directorates working under FATA Secretariat shall henceforth report to their respective Secretary to Government of Khyber Pakhtunkhwa in all official business:-

F2	·		- Control - Cont
	18# 	PANAME OF DIRECTORATES TO A CONTROL OF THE CONTROL OF T	TREPORTUDIRESPECIFICIESE CHETTARIZOES
	1,	Directorate of Agriculture (Extension)	Secretary Agriculture, Livestock & Cooperation Department,
	,	ii) Directorate of Livestock & Dairy Development iii) Directorate of Fisheries	
-[2.	Directorate of Forests	Secretary Environment Department.
	3.	Directorate of Irrigation & Hydle Power	Secretary, Irrigation Department.
	4.	Directorate of Sports,	Secretary, Sports, Culture, Tourism & Youth Affairs Department.

Subsequent modalities on other auxiliary matters shall be decided shortly.

In case of issues in financing, development schemes, and other matters relating to erstwhile FATA viz-a-viz Federal Government and other partners, the respective Secretary may communicate and route cases as per current arrangements accordingly.

CHIEF SECRETARY GOVERNMENT OF KHYBER PAKHTUNKHWA

ENDST, NO. & DATE EVEN

Copy forwarded to the:

- Additional Chief Sectetary, P&D Department, Additional Chief Secretary Merged Areas, Warsak Road, Peshawar Senior Member Board of Revenue, Khyber Pakhtunkhwa Principal Secretary to Governor, Khyber Pakhtunkhwa
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
- COS 11 Corps Headquarters, 11 Corps Peshawar. All Divisional Commissioners in Khyber Pakhtunkhwa.
- Accountant General, Knyber Pakhtunkhwa
- 10. Accountant General (PR) Sub Office, Peshawar,
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- Director, Agriculture (Extension), Livestock & Dairy Development, Forests, Irrigation & Hydle Power, Spons Erstwhile FATA Sectt.
- 13. Director General Information, Khyber Pakhtunkhwa
- 14. PS to Chief Secretary, Khyber Pakhtunkhwa.
- 15. PS to Secretary Establishment/PS to Secretary Administration Departments.

 16. PS to Special Secretary (E)/ D.S.(Admn), D.S. (Establ)/ SO(Secret)/SO(HRD-I)/SO(E-II)/DD(IT) and ACSO Cypher E&AD. 17. Manager, Govt. Printing Press Peshawar.

(ISHTIAQ AHMAD) SECTION OFFICER (E-I)

40

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

No. SO(sports) 2-75 ((Misc)) 2018/10980 Dated Peshawar, the 28th November, 2018.

To.

The Director General Sport, Khyber Pakhtunkhwa, Peshawar. D.No. 1196 - 6 NO. 9

Date 24-11-18

Directorate General of Sports

KPK Pesbawar Cantt

Subject:

NOTIFICATION

Dear Sir,

enclose herewith a copy of self-explanatory Notification No.SO (E-I)E&AD/9-126/2018 dated 15.11.2018 received from Section Officer (E-I) Establishment Department Government of Khyber Pakhtunkhwa for information and further necessary action at your end, please.

Yours faithfully,

Encl. As above.

Section Officer
Sports & Youth Affairs
Khyber Pakhtunkhwa

 $\mathfrak{S}^{\mathfrak{g}_1}$

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

> No. SO(sports) 2-75 (Misc) 2018 Dated Peshawar, the 21st December

NOTIFICATION

No. SO(sports) 2-75 (Misc) 2018:- The Competent Authority has been pleased to constitute a Merger Committee for the settlement of issues ansing out of the merger of the Directorate. of Sports Merged Areas with the Sports Department, Khyber Pakhtunkhwa vide Establishment Department Notification No. SO(E-I)/E&AD/9-126/2018 dated 15-11-2018, with the following composition:-

EAS, Pesturvas Cante

ln- Chair Director General Sports, Khyber Pakhtunkhwa. Deputy Secretary (Admn), Sports Department, KP. Member Molnber Chief Planning Officer, Sports Department, KP. Member Director Sports Merged Areas. Director concerned (Archaeology / Youth Affairs / Culture, KP).

TORs of the Committee:-

- To see the status of ongoing and new schemes of the Directorate of Sports merged areas;
- Seniority issue of the officers /officials of the Directorate of merged-areas as a result of merger with the Directorate General Sports, Khyber Pakhtunkhwa;
- Issues related to SNE and regularization of project / regular employees of the Directorale of Sports merged areas;
- All other issues arising out of the merger of the Directorate of Sports merged areas with the Directorate General Sports, Khyber Pakhtunkhwa;
- Preparation of report and making recommendation.

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

Endst: No. SO(sports) 2-75 (Misc) 2018

Duted Peshawar, the 21" Dec, 2018.

Copy to the:-

1. All the members of the committee.

2. PS to Senior Minister for Sports and Youth Affairs, Khyber Palchtunkhwa.

3. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.

4. PS to Secretary Sports & Youth Affairs Department, Khyber Pakhtunkhwa.

5. PS to Secretary Administration, Morged Areas Secretarist, Warsale Road, Peshawar.

WOW (SAHHINAWAZ)

Directorate General of S:

PPE Poshawar Giose



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

> No. SO(sports) 2-75 (Misc) 2018 Dated Poshawar, the 21st December,

ÖRDER

No. SO(sports) 3-13 (2018: In pursuance of Establishment Department's Notification No. SO(E-1) = 126/2018 dated 15-11-2018, the Competent Authority has been pleased to turble that the Directorate of Sports Merged Areas shall route all official business. through Birmood General Sports, Khyber Pakhtunkhwa to the Administrative Department.

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

Endst: No. SO(sports) 2-75 (Misc) 2018

Dated Peshawar, the 21st Dec; 2018.

Copy to the:-

Director General Sports, Khyber Pakhtunkhwa.

2. Director Sports Merged Areas, Merged Areas, Secretariat, Warsak Road, Peshawar.

3. PS to Senior Minister for Sports and Youth Affairs, Khyber Pakhtunkhwa.
4. PS to Secretary Sports & Youth Affairs Department, Khyber Pakhtunkhwa.

> MORE (SAJID NAWAZ) Section Officer (Spor

12-1-2014

Annex D

To

The Secretary,
Sports, Tourism, Archelogy, Museum, Culture and Youth Affairs Department
Government of Khyber Pakhtunkhwa.

Subject:

APPEAL FOR ABSORPTION (ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS.

Respected Str.

Kindly refer to the subject noted above, attention is invited to the fact that after merger of Erstwhile FATA with the Government of Khyber Pakhtunkhwa, the scenario has been changed and administrative control of various Departments / Directorates of FATA Secretariat including Directorate of Sports Merged Areas (vide Notification No. SO (Sports) 2-75 (Misc)/2018 dated 21/12/2018(Annexure-I) now lies with the Government of Khyber Pakhtunkhwa.

Recently, services of officers and staff of various Departments of Erstwhile FATA Secretariat have been placed at the disposal of Establishment and Home & Tribal Affairs Departments respectively.

We, 28 Number of employees, working on various positions on regular/sanctioned posts at Directorate / Tribal Districts (List Attached at Annexure-It and III), have not yet been absorbed with Sports Department Khyber Pakhtunkhwa, due to which the employees are feeling uncertainty about their future. It is pertinent to mentioned here that the Budget of the regular posts has already been reflected in the current year budget book 2019-20 (copy enclosed)

It is also mentioned here that in appreciation of meritorious services rendered by the officer / staff of Sports Directorate, they have been awarded honorarium on many occasions which has been reflected in their CR Dosslers.

In view of the above, it is therefore requested that we the regulars staff /employees may please be absorbed/adjusted at Sports Department Khyber Pakhtunkhwa, against regular positions, as has been done in the above mentioned cases please.

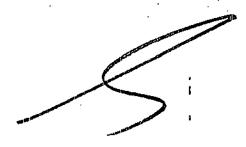
Respectfully Yours,

All Staff of Directorate Sports Merged Areas

Copy to:

1. Director General Sports, Khyber Pakhtunkhwa

2. Director Sports Merged Areas Secretarial, Peshawar Khyber Pakhtunkhwa.





List of Employees Working at Directorate of Sports Merged Areas Secretariat: Peshawar Khyber Paklitunkhwa

S.#	Name of Employee	Designation	BPS	Status of Employees
1	Hanlf Khan	Assistant Director (Trg)	. 17	Provincial Govi: Employee (Education Depti:)
-2	Nazia Zakki	Assistant Directress	17	Federal Govt: Employee: (FATA Appointee)
3	Obaid Ur Rehman	Office Assistant	16	Federal Govt: Employee (FATA Appointee)
4	Jamil Khan	Computer Opérator	16	Federal Goyl: Employee (FATA Appointee)
5	Muhammad Nazir	Junior Clerk	11-	Federal Govt: Employee (FATA Appointee)
6	Taza Gul	Driver	6	Federal Govt: Employee (FATA Appointee)
7	Israr Khan	Class-IV	3	Federal Govt: Employee (FATA Appointee)
8	Asii Khan	Class-IV	3	Federal Govt: Employee (FATA Appointee)
9	Rehmat Elahi	Class-IV	3	Federal Govt: Employee (FATA Appointee)
10	Muhammad Rafaqat	Class-IV	3	Federal Govt: Employee (EATA Appointee)



il.



List of Employees of Directorate of Sports Merged Areas Working at Various Districts

			Moh	mand Sp	oorts Complex
S.#	Name of Employee		Designation	BPS	Status of Employees
1	Kaleem Khan		Chowkidar	3	Federal Govt: Employee (FATA Appointee)
2	Muhammad Imran		Chowkidar	3	Federal Govt: Employee (FATA Appointee)
3	Muhammad Irshad		Mali	3	Federal Govt: Employee (FATA Appointee)
4	Sajjad Khan		Mali	3	Federal Govt: Employee (FATA Appointee)
5	Nowshad Khan		Class-IV	3	Federal Govt: Employee (FATA Appointee)
6	Akhtar Ali	· · ·	Sweeper	3	Federal Govt: Employee (FATA Appointee)
			Ba	jaur Spo	orts Complex
	Akbar Ali		Chowkidar	3	Federal Govt: Employee (FATA Appointee)
8	Badshah Zada		Chowkidar	3	Federal Govt; Employee (FATA Appointee)
9	Salah ud Din		Mali	3	Federal Govt; Employee (FATA Appointee)
10	Muhammad Riaz		Mali	3	Federal Govt: Employee (FATA Appointee)
 /-11	Fawad		Narker	3	Federal Govt: Employee (FATA Appointee)
12	Sajid Khan		Sweeper	3	Federal Govt: Employee (FATA Appointee)
——— I	<u>. </u>	•	Kı	ırram Sp	orts Complex
13	Maisam Ali		Class-IV	3	Federal Govt: Employee (FATA Appointee)
14	Jabar Hussain		Class-IV	3	Federal Govt: Employee (FATA Appointee)
15	Rashid Ali		Class-IV -	3	Federal Govt: Employee (FATA Appointee)
16	Mushtahid 		Class-IV	3	Federal Govt: Employee (FATA Appointee)
17	Marinamenad		Class-IV	3	Federal Govt: Employee (FATA Appointee)
18			Class-IV	3	Federal Govt: Employee (FATA Appointee)



ή,





The following points are brought into your kind notice:-

- That the employees at Annexure –I were appointed time to time on contract basis by the Erstwhile Directorate of Sports FATA.
- Later on, the services of the employees at Annexure –I were regularize in the Year-2013. Copies of the Regularization Order are enclosed, while the employees at Annexure-II were appointed on regular sanction posts for the maintenance of the sports complexes by the then Political Agents of their respective. Districts Lists of posts at Directorate and Tribal Districts level are attached at Annexure III & IV respectively.
- That in wake of the 25th amendment in the Constitution of Islamic Republic of Pakistan, the Directorate of Sports Merged Areas has been merged with the Khyber Pakistankhwa Sports Department vide the enclosed Establishment Department Khyber Pakhtunkhwa Notification No.SO(E-I)/E&AD/9-126/2016 dated 15-11-2018 (Annexure-V).
- However, it is pertinent to mention that neither the employees of this Directorate have been absorbed nor any action has initiated for our placement at the strength of Khyber Pakhtunkhwa Sports Department so far.

Prayer:-

In view of the above, it is, therefore, requested that we, the regular staff /employees, may please be absorbed/placed in Sports Department Khyber Pakhtenkhwa please.

CERTAIN TO CONSTITUTE OF BUTE





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

No. SO(sports) 2-75 (Merged Areas) 2019 6977 Dated Peshawar, the 19th July, 2019.

To,

The Cirector General Sports,

Kliviaar Pakhtunkhwa,

Peshawar

Subject:

APPEAL FOR ABSORPTION / ADJUSTMENT OF EXCULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO. SPORTS

DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST

REGULE POSITIONS

Dear Sir,

l am directed to refer to the subject noted above and to enclose herewith a copy of an application alongwith enclosures received from the all staff of Directorate of Sports Merged Areas for views / comments, please.

Yours faithfully,

Encl. As above.

(NISAR MUFAMMAD)

(NISAR MUFAMMAD)
Section Officer

Sports & You in Affairs
 Khyber Pakhtunkhwa

:Olc

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

DIRECTORATE GENERAL OF SPORTS KHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT.
Ph: # 9212767, Fax # 9212766

No. 3A/Merged Areas/2019

Dated Peshawar, the 29th July, 2019.

101

The Secretary to Govt: of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department, Peshawar.

Subject: - APPEAL FOR ABSORPTION / ADJUSTMENT OF REGULAR EMPLOYEES

OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS

DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR

POSITIONS.

Kindly refer to your letter No. SO(Sports)2-75(Merged Areas)2019/6812 dated 19 37-3019 on the subject noted above and to say that as mentioned in the application reference letter, the applicants were appointed in the Erstwhile 5-7-5 Sports Directorate on contract basis who have requested for absorption/adjustment in the Sports Department Khyber Pakhtunkhwa against regular posts.

In this regard it is pointed out that the Provincial Government of Khyber Pakhtunkhwa has not framed any policy for absorption of such employees of erstwhile FATA employees. Moreover posts for absorption of such employees have not so far been created against which they could be absorbed.

It is therefore requested that the case may kindly be referred to Establishment Department and Law Department for advice in the matter.

DIRECTOR GENERAL

2.1





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

No. SO(sports) 2-75 (Merged Areas) 2019 Dated Reshawar, the 20th August, 2019.

To.

The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.

Subject:

APPEAL FOR ABSORPTION / ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER, PAKHTUNKHWA, AGAINST REGULR POSITIONS

Dear Sir,

I am directed to refer to the subject noted above and to state that all officers/officials working in Directorate of Sports/District Sports Complexes, Merged Areas have submitted an application to the Secretary Sports and Tourism for absorption/adjustment in the Director General Sports, Khyber Pakhtunkhwa (Copy enclosed).

- Comments of Director General Sports were sought who reported that the applicants were appointed on contract basis in the Directorate of Sports, erstwhile FATA, but no posts have been created for them after the merger, for their absorption against regular posts of the Directorate General (Copy enclosed).
- As the provincial government has not framed any policy for the subject matter, therefore, I am directed to request that this Department may be advised for proceeding further, please.

Enc: as above.

Yours faithfully,

Section Officer (Sports)

CC:

PA to Deputy Secretary-I, Sports Department, Khyber Pakhtunkhwa.

Section Officer (Sports)





The Director General Sports Directorate General of Sports, Khyber Pakhtunkhwa. D.No. 1398 - M. AY ea - L?

Date: 10-10-18

Directorate General of Sports

KPK Peshawar Canti

Subject:

APPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRETORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUKHWA, AGAINST REGULAR POSITIONS.

Respected Sir,

In reference to the application dated 12-07-2019 of the applicants, which were addressed to the worthy Secretary Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department, Government of Khyber Pakhtunkhwa, on the subject. The same application was subsequently sent to your good-self for comments vide Section Officer (Sports & Youth Affairs) office letter No. SO (Sports) 2-75 (Merged Areas)/2019/6872 dated 19-07-2019. In your comments you remarked as under;

"The applicants were appointed in the Erstwhile FATA Sports Directorate on contract basis who have requested for absorption/adjustment in the Sports Department Khyber Pekhtunkhwa against regular posts. In this regard it is pointed out that the Provincial Government has not framed any policy for absorption of such employees of erstwhile FATA employees. Moreover, posts for absorption of such employees have not so far been created against which they could be absorbed.

It is therefore requested that the case may kindly be referred to Establishment Department and Law Department for advice in the matter."

These remarks are not only factually incorrect and misleading but also are in absolute derogation of the law that regulates the service structure of the applicants, who sent the application on the subject to the worthy Secretary. The factual position for your perusal is as under;

The applicants were indeed recruited initially on contract basis by the Directorate of Sports of the erstwhile FATA after fulfilling all the codal formalities as prescribed by the Government from the year 2007 till 2010. However, they were subsequently regularized in the year 2013 in line with the directives of the Honorable Governor of Khyber Pakhtunkhwa dated 28-05-2013. In the case of Ms. Nazia Zaki the regularization was affected through the Judgment dated 18-05-2016 of the honorable

war High Court Peshawar in Writ Petition Number 2056-P/2015 whereby her a of regularization was accepted with effect from 09-09-2013. The regularization of the services of all the applicants is evident from their pay slips issued by the Government of Pakistan and the orders/notification issued by the competent authorities of erstwhile FATA being one of the prestigious entities of the Federal Government. Also the fact that the pay slips lay bare the fact that the pay is drawn against regular position, your claim of the non-existence or the non-creation of posts is therefore completely unwarranted and in negation of the facts on ground.

In wake of the merger of the erstwhile FATA with Khyber Pakhtunkhwa and in light of the 25th amendment in the constitution of Islamic Republic of Pakistan 1973, the Government of Khyber Pakhtunkhwa Establishment Department vide notification dated 15-11-2018 issued directives that in the aftermath of the merger of FATA with Khyber Pakhtunkhwa, the employees of certain directorates of FATA were to report to their respective Secretary of the Administrative Department, at serial number 04 of the ibid notification is the Directorate of Sports FATA, the employees of the said Directorate were to report to the Secretary, Sports, Culture, Tourism, Museums, Archaeology & Youth Affairs Department "for better line of administrative management".

The aforementioned clearly lays down that the applicants are by no means "contractual employees" as you have mentioned in your letter No. 3A/Merged Areas/2019 dated 29-07-2019 addressed to the Secretary to Government of Khyber Pakhtunkhwa Sports, Culture, tourism, Museums, Archaeology & Youth Affairs Department. The legal position is also clear; under no law in Pakistan can a regular employee be converted into a contractual employee. You have therefore with utmost respect exceeded your authority in trying to declare the applicants as contractual employees without burdening yourself with the responsibility of looking into the legal/factual position.

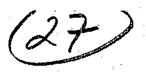
You are therefore, most humbly requested to kindly correct the remarks in your reply addressed to the Worthy Secretary and ensure to provide the applicants their due seniority in the Sports Department of the Government of Khyber Pakhtunkhwa as was requested vide the application mentioned above.

Copy of the application of the applicants is at Annexure-A.

Copy of the Section Officer (Sports & Youth Affairs) office letter No. 50 (Sports) 2-75

(Merged Areas)/2019/6872 sent for your remarks is at Annexure -B

Copy of your remarks is at Annexure -C



py of Notification of Establishment Department Government of Khyber Pakhtunkhwa at Annexure-D.

Copies of the Contractual employment of the applicants are at Annexure -E. ..

Copy of the Governor Directives is at Annexure -F.

Copies of the regularization orders are at Annexure -G.

Copy of the Judgment in case of Ms. Nazia Zaki is at Annexure -H.

Copy of the Pay slips of the applicants is at Annexure -I.

Respectfully Yours,

1. Nazia Zaki (Assistant Directress Sports)

2. Hanif Khan (Assitant Director Training)

3. Obaid-Ur-Rehman Siddiqui (Office Assistant)

4. Jamil Khan (Computer Operator)

5. Muhammad Nazir (Junior Clerk):

6. Taza Gul (Driver)

7. Israr Alımad (Naib Qasid),

8. Asif Ali (Naib Qasid)

9. Muhammad Rifaqat (Naib Qasid) () + 19. et

10. Rehmat Elahi (Naib Qasid)

Dated:- 10-10-2019

Copy for information to:

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

2. Director Sports (Merged Areas), Peshawar.

3. Section Officer (Sports & Youth Affairs), Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department, Government of Khyber Pakhtunkhwa.





Sports are essential for the development of a happy, healthy. A vigorous society

DIRECTORATE GENERAL OF SPORTS KHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT. Ph: # 9212767, Fax # 9212766

No. 3A/Merged Area/2019

Dated Peshawar, the 30th October, 2019,

Τo

The Secretary to Govt: of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums

& Youth Affairs Department, Peshawar.

SCCRETARY Sports, Cultions, Journal Youth Affair Archaeology in Musaums Department Khybet Familia the Dairy No:C

Subject: - APPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS.

Kindly refer to the correspondence resting with this Directorate letter of even No. dated 29-07-2019 where in invertently it was mentioned that the employees of erstwhile Directorate of Sports FATA were on contract but it has come to know that some of them are on regular basis. The employees of the Directorate of Sports of the erstwhile FATA have submitted an application (original application alongwith enclosures is attached) stating therein that they were appointed on contract basis by the Directorate of Sports of the erstwhile FATA after fulfilling all the codal formalities as prescribed by the Government from the year 2007 till 2010. They were subsequently regularized in the year 2013 in line with the directives of the Honorable Governor of Khyber Pakhtunkhwa dated 28-05-2013. Ms. Nazia Zaki was regularized through the judgement dated 18-05-2016 of the Honorable Peshawar High, Court, Peshawar.

The employees have therefore requested to give them their due seniority in the Sports Department of Khyber Pakhtunkhwa.

This Directorate is therefore of the view that as already requested in this Directorate letter referred to above, the case may kindly be referred to Establishment Department and Law Department for advice in the matter.

Encl: As above.

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DIRECTOR GENERAL





GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT & ADMN: DEPARTMENT (Regulation Wing)

NO. SOR4 (E&AD) 4-3/2018. Dated Peshawar the 4th November, 2019

SECRETARY
Sports Culture Teaching Venth
Archestrape & Teaching Region Schillenichten
Rhytig Schillenichten
Dute:

To,

The Secretary to Govt. of Khyber Pakhtunkhwa. Sports, Culture, Tourism, Archaeology, Museum & Youth Affairs Department

Subject: -

APPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES
OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS
DEPARTMENT KHYBER PAKTHUNKHWA, AGAINST REGULAR
POSITIONS

Dear Sir.

I am directed to refer to your letter N0. SO (sports)2-75 (Merged Areas) 2019/7981-82 dated 20.08.2019 on the captioned subject and to state that "the joint application submitted by the staff reveals that their <u>services were regularized since 2013</u> while the department has informed that they were <u>appointed on contract basis</u> which is self-contradictory." It is further stated that appointment of person on contract basis against a regular post does not confer any right to such a person to claim regularization against that post.

Yours faithfully,

(ABDUL AHAD)

SECTION OFFICER (R-I)

Phone # 9210860

SIND

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50 Sport

0

GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT & ADMN: DEPARTMENT SECRETARY

SECRETARY
Sports, Culture, Tourism Youth Am.,
Archaeology & Musoums Department
Rhylier Pakhtunkhwa

FIG. SOR A HEBAD) 4-3/2010 Dager Positional the 23th December 2019

Dairy No: 94//2-

10.

The Secretary to Govt, of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museum & Youth Affairs Department

Subject: •

APPEAL FOR AUSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS
DEPARTMENT RHYBER PAKTHUNKHWA, AGAINST REGULAR

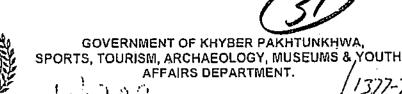
Dear Sit.

I am directed to refer to your letter No. SO (sports)2-75 (Merged Areas) 2019/14187-89 dated 00 12:2019 on the captioned subject and to state that according to the Rhyber Pakhtunkhwa Govi. Rules of Business 1985, it shall be the responsibility of the Administrative Department to examine the cases received from Directorates at their own level in light of relevant rules/policy etc. If any difficulty is faced by the Administrative Department, then prepare a self-contoried case pinpointing the Issue with all relevant lacts necessitating the case and also sporting as own point of view poor to reterring the case to Establishment

Yours laithfully

(ABDUL AHAD) SECTION OFFICER (R-I) Phone #-9210860

Trated 24



No. SO(sports) 2-75 (Merged Areas) 2019 Dated Peshawar, the 14th January, 2020.

Τ'n

The Director General Sports, Khyber Pakhtunkhwa, Peshawar,

Subject: -

AFPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS.

Dear Sir.

1 am directed to refer to your letter No.3A/Merged Area/2019 dated 30th October, 2019 on the subject noted above and to enclose herewith a copy of the Establishment Department letter No.SOR-1(E&AD) 4-3/2018 dated 23th December, 2019 with the request to submit self-contained case, pinpointing the issues with all relevant facts necessitating the case and also give your recommendations with supporting documents to this Department for further processing the case, please.

Yours faithfully,

Encl: As Above

Section Officer (Sports)

Copy to the:

1. PA to Additional Secretary-II, Sports Department, Khyber Pakhtunkhwa.

2. PA to Deputy Secretary-III, Sports Department, Khyber Pakhtunkhwa.

14 61/2 520

Section Officer (Sports)





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

DIRECTORATE GENERAL OF SPORTS KHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT. Ph: # 9212767, Fax# 9212766

No. 3A/Merged Areas/DGS/2019

Dated Peshawar, the 12th February, 2020.

То

The Secretary to Govt: of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department, Peshawar.

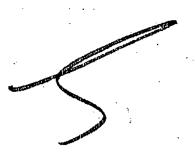
Subject: -

APPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS.

Kindly refer to your letter No. SO (Sports)/2-75 (Merged Areas) 2019/1377-79 dated 14-01-2020 on the subject noted above and to propose that a meeting of all concerned may kindly be convened under the chairmanship of Secretary Sports Department to discuss and resolve the subject issue. In this regard a copy of working paper is enclosed.

Encl: As above.

DIRECTOR GENERAL





WORKING PAPER

Subject:

APPEAL FOR ABSORPTION/ADJUSTMENT OF EMPLOYEES OF ERSTWHILE FATA SPORTS DIRETORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUKHWA, AGAINST REGULAR POSITIONS.

- 1- Some employees of the erstwhile FATA Sports Directorate submitted an appeal for absorption / adjustment into Sports Department against regular positions (Annex-A).
- 2- The Sports Department referred the case to the Establishment Department Khyber Pakhtunkhwa.
- 3- The Establishment Department Khyber Pakhtunkhwa vide letter No. SOR-I (E&AD)4-3/2018, dated 23rd December 2019 intimated that according to the Khyber Pakhtunkhwa Govt Rules of Business 1985, it shall be the responsibility of the Administrative Department to examine the cases received from Directorates at their own level in light of relevant rules / policy etc (Annex-B)
- 4- The Directorate of Sports of the erstwhile FATA initially appointed these employees and some others under the Federal Govt scheme FATA Sports Projects on contract basis from the year 2007 till 2010. Later-on, the Finance Division Govt of Pakistan created 18 nos of posts for the establishment of Directorate of Sports erstwhile FATA (Annex-C). Moreover, the Finance Division Govt of Pakistan through Education Department has created various categories of posts from BPS-1 to BPS-07 for the playing facilities (Annex-D). Subsequently 25 employees regularized in the year 2013 under Notification (Annex-E) in line with the directives of the then Governor of Khyber Pakhtunkhwa dated 28-05-2013 (Annex-F). While Ms. Nazia Zaki, Assistant Directress (BPS-17) were regularized in pursuance of the order / Judgment dated 18-05-2016 of the august Peshawar High Court Peshawar in Writ Petition Number 2056-P/2015 (Annex-G).
- 5- In wake of the merger of the erstwhile FATA with Khyber Pakhtunkhwa and in light of the 25th amendment in the constitution of Islamic Republic of Pakistan 1973, the Government of Khyber Pakhtunkhwa Establishment Department vide

Notification dated 15-11-2018 in the aftermath of the merger of FATA with Khyber Pakhtunkhwa, the Directorate of Sports working under the FATA Secretariat shall henceforth report to their respective Administrative Secretary i.e. Secretary Sports Department (Annex-H). Under the instruction of Administrative Department, the employees of erstwhile FATA Sports Directorate are working under the auspices of Director General Sports Khyber

It is, therefore, proposed that the fate of the employees of the erstwhile FATA Directorate regarding their seniority and other services matters may kindly be examined so as to avoid litigation and other impediments in future since no policy guide lines have been issued by the Provincial Govt so far in this regard.

Pakhtunkhwa.

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

> No. SO(sports) 2-75 (Merged Areas) 2019 Dated Peshawar, the 27th February, 2020.

Τо

- The Secretary to Government of Khyber Pakhtunkhwa. Establishment Department
- 2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
- 3. The Secretary to Government of Khyber Pakhtunkhwa, Law & Padiamentary and Human Right Department,

Subject: -FOR ABSORPTION/ADJUSTMENT OF EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS.

Dear Sir.

I am directed to refer to the subject noted above and to inform you that the Secretary Sports Department desired to hold a meeting on 11th March, 2020 at 10:00 AM in his office, so as to resolve the issue.

It is, therefore, requested to depute representatives of your respective departments to attend the meeting on due date, time and venue, please, .

Note:-Working paper are enclosed.

Yours faithfully,

Encl. As above.

Copy to the:

- Director General Sports, Khyber Pakhtunkhwa.
- Director Sports Merged Areas, Peshawar.
- PS to Secretary sports Department, Khyber Pakhtunkhwa.
- 4. PA to Addl; Secretary-II, Sports Department, Khyber Pakhtunkhwa,

Section Officer Sports

With the request to attend the meeting

Section Officer Sports

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

No. SO(sports) 2-75 (Merged Areas) 2019/ Collins Dated Peshawar, the 18th March, 2020.

O.Po. 9-3A/M. APate. 19.3. Za
Directorate General of Sports
KPK Poshawar Cante

The Director General Sports, Khyber Pakhtunkhwa, Peshawar.

Subject:

ABSORPTION/ADJUSTMENT EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE SPORTS **DEPARTMENT** KHYBER AGAINST REGULAR POSITIONS

Dear Sir.

I am directed to refer to the subject noted above and to state that the information in respect of the employees of erstwhile FATA may be furnished on the enclosed proforma within 03 days positively so as to proceed further in the matter, please.

Yours faithfully.

Section Officer (Sports)

Encl. As above.

Copy to the:

PA to Addl. Secretary-II, Sports Department, Khyber Pakhtunkhwa, please.

Section Officer (Sports)

Die sports (Month Bres) A-DUTAN SPORTS

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SPORTS BRING PEACEE & COMMUNITY EMPOWERMENT

DIRECTORATE OF SPORTS, WERGED TRIBAL DISTRICTS

No. DS (MTD)/2019-20/ 1846-48

Dated:08/06/2020

Το

Director General Sports,
Directorate General Sports, Khyber Pakhtunkhwa.

Subject: -

APPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES
OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS
DEPARTMENT KHYBER PAKHTUNKHWA AGAINST REGULAR
POSITIONS.

Kindly refer to the Section Officer (Sports) office letter No. SO(sports)2-75 (Merged Areas) 2019 dated 18th March, 2020 on the subject mentioned above and to enclose herewilh the requisite data in respect of employees of erstwhile FATA for information and further proceeding in the matter, please.

Oirector Sports Merged Areas

Copy to:-

- 1. Section Officer (Sports) Sports, Culture, Museums, Tourism, Archaeology and Youth Affairs Department, Khyber Pakhlunkhwa with reference to his office letter quoted above.
- 2. PS to Secretary Sports, Culture, Museums, Tourism, Archaeology and Youth Affairs Department, Khyber Pakhtunkhwa.

Director Sport

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INFORMATION REGARDING THE REGULAR EMPLOYEES OF ERSTWHILE FATA, SPORTS DIRECTORATE

:	5.No	Name of Officer /Official	No. of Sanctioned Post	Date of Birth	District/ Agency of Domicile	Date of Hrs. Appointment	Designation along with BPS before merger		Mode of Appointment to the present post (Initlal Appointment /Promotion/Regul arlzation) before marger		Service before me-per (Regular, Adhoc, Contingent Paid /Fixed Pay/Project service }	Date , Flace and Department of Posting before merger	Court Case(if any) pending in the Court) Givil Court, Federal Service Tribunal, High Court, Supreme Court) regarding service matters.	Update of Court cases pending in the court regarding service matters.	Remarks
	1	2	3	4.	5	6	7	. a	9	10	11	12.	13	14	15
	Ξ.	Nazia Zzki	1	5/6/1986	Kurram	1/5/2010	Assistant Directress 3PS-17		Regularization vide Governor Directive's and Honorable Peshawar High Court Peshawar Judgement (9/9/2013)	Civil Servant	Regular	09/09/2013,Pe shawar,— Directorate of Sports FATA	Nİİ	NİI	
	2	Obaid Ur Rehman	3	24/11/1981	Newshera	6/1/2D10 ·	<u> </u>	The Employees has	[Directive's	Civil Servant	Regular	30/06/2013,Pe shawar,Directo rate of Sports EATA	NII	Nil	The employees
	3	lemii Khen	3	9/12/1580	Kurram	2/4/2007	Computer Operator BPS-16	to non evallability of Service	Regularization vide Governor Otrective's (30/6/2013)	Civil Servant	Regular	30/06/2013,Pe shawar,Directo rate of Sports FATA	ΝİI	lin	need to be merge. In the Khyber Pakhtunkhwa Sports Department with their due
	٤.	Vuhammad Nazir	1	7/7/1952	Nowsherz	15/12/2012		Structure in the Erstwhile FATA	Regularization wide Governor Directive's (30/6/2013)	Civil Servant	Regular	30/05/2013,Pe shawar,Directo race of Sports FATA	CPLA in Suorem Court of Pakistan	CPLA has been filed against Mr. Asif Ali Naib Gasid against the beginnst the beginnest dated 24/12/2029 of the KPK Service Tribunat, Peshawar passed in service papeal (In. 1309/2018 In the Seutem Court of Pasiston by McJorennian Mazir.	Seniarity



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	5	Taza Gul	1	1/1/1972	Charsadda	19/7/2011	Oriver SPS-06		Regularization vide Sovernor Directive's (30/6/2013)	Civil Servant	Regular	30/06/2013,Pe shawar,Directo rate of Sports FATA	EII	Niļ	
	6	Astī Ali	<u>ī</u>	15/1/1985	Charsadda	13/12/2007	Naib Dasid BPS-D3		Regularization vide Governor Directive's (30/6/2013)	Civil Servant	regular	30/06/2013 Pe shawar, Directo rate of Sports FATA	Niļ	JIN.	
	7	Israr zhmad	i	15/5/1994	Peshawar	22/8/2005	Neib Qasid BPS-03		Regularization vide Governor Directive's (30/6/2013)	Civil Servant	geGnjet	shawar,Directo rate of Sports FATA	Nil	NII	
	8	Resmas Ellahi	1	2/4/1981	Nawshera	11/8/2009	Naib Casid BPS-03		Regularization vide Governor Directive's (30/6/2013)	Civil Servant	Reguler	30/05/2013,Fe shawar,Olrecto rate of Sports FATA	Nil	ווא	
	9	Muhammad Rifaqat	· i	15/12/1978	Kerek	19/3/2011	Naib Qasid BPS-03	The Empoyees	Regularization vide Governor Circuive's	Civil Servant	Regular	30/06/2013,Pe shawar,Directo rate of Sports FATA	ווַא	Nij	
	10	Kaleem Khan	1	1/3/1975	bnsmfaM	2/4/2013	Chowkidar BPS- 03	nes not been promoted due to non evaliability of	Regularization	Civil Servano	naluggfi	2/4/2013, Mohmand, Directorate of Sports FATA	Ni)	NH	The employed inced to be merge in the Khyber Pakhtunkhwa
	11	Mehammad Imren	ī	1/1/1989	Mohmand	2 /4/20 33	Chowkidar BPS- 03	Service Structure in the Erstwhile FATA	naitssitsfugeA	Clvil Servant	Regular	Mohmand, Directorate of Sports FATA	Nil	ВМ	Spants Department with their due Seniority
	12	Muhammad Irshad	1	4/4/1989	bnsmdaM	2/4/2013	Maši BPS-03		Regularizațion	Civil Servant	Rejiular	2/4/2015, Mohmand, Directorate of Sports FATA	ֿנוא	. NII	
	13_	Stijjad Khan	1	15/12/1593	Mohmand	2/4/2013	Meli 695-03		Regularization	Civil Servan:	न्द्रिष्ट्रिणीवर	2/4/2013. Mohmand, Directorate of Sports FATA	Nil	livs	
	וַנ	Nowshed Khan	1	1/2/1974	Mphmand	2/4/2013	Naib Qasid BRS-03		Regularitation	Civil Serven:	Regular	2/4/2013, Mohmand, Objectorate of Sports/PATA	liN	МI	
	15	Akhtar Ali	1	11/4/1992	Mohimend	2/4/2013	5weeper 625-03		Regularization	Civil Servani	Regular	27472033, Mohmand, Directorate of Sports FATA	XiI	NII	
1	.G	Akbar Ali	1	1978 	Szjaus	20/10/2014	Chowkider BPS- C3		Regularization	Cieil Servan;	yeenlar	20/10/2014, Bajaur, Directorate of Sports PATA	NII	NII —	



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

No. SO(sports) 2-75 (Merged Areas) 2019/76/6-2-3

Τo

- 1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
- 2. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
- 3. The Secretary to Government of Khyber Pakhtunkhwa, Law & Parliamentary and Human Right Department.

Subject: -

APPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS.

Dear Sir.

I am directed to refer to the subject noted above and to inform you that the Secretary Sports Department desired to hold a meeting on 22nd July, 2020 at 10:00 AM in his office, so as to resolve the issue.

It is, therefore, requested to depute representatives of your respective departments to attend the meeting on due date, time; and venue, please.

Note:-

Working paper are enclosed.

Yours faithfully,

Section Officer Sports

Encl. As above.

Copy to the:

1. Director General Sports, Khyber Pakhtunkhwa.

2. Director Sports Merged Areas, Peshawar.

3. PS to Secretary sports Department, Khyber Pakhtunkhwa/\, /

4. PA to Addi: Secretary-II, Sports Department, Khyber PakhtunkiWa

With the request to attend the meeting

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Section Officer Sports

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

> No. SO (sports) 2-75 (Merged Areas) 2019/ Dated Peshawar, the 29th July, 2020.

Τo

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

Subject: -

ABSORPTION/ADJUSTMENT _ OF **EMPLOYEES** ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS

Dear Sir,

I am directed to state that a meeting on the subject noted above was held on 22.07.2020 under the chairmanship of Secretary, Sports Department in his office in which the following points were discussed:

- After 25th Constitutional Amendment there is no FATA Secretariat or Directorates:
- All functions of ex-FATA Directorates are now to be performed by regular KP
- Hence, HR, assets, liabilities, ADP etc. have one window of operation and responsibility, i.e. Directorate General of Sports KP.
- Regular Staff already existed in ex-FATA Directorate of Sports is now staff of
- However, issue is of their merger in respective provincial cadres and fixation of seniority within these cadres.
- Sanction of posts has already been done.

In view of the foregoing, I am directed to request you to advise this Department on the following:

- Where there was regular staff already appointed against the SAFRON sanctioned posts in ex-FATA Secretariat, and new corresponding posts in provincial Directorate, how would they be placed in provincial cadres, especially when nomenclature of posts and qualifications are also commensurate;
- What will be the principle of seniority arrangement to action at point (i) above; (ii)
- Would they be considered against initial recruitment quota in quota allocation of (iii) that parlicular grade/basic scale?

3 An early action in the matter will be highly appreciated, please.

Yours faithfully.

6 6 Section Officer Sports

Copy to the:

Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar with regard to the meeting attended by representative of Finance Department.

2. Secretary to Govt. of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department, Peshawar, with regard to the meeting attended by representative of Law Department.

PS to Secretary, Sports Department, Khyber Pakhtunkhwa, Peshawar

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2 miles aspects regarding the

MINUTES OF THE MEETING TO DISCUSS VARIOUS ASPECTS REGARDING THE ALGORPTION/ADJUSTMENT OF EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO THE DIRECTORATE GENERAL SPORTS HELD ON 22ND JULY 2020 AT 10.00 A.M. UNDER THE CHAIRMANSHIP OF SECRETARY SPORTS DEPARTMENT IN HIS OFFICE.

A meeting to discuss the fate of the employees of the erstwhile FATA Directorate regarding their seniority and other service matters was held on 22nd July 2020 at 10.00 A.M. under the Chairmanship of Secretary Sports Department Khyber Pakhtunkhwa in his office. Following attended the meeting: -

1,	Muhammad Abid Majeed Secretary, Sports Department	Chairman	
2,	Mr. Tariq Salam, Additional Secretary Sports	Member	
3.	Mr. Asfandyar Khattak, Director General, Sports	Member	
.4.	Mr. Saleem Jan, Deputy Secretary, Sports Department	Member	
, 5.	Mr. Ahmad Kamal, Deputy Secretary (R-I), Establishment Department.	Member	
6.	Mr. Masood Ul Hassan, Section Officer (Opinion-I) Law Department	Member	•
7.	Mr. Tariq Khattak, Section Officer Law Department	Member	

Opening the discussion, the Chair welcomed the participants. The Director General Sports informed that some employees of the Sports Directorate of the erstwhile FATA submitted an appeal for absorption/adjustment into Sports Department against regular positions. Sports Department referred the case to the Establishment Department Khyber Pakhtunkhwa for advice which intimated that according to the Khyber Pakhtunkhwa Govt Rules of Business 1985, it shall be the responsibility of the Administrative Department to examine the cases received from Directorates at their own level in light of relevant rules/policy etc.

The Director General Sports further informed the meeting that Applicant staff of the Directorate of Sports being employees of federal govt. for the erstwhile FATA was initially appointed on contract basis from the year 2007 till 2010. Later-on, the Finance Division Govt of Pakistan created 18 Nos. of posts for the establishment of Directorate of Sports of the erstwhile FATA. Moreover, the Finance Division Govt of Pakistan through Federal Education Department has created various categories of posts from BPS-1 to BPS-07 for the playing facilities. Subsequently 25 employees regularized in the year 2013 by the then Sports Directorate under a Notification in line with the directives of the then Governor of Khyber Pakhtunkhwa. While Ms. Nazia Zaki, Assistant Directress (BPS-17) was regularized in pursuance of the order/Judgment

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dated 18-05-2016 of the august Peshawar High Court Peshawar in Writ Petition!

In wake of the merger of the erstwhile FATA with Khyber Pakhtunkhwa in pursuance of the 25th amendment in the constitution of the Islamic Republic of Pakistan 1973, Establishment Department, Khyber Pakhtunkhwa vide Notification dated 15-11-2018 in the aftermath of the merger of FATA with Khyber Pakhtunkhwa established the Directorate of Sports working under the FATA Secretariat who shall henceforth report to their respective Administrative Secretary i.e. Secretary Sports Department. In light of the said Notification, Sports Department vide order dated 21-12-2018 has instructed that the Directorate of Sports Merged Areas shall route all official business through Director General Sports and subsequently; to the Administrative Department.

Some employees preferred Appeal for their absorption/adjustment in the Directorate General of Sports on regular posts and maintaining their seniority.

The Director General of Sports, Khyber Pakhtunkhwa informed the meeting that posts have been created and summary for relaxation of ban has been moved to the Chief Minister, Khyber Pakhtunkhwa.

Representative of the Establishment Department pointed out that as per policy in vogue these employees will be declared as surplus employees and after creation of posts by the Finance Department, they will be adjusted against the newly created posts in the Directorate General of Sports.

Decision:

After detail discussion, it was decided that:-

A reference to be sent to the Establishment Department to guide this Department specifically on the point that after merger of the employees of the Directorate of Sports FATA with the Directorate General of Sports, Khyber Pakhtunkhwa, the employees are now the employees of Provincial Government, whether they will be adjusted immediately or through seniority, because this is a policy matter and not a departmental issue.

The meeting ended with a vote of thanks from and to the Chair.

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GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT & ADMN: DEPARTMENT (Regulation Wing)

> NO. SOR-I (E&AD) 4-1/2018 Dated Poshawar the 9th September, 2020

To.

SÉUNGTARY Cultum, Tourism You

by & Museums fleps Adypar Pakhumkhwa 🔏

The Secretary to Govt. of Khyber Pakhlunkhwa,

Sports, Culture, Tourism, Archaeology, Museum & Youth Affairs Department

Subject: -

APPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKTHUNKHWA, AGAINST REGULAR POSITIONS

Dear Sir.

I am directed to refer to your letter NO. SO (Sports)2-75 (Merged Areas) 2019/8916-19 dated 29.07.2020 on the captioned subject and to state that Establishment Department examine all the service matter cases in light of Khyber Pakhtunkhwa Civil Servant Act, 1973, Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and Policy Instructions issued their-under. Since the issue in hand pertains to the absorption and subsequent determination of seniority of employees of ex-FATA Directorate of Sports which comes under the ambit of Surplus Pool Policy-2001. Therefore, the serialim replies to the questions raised by the Administrative Department are as under:-

> Para-I of the Surplus Pool Policy 2001 stipulates that "Consequent upon the abolition of a post in a particular cadre of a department, the juntor most employees in that cadre would be declared as surplus. Such posts should be abolished in the respective departments and created in the surplus pool for the purpose of drawl of pay and allowances and also for consideration for subsequent adjustment". Furthermore, para-5 (li) of the Policy ibid provides that "to apt for readjustment/absorption against a future vacancy of his status/BPS which may not necessarily be in his original Cadre/Department*. Establishment Department is of the view to follow the same guidelines/principle of the Surplus Pool Policy 2001 in the instant case in its true spirit.

> Para-6 (b) of the Surplus Pool Policy-2001, stipulates that "in case, however, he is adjusted in his respective cadre but in a Department other than his parent Department, he shall be placed at the bottom of seniority list of that cadre". Para-6 (c) of Policy ibid further stipulates that "in case of his adjustment against, a post in a corresponding basic pay scale with different designation/nomenclature of the post, either in his Parent Department or in any other department, he will be placed at the bottom of sentority list". The provision of the Policy referred to above are very much clear, the Department is required to follow the same in letter

Para-5 (c) of the Surplus Pool Policy-2001 says that "adjustment shall be made pri vacant post pertaining to initial recruitment quota". The said provision being self-explanatory needs to be followed by the Sports Department in its true

Dated/08-09-

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Yours laighfully



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

No. SO (sports) 2-75 (Merged Areas) 2019//0546 4: Dated Peshawar, the 17th September, 2020.

Τc

The Director General of Sports, Khyber Pakhtunkhwa, Peshawar. D.No. 355-3 H/Zona G. Date. 27 S/D 528 B. Directorate General of Sports KPK Peshawar Cantt

Subject:-

APPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS

Dear Sir,

I am directed to refer to your letter No. 3A/Merged Areas/DGS/2019 dated 12th February. 2020 on the subject noted above and to enclose herewith a copy of Establishment & Administration Department letter No. SOR-I (E&AD)4-1/2018 dated 9th September, 2020 with the request to follow the same in letter & spirit, please.

Yours faithfully,

Encl: As Above

SECTION OFFICER (SPORTS)

Copy to the:

- 1. Section Officer (R-I). Establishment & Administration Department, -Khyber Pakhtunkhwa w/r to his letter quoted above.
- 2. PS to Secretary, Sports Department, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (SPORTS)



(19)

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

DIRECTORATE GENERAL OF SPORTS KHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX; PESHAWAR CANTT.

Ph. # 9212767; Fax # 9212766

No. 3A/Merged Areas/DGS/2019

Dated Peshawar, thei 2th October, 2020.

To

The Secretary to Govt: of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department, Peshawar.

Subject: -

APPEAL FOR ABSORPTION/ADJUSTMENT OF REGULAR EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS.

am directed to refer to you/letter No. SO(sports)2-75 (Merged Areas) 2019/12240-42 dated 09-09-2020 on the subject noted above with which Establishment and Administration Department advice in the subject cited case was forwarded to this Directorate with the direction to follow the same in letter and spirit.

In this regard it is pointed out that in sub-para (i) of Establishment Department letter received with your above referred letter, it has been clarified that para-4 of the Surplus Pool Policy 2011 stipulates that "consequent upon the abolition of a post in a particular cadre of a department, the junior most employees in that cadre would be declared as surplus. Such posts should be abolished in the respective departments and created in the surplus pool for the purpose of drawl of pay and allowances and also for consideration for subsequent adjustment". Furthermore, para-5 (ii) of the policy ibid provides that "to opt for readjustment/absorption against a future vacancy of his status/BPS which may not necessarily be in his original Cadre/Department".

In light of above this Directorate is of the view that the case may kindly be taken up with the Establishment Department for further necessary action being the competent authority in the subject matter.

A list showing the particulars of regular employees of Erstwhile FATA

Sports Directorate is enclosed herewith.

Encl: As above.

DIRECTOR (OPERATION)



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

No. SO (sports) 2-75 (Merged Areas) 2019/ Dated Peshawar, the 18th November, 2020.

1/2642-47

Τo

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

Subject: -

APPEAL FOR ABSORPTION/ADJUSTMENT OF EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS

Dear Sir.

I am directed to refer to your letter No. SOR-I(E&AD)4-1/2018 dated 09-09-2020 on the subject noted above and to state that the Establishment Department has replied that the issue pertains to the absorption and subsequent determination of seniority of employees of ex-FATA Directorate of Sports which comes under the ambit of Surplus Pool Policy-2001.

- However, it is pointed out that the regular staff of the Directorate of Sports ex-FATA has not been declared as surplus and posts have been created for their adjustment under the Directorate General of Sports, Khyber Pakhtunkhwa due to merger of both Directorates. Therefore the views of Establishment Department do not seem to be in line with the merger and needs reconsideration, because in-case, the employees are declared surplus, they will be placed at the bottom of the seniority list under para-6(b) of the policy ibid. However, in-case of merger, their seniority will be considered from the date of their regular appointment in the respective cadre.
- 3. In view of the above, I am directed to request to re-consider the case, and tender advice to this department in line with its request as already made vide this department letter No. SO (Sports) 2-75 (Merged Areas)2019/8916-19 dated 29-07-2020.

ci/x

Yours faithfully

Section Officer Spor

Copy to the:

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 Director General Sports, Khyber Pakhtunkhwa w/r to his letter No 3A/Merged Areas / DGS/2019 dated 12-10-2020.

2. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar with regard to the meeting attended by representative of Finance Department.

3. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department, Peshawar, with regard to the meeting attended by representative of Law Department.

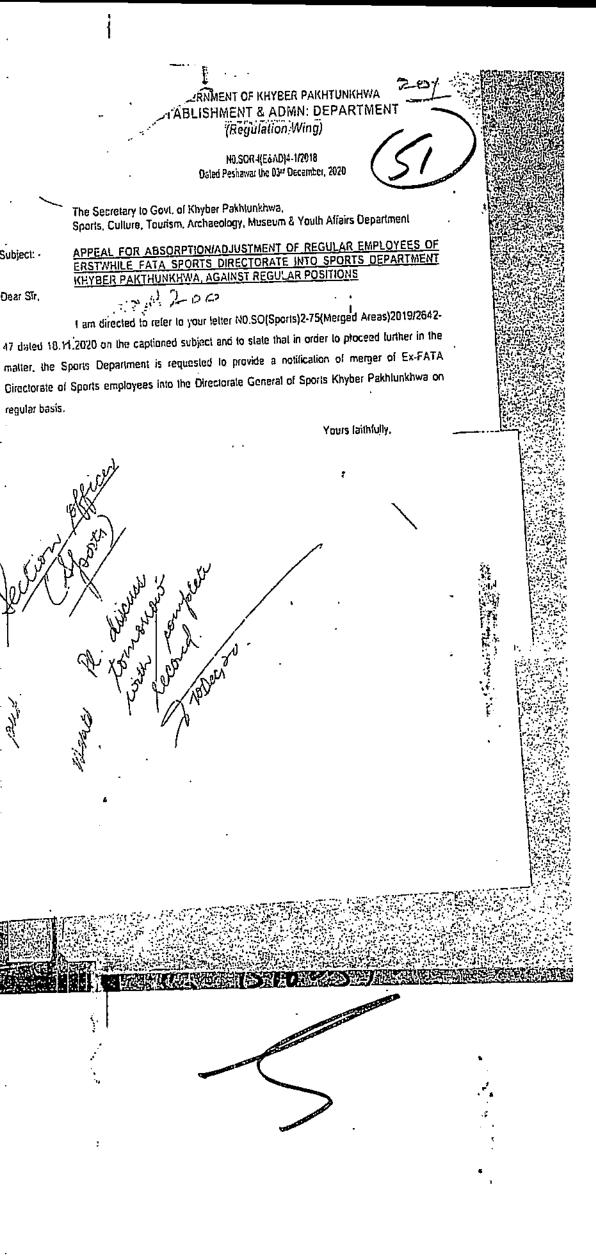
4. PS to Secretary, Sports Department, Khyber Pakhtunkhwa, Peshawar.

5. PA to Additional Secretary-II, Sports Department, Khyber Pakhtunkhwa.

12/11/2000

6. PA to Deputy Secretary-III, Sports Department, Khyber Pakhtenkhwa.

Section Officer Sports



Subject: •

Dear STr.

regular basis.

VERNMENT OF KHYBER PARHTUNKHWA J. OKTS, TOURISM, CULTURE, ARCHAEOLOGY, MUSEUMS & YOUTH AFFAIRS DEPARTMENT

No. 50 (Sports) 2-75/Merged Areas/2021/3 8 49 - 54

Τo

Daled Peshawar the 1st March, 2021

The Secretary to Govt. of Khyber Pakhtunkhwa.

Establishment Department,

<u>Peshawar</u>,

Subject:

APPEAL FOR ABSORPTION / ADJUSTMENT OF EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS

:IDear Sir,

261/4

I om directed to refer to your letter No. SOR-I (E&AD)4-1/2018 dated 03-12-2020 on the subject noted above and to state that in pursuance of Establishment department Notification No. SO(E-I)/E&AD/9-126/2018 dated 15-11-2018 this department had issued order No. SO (Sports) 2-75(Misc.)2018/ 12462-65 dated 21-12-2018 vide which the Competent Authority had been pleased to order that Directorate of Sports; Merged Areas shall route all official business through Directorate General of Sports, Khyber Pakhlunkhwa to the Administrative department (copies attached).

It is, therefore, requested to guide this department regarding fixation of seniority of erstwhile FATA (MAs) employees, please,

Yoyks:{@ithfully

Section Office (\Sports)

Copy is forwarded to the:

1. Director General Sports, Khyber Pakhtunkhwa (with ref. to his letter No. 3A/M.A/2020/149-1 dated 1# February, 2021).

2. PS to Secretary, Sports Department, Khyber Pakhtunkhwa.

3. PA to Additional Secretary-II, Sports Department, Khyber Pakhtunkhwa.

4. PA to Deputy Secretary-II, Sports Department, Khyber Pakhtunkt

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Section Officer (Sports)

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GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT & ADMN: DEPARTMENT-(Regulation Wing)

N0.SOR-I(E&AD)4-1/2018 Dated Peshawar the 6th April, 2021

Τo.

The Secretary to Govt, of Khyber Pakhtunkhwa,

Sports, Culture, Tourism, Archaeology, Museum & Youth Affairs Department

Subject: -

APPEAL FOR ABSORPTION/ADJUSTMENT OF EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAICTHUNKHWA, AGAINST REGULAR POSITIONS

Dear Şir,

Fam directed to refer to your letter N0.SO(Sports)2-75(Merged Areas)2021/3849-54 dated 01.03.2021 on the captioned subject and to advise to examine and dispose-oil the case at your own level in light of Rule-17 of Khyber Pakhlunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which slipulates that "In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affacted by the merger/restructuring as aforesoid shall be determined in accordance with the date

if med regular appointment to a cadre or post".

Yours faithfully,

SECTION OFFICER(R-I) Phone # 9210860 -





& YOUTH AFFAIRS DEPARTMENT,

No. SO. (Sports) 2-75/Mergod Areas/2021/

7315-19

Dated Pashawar the 7th May, 2021

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The Director General Sports, Khyber Pakhlunkhwa, <u>Peshawar</u>. Date (578)
Directorial General of Sports
KPK Pealisiwar Canti

Subject:

APPEAL FOR ABSORPTION/ADJUSTMENT OF EMPLOYEES OF ERSTWHIEL FATA SPORTS DIRECTORATE INTO SPORTS DEPARTMENT KHYBER PAKHTUNKHWA AGAINST REGULAR POSITIONS

Dear Sir,

Hom directed to refer to subject noted above and to enclose herewith a copy of letter No. SOR-I(E&AD)4-1/2018 dated 6th April. 2021 received from Section Officer (R-I). Establishment & Administration Department. Khyber Pakhtunkhwa for implementation of the said advice, please.

Yours faithfully.

Section Officer (Sports)

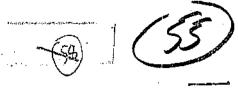
Encl: as above.

Copy is forwarded to the:

- 1. Director Sports Merged Areas. Peshawar Jalang-with a copy of above quoted letter).
- 2. Section Officer (R-I), Establishment Department, Khyber Pakhlunkhwa.
- 3. PS to Secretary, Sports Department, Khyber Pakhtunkhwa.

এ. PA to Additional Secretary-I, Sports Department, Khyber Pakhtधूत्रkhwa

Section Officen (Sports)





DIRECTORATE GENERAL OF SPORTS KHYBER PAKHTUNKHWA

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Continuo, Teorism Youth Affail

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No: Dally No. Date:

Subject:-

FOR ABSORPTION/ADJUSTMENT OF EMPLOYEES FATA SPORTS DIRECTORATE INTO SPORTS APPEAL ERSTWHILE DEPARTMENT KHYBER PAKHTUNKHWA, AGAINST REGULAR POSITIONS

Background of the Case

After the merger of the FATA within the province of Khyber Pakhtunkhwa through 25th constitutional amendment, employees of different directorates of FATA Secretariat were ordered on different occasions to be merged in the counterpart directorates and departments on the Settle side. The question that remained unresolved was the fate of the employees of FATA Secretariat which revolved against a main question whether these employees shall be merged within the corresponding cadres or not (a) if merged, whether these employees shall be placed at the bottom of the seniority list (b) or these shall be placed within the seniority list from the date of initial recruitment.

- Mst. Nazia Zaki, BS-17, Assistant Director, employee of FATA Secretariat, has submitted an application for determination of her fate, which was forwarded to the Establishment Department (Flag-A). The Establishment Department has responded that the case is of merger and the seniority list be fixed amongst the employees of settle side and FATA secretariat according to the initial appointment (Flag-B). The Department has send the case for fixation of the senjority at the end of Directorate (Flag-C). Tentative seniority list circulated before the said AD request is placed at Flag-D.
 - It is added here that the seniority list for BS-17 is the prerogative of the Department, and hence the department is requested to please issue the seniority list, keeping in consideration the application of the AD, please.

Secretary Sports Khyber Pakhtunkhwa

Director General Sports



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

> No. SO(Sports)1-41/2020/2913-16 Dated Peshawar 10th Sept, 2021

12913-16

NOTIFICATION:

1.6

WHEREAS, the Director General, Directorate of Sports, hereinafter referred to as "the DG" had circulated a tentative joint seniority list of District Sports Officers (DSOs) / Assistant Directors (ADs), BS-17 on 30-09-2020 with the aim of circulating final seniority on the basis of it, in case of no objections and observations from the concerned officers;

AND WHEREAS, the tentative joint seniority list includes the following officers in the order of seniority as follows: (1) Sikandar Shah (already promoted on Acting Charge Basis) (2) Muhammad Jamshed (3) Muhammad Suleman (4) Anwar Kamal (5) Amir Zahid Shah (6) Zakir Ullah (7) Razi Ullah Khan (8) Muhammad Ismail Khan (9) Tariq Muhammad (10) Asad Khan (11) Ahmad Zaman (12) Munir Abbas (13) Kashif Farhan (14) Hazrat Ullah (15) Guirukh Gulfam (16) Amjad Iqbal and (17) Shakeel Ahmad;

AND WHEREAS, Mr. Amjad light and Mr. Shakeel Ahmad have submitted objections on the said tentative seniority list that upgradation of posts of Deputy District Sports Officers (DDSO). BS-16 on 08-03-2018 address only towards upgradation of posts and not towards promotion of incumbents, therefore, from serial # 08 till 15 were junior to them:

AND WHEREAS, separately, but connected to the instant issue, Mst. Nazia Zaki, AD, BS-17 (previously working in the Directorate of Sports, FATA) has submitted an application to the DG with the subject Appeal For Absorption / Adjustment of Employees of Erstwhile FATA Sports Directorate Into Sports Department (sic) Employees of Erstwhile FATA Sports Directorate Into Sports Department (sic) Khyber Pakhtunkhwa Against Regular Position for determination of her seniority in the Directorate of Sports, Khyber Pakhtunkhwa, consequent to the merger of FATA into her relevant cadre;

AND WHEREAS, on 24-05-2021, the DG has submitted two cases of relevant nature to the Secretary Sports and Tourism Department; one, includes a joint application of Mr. Munir Abbas (S#12 above) and Mr. Kashif Farhan (S#13 above) which has relevant documents attached and stipulates opposing comments on the objections/ observations of Mr. Amjad Iqbal and Mr. Shakeel Ahmad as mentioned above; and, the second, delineates the history of creation of these posts, and the processes adopted for creation of these posts, and subsequent actions, which is signed by the DG;

AND WHEREAS, in order to dispose of these separate but connected applications, a case was moved to the Secretary Sports and Tourism Department (16 pages excluding the pages of documents, files referred to, and gist of service history of each officer obtained from their personal files) with annexures till X stipulating therein complete examination of case in light of applicable laws and rules and precedents;

AND WHEREAS, the aforementioned objections / observations of the Mr. Amjad Iqbal and Mr. Shakeel Ahmad have been examined and it came to fore that the objections / observations do not stand due to the following reasons:

(1) The inter-se-seniority of serial numbers 08, 09 and 10 (appointed in DDSO, BS-16 between 2006 till 2009 on the recommendations of PSC) was determined and communicated by the PSC vide letter no. NWFP-PSC-SR-VI/16153 dated 03-04-2010, and also vide letter no. K.P.K-PSC-SR-VII/037945 dated 29-08-2012 that it was free from all kinds of discrepancies / anomalies along with stating that such lists are prepared under rule 33 of KPK PSC Regulation, 2003. While Mr. Amjad lighal and Mr. Shakeel Ahmad were adjusted as Assistant, BS-14 after being declared surplus on 18-10-2007 and as Assistant BS-14.



(2) On the upgradation of posts of Assistants from BS-14 to BS-16, Mr. Amjad Iqbal and Mr. Shakeel Ahmad assumed charge on the upgraded posts and no DPC was held;

- (3) In pursuance of upgradation of posts of Superintendent from BS-16 to BS-17; Assistant from BS-14 to BS-16; Senior Clerk from BS-.09 to BS-14; and Junior Clerk from BS-07 to BS-11 vide Finance Department notification no. FD/SO(FR)10-22/2014 dated 20-05-2014, employees working on these posts took charge on the upgraded posts without any DPC, and without any detriment to their seniority;
- (4) In judgement in Writ Petition No. 428-P/2012, Peshawar High Court, Peshawar (PHC) "announced on 19-06-2013 [allowed the] petition and direct[ed] the respondents to upgrade the post of the petitioners to BS-16 with immediate effect. And, the judgement announced in CPLA of the case on 26-11-2015. The Government upgraded the post, and Finance Department issued the Notification. Again, no DPC was held, and the incumbents took over charges on the upgraded posts;
- (5) Fundamental Rules 12-A, 13, and 14 dwells on matters of lien, which cannot be terminated except for the reasons stipulated therein, which are not applicable to the instant case. The officers mentioned in the application had a lien on the post of DDSO, BS-16, which were upgraded, so the lien is transferred. Otherwise, the officer would have been without a lien w.e.f the date of upgradation of post to higher scale till the date of notification under DPC
- (6) Service Rules of Directorate of Sports, Khyber Pakhtunkhwa notified on 29-04-2019 provides that: (1) 40% of Superintendents, BS-17 with two years' service as such will get promoted to Assistant Directors (2) 10% of B&A Officers, BS-16 with two years' service as such will get promoted to Assistant Directors, BS-17 and (3) 50% by initial recruitment. Mr. Amjad Iqbal and Mr. Shakeel Ahmad got promoted from the post of superintendent and Budget and Accounts Officer respectively on 28-05-2019, as ADs;
- (7) For inclusion in the joint seniority list for promotion to DDs/RSOs, BS-18, Mr. Amjad light and Mr. Shakeel Ahmad had to be in the seniority list of ADs for being eligible to be in the list. Both officers entered the list of date 28-05-2019, while other officers at serial numbers 08, 09, and 10 were in the seniority list circulated in 2015, and on which promotion of an officer had already taken place. Hence, it is equivalent to challenge the established right of officers at serial numbers 08, 09 and 10; and,
- (8) The officers from serial number 11 to 15 had taken charge on the upgraded posts (that is DSO, BS-17) on 08-03-2018, while Mr. Amjad Iqbal and Mr. Shakeel Ahmad promoted to equivalent post of AD, BS-17 on 28-05-2019.

AND WHEREAS, the request of Mst. Nazia Zaki is concerned, the Establishment Department had opined on it that "the department may examine and dispose-off the case at its own level in light of Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which stipulates that in event of merger / restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants effected by the merger / restructuring as aforesaid shall be determined in accordance with the date of the regular appointment to a cadre or post";

AND WHEREAS, her date of regular appointment as AD, BS-17 in the corresponding cadre of Directorate of Sports, ex-FATA is w.e.f 09-09-2013, as Assistant Director, BS-17;

AND WHEREAS, by this, all officers mentioned above were in BS-16 as DDSO in the year 2013, while Mst. Nazia Zaki was in BS-17 as AD in the same year;

AND WHEREAS, Service Rules stipulate at serial # 3 the criteria for promotion from BS-17 (ONLY ADs and DSOs) to the Deputy Director /Regional Sports Officer, BS-18 as follows:



By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Directors (BPS-17), District Sports Officers (BPS-17) and Administrators (BPS-17) having five years' service as such. Note: For the purpose of promotion, a joint seniority list of the Assistant Directors, District Sports Officers and Administrators shall be <u>maintained.</u>

NOW THEREFORE, in light of dates of appointments, inter-se-seniority communicated by the PSC, dates of entry into BS-17 (only designations eligible for promotion to DDs/RSOs). Acts, Rules and precedents quoted in conjunction with the advice of Establishment Department, the following order of seniority is determined for circulation as teritative joint seniority as envisaged in the service rules:

L. C		E Francisco RS 17 that is
S!#	Name & Father Name of Officers	Date of Entry into BS-17 that is
1		eligibility for the promotion to
		DD/RSO, BS-18
01.	Mst. Nazia Zaki	09-09-2013
02.	Mr. Sikandar Shah	10-01-2017
	Muhammad Jamshed s/o Ghulam	20-12-2017
03.	Muhammad	
1	Muhammad Suleman s/o Abdur Razzag	20-12-2017
04.	Mr. Anwar Kamal s/o Noor Ullah Jan	20-12-2017
05.	Mr. Amir Zahid Shah s/o Amir Shahin	
06.		
	Shah	20-12-2017
07.	Mr. Zakir Ullah s/o Shafi Ullah	20-12-2017
08.	Mr. Razi Ullah Khan s/o Nasrullah Khan	<u> </u>
09.	Muhammad Ismail Khan s/o Muhammad	08-03-2018
	Seed Khan	10000000
10.	Mr. Tario Muhammad s/o Qasim Khan	08-03-2018
11.		08-03-2018
12		08-03-2018
13.		08-03-2018
	Mr. Kashif Farhan	08-03-2018
14		08-03-2018
15.	IVII. Haziat Ollari Khakan	08-03-2018
16.		28-05-2019
17		28-05-2019
18.	Mr. Shakeel Ahmad	20 00 00.0

NOW FURTHER THEREFORE, the DG may circulate it amongst the officers concerned tentatively for any objections / observations, and if no such objections / observations are received in 15 days of such notification, it may be deemed to be the final seniority list for the cadre for all intents and purposes.

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

Endst: No. & Date even:

Dated: 10th Sept, 2021

Copy forwarded to:

Director General of Directorate of Sports, Khyber Pakhtunkhwa with the request to take necessary action in the matter please. PS to Secretary Sports and Tourism Department, Govt. of Khyber Pakhtunkhwa.

2. PS to Additional Secretary-II, Sports & Tourism Departme 3.

Section Officer (Sports)



GOVERNMENT OF KHYBER PAKHTUNKHWA SPORTS, CULTURE, TOURISM, ARCHAEOLOGY, MUSEUMS

& YOUTH AFFAIRS DEPARTMENT

Annex'E

Dated Peshawar the 22nd February, 2022

NOTIFICATION

No. SO (Sports) 1-41/Seniority list/2022/5961-66 Competent is pleased to constitute the following committee for determination of seniority and disposal of grievances of Assistant Directors, District Sports Officers & Administrators (BPS-17) of the Directorate General of Sports, Pakhtunkhwa: -

> Additional Secretary-II Sports & Youth Affairs Chairman Representative Dte. General of Sports, Member Director General Sports Khyber Pakhtunkhwa Deputy Secretary-L Sports & Youth Affairs Member Membercum-Deputy Secretary-III Sports & Youth Affairs

> > Secretary, Sports Government of Khyber Pakhtunkhwa

Endst No. & date even: Copy is forwarded to the:

- 1. Director General Sports, Khyber Pakhtunkhwa.
- 2. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa.
- PS to Secretary, Sports Department, Khyber Pakhtunkhwa.
- 4. PA to Additional Secretary-II, Sports Department, Khyber Pakhtunkhwa.
- 5. PA to Deputy Secretary-I, Sports Department, Khyber Pakhtunkhwa.

6. PA to Deputy Secretary-III, Sports Department, Khyber Pakhik

Section Officer (Sports)

Secretary









GOVERNMENT OF KHYBER PAKHTUNKHWA Sports, Culture, Tourism, Archaeology, Museums & YOUTH AFFAIRS DEPARTMENT

Dated Peshawar the 16th March, 2022

NOTIFIC ATION

No. SO (Sports) 1-41/Seniority list/2022/19079-8 In partial modification of this department notification of even No. dated 22-02-2022 the following committee is hereby reconstituted for determination of seniority and disposal of grievances of Assistant Directors, District Sports Officers & Administrators (BPS-17) of the Directorate General of Sports, Khyber Pakhtunkhwa: -

Sr. #	Designation	Department	Status in the Committee
] -	Mr. Tashfeen Haider, Additional Secretary-I	Sports, Tourism Culture, Archaeology, Museums & Youth Affairs	Chairman
2	Mr. Muhammad Shoaib, Additional Secretary-II	Sports, Tourism Culture. Archaeology, Museums & Youth Affairs	Member
. 3	Mr. libreei Raza , Decuty Secretary-I	Sports, Tourism Culture, Archaeology, Museums & Youth Affairs	Member
4	Mst. Beenish Imran, Deputy Secretary-III	Sports, Tourism Culture, Archaeology, Museums . & Youth Affairs	Member

Secretary,

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

Endst No. & date even:

Copy is forwarded to the:

- 1. Director General Sports, Khyber Pakhtunkhwa.
- 2. PS to Secretary, Establishment Department, Khyber Pakhtunkhwa.
- 3. PS to Secretary, Sports Department, Khyber Pakhtunkhwa,
- 4. PA to Additional Secretary-I, Sports Department, Khyber Pakhtunkhwa.
- 5. PA to Additional Secretary-II, Sports Department, Khyber Pakhtunkhwa.
- 6. PA to Deputy Secretary-1, Sports Department, Khyber Pakhtunkhwa.
- 7. PA to Deputy Secretary-III, Sports Department, Khyber Pakhtug

(Khan Raziq)

Section Officer Wports)

(b) Annesc 'F'

OF HISTORY, ISSUES, DEVELOPMENTS & RECOMMENDATIONS ON SENIORITY OF DISTRICT SPORT OFFICERS (DSOs), BS-17

CAUSE OF ACTION OF THE INSTANT DOCUMENT & CASE

The instant case in its totality, as under, was submitted through a Note to Chief Secretary with a request of soliciting the final advice of the Establishment Department (Regulation Wing) in the matter (Flag-Note). However, the Establishment Department has opined on the file that a Departmental level Committee may be constituted, and recommendations may be sent to the Establishment for further necessary action.

In pursuance thereof, this Department has constituted a Committee comprising of Additional Secretary-I, Additional Secretary-II, Deputy Secretary-II & Deputy Secretary-III of Sports Department, Khyber Pakhtunkhwa (Flag-Committee).

The Committee has deliberated on the said case. The following consists of detailed study in the matter, background of the matter, issues, developments, and recommendations.

INTRODUCTION

Three connected and similar issues emerged from the study of all the available and relevant documents. The gist of these cases are as follows:

Issue-I - A tentative seniority list of DSOs, BS-17 was circulated on 30-09-2020 for any objections from the officers concerned. Two officers Mr. Amjad Iqbal, Assistant Director, BS-17 and Mr. Shakil Ahmad, BS-17 have objected on the tentative seniority list.

Issue-II captioned as Appeal For Absorption / Adjustment of Employees of Erstwhile FATA Sports Directorate Into Sports Department (sic) Klyber Pakhtunkhwa Against Regular Position – A copy of application of Mst. Nazia Zaki, Assistant Director, BS-17, on which advice of Establishment was asked for, and the advice of Establishment Department, Khyber Pakhtunkhwa in the matter has been made part of the case. The request to the Department in the matter is for issuance of seniority list. [PUC submitted on 25-05-2021 with total 6 x pages].

Issue-III is a letter with subject Issuance of Seniority List (Officers In EPS-17, Directorate General of Sports) – It delineates the upgradation process of post of Deputy District Sport Officer (DDSO), BS-16 to DSO, BS-17, and actions taken thereunder by relevant departments and authorities. [PUC submitted on 24-05-2021 with total 12 x pages].

Issue-IV is the similar to Issue-III whereby a joint application of Mr. Kashif Farhan and Mr. Munir Abbas for the same request along with requisite documents are enclosed. It also contains 12 x pages.

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PART-I



Mode of Explanation, and Examination -

Keeping in view the length of the document, it is necessary to delineate here the structure and mode of the document.

Mode of the Document:

Linear chronological description has been adopted for enunciating the developments of service rules, career progression and service history of officers with an analysis of applicability of service rules, and resultant semiority at any given point of the said chronology.

Structure of the Document:

For dealing every point separately in accordance with the mode, the document is mainly structured around three cras of legal developments (that is amendments in service rules), so as to highlight the senicity position of each officer at the end of each such era. Era 1 starts from 01-09-2003 and ends on 09-11-2017. Era 2 starts from 09-11-2017 and ends on 29-04-2019. Era 3 starts from 29-04-2019

In the last part Issues are discussed and seniorities are determined for notification.

The Concerned Officers & their Service History -

There are 17 x officers in BS-17 in the Directorate of Sports in the instant seniority exclusive of Mst. Nazia Zaki. The names of these officers are: (1) Mr. Sikandar Shah, already working on Acting Charge Basis as Regional Sports Officer, BS-18 (2) Muhammad Jamshid (3) Muhammad Suleman (4) Mr. Anwar Kamal (5) Mr. Amir Zahid Shah (6) Mr. Zakir Ullah (7) Mr. Razi Ullah Khan (8) Muhammad Ismail Khan (9) Mr. Tariq Muhammad (10) Mr. Asad Khan (11) Mr. Ahmad Zaman (12) Mr. Munir Abbas (13) Mr. Kashif Farhan (14) Mr. Hazrat Ullah (15) Mst. Gul Rukh Gulfam (16) Mr. Amjad Iqbal (17) Shakel Ahmad. A short service history obtained from the personal files of the officers is mentioned below in the same order. The exact details derived from their service books is made a part of this document and is annexed Officers Record.

PART- II

Era I w.c.f 01-09-2003 till 09-11-2017

Initial Service Rules – The rules applicable for the above era, hereinafter mentioned as the Initial Service Rules (ISRs), were emplaced to manage promotions and initial appointment in various Basic Scales including the DDSOs, BS-16 were notified on 1st September, 2003. It envisages a combined seniority list for ADs/ DSOs in BS-17 with the following percentages of channels allowing promotion or appointment to this Basic Scale:

(1) 60% on promotion from (i) DDSOs (ii) Managers-cum-Groundmen (iii) Female Coaches and (iv) Coaches with 5 years' service as such. A joint seniority list of the above cadres was envisaged for promotion to AD/DSO, BS-17;



- (2) 15% on promotion from (i) Superintendents and (ii) Budget and Account Officers with 5 years' service as such. A joint seniority list of the above cadres was to be maintained for promotion to AD/DSO, BS-17. And, in case of promotion of Superintendent and B&A Officer on the same date, Superintendent will be deemed to be senior; and,
- (3) 25% on initial appointment.

As far as the DDSO, BS-16 is concerned, it is 60% by initial recruitment and 40% from Assistants/Stenographers, BS-14 [for which a combined seniority list will be maintained].

Public Service Commission (PSC) Recommendations -

During this period appointments in DDSO, BS-16 were carried out through PSC and also through promotion. Through advertisement number 05/2004 dated 09-10-2001, 10 x posts of Deputy District Sports Officers (DDSO), BS-16 were advertised. Against these posts 9 x candidates mentioned above were recommended by the PSC for appointments. It is important to note here that for these candidates PSC had communicated an inter-se-seniority for these posts vide letter no. NWFP-PSC-SR-VI/16153 dated 03-04-2010 to the Secretary Sports Department (Flag-A). The inter-se-seniority for these $9 \times$ candidates is as follows:

	TABLE I	
S1#	Name and Father Name of Recommendee	Total Marks (Written/interview)
01.	Muhammad Jamshed s/o Ghulam Muhammad	70/45
02.	Muhammad Suleman s/o Abdur Razzaq	61/42
03.	Anwar Kamal s/o Noor Ullah Jan	58/45
04.	Amir Zahid Shah s/o Amir Shahin Shah	57/42
05.	Zakir Ullah s/o Shafi Ullah	56/39
06.	Razi Ullah Khan s/o Nasrullah Khan	56/36
07.	Muhammad Ismail Khan s/o Muhammad Saeed	55/42
	Khan	7.110
08.	Tariq Muhammad s/o Qasim Khan	55/40
09.	Asad Khan s/o Shah Muhammad	, 52/36

On this inter-se-seniority further clearance was sought from PSC vide Sports Department letter no. SO (Sports)1-6/2008/Vol.IV/4521-25 dated 31-05-2012 (Flag-B). The PSC responded, inter alia, that the inter-se-seniority of DDSOs is free from all kinds of discrepancies/anomalies along with stating that such lists are prepared under rule 33 of KPK PSC Regulation, 2003 vide letter no. K.P.K-PSC-SR-VII/037945 dated 29-08-2012 (Flag-C). The above mentioned order of seniority for the first 9 x candidates is further cemented by the fact that a seniority list was notified by the Directorate in the same order on 31-12-2015. Copy of which is placed in Volume-V at page number 197 of file named (subject) as Promotion /Upgradation Cases of the Officers and Officials of the NWFP Sports Board with file number as 17/Promotion (Flag-D).



Figure, after the determination of inter-se-seniority by the PSC, and subsequent notification of seniority list as mentioned above, there is no problem as such regarding the first 9 x employees and their inter-se-seniority to be included in the seniority list of ADs/DSOs, BS-17.

Details & Arguments For placement of person at serial number 10 of the seniority list-

PSC recommended another candidate namely Mr. Ahmad Zaman to the Sports Department for the post of DDSC, BS-16 on 02-04-2009. The recommendee had applied for the post in advertisement number 03/2007. His form is stamped by the PSC for receipt on 23-08-2007. His appointment notification was issued on 17th June, 2009. And, he submitted arrival on 19th June, 2009. All the mentioned dates and data available in his personal file. Subsequent to the recruitment of 9 x candidates against adv. no. 4/2005, advertisement number 03/2007 was published against which only Mr. Ahmad Zaman was recommended and appointed. In the meantime – that is between year 2005 and 2009 – there is no document, notification, order, minutes and request regarding promotion to the post of DDSOs, BS-17 from amongst the officers below. Similarly, his name appears at serial number 11 of above mentioned seniority list of 2015.

Hence, Mr. Ahmad Zaman be placed at serial number 10 of the final seniority list after Asad Khan s/o Shah Muhammad, and Shafqat Ullah. The reason that he now comes above Shafqat Ullah is that he Shafqat Ullah had opted for another cadre in light of amendments in service rules as mentioned in succeeding paragraphs (Flag-E).

Details & Arguments For placement of person at serial number 11 & 12 of the seniority list – Between the years 2009 (that is, after the appointment of Mr. Ahmad Zaman on the recommendations of PSC) till the third batch of PSC published vide advertisement number 03/2016, and the recommendations communicated to the Sports Department dated 26-09-2017, there are only two cases promotion on record (1) from the post of Assistant, BS-16 to B&A Officer, BS-16 and (2) from the post of Assistant, BS-16 to DDSO, BS-16. The former was materialized on 24-11-2016. The name of the office promoted as such is Mr. Shakeel Ahmad. The latter was carried out on 24-10-2016. The name of the Assistant so promoted is Mr. Munir Abbas.

Mr. Shakeel Ahmad was horizontally promoted to the post of Budget and Accounts Officer, BS-16, on 30-09-2016, on the recommendation of DPC. His notification of promotion was issued on 24th November, 2016 (Flag-F). So, for his vertical promotion to materialize as AD in BS-17, he was a B&A Officer on 24-11-2016. That is, his eligibility calculator for promotion to AD started with effect from 24-11-2016 for next five years, under the ISRs.

Mr. Munir Abbas s/o Arif Ali, on the other hand, was appointed initially as Assistant in BS-11 on 08-08-2006 (Flag-G). Later on the posts of Superintendents, Assistants, Senior Clerks, and Junior Clerks were appraded by Finance Department vide its notification no. FD/SO(FR)10-22/2014 dated 20-05-2014 (Flag-H). The post of the said official also got appraded under the said notification. And, he assumed charge under the said notification on the same date (Flag-I). Afterwards, on 24-11-2016, he was again horizontally promoted to the post of DDSO, BS-16 (Flag-J). Meaning thereby that he was a DDSO, BS-16 on 24-11-2016. However, on 08-03-2018 the post of DDSO was appraded from the Basic Scale 16 to Basic Scale 17 (Flag-K).

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In the light of above discussion, the following seniority list can be drawn for the purpose of taking these into the future seniority lists under the service rules applicable at that time. It is again mentioned here that this is an inconsequential list drawn just for the purpose to trace the seniority from initial appointments to a post, cadre or service, in order to determine the seniority as of today (July, 2021):

		TAB	LE 3	
S1# \	Name & Father Name of Officers	Date of Entry into BS- 16	Mode of Entry	Remarks
02.	Muhammad Jamshed s/o Ghulam Muhammad Muhammad Suleman s/o Abdur Razzaq		On PSC recommendations. At Sl# 1 of recommendations. On PSC recommendations. At Sl# 2 of recommendations.	Against Ad No. 05/2004 Against Ad No. 05/2004
)3.	Mr. Anwar Kamal s/o Noor Ullah Jan		On PSC recommendations. At S1# 3 of recommendations.	Against Ad No. 05/2004
)4.	Mr. Amir Zahid Shah s/o Amir Shahin Shah		On PSC recommendations. At SI# 4 of recommendations.	Against Ad No. 05/2004
)5.	Mr. Zakir Ullah s/o Shafi Ullah		On PSC recommendations. At SI# 5 of recommendations.	Against Ad No. 05/2004
06.	Mr. Razi Ullah Khan s/o Nasrullah Khan	15-06- 2006	On PSC recommendations. At SI# 6 of recommendations.	Against Ad No. 05/2004
7.	Muhammad Ismail Khan s/o Muhammad Saeed Khan	15-06- 2006	On PSC recommendations. At SI# 7 of recommendations.	Against Ad No. 05/2004
08.	Mr. Tariq Muhammad s/o Qasim Khan	:	On PSC recommendations. At SI# 8 of recommendations.	Against Ad No. 05/2004
j 9 .	Mr. Asad Khan s/o Shah Muhammad	-	On PSC recommendations. At	Against Ad No. 05/2004







•			SI# 9 of recommendations.	
10.	Mr. Ahmad Zaman	17-06- 2009	On PSC recommendations. ONLY recommendation in 2009.	Against Ad No. 03/2007
11.	Mr. Shakeel Ahmad	24-11- 2016	By Promotion to the post of B&A Officer	
12.	Mr. Munir Abbas	24-11- 2016	By Promotion to DDSO seniority	
13.	Mr. Kashif Farhan	31-08- 2017	On PSC recommendations. At Sl# 1 of recommendations.	Against Ad No.
14.	Mr. Hazrat Üllah Khattak	31-08- 2017	On PSC recommendations. At Sl# 2 of recommendations.	Against Ad No. 03/2016
15.	Mst: Gulrukh Gulfam	29-09- 2017	On PSC recommendations. At Sl# 3 of recommendations.	Against Ad No. 03/2016
16.	Mr. Amjad Iqbal	09-01- 2017	By Promotion to the post of Superintendent.	

Serial Number 16 Mr. Amjad Iqbal, as mentioned above was promoted from the post of Assistant to the post of Superintendent on 09-01-2017. On this date the service rules applicable were notified on 01-09-2003. These rules allowed three sets of officers for promotion to (1) DDSOs in grade 16 (2) Superintendents and B&A officers (Note: basic scale with these are not mentioned, due to upgradation of these posts; and the fact that horizontal promotions, in case of fulfilment of eligibility criteria, will be granted) (3) initial appointment. The service required for the first two categories was 5 years' service as such. By those rules, he would have been eligible for promotion to the DSO, BS-17 on 10-01-2022. So, for his horizontal promotion to materialize as AD in BS-17, he was a Superintendent on 09-01-2017. That is, his eligibility calculator for promotion to AD started with effect from 09-01-2017.

Serial Number 16 Mr. Shakeel Ahmad, on the other hand, was horizontally promoted to the post of Budget and Accounts Officer, BS-16, on 30-09-2016, on the recommendation of DPC. His notification of promotion was issued on 24th November, 2416. On this date the service rules applicable were notified on 01-09-2003, as mentioned above. So, for his vertical promotion to materialize as AD in BS-17, he was a B&A Officer on 24-11-2016. That is, his eligibility calculator for promotion to AD started with effect from 24-11-2016.

Again on 08th May, 2019, in another DPC, he was recommended for promotion from the post of Budget and Account Officer. BS-16 to the post of Assistant Director, BS-17, which was notified

on 28th May, 2019. Hence, he entered the combined seniority list of DDSOs and ADs on 28th May, 2019.

Era 2 w.e.f. 09-11-2017 till 29-04-2019

Amended Service Rules — These rules, hereinafter referred to as ASRs, were notified on 06-11-2017 after due procedure, which superseded the ISRs, and were made immediately effective. For promotion to Assistant Director/District Sports Officer/Administrator, BS-17, percentages of channels allowed for promotion to it under these rules were:

- (1) 75% by promotion [...] from (i) DDSOs (ii) Coaches (iii) Female Coach and (iv) Manager-cum-Ground man with 5 years' service as such [a joint seniority list of all these is to be maintained]:
- (2) 10% by premotion from Superintendents and Budget and Accounts Officers [joint seniority envisaged, but if promoted on the same date, superintendent will be deemed senior]. It is important to note here that the B&A officers is in Basic Scale-16 in these rules; and Superintendent is in Basic Scale-17; and,
- (3) the remaining 20% by initial recruitment [which jumps the total percentage to 105%].

Regular Promotions to the post of DSOs, BS-17 – During this period, the first 6 x officers mentioned at Table 1 were promoted from the posts of DDSOs, BS-16 to the posts of DSOs, BS-17 on the recommendations of Departmental Promotion Committee (DPC). The names of officers in the order of seniority as derived from above in BS-17 are as follows:

TABLE 4							
SI#	Name and Father Name of Recommendee						
01.	Muhammad Jamshed s/o Ghulam Muhammad						
<u> 0</u> 2.	Muhammad Suleman s/o Abdur Razzaq						
03.	Anwar Kamal s/o Noor Ullah Jan						
04.	Amir Zahid Shah s/o Amir Shahin Shah						
0 5.	Zakir Ullah s/o Shafi Ullah						
06.	Razi Ullah Khan s/o Nasrullah Khan						

Upgradation of Post of DDSO, BS-16 to the Post of DSO, BS-17 and Results — The second important development during this Era was that posts of DDSOs, BS-16 were upgraded to the posts of DSOs, BS-17 on 08-03-2018 (Flag-K) after due procedure. And, all those officers, except those mentioned in Table 4, who were working as DDSOs took charges against the posts of DSO, BS-17. This does not include the first 6 officers who were promoted from the post of DDSOs, BS-16 to DSOs, BS-17, as at that time posts were not upgraded.

Era 2 Seniority List on the Basis of Date of Entry Into the Designations of DDSOs & Superintendent, B&A Officers

In the light of above discussion, the following seniority list can be drawn for the purpose of taking/these into the future seniority list under the service rule applicable at that time. It is again

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mentioned here that this is an inconsequential list drawn just for the purpose to trace the seniority from initial appointments to a post, cadre or service, in order to determine the seniority as of today (July, 2021):

TABLE 5						
SI#	Name & Father Name of Officers	Date of Entry into BS- 16	Mode of Entry	Remarks		
07.	Muhammad Ismail Khan s/o Muhammad Saced Khan	15-06- 2006	Upgradation of post			
08.	Mr. Tariq Mühammad s/o , Qasim Khan		Upgradation of post			
09.	Mr. Asad Khan s/o Shah Muhammad		Upgradation of post			
10.	Mr. Ahmed Zaman	17-06- 2009	Upgradation of post			
No SI#	Mr. Shakeel Ahmad	NOT APPLICABLE HERE. THE POST OF B&A NOT UPGRADED TO BS-17, HENCE HIS SENIROITY REFIXED IN BS-17 AFTER HIS PROMOTION TO Assistant Director, BS-17.				
11.	Mr. Munir Abbas	24-11- 2016	Upgradation of post	60		
1.2.	Mr. Kashiv Farhan	31-08- 2017	Upgradation of post			
13.	Mr. Hazrat Ullah Khattak	31-08- 2017	Upgradation of post			
14.	Mst. Gulrukh Gulfara	29-09- 2017	Upgradation of post			
No SI#	Mr. Amjad Iqbal	NOT APPLICABLE HERE. THE OFFICER WAS WORKING AS SUPERINTENDENT ON THIS DATE. HE WAS LATER ON PROMOTED TO AD, BS-17 SEPARATELY. AND, SENIORITY WILL BE REFIXED BELOW.				

It is important to note here that the post of B&A Officer against which Mr. Shakeel Ahmad was promoted was at this time and since today in BS-16. Similarly, Mr. Amjad Iqbal was on the date of upgradation of post of DDSO, BS-16 to DSO, BS-17 was Superintendent (promoted on 09-01-2017). And, hence the details in the corresponding columns of Table 5 for these officers is not mentioned.

Era 3 w.e.f. 29-04-2019 till date

Present Service: Rules - On 29-04-2019, revised service rules were notified after due procedure (Flag-P) which superseded the ASRs mentioned above, to stheamline the matters and to remove

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ers, following were put in anomalies. Through these services rules, hereinafter referred to

(1) The post of DDSO, BS-16 was abolished altogether, as the post was upgraded by the Finance Department;

(2) Previously, for promotion to ADs/ DSOs/ Administrators, BS-17, two separate but joint seniority lists were envisaged: (1) DDSOs/Coaches/Female Coaches/Manager-cum-Groundman and (2) Superintendents/B&A Officers. But, this was amended and the following promotions channels and separations of channels and cadres was enacted:

ADs were given separate cadre and these were to be promoted from Superintendents / B&A Officers;

Coaches were given separate cadre and these were to be promoted to Chief (ii)

DSOs appointment was converted to only "initial recruitment"; and; (iii)

Similarly, in BS-17 Administrator has been separated for promotion, and a separate (iv) channel has been given to it.

Era 3 Senjority List on the Basis of Date of Entry Into the Designations of ADs and DSOs

On the application of PSRs, on the date of its notification that is 29-04-2019, two separate seniority lists will be drawn (third list that is related to coaches, and manager-cum-groundmen does not pertain to the instant case, and is also not contested). One seniority list will be made for the Superintendents and B&A officers for the post of Assistant Directors; and other for the DSOs, who were so far promoted in the chronology as mentioned above. It is important to note here that both Mr. Amjad Iobal and Mr. Shakeel Ahmad were superintendent and B&A Officer respectively on the date of promulgation of these rules. And, hence they will be promoted to ADs seniority list; which will then be considered for promotion to the post in BS-18 designated as Deputy Pirector/Regional Sports Officer.

	TABLE 7 – DSOs Seniority				
SI#	Name & Father Name of Officers	Date of Entry into BS-17	Mode of Entry		
01.	Muhammad Jamshed s/o Ghulam Muhammad	08-12-2017	By Promotion to BS_17. But, initially on PSC recommendation.		
02.	Muhammad Sulemen s/o Abdur Razzaq	08-12-2017	By Promotion to BS_17. But, initially on PSC recommendation.		
03.	Mr. Anwar Kamal s/o Noor Ullah Jan	08-12-2017	By Promotion to BS_17. But, initially on PSC recommendation.		
04.	Mr. Amir Zahid Shah s/o Amir Shahin Shah	08-12-2017	By Promotion to BS_17. But, initially on PSC recommendation.		

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05.	Mr. Zakir Ullah s/o Shafi Ullah	08-12-2017	By Promotion to BS_17. But, initially on PSC recommendation.
06.	Mr. Razi Ullah Khan s/o Nasrullah Khan	08-12-2017	By Promotion to BS_17. But, initially on PSC recommendation.
07.	Muhammad Ismail Khan s/o Muhammad Saeed Khan	08-03-2018	Upgradation of post to DSO, BS-17. But, initially on PSC recommendation.
08.	Mr. Tariq Muhammad s/o Qasim Khan	08-03-2018	Upgradation of post to DSO, BS-17. But, initially on PSC recommendation.
09.	Mr. Asad Khan s/o Shah Muhammad	08-03-2018	Upgradation of post to DSO, BS-17. But, initially on PSC recommendation.
10.	Mr. Ahmad Zaman	08-03-2018	Upgradation of post to DSO, BS-17. But, initially on PSC recommendation.
11.	Mr. Munir Abbas	08-03-2018	Upgradation of post of DSO, BS-17.
12.	Mr. Kashif Farhan	08-03-2018	Upgradation of post to DSO, BS-17. But, initially on PSC recommendation.
13.	Mr. Hazrat Ullah Khattak	08-03-2018	Upgradation of post to DSO, BS-17. But, initially on PSC recommendation.
14.	Mst. Gulrukh Gulfam	08-03-2018	Upgradation of post to DSO, BS-17. But, initially on PSC recommendation.

	TABLE 8 – ADs Seniority						
SI#	Name & Father Name of Officers	Date of Entry into BS-17	Mode of Entry				
01.	Mr. Amjad Iqbal	28-05-2019	By Promotion from the post of Superintendent.				
02.	Mr. Shakeel Ahmad	28-05-2019	By Promotion from the post of B&A Officer.				

PART-III

ON Matters of Issues

Of Objections Received, Observations Raised – Issue I

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Having established the seniority list in the order mentioned in Table 5 below, it is now appropriate to deal each of the above PUCs and their content separately with giving references to legal instruments, inferences, precedents, and solutions in the following paragraphs.

Amjad Iqbal has raised an observation that "the principal order of upgradation of the post of Deputy District Sports Officer (BS-16) to District Sports Officer (BS-17) vide Finance Department No SO (FR)/FD/7-34/2014/Sports Deptt:/17434 dated 08-03-2018 only address towards upgradation of the post and not towards promotion of incumbents (from sl no 8 to 15)." And, therefore, he stated that the mentioned serial numbers are junior to him, as "they have not been ever promoted to the post of DSO (BS-17)" (Flag-Q).

It is a clear inference from his representation submitted to Director (Operation), Directorate General of Sports, Khyber Pakhtunkhwa that he is referring to a procedure of Departmental Promotion Committee (DPC) mandatory for routine promotions, which evaluates the requisite documents, length of service and Performance Evaluation Reports (PERs), and non-conduction of its meeting on the upgradation of post and subsequent taking over of charge by the then DDSOs in BS-17 as DSOs.

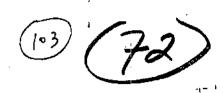
In this regard, the following are put forth:

(1) The Government of Khyber Pakhtunkhwa through Finance Department upgraded the posts of Superintendent from BS-16 to BS-17; Assistant from BS-16 to BS-16; Senior Clerk from BS-09 to BS-14; and Junior Clerk from BS-07 to BS-11 vide notification no. FD/SO(FR)10-22/2014 dated 20-05-2014 (Flag-R). In pursuance of this, employees working on these posts took charge on the upgraded posts without any DPC, and without any detriment to their seniority.

(2) As the post of Computer Operators, BS-12 was not upgraded so they instituted a Writ Petition No. 428-P/2012 in Peshawar High Court, Peshawar (PHC). The PHC announced its judgement on 19-06-2013 which enunciates, inter alia, that "we allow this petition and direct the respondents to upgrade the post of the petitioners to BS-16 with immediate effect [...]" (Flag-S). The Government went into a CPLA, the judgement in which was announced on 26-11-2015 (Flag-T). It disposed of the CPLA in the terms that: "the impugned judgement is aside with the direction to the Provincial Government, KPK to look into the grievance of the respondents [...] with further direction that the Provincial Government shall decide this issue within a period of three months". The Government upgraded the post, and Finance Department issued the Notification (Flag-U). Again, no DPC was held.

(3) Similarly, there is a question of lien too. Fundamental Rules dwell on the question of lien in detail. Rules 12-A, 13, and 14 provide for the reasons that accrue right of lien, suspension of lien, and other related matters. The officers mentioned in the application have a lien on the post of DDSO, BS-16, as these posts were upgraded, without any new creation involved, to posts of changed nomenclature (that is DSO), and higher Basic Scale (that is 17) substantively, therefore, the posts against which these officers had lien had been deleted. So, the officers, if they had not had taken charge in the above BS-17, then they would be without lien. If DPC was mandatory in the matter, then these officers

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will be without any post, and lien from the date of upgradation of post till the notifications under DPC, which is illegal and against the right of the lien.

- (4) The third Service Rules notified on 29-04-2019 supersede the previous two service rules, and it provides that: (1) 40% of Superintendents, BS-17 with two years' service as such will get promoted to Assistant Directors (2) 10% of B&A Officers, BS-16 with two years' service as such will get promoted to Assistant Directors, BS-17 and (3) 50% by initial recruitment. Mr. Amjad Iqbal got promoted from the post of superintendent on 28-05-2019, a date on which the new (or third) service rules were in place. Hence, he will be included in the seniority list of Assistant Directors, BS-17, and he has no right to lose with regard to the seniority of DSO, BS-17. His cadre is separate and that is Assistant Director, BS-17.
- (5) The Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989 consists of a dedicated Part number VI with name of Seniority and enumerated as 17. There are two related points to be mentioned here: (a) the part opens with: "the inter se seniority of civil servants (appointed to a service, cadre or post) shall be determined:" (b) Sub-section 2 of Section 17 states that "seniority in various cadres of civil servants appointed by initial recruitment viz-a-viz those appointed otherwise shall be determined with reference to the date of their regular appointment to a post in that cadre". As far as point (a) is concerned, there is no mention of Basic Scale in determination of seniority, and hence, considering it for this purpose is skewing. Moreover, point (b) is quite evident in stating that seniority shall be determined in light of regular appointment of a civil servant to a post in the cadre. Mr. Amjad Iqbal as mentioned above will be placed in the post in the cadre of Assistant Directors, as his regular appointment notified one month after the service rules were notified.

The application submitted by the Shakeel Ahmad had two points: (1) he stated that serial number 12, 13, and 14 as mentioned in the Table 5 are junior to him, and (2) this plea is same as that of Amjad Iqbal mentioned above.

It is stated with regard to this that all the above mentioned five reasons are mutatis mutandis applicable his pleas too. He will also be placed in the seniority list of cadre of Assistant Directors, BS-17.

Hence, the applications of both Mr. Amjad Iqbal and Mr. Shakeel Ahmad do not stand any legal ground, as they were promoted after the new service rules were in place on dates as mentioned above.

On the Matters Related to Issue-II -

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In order to put the background etc in context, it is necessary to state here the developments that led the case of PUC-II to this point.

Background: After the 25th Constitutional amendment, FATA was made part of the province of Khyber Pakhtunkhwa. FATA Secretariat and its employees were notified through various orders issued by Establishment Department to report and work through respective Secretaries/Departments of their Directorates and Departments. So, the employees of Directorate

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of Sports, FATA were notified to Directorate of Sports, Khyber Pakhtunkhwa. The employees then submitted an application to Secretary Sports requesting therein that "regular staff / employees may please be absorbed / adjusted at Sports Department, Khyber Pakhtunkhwa, against regular positions" (Flag-V). The matter was taken up with Establishment Department, which has advised that "the department may examine and dispose-off the case at its own level in light of Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 which stipulates that in event of merger / restructuring of the Departments. Attached Departments or Subordinate Offices, the inter se seniority of civil servants effected by the merger / restructuring as aforesaid shall be determined in accordance with the date of the regular appointment to a cadre or post" (Flag-W).

Placement of Mst. Nazia Zaki in the Seniority list -

In this regard, it is stated that the services of Mst. Nazia Zaki were regularized on 13-10-2014 w.c.f 09-09-2013, as Assistant Director, BS-17 (Flag-X). As she is Assistant Director in BS-17, and as service rules of Sports Directorate provides for a cadre of ADs, in which as established above only two person namely Mr. Amjad Iqbal and Mr. Shakeel Ahmad are included as of yet, therefore, Mst. Nazia Zaki be placed at the top of seniority list of Assistant Directors that is above Mr. Amjad Iqbal and Mr. Shakeel Ahmad, in the light of the advice of Establishment Department. The seniority list so is as follows:

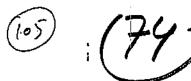
	TABLE 9 -	- ADs Seniority	
Sl#	Name & Father Name of Officers	Date of Entry into BS-17	Mode of Entry
01.	Mst. Nazia Zaki	09-09-2013	Regularized as AD
02.	Mr. Amjad Iqbal	28-05-2019	By Promotion from the post of Superintendent.
03.	Mr. Shakeel Ahmad	28-05-2019	By Promotion from the post of B&A Officer.

Of Matters of Issue-III & Issue-IV

Requests in Issue-III & Issue-IV may be resolved in light of above discussion by notifying a seniority list of DSOs, BS-17 in the following order, as the main objections of Mr. Amjad Iqbal and Mr. Shakee, Ahmad have been resolved in light of Service rules notified on 27-04-2019 (explained above), and both these officers being in separate cadre than that of DSOs, BS-17.

TABLE 10

	[C 4]		N. Sarry	
	Sì#	Name & Father Name of Officers	T. F.	
	01.	Muhammad Jamshed s/o Ghulam Muhammad	12	
	02.	Muhammad Suleman s/o Abdur Razzaq	i inc.	
	03.	Mr. Anwar Kamal s/o Noor Ullah Jan	· · ·	
	04.	Mr. Amir Zahid Shah s/o Amir Shahin Shah		
	05.	Mr. Zakir Ullah s/o Shafi Ullah		
~	06.	Mr. Razi Ullah Khan s/o Nasrullah Khan		
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07.	Muhammad Ismail Khan s/o Muhammad Saeed Khan
08.	Mr. Tariq Muhammad s/o Qasim Khan
0 9 .	Mr. Asad Khan s/o Shah Muhammad
10.	Mr. Ahmad Zaman
11.	Mr. Munir Abbas
12.,	Mr. KashifiFarhan
13.	Mr. Hazrat Ullah Khattak
14.	Mst. Gulruch Gulfam

Conclusion -

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PSR stipulates at serial # 3 the criteria for promotion from BS-17 (ONLY ADs and DSOs) to the Deputy Director /Regional Sports Officer, BS-18 as follows:

By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Directors (BPS-17), District Sports Officers (BPS-17), having five years' service as such. Note: For the purpose of promotion, a joint seniority list of the Assistant Directors, District Sports Officers and Administrators shall be maintained.

For the purposes of the note mentioned above, the following joint seniority - drawn from the above sequential, organizational and service developments of the officers - comes out:

	TABLE 11								
SI#	Name & Father Name of Officers	Date of Entry into BS-17, that is eligibility for the promotion to DD/RSO, BS-18							
01.	Mst. Nazis Zaki	09-09-2013							
.02.	Mr. Sikandar Shah	10-01-2017							
.03.	Muhammad Jamshed s/o Ghulam	08-12-2017							
04.	Muhammad Suleman s/o Abdur Razzaq	08-12-2017							
05.	Mr. Anwar Kamal s/o Noor Ullah Jan	08-12-2017							
06.	Mr. Amir Zahid Shah s/o Amir Shahin Shah	08-12-2017							
07.	Mr. Zakir Ullah s/o Shafi Ullah	08-12-2017							
08.	Mr. Razi Ullah Khan s/o Nasruliah Khan	08-12-2017							
09.	Muhammad Ismail Khan s/o Muhammad Saeed Khan	08-03-2018							

The officer has not been discussed above, due to the reason that he is already working on Acting Charge Basis for the post of Regional Sports Officer, BS-18, meaning thereby that except for required length of service for promotion to the said grade, he fulfills all other requisites for promotion.

	—————
Mr. Tariq Muhammad s/o Qasim Khan	08-03-2018
	. 08-03-2018
Mr. Ahmad Zaman	08-03-2018
	08-03-2018
Mr. Kashif Farhan	08-03-2018
Mr. Hazrat Ullah Khattak	08-03-2018
Mst. Gulrukh Gulfam	08-03-2018
Mr. Amjad Iqbal	08-05-2019
Mr. Shakeel Ahmad	08-05-2019
	Mr. Tariq Muhammad s/o Qasim Khan Mr. Asad Khan s/o Shah Muhammad Mr. Ahmad Zaman Mr. Munir Abbas Mr. Kashif Farhan Mr. Hazrat Ullah Khattak Mst. Gulrukh Gulfam Mr. Amjad Iqbal Mr. Shakeel Ahmad

Final Comments on Table 11 -

- (a) Mst. Nazia Zaki is placed at the top due to the flagged advice of Establishment Department;
- (b) Serial # 02 to serial # 07 were duly promoted from the posts of DDSO, BS-16 to DSO, BS-17, before the upgradation of posts;
- (c) Serial # 08 till serial # 11 were in the seniority list issued in the same order of seniority (the officers appearing at serial # 12 had opted out for another cadre through due process), as the order of seniority was not questioned at that time and promotions on the basis of that seniority list were made, hence, it is intact, and therefore, it is shown as continued from that to Table 11 above in same fashion;
- (d) Serial # 11 as compared to the serial # 13, 14, and 15 above was a DDSO, BS-16 before these officers (13, 14, &15) were appointed as DDSO through PSC, so he is placed at serial # 11;
- (e) Serial # 13, 14, and 15 were appointed through PSC as mentioned above through PSC as DDSO, BS-16, and resultant became DSOs, BS-17 on the upgradation of posts;
- (f) Serial #16 and 17 though promoted to BS-17 on the same date, Mr. Amjad Iqbal has been placed above Mr. Shakeel Ahmad due to the reason that ASRs provide that if both are promoted on the same date, superintendent will be deemed senior.

The joint seniority lists in Table 11 prepared under the service history, PSRs and above discussion may be approved and tentatively circulated please.

Final Remarks of the Committee -

It is important to note here that the matter has been dealt both at the level of the Directorate and of the Department. The tentative seniority list circulated by the DG Sports was observed upon by the above mentioned officers. Similarly, the Departmental Notification (Flag-Notification) (which comprises of advice of the Department and the order of the seniority) was also contested by the said officers after it was circulated by the DG Sports.

As both the forums have been exhausted at the Departmental level, and the resolution proposed by both the forums have been observed upon, therefore, the next higher authority that is Chief Secretary may direct the Regulation Wing of Establishment Department to determine the Order

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of the Seniority with an advice that whether such Order be circulated tentatively or may be notified as final Seniority list.

Note: This complete document is of 18 x pages. The remaining pages highlight the brief service history of officers concerned, and also commerate the files searched for data and other documents attached with the case (that is document that have not been flagged).

Mr. Tashfeen Haider, Additional Secretary-I

Mrs. Beenish linean, Deputy Secretary-III Muhammad Shoaib, Additional Secretary-II

Mr. Jibreel Raza, Deputy Secretary-I





Öfficers Record

Mr. Sikandar Shah – the officer is already working on Acting Charge Basis (ACB) as RSO, BS-18, once his qualifying length of service is completed, he will be promoted on regular basis, and hence for the purposes of instant case, his details etc are unnecessary to be included here.

Muhammad Jamshed personal file consists of his initial form and attached documents submitted to PSC for advertisement number 05/2004 for the post of Deputy District Sports Officer, BS-16. His date of birth according to his SSC is 05-05-1978. His notification of appointment was issued on 15th June, 2006.

Mr. Muhammad Suleman personal file consists of his initial form and attached documents submitted to PSC for advertisement number 05/2004 for the post of Deputy District Sports Officer. His date of birth according to his SSC is 01-04-1971. His notification of appointment was issued on 13th June, 2006. Other officers in the same order are: Muhammad Ismail Khan; the said officer; Muhammad Jamshed; and Raziullah Khan. He was initially appointed on 03-06-1990 as PTC teacher. Afterwards, he became DDSO through proper channel.

Mr. Anwar Kamal personal file consists of his initial form and attached documents submitted to PSC for advertisement number 05/2004 for the post of Deputy District Sports Officer. His date of birth according to his SSC is 27-03-1975.

Mr. Amir Zahid Shah was appointed as PTI vide notification dated 28th June, 1992. On 3rd Feb, 2005 he was relieved by the Director Federal Government, Educational Institutions on his appointed as DPE (sic) in Provincial Education Department. He has applied for the post of Deputy District Sports Officer (DDSO) published with advertisement number 05/2004. His date of birth according to SSC is 05-09-1967.

Mr. Zakir Ullah personal file consists of his initial form and attached documents submitted to Public Service Commission for advertisement number 05/2004 for the post of Deputy District Sports Officer. Date of Birth according to Secondary School Certificate is 22-04-1977.

Mr. Razi Ultah Khan personal file consists of his initial form and attached documents submitted to PSC for advertisement number 05/2004 for the post of Deputy District Sports Officer, BS-16. His date of birth according to his SSC is 01-10-1979. His notification of appointment was issued on 15th June, 2006.

Mr. Ismail Khan personal file consists of his initial form and attached documents submitted to PSC for advertisement number 05/2004 for the post of Deputy District Sports Officer, BS-16. His date of birth according to his SSC is 02-06-1976. His notification of appointment was issued on 15th June, 2006.

Mr. Tariq Muhammad personal file consists of his initial form and attached documents submitted to PSC for advertisement number 05/2004 for the post of Deputy District Sports Officer,



BS-16. His date of birth according to his SSC is 22-10-1972. His notification of appointment was issued on 31st August, 2017.

Mr. Asad Khan personal file consists of his initial form and attached documents submitted to PSC for advertisement number 05/2004 for the post of Deputy District Sports Officer, BS-16. His date of birth according to his SSC is 20-05-1968.

Mr. Ahmad Zaman personal file consists of his initial form and attached documents submitted to PSC for advertisement number 03/2007 for the post of Deputy District Sports Officer, BS-16. His date of birth according to his SSC is 30-04-1980. His notification of appointment was issued on 17th June, 2009.

Mr. Munir Abbas personal consist of his horizontal promotion notification issued under the recommendations of the DPC from the Assistant, BS-16 to DDSO, BS-16 on 24th November, 2016.

Mr. Kashif Farhan personal file consists of his initial form and attached documents submitted to PSC for advertisement number 03/2016 for the post of Deputy District Sports Officer; BS-16. His date of birth according to his SSC is 13-04-1984. His notification of appointment was issued on 31st August, 2017.

Mr. Hazrat Ullah Khattak personal file consists of his initial form and attached documents submitted to PSC for advertisement number 03/2016 for the post of Deputy District Sports Officer, BS-16. His date of birth according to his SSC is 01-01-1984. His notification of appointment was issued on 31st August, 2017.

Mst. Gulrukh Gulfam personal file consists of her initial form and attached documents submitted to PSC for advertisement number 03/2016 for the post of Deputy District Sports Officer, BS-16. Her date of birth according to her SSC is 01-06-1991. Her notification of appointment was issued on 29th September, 2017.

Mr. Amjad Iqbal was posted / adjusted against the vacant post of Assistant, BS-14 in the office of District Sports Officer, CDG, Peshawar from the post of Surplus Assistant Motivation Officer. BS-14 by District Coordination Officer on 18-10-2007. His date of birth according to SSC is 19-06-1967. On the recommendations of DPC he was promoted from the post of Assistant, BS-16 to the post of Superintendent, BS-17, which was notified on 09th January, 2017. On 08th May, 2019, DPC recommended him for promotion from the post of Superintendent, BS-17 to Assistant Director, BS-17, which was notified on 28th May, 2019.

Mr. Shakeel Ahmad was initially appointed as Assistant, BS-14 on the recommendations of the District Selection Board Buner. On 20-05-2014, he signed and submitted a Certificate of Charge under Finance Department Notification dated 20-05-2014 regarding the upgradation of posts of Superintendent, Assistant, Senior Clerk and Junior Clerk to Basic Scales of 17, 16, 14, and 11. He became Assistant, BS-16. On 30-09-2016, the Departmental Promotion Committee (DPC) horizontally promoted him to the post of Budget and Accounts Officer, BS-16. His notification of promotion was issued on 24th November, 2016. Again on 08th May, 2019, in another DPC, he was recommended for promotion from the post of Budget and Account Officer, BS-16 to the post of Assistant Director, BS-17, which was notified on 28th May, 2019.

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

13-A, KHYBER ROAD, PESHAWAR CANTT. TELE # 091-9223447 FAX # 091-9212535

> No. SO (Sports) 1-41/2022/ Dated Peshawar the 22nd March, 2022

To

rt The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department,

Peshawar.

Subject: -

ON TENTATIVE JOINT SENIORITY LIST OF ASSISTANT OBJECTIONS DISTRICT SPORTS OFFICERS & ADMINISTRATORS DIRECTORS,_ OF SPORTS, KHYBER (BPS-17) OF THE DIRECTORATE GENERAL PAKHTUNKHWA FOR THE YEAR - 2021

Dear Sir,

I am directed to make a primary reference to the Note for Chief Secretary, Khyber Pakhtunkhwa on 13-12-2021 vide file # SO (Sports) 1-41/2021 on the subject noted above, and the advice of Establishment Department tendered therein vide paragraph-9 & 10 of the said note and to state that in pursuance of the said advice this Department has constituted a Committee for the subject purpose comprising of Additional Secretaries I & II, and Deputy Secretaries I & III of Sports Department. The Committee has deliberated upon the subject matter, and submitted its detailed study of the matter consisting of history, issues, developments and recommendations in the instant matter. The said Report, spanning on 1-20 x pages, is attached to this document (each page of the Report has been signed by the members of the Committee).

For the structure of this letter, I am further directed to make a reference to the S&GAD letter # SORI(S&GAD)1-54/87 dated 17th February, 1991, and to enunciate headingwise responses to each point as mentioned in the quoted letter: -

1) Subject Matter: -

Albeit the subject matter of the letter is same to the degree of exactitude as the subject matter required here, yet it is imperative to reiterate the essence of the Subject Matter. The instant case is regarding the Fixation of Seniority of District Sports Officers, BS-17 of the Directorate of Sports, due to the reason as mentioned in the enclosed report. Twice tentative seniority lists of the said cadre circulated on the orders passed by the Director General of Directorate of Sports, hereinafter referred to as DG Sports, and Secretary Sports Department, hereinafter referred to as Secretary Sports, was observed upon by different officers of the cadre. Hence, the case is submitted to the Establishment Department, being the next higher forum.

P-1/3



- Detailed Background of the case and point for advice:
 - a) Detailed Background of the case is stipulated in the Report, however, for the comprehensiveness of the instant letter gist of this is stipulated here: -
 - DG Sports circulated a tentative seniority list of the said cadre with a direction to the relevant officers to submit observations on the same, if any.
 Some officers have submitted reservations on the said tentative seniority list
 - ii. DG Sports submitted a detailed case to the Secretary Sports for resolution of the matter and determination of Order of seniority
 - iii. Secretary Sports vide Speaking Order dated 10-09-2021 communicated an Order of Seniority along with reasons thereof, in conjunction with the directions to the DG Sports to circulate the same tentatively. The same was again observed upon by the interested officer of the cadre
 - iv. Therefore, a Note to Chief Secretary (primary reference of this letter) was moved for resolution and determination of the Order of Seniority of the cadre
 - v. Now, on the advice of the Establishment vide above mentioned paragraph, the instant letter.
 - b) Point for advice is also stipulated in the Report, however, it is reiterated here. This Department requests the Establishment Department (Regulation Wing) to:
 - Determine the Order of the Seniority of the officers of the cadre, as all the forums available within the Directorate and the Department have been exhausted, and also it being the higher forum.
 - ii. Whether such Order (after it determines it) be circulated tentatively or as final seniority list of the officers of the cadre.
- 3) Whether the case was referred earlier to the S&GAD and if so, what advice was given: -

Yes, the case was previously referred to the Establishment Department through a Note to Chief Secretary. The Establishment Department had advised that the Department may constitute a Committee and its recommendations be sent to it through a letter to the Secretary to the Government of Khyber Pakhtunkhwa for Establishment Department. It is not incongruous that Committee has been constituted and a detailed report of the Committee is attached with this letter for advice of Establishment Department.

4) Whether the case has also been referred to Finance Department/Law Department for examination and advice: –

No, the case has not been referred to either of these Departments because neither are financial implications involved in the matter nor any legal point in the matter is involved (reference Rules of Business).



- 5) Whether the case actually concerns S&GAD and is being referred with the prior approval of Administrative Secretary concerned or otherwise: –
 - a) Yes, being purely a service matter it concerns the Establishment Department; and
 - b) Yes, necessary approval for the instant case has been obtained from the Administrative Secretary. More so, the primary reference of this letter i.e., Note to Chief Secretary, submitted previously, was also signed by the Administrative Secretary of this Department.

3. In the light of above, I am directed to reiterate the request for determination and communication of Order of Seniority for the officers of the said cadre, and whether the same be circulated amongst the officers tentatively or as a final seniority list.

Logi Calling

(Khan Rario) `` Section Office ((Sports)

Enclosed with this letter are:

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- Note for Chief Secretary less enclosures of the Report.
- (2) Report of the Committee along with 46 x enclosures.
- (3) Speaking Order issued by Secretary, Sports.

Copy forwarded to less enclosures:

- (1) Members of the Committee: Additional Secretaries I & II, and Deputy Sectaries I & III of the Sports Department
- (2) Director General of the Directorate of Sports, Khyber Pakhtunkhwa

(3) PS to Secretary Sports & Tourism Department, Khyber Pakhtunkhwa

Section Officer (Sports)

P-3/3



GOVERNMENT OF KHYBER PARTITUNKHWA ESTABLISHMENT & ADMN: DEPARTMENT (Regulation Wing)

N0.SOR-I(E&AD)4-1/2018 Dated Peshawar the 27.04.2022

Anner G

Τo

The Secretary to Govt. of Khyber Pakhtunkhwa, Sports, Culture, Tourism, Archaeology, Museum & Youth Affairs Department

Subject: -

OBJECTIONS ON TENTATIVE JOINT SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS & ADMINISTRATORS (BPS-17) OF THE DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA FOR THE YEAR 2021

Dear Sir.

I am directed to refer to your letter N0.SO(Sports)1-41/2022/9428-34 dated 22nd March, 2022 on the subject noted above and to advise that circulate the seniority tentatively in light of the appeal / complaints amongst the incumbents, please.

Xm

Yours faithfull

SECTION OFFICER (R-I) Phone # 9210860

3.0 (500/1)





GOVERNMENT OF KHYBER PAKHTUNKHWA Sports, Culture, Tourism, Archaeology, Museums & Youth Affairs Department

No SO (Sports) 1-41/Seniority list/2022/3/107-10 . Dated Peshawar the 22nd July, 2022

Ιo

The Director General of Sports, Khyber Pakhtunkhwa,

<u>Peshawar.</u>

Subject: 15

OBJECTIONS ON TENTATIVE JOINT SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS & ADMINISTRATORS (BPS-17) OF THE DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA FOR THE YEAR 2021

Dear Sir. .

I am directed to refer to your letter No. 17/Seniority List/2020 dated 05-10-2021 on the subject noted above and to enclose herewith a copy of letter No. SOR-I(E&AD)4-1/2018 dated 27-04-2022 received from Section Officer (R-I), Establishment & Administration Department, Khyber Pakhtunkhwa with the request that necessary action may be taken as per advise of Establishment & Aäministration Department, please.

ours faithfully,

ion Officer (Sports)

Copy is forwarded to the:-

1. PS to Secretdry, Sports Department, Khyber Pakhtunkhwa.

2. PA to Additional Secretary-II, Sports Department, Khyber Pakhtunkhwa.

3. PA to Deputy Secretary-I, Sports Department, Khyber Pakhtunkhwa/

Section Officer (Sports)

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

DIRECTORATE GENERAL SPORTSKHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT. Ph: # 9212767, Fax # 9212766

No. 17/Seniority List/2021/5051-54

Dated Peshawar, the 16th August, 2022.

To

- 1. All Assistant Directors o/o DG Sports Khyber Pakhtunkhwa.
- 2. Assistant Director o/o Director Sports (Merged Areas).
- 3. All District Sports Officers in Khyber Pakhtunkhwa.
- 4. All Administrators o/o DG Sports / RSO's Khyber Pakhtunkhwa.

Subject: -

TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BPS-17), DIRECTORATE GENRAL OF SPORTS, KHYBER PAKHTUNKHWA FOR THE YEAR 2022.

Kindly refer to the subject noted above and to forward herewith a copy of tentative seniority list of Assistant Directors, District Sports Officers and Administrator in (BPS-17) of the Directorate General of Sports, Khyber Pakhtunkhwa alongwith the certificate proforma for perusal and intimation of objection / observations (if any). The tentative seniority list is issued in pursuance of Establishment Department Letter No. SOR-1(E&AD)4-1/2018 dated 27.04.2022.

2. Incorrect entry in service particulars or objection / observations on the list may be furnished on the enclosed proforma supported by attested photocopies of relevant documents within 15 days positively, otherwise, it will be presumed that entries made in the list are correct.

Encl: As above.

DIRECTOR GENERAL

Copy forwarded for information to the: -

1. The Section Officer (Sports), Sports & Youth Affairs Department w.r.t his Letter No. SO(Sports) 1-41/semiority list/2022/3107-10 dated 22.07.2022.

2. Director Sports (Merged Areas), Peshawar.

DIRECTOR GENERAL

16/8/22

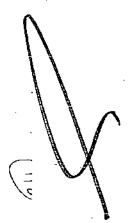
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TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS & ADMINISTRATORS (BPS-17) OF THE DIRECTORATE GENERAL OF SPORTS KHYBER PAKHITUNKHWA (AS STOOD ON 15-09-2021).

	Name of Officer and Designation	Academic Qualification	D.O.B		Date of 1 st Entry into Govt. Service	Regular appointment / promotion to the present posts			Present		
S.#				Domicile		Date	BPS	recruitment / appointment	appointment	Remarks	and the second s
1)	Mst. Nazia Zakki, Assistant Director, Provincial HQ	M.A.	05-06-1986	Кигала	09-09-2013	09-09-2013	17	Regularization	Assistant Director	On Deputation to Ombudsman Department	1
2)	Mr. Sikandar Shah Regional Sports Officer (a.c.b)	M.Sc.	25-04-1963	Kohat	04-06-1991	24-04-2019	18 (a.c.b)	By promotion	RSO (a.c.b)	Promoted to the rank of Regional Sports Officer (BPS-18) on 24-04-2019 on acting charge basis.	
3)	Muhammad Jamshid (District Sports Officer)	M.Sc.	05-05-1978	D.I.Khan	01-01-2005	20-12-2017	17	By promotion	DSO	Working as Deputy Director in OPS	
4)	Muhammad Suleman (District Sports Officer)	M.Sc.	01-04-1971	Dir	06-06-1990	20-12-2017	17	By promotion	osa	DSO Buner	· Y '
5)	Mr. Anwar Kamal (District Sports Officer)	B.A	27-03-1975	D.I.Khan	29-09-2005	20-12-2017	17	By promotion	DSO	Working as RSO D.I.Khan in OPS	(=
6)	Mr. Amir Zahid Shah (District Sports Officer)	M.Sc.	05-09-1967	Bannu	29-06-1992	20-12-2017	17	By promotion	DSO	DSO Karak	\- I
7)	Mr. Zakir Ullah (District Sports Officer)	« M.A/M.Sc.	22-04-1977	Peshawar	29-09-2005	20-12-2017	17	By promotion	DSO	Working against the post of RSO Peshawar in OPS	$\overline{\cdot}$
8)	Mr. Razi Ullah Khan (District Sports Officer)	M.Sc.	01-10-1979	Tank .	02-09-2002	20-12-2017	17	By promotion	DSO	DSO Tank	
9)	Muhammad Ismail Khan (District Sports Officer)	M.Sc.	02-06-1977	Ваппи	19-06-2005	08-03-2018	17	By Upgradation	DSO	DSO Lakki Marwat	. •
10)	Mr. Tariq Muhammad (District Sports Officer)	M.Sc.	22-10-1972	Swabi	26-06-1997	08-03-2018	-17	By Upgradation	DSO	DSO Swabi	
:11)	Mr. Asad Klim (District Sports Officer)	M.A.	20-05-1968	Mardan	20-03-2006	08-03-2018	17	By Upgradation	· DSO .	Working against the post of Assistant Director	1.4140664 (68-63-78) 5 m (19
12)	Mr. Ahmad Zaman (District Sports Officer)	M.Sc.	30-04-1980	Haripur	17-06-2009	08-03-2018	17	By Upgrađation	DSO	Working against the post of RSO Abbottabad in OPS	
	Mr. Munir Abbas (District Sports Officer)	MBA	12-3-1984	Hangu	09-08-2006	08-03-2018	۱7	By Upgradation		On Deputation to Tourism & Culture Authority	

(Contd..P/2)

S.#	Name of Officer and	Academic	D.O.B	D- 29	Date of 1st Entry	Regular appointment/ prometion to the present posts			Dungan	
1.13	Designation Kashif Farhan	Qualification	<i>D</i> .O.D	Domicile	into Govt. Service	Date	BPS	Method of recruitment / appointment	Present appointment	Remarks
14)	(District Sports Officer) Hazarat Ullah	M.Phil	13-04-1984	Валли	31-08-2017	08-03-2018	17	By Upgradation	DSO	Working against the post of RSO Swat in OPS
ļ—	(District Sports Officer) Gul Rukh Gulfam	MS	01-01-1984	Karak	31-08-2017	08-03-2018	17	By Upgradation	DSO	DSO Hangu
16)	(District Sports Officer)	M.Sc	01-06-1991	Abbottabad	29-09-2017	08-03-2018	17	By Upgradation	DSO	DSO Peshawar
17)	Amjad Iqbal, Assistant Director, Provincial HQ	MSc Botany (Gold Medalist)	19-6-1967	Peshawar	15-8-1992	28-05-2019-	17	By Promotion	Assistant Director	Assistant Director (Account)
18)	Shakel Ahmad, Assistant Director, Provincial HQ	M.A.	04-1-1971	Buner	18-1-2008	28-05-2019	17	By Promotion	Assistant Director	Assistant Director







CERTIFICATE

(/)

It is certifi of the tentative seniority correct, except at the follo	ed that I have gone through list of	LIST OF ASSISTANT DIRE ADMINISTRATORS (BPS-1 YBER PAKETUNKHWA FO	OR THE YEAR 2022.
S.# Column No.	Present entry	To be replaced by (Attach copy, if any)	Remarks
The following discrepancie	es are also brought int	o the notice: -	
1. 2.			
3. Note: - Additional shects m	nay be used, if requires	l, please.	
		Name:	
7		Designation:	
		Date:	



(38)

Amer H

To

Secretary to Government of Khyber Pakhtunkhwa, Sports & Youth Affairs Department. SECRETARY
Department Knyber Pakhlunkhwa
Dalay No

APPEAL FOR ISSUANCE OF FINAL SENIORITY LIST OF ASSISANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BS-17) DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA.

- 1. That initially the undersigned was appointed as Assistant Director (BS-17) on contract basis. Later on, the services of the undersigned were regularized against the sanctioned post of Assistant Director BS-17 in the Directorate of Sports Erstwhile FATA with effect from 09-09-2013 in pursuance of the Honourable Peshawar High Court Peshawar Judgment dated 18-05-2016 in writ petition No. 2056-P/2015.
- 2. That in the wake of merger of the Erstwhile FATA with the Khyber Pakhtunkhwa and in light of the 25th amendment in the Constitution of the Islamic Republic of Pakistan 1973, various Departments and Attached Directorates of the erstwhile FATA Secretariat have been merged and placed under the administrative supervision and control of the Secretaries of relevant Departments of the KP Civil Secretariat by the Government of Khyber Pakhtunkhwa Establishment Department. The Directorate of Sports of the Erstwhile FATA was also instructed to the effect that the Directorate shall henceforth report to the respective Administrative Secretary i.e. Secretary Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department vide Notification dated 15-11-2018 (Annexure-I), clearly going in line with the merger of the erstwhile FATA with the province of Khyber Pakhtunkhwa.
- 3. That the undersigned alongwith other regular staff submitted an appeal dated 12-07-2019 (Annexure-II) to the Secretary Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department for absorption/adjustment and determination of seniority in their respective cadres on the analogy of other institution of the Erstwhile FATA.
- 4. That the Establishment Department, Government of Khyber Pakhtunkhwa after series of correspondence with the Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department, tendered advice that in the light of APT Rules 1989, Rule 17 that "In the event of meiger/restructuring of the Department, attached Departments or Subordinate offices the inter-se-seniority of civil servants affected by the merger/restructuring shall be determined in accordance with the date of regular appointment to a cadre or post" vide letter dated 06-04-2021 (Annexure-III) and the same was intimated to the Director General Sports Khyber Pakhtunkhwa for implementation vide Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department letter dated 07-05-2021 (Annexure-IV).
- That subsequently, the Director General Sports, Khyber Pakhtunkhwa forwarded a tentative seniority list of Assistant Directors, District Sports Officers and Administrators (BS-17) Directorate General of Sports, Khyber Pakhtunkhwa to the sports department, being





prerogative of the Administrative Department for issuance of the seniority list on 26-05-2021 by considering the appeal of the undersigned as well (Annexure-V).

- 6. That after examining all the cases including the undersigned, the Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department notified speaking order by determining inter-se-seniority of the undersigned w.e.f., 09-09-2013 in light of the advice dated 06-04-2021 with the direction to the Director General Sports, Khyber Pakhtunkhwa to circulate the tentative joint seniority list among the officers for any objections/observations with lifteen days vide Notification date 10-09-2021 (Annexure-VI). Accordingly, the Director General Sports, Khyber Pakhtunkhwa issued tentative seniority list of Assistant Directors, District Sports Officers and Administrators (BS-17) on 15-09-2021 (Annexure-VII).
- 7. That pursuant to the objections on tentative seniority list by the officers, the Sports Department again referred the matter to establishment department for determination and communication of order of seniority for the officers of the said cadre and whether the same be circulated among officers tentatively or as a final seniority list. In response, the Establishment Department advised that the same may be circulated tentatively among the incumbents on 27-04-2022 (Annexure-VIII), which was forwarded to Director General Sports, Khyber Pakhtunkhwa for necessary action on 22-07-2022 (Annexure-IX).
- 8. That the Director General Sports, Khyber Pakhtunkhwa again circulated the tentative seniority list among the Officers of BS-17 on 16-08-2022 (Annexure-X). However, no outcome till date of the same.
- 9. That the undersigned now approach your good office, amongst other on the following grounds in respect of her grievance in non-issuance of seniority list and thus seeking directions for the issuance of the final seniority list:

Grounds:

a. Because the principles of legitimate expectation as expounded by the Honorable Superior Courts and recently reiterated in 2022 SCMR 694 is seriously violated in the undersigned case. Wherein in the presence of clear provision of the law in shape of Section 8 of the Klyber Pakhtunkhwa Civil Servants Act, 1973 and the APT Rules 1989, Rule 17, no final seniority list is issued and thus the undersigned is for no good reason deprived of her right. The judgment lay clearly as under:

"The doctrine of legitimate expectation connotes that a person may have a reasonable expectation of being treated in a certain way by administrative authorities owing to some uniform practice or an explicit promise made by the concerned authority. In fact, a legitimate expectation ascends in consequence of a promise, assurance, practice of policy made, adopted or announced by or on behalf of government or a public authority. When such a legitimate expectation is obliterated, it affords locus standi to challenge the administrative action and even in the absenteeism of a substantive right, a legitimate expectation may allow an





individual to seek judicial review of a wrongdoing and in deciding whether the expectation was legitimate or not the courts may consider that the decision of public authority has breached a legitimate expectation and if its proved then the court may annul the decision and direct the concerned authority/person to live up to the legitimate expectation. This doctrine is basically applied as a tool to watch cover the actions of administrative authorities and in essence imposes obligations on all public authorities to act fair and square in all matters encompassing legitimate expectation. This Court expatiated the doctrine of legitimate expectation in the "Judges Pension case" reported in PLD 2013 SC 829 with the observation that the rule of legitimate expectation is not a part of any codified law, rather the doctrine has been coined and designed by the Courts primarily for the exercise of their power of judicial review of the administrative actions. As per Halsbury's Laws of England, Volume 1(1), 4th Edition, paragraph 81, at pages 151-152, it is prescribed that "A person may have a legitimate expectation of being treated in certain way by an administrative authority even though he has no legal right in private law to receive such treatment. The expectation may arise from a representation or promise made by the authority including an implied representation or from consistent past practice." In the case of R. v. Secretary of State of Transport Exporte Greater London Council (1985) 3 ALL.ER 300, it is propounded that "Legitimate, or reasonable, expectation may arise from an express promise given on behalf of a public authority or from the existence of a regular practice which the claimant can reasonably expect to continue. The expectation may be based on some statement or undertaking by or on behalf of the public authority which has the duty of taking decision." Whereas in the judgment reported as Union of India v. Hindustan Development Corporation (1993) 3 SCC 499, it was held that "The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or custom or established procedure followed in regular and natural sequence.

b. Because "Intelligible differentia" exists between the undersigned and the objectors who raised objections at the undersigned seniority. Whereas the matter in respect of the objections having become a past and closed transaction as is laid by the department, thus there is no hindrance in issuance of the final seniority list under the law. The principles of "Intelligible differentia" have been vinated by the department in withholding the issuance of final seniority list. In the case of Dr. Mobashir Hassan Vs. Federation of Pakistan (PLD 2010 SC 265), the Apex Court defined "intelligible differentia" in the following terms:-

"As far as 'intelligible differentia' is concerned, it distinguishes persons or things from the other persons or things, who have been left out. The Indian Supreme Court, while relying upon the statement of Professor Willis in Charanjit Lal v. Union of India (AIR 1951 SC 41), observed that "any classification which is arbitrary and which is made without any basis is no classification and a proper classification must always rest upon some difference and must bear a reasonable and just relation to the things in respect of which it is proposed". Same principle has been highlighted in Shazia Batool v. Government of Balochistan (2007 SCMR 410).





59. Thus, keeping in view the above principles and the definition of classification "intelligible differentia" means, in the case of the law differentiating between two sets of the people or objects, all such differentiations should be easily understood as logical and lucid and it should not be artificial or contrived."

The undersigned is a regular employee since 2013 and therefore there exists no parity between the undersigned and those who came to BPS-17 as late as 2017 or subsequent years. Therefore, to base the objections which have already been decided in the negative, the non-issuance of the seniority list is in complete negation of the law.

- c. Because the fundamental right to life, as provided under Article 9 of the Constitution and first expounded by the Supreme Court in Shehla Zia's case (PLD 1994 SC 693), adjudged life to include all such amenities and facilities, which a person born in a free country is entitled to enjoy with dignity, legally and constitutionally. It was also clearly stated in un-equivocal terms that a wide meaning should be given to the term life, to enable a man not only to sustain life but to enjoy it. This principle was cited with approval by the apex Court in Arshad Mehmood's case (PLD 2005 SC 193), wherein the apex Court further expounded the need for the Islamic concept of fair play and social justice in an egalitarian society, as is idealized under the Objective Resolution of our Constitution, which has now become an integral part of the Constitution by insertion of Article 2-A therein. The undersigned's rights are violated for no fault of her own, which is not in anyway supported by any law for the time being in force.
- d. Because the Honorable Supreme Court of Pakistan in the recent judgment in Justice Qazi Faez Isa case has held in unequivocal terms that even the highest of offices are not to be denied the fundamental rights so guaranteed by the Constitution. The undersigned cannot be deprived of her rights therefore. The judgment is reported as PLD 2022 SC 119 and lay as under:

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

The undersigned is thus entitled to be dealt with in accordance with the law and not otherwise, which unfortunately doesn't seem to be the case.

e. Because when the law requires a thing to be done, it has to be done in that manner alone.

Any deviation would make it a nullity in the eyes of the law. Reference can be made to 2008 SCMR 1148, PLD 1980 Quetta 1, 2005 SCMR 1388 in this regard.

The previous of the Khuber Pelchardeburg Civil Segrence Act, 1973 provides for seniority.

The provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides for seniority, and the same needs to be implemented. Section 8 provides as follows:

8. (1) For proper administration of service, cadre or [post] the appointing authority shall cause a seniority list of the members for the time being of such service cadre or [post] to be prepared but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or [post] as the case may be. Seniority.





(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or [cadre] whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, 6 [Cadre] or post shall be determined as may be prescribed.

[(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

Provided that civil servants who are selected for promotion to a higher post in one thatch shall, on their promotion to the higher post retain their interse seniority as in the lower post."]

[(5) The seniority lists prepared under sub-section (1) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.]

Furthermore the APT Rules, 1989 provides for the details about Seniority in Rule 17 in the following terms:

17. Seniority:-

1) the seniority inter se of civil servants post) shall be determined:-

(a) (appointed to a service, cadre or in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission [or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

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- (2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.
- (3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.
- (4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post. Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

The aforementioned clearly stipulate for the notifying of the seniority list once a calendar year, and then the rule 17(3) specifically provides for the case in respect of merger. The law thus is that where statutory provisions (including rules) (as is the case of the undersigned) or administrative instructions provide for the factors to be taken into consideration and the manner to be adopted in fixation of seniority, then subject to such provisions or instructions being constitutionally or otherwise valid, seniority has to be fixed in accordance with such provisions or instructions. And thus any deviation from it will be illegal and unlawful per the law as well as the dictum laid as mentioned.

f. Because seniority for all intents is a right which cannot be taken away at the whims and wishes of any individual save as in accordance with the law. The Black's Law Dictionary defines "seniority" as meaning:

"Precedence or preference in position over others similarly situated. As used, for example, with reference to job seniority, worker with most years or service is first promoted within range of jobs subject to seniority, and is the last laid off, proceeding so on down the line to the youngest in point of service"

The bare reading of the definition must entail the agony that the undersigned is going through in the non-issuance of the seniority list.

g. Because a system of promotion is the essence of modern management and when a person is recruited in an organization, he/she must be given an opportunity to advance. The object of assigning seniority is to facilitate the filling of promotional posts. Although under many statutory rules or administrative instructions seniority is not the sole factor in granting promotion e.g., when the rules provide for seniority-cum-merit or merit-cum-seniority, yet it is difficult to find rules or instructions which completely ignore seniority in relation to promotion. Even in cases of selection posts the seniority in the feeder grade from which the

5



selection is to be made can be an important factor because employees of a given seniority are treated in the zone of consideration while granting promotion to the selection posts.

- Because recently the august Supreme Court of Pakistan has in its Judgment reported in 2013 PLD SC 195, decided a point of law and while committing upon the transfer and posting and other related matters of service held as under:-
 - (i) Appointments, Removals and Promotions:- Appointments, removals and promotions must be made in accordance with the law and the rules made there under; where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.
 - (ii) Tenure, posting and transfer: When the ordinary tenure for a posting has been specified in the law or rules made there under; such tenure must be respected and cannot be varied, except for compelling reasons, which should be recorded in writing and are judicially reviewable.
 - (iii) <u>Illegal Orders:</u> Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule, based norms; instead, in such situations, they must record their opinion and; if necessary, dissent.
 - (iv) O.S.D Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing and are judicially reviewable. If at all an Officer is to be posted as OSD, such posting should be for the minimum period possible and if there is a disciplinary inquiry going on against him, such inquiry must be completed as the earliest.

Relying upon the Judgment of the Supreme Court of Pakistan the department is duty bound to follow the law, judgment of the superior courts, and seniority or any matters concerning the terms and conditions of service should not be in any manner decided contrary to the law. The non-issuance of seniority list is thus an illegality, which needs rectification.

For the set of facts and grounds as laid hereinbefore, your goodself is requested to intervene in the matter by directing the concerned quarter to expedite the case by issuing the seniority list, as the same is pending since long, please.

Sincerely Yours

Dated: 05-12-2022

O (NAZIA ZAKI)

Assistant Director (BS-17)



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

DIRECTORATE GENERAL OF SPORTS KHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT Chi. # 9212707 Enx # 9212760

No.3A/Merged Areas/DGs/2019/2375-3 Dated Peshawar, the 13th December, 2022.

The Secretary to Government of Khyber Pakhtunkhwa, Sports and Youth Affairs Department.

Subject: - MEETING OF MERGER COMMITTEE FOR THE SETTLEMENT OF ISSUES ARISING OUT OF THE MERGER OF DIRECTORATE OF SPORTS MERGED

AREAS WITH SPORTS DEPARTMENT.

Dear Sir.

I am directed to refer to your office letter No. SO (Sports) 2-75/Merged Areas/2022/8562-66 dated 30-08-2022 on the subject hoted above and to say that meeting of the merger committee was held on 02-11-2022 under the championship of Director General Sports Khyber Pakhtunkhwa and the appeal of some of the employees of the Sports Directorate of the Erstwhile FATA for absorption / adjustment into Sports Directorate were discussed in detail. The Sports Department referred the case to the Establishment Department Khyber Pakhtunkhwa for advice.

It is pertinent to mention that the Directorate of Erstwhile FATA initially a subsidiary office of the Erstwhile FATA Education Department Khyber Pakhtunkhwa. The applicants and some others employees were appointed under the Federal Govt scheme FATA sports projects on contract basis from the year 2007 till 2010. Later-on, the Finance Division Gove of Pakistan through Education Department created various categories of posts for the establishment of Directorates of Sports Erstwhile FATA. In wake of the merger of the Erstwhile FATA with Khyber Pakhtunkhwa in light of the 25th amendment in the constitution of Islamic Republic of Pakistan 1973, the Government of Khyber Pakhtunkhwa Establishment Department vide notification dated 15-11-2018 in the aftermath of the merger of FATA with Khyber Pakhtunkhwa, the Directorate of Sports working under the FATA Secretariat shall henceforth report to their respective Administrative Secretary i.e. Secretary Sports Department. In light of the said notification, the Sports Department vide order dated 21-12-2018 has instructed that the Directorate of Sports Merged Areas shall route all official business through Director General Sports to the Administrative Department.

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It is pointed out that the Finance Department created posts for Directorate of sports Merged Areas and allocated budget under a separate DDO code delegated under the post of Director Sports Merged Areas for 10 years. Moreover, the merger of Erstwhile FATA is meant for the integration of the area while not that of the services of the government servants working in any capacity of their service.

Since no policy guide lines have been issued by the Provincial Govt. so far in this regard. Hence the absorption of the employees of Erstwhile FATA in the Directorate General of Sports, Khyber Pakhtunkhwa will create agonies for the employees of the Directorate of Sports and will lead to the litigation.

I am therefore directed to request that the seniority lists of the employees of all cadres of both the Directorates may be maintained separately in order to avoid any future litigation.

Yours faithfully

DEPUTY DIRECTOR (A&E)

Endst: No. & date even.

A copy is forwarded to P.A to Director General Sports, Khyber Pakhtunkhwa for information.

DEPUTY DIRECTOR (ARE)

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MINUTES OF THE MEETING TO DISCUSS VARIOUS ASPECTS REGARDING THE ABSORPTION / ADJUSTMENT OF EMPLOYEES OF ERSTWHILE FATA SPORTS DIRECTORATE INTO THE DIRECTORATE GENERAL OF SPORTS HELD ON 11th NOVEMBER 2022 AT 10:00 A.M. UNDER THE CHAIRMANSHIP OF DIRECTOR GENERAL SPORTS IN HIS OFFICE.

A meeting was held on 2nd November 2022 at 10.00 A.M. under the Chairmanship of Director General, Sports Khyber Pakhtunkhwa in his office to discuss various aspects regarding the absorption/adjustment and seniority of the employees of erstwhile FATA Sports Directorate into the Directorate General of Sports Khyber Pakhtunkhwa. A list of the participants is attached.

The Chair opened the discussions and welcomed the participants. The Deputy Director (A&E) informed that some employees of the Sports Directorate of the erstwhile FATA submitted an appeal for absorption/adjustment into Sports Department against regular positions. The Sports Department referred the case to the Establishment Department of Khyber Pakhtunkhwa for advice. The Establishment Department Khyber Pakhtunkhwa clarified vide letter No. SOR-I(E&AD)4-1/2018, dated 09-09-2020 (copy at Annex-I) that the issue regarding absorption and subsequent determination of seniority of employees of erstwhile-FATA Sports Directorate comes in the ambit of Surplus Pool Policy 2001. The relevant Paras of the said surplus pool policy have been revealed in annex-A ibid. The Sports Department again referred the case to the Establishment Department for advice. The Establishment Department Khyber Pakhtunkhwa advised vide letter No. SOR-I(E&AD)4-1/2018, dated 06-04-2021 (copy at Annex-II) to examine and dispose-off the case on own level in light of rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. After detailed discussions, the following was agreed: -

It is pertinent to mention that the Directorate of Sports of the erstwhile FATA was initially a subsidiary office of the erstwhile FATA Education Department Khyber Pakhtunkhwa. The applicants and some others employees were appointed under the Federal Govt scheme FATA Sports Projects on a contract basis from the year 2007 till 2010. Later on, the Finance Division Govt of Pakistan through the Education Department created various categories of posts for the establishment of the Directorate of Sports erstwhile FATA.

2. In wake of the merger of the erstwhile FATA with Khyber Pakhtunkhwa in light of the 25th amendment in the constitution of the Islamic Republic of Pakistan 1973, the Government of Khyber Pakhtunkhwa Establishment Department vide Notification dated 15-11-2018 in the aftermath of the merger of FATA with

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Khyber Pakhtunkhwa, the Directorate of Sports Working under the FATA Secretariat shall henceforth report to their respective Administrative Secretary i.e. Secretary Sports Department. In light of the said Notification, the Sports Department vide order dated 21-12-2018 has instructed that the Directorate of Sports Merged Areas shall route all official business through Director General Sports to the Administrative Department.

- Moreover, the Finance Department created posts for the Directorate of Sports merged areas and allocated budget under a separate DDO code delegated under the post of Director Sports merged Areas for 10 years.
- 4. Moreover, the merger of erstwhile FATA is meant for the integration of the area while not that of the services of the government servants working in any capacity of their services.
 - 5. No policy guidelines have been issued by the Provincial Govt so far in this regard. Hence the absorption of the employees of erstwhile FATA in the Directorate General of Sports Khyber Pakhtunkhwa will create agonies for the employees of the Directorate of Sports and will lead to litigation.
 - 6. The applicants were directed to produce precedents if any in this regard.

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(99) Amex J.

APPEAL FOR RECORDING OBSERVATIONS ON THE TENTATIVE SENIORITY LIST OF ASSISANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BS-17) DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA ISSUED ON 18-01-2023.

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- That initially the undersigned was appointed as Assistant Director (BS-17) on contract basis.
 Later on, the services of the undersigned were regularized against the sanctioned post of
 Assistant Director BS-17 in the Directorate of Sports Erstwhile FATA with effect from 0909-2013 in pursuance of the Honourable Peshawar High Court Peshawar Judgment dated 1805-2016 in writ pention No. 2056-P/2015.
- 2. That in the wake of merger of the Erstwhile FATA with the Khyber Pakhturkhwa and in light of the 25th amendment in the Constitution of The Islamic Republic of Pakistan 1973, various Departments and Attached Directorates of the erstwhile FATA Secretariat have been merged and placed under the administrative supervision and control of the Secretaries of relevant Departments of the KP Civil Secretariat by the Government of Khyber Pakhtunkhwa Establishment Department. The Directorate of Sports of the Erstwhile FATA was also instructed to the effect that the Directorate shall henceforth report to the respective Administrative Sècretary i.e. Secretary Sports, Culture, Tourism, Museums, Archaeology and Youth Affais Department vide Notification dated 15-11-2018 (Annexure-I), clearly going in line with the merger of the erstwhile FATA with the province of Khyber Pakhtunkhwa.
- 3. That the undersigned alongwith other regular staff submitted an appeal dated 12-07-2019 (Annexure-II) to the Secretary Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department for absorption/adjustment and determination of seniority in their respective cadres on the analogy of other institution of the Erstwhile FATA.
- 4. That the Establishment Department, Government of Khyber Pakhtunkhwa after series of correspondence with the Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department, tendered advice that in the light of APT Rules 1989, Rule 17 that "In the event of merger/restructuring of the Department, attached Departments or Subordinate offices the inter-se-seniority of civil servants affected by the merger/restructuring shell be determined in accordance with the date of regular appointment to a cadre or post" vide letter dated 06-04-2021(Annexure-III) and the same was intimated to the Director General Sports Khyber Pakhtunkhwa for implementation vide Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department letter dated 07-05-2021 (Annexure-IV).
- 5. That subsequently, the Director General Sports, Khyber Pakhtunkhwa forwarded a tentutive seniority list of Assistant Directors, District Sports Officers and Administrators (BS-17). Directorate General of Sports, Khyber Pakhtunkhwa to the sports department, being prerogative of the Administrative Department for issuance of the seniority list on 26-05-2021.
 127 considering the appeal of the undersigned as well (Annexure-V).
- That after examining all the cases including the undersigned, the Sports, Culture, Tourism, Museums, Archaeology and Youth Affairs Department notified speaking order by determining inter-se-seniority of the undersigned w.e.f., 09-09-2013 in light of the advice dated 06-04-2021 with the direction to the Director General Sports, Khyber Pakhtunkhwa to circulate the initiative joint seniority list among the officers for any objections/observations with fifteen days vide Notification date 10-09-2021 (Annexure-VI). Accordingly, the Director General Sports, Khyber Pakhtunkhwa issued tentative seniority list of Assistant Directors, District Sports Officers and Administrators (BS-17) on 15-09-2021 (Annexure-VII).
- 7. That pursuant to the objections on tentative seniority list by the officers, the Sports Department again referred the matter to establishment department for determination and communication of order of seniority for the officers of the said cadre and whether the same



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the circulated among officers tentatively or as a final seniority list. In response, the Establishment Department advised that the same may be circulated tentatively among the incumbents on 27-04-2022 (Annexure-VIII), which was forwarded to Director General Sports, Khyber Pakhtunkhwa for necessary action on 22-07-2022 (Annexure-IX).

- That the Director General Sports, Khyber Pakhtunkhwa again circulated the tentative seniority list among the Officers of BS-17 on 16-08-2022 (Annexure-X). However, no outcome till date of the same. Wherein the undersigned was again rightly placed at Serial No. 1.
- 9. That the undersigned then preferred a representation for the issuance of the final seniority list on 06-12-2022 which was diarized vide no. 84 by the Secretary Sports and Youth Affairs Department to the Government of Khyber Pakhtunkhwa (Annexure-XI).
- 10. That astonishingly and out of nowhere another Teotative Seniority List was issued on 18-01-2023 (Annexure-XII). This tentative seniority list was not circulated to the undersigned and she came to know about this on 21-02-2023, when she was informed that she has been dropped from the tentative seniority list in negation of all the legal, procedural norms as well as fulfillment of codal formalines.
- 11. That the undersigned now approach your good office, amongst other on the following grounds in respect of her grievance in not being given an opportunity of raising any observation on the tentative seniority list dated 18-01-2023 and also the dropping of her name in sheer negation of the directions/advice of the high powered committee so constituted for the purpose as well as the advice of the Establishment Department and the legal requirement of being treated in line with the APT Rules 1989:

Grannds:

a. Because the principles of legitimate expectation as expounded by the Honorable Superior Courts and recently reiterated in 2022 SCMR 694 is seriously violated in the undersigned case. Wherein in the presence of clear provision of the law in shape of Section 8 of the Khyber Paichtunkhwa Civil Servants Act, 1973 and the APT Rules 1989, Rule 17, she was "virtually removed" from the tentative seniority list dated 18-01-2023 and thus the undersigned is for no good reason deprived of her right. The judgment lay clearly as under:

"The doctrine of legitimate expectation connotes that a person may have a reasonable expectation of being treated in a certain way by administrative authorities owing to some uniform practice or an explicit promise made by the concerned authority. In fact, a legitimate expectation ascends in consequence of a promise, assurance, practice or policy made, adopted or announced by or on behalf of government of a public authority. When such a legitimate expectation is oblinerated, it affords locus standi to challenge the administrative action and even in the absentecism of a substantive right, a legitimate expectation may allow an individual to seek judicial review of a wrongdoing and in deciding whether the expectation was legitimate or not, the courts may consider that the decision of public authority has breached a legismate expectation and if its proved then the court may agout the decision and direct the concerned authority/person to live up to the legitimate expectation. This doctrine is basically applied as a tool to watch over the actions of administrative authorities and in essence imposes obligations on all public authorities to act fair and square in all matters encompassing legitimate expectation. This Court expaniated the doctrine of legitimate expectation in the "Judges Pension case" reported in PLD 2013 SC 829 with the observation that the rule of legitimate expectation is not a part of any codified law, rather the doctrine has been coined and designed by the Courts primarily for the exercise of their power of judicial review of the administrative actions. As per Huisbury's Laws of England, Volume 1(1), 4th Edition, paragraph 81, at pages 151-152, it is prescribed that "A person may have a legitimate expectation of being treated in certain way by an administrative authority even though he has no legal right in private law to



receive such treatment. The expectation may arise from a representation of promise made by the authority including an implied representation or from consistent past practice." In the case of R. v. Secretary of State of Transport Exporte Greater London Council (1985) 3 ALL ER 300, it is propounded that "Legitimate, or reasonable, expectation may arise from an express promise given on behalf of a public authority or from the existence of a regular practice which the claimant can reasonably expect to continue. The expectation may be based on some statement or undertaking by or on behalf of the public authority which has the duty of taking decision." Whereas in the judgment reported as Union of India v. Hindustan Development Corporation (1993) 3 SCC 499, it was held that "The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or custom or established procedure followed in regular and natural sequence.

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

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

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

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

The undersigned is thus entitled to be dealt with in accordance with the law and not otherwise, which unfortunately doesn't seem to be the case.

d. Because when the law requires a thing to be done, it has to be done in that manner alone. Any deviation would make it a nullity in the eyes of the law. Reference can be made to 2008 SCMR 1148, PLD 1980 Quetta 1, 2005 SCMR 1388 in this regard. The provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides for seniority, and the same needs to be implemented. Section 8 provides as follows:

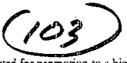
8. (1) For proper administration of service, cadre or [post] the appointing authority shall cause a senionity list of the members for the time being of such service cadre or [post] to be prepared but nothing berein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or [post] as the case may be: Seniority.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or [cadre] whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, 6 [Cadre] or post shall be determined as may be prescribed.

((4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post:





Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post retain their interse seniority as in the lower post."]

[(5) The seniority lists prepared under sub-section (1) shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January.]

Furthermore the APT Rules, 1989 provides for the details about Seniority in Rule 17 in the following terms:

17. Seniority :-.

(1) the seniority inter se of civil servants post) shall be determined:-

(a) (appointed to a service, cadre or in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission [or as the case may be, the Departmental Selection Committee,] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and

(b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their interise seniority as in the lower post

Explanation-I:- If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

- (2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post-in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.
- (3) In the event of merger/testructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.
- (4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post. Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

The aforementioned clearly stipulate for the notifying of the seniority list once a calendar year, and then the rule 17(3) specifically provides for the case in respect of merger. The law thus is that where statutory provisions (including rules) (as is the case of the undersigned) or administrative instructions provide for the factors to be taken into consideration and the manner to be adopted in fixation of seniority, then subject to such provisions or instructions





being constitutionally or otherwise valid, seniority has to be fixed in accordance with such provisions or instructions. And thus any deviation from it will be illegal and unlawful per the law as well as the dictum laid as mentioned.

e. Because seniority for all intents is a right which cannot be taken away at the whims and wishes of any individual save as in accordance with the law. The Black's Law Dictionary defines "seniority" as meaning:

"Precedence or preference in position over others similarly situated. As used, for example, with reference to job seniority, worker with most years or service is first promoted within range of jobs subject to seniority, and is the last hid off, proceeding so on down the line to the youngest in point of service"

The bare reading of the definition must entail the agony that the undersigned is going through in the "removal from the tentative seniority list" dated 18-01-2023.

a. Because recently the august Supreme Court of Pakistan has in its Judgment reported in 2013 PLD SC 195, decided a point of law and while committing upon the transfer and posting and other related matters of service held as under:-

Appointments, Removals and Promotions:- Appointments, removals and promotions must be made in accordance with the law and the rules made there under; where no such law or rule exists and the matter has been left to discretion, such discretion must be exercised in a structured, transparent and reasonable manner and in the public interest.

(ii) <u>Tenure, posting and transfer</u> When the ordinary tenure for a posting has been specified in the law or rules made there under; such tenure must be respected and cannot be vaned, except for compelling reasons, which should be recorded in writing and are judicially reviewable.

(iii) <u>Illegal Orders:</u> Civil servants owe their first and foremost allegiance to the law and the Constitution. They are not bound to obey orders from superiors which are illegal or are not in accordance with accepted practices and rule, based norms; instead, in such situations, they must record their opinion and; if necessary, dissent.

O.S.D. Officers should not be posted as OSD except for compelling reasons, which must be recorded in writing and are judicially reviewable. If at all an Officer is to be posted as OSD, such posting should be for the minimum period possible and if there is a disciplinary inquity going on against him, such inquiry must be completed as the earliest.

Relying upon the Judgment of the Supreme Court of Pakisum the department is duty bound to follow the law, judgment of the superior courts, and seniority or any matters concerning the terms and conditions of service should not be in any manner decided contrary to the law. The non-issuance of seniority list is thus an illegality, which needs rectification.

(iv)

6. Because the fundamental right to life, as provided under Article 9 of the Constitution and first expounded by the Supreme Court in Shehla Zia's case (PLD 1994 SC 693), adjudged life to include all such amenities and facilities, which a person born in a free country is entitled to enjoy with dignity, legally and constitutionally. It was also clearly stated in un-equivocal terms that a wide meaning should be given to the term life, to enable a man not only to sustain life but to enjoy it. This principle was cited with approval by the apex Court in Arshad Mehmood's case (PLD 2005 SC 193), wherein the apex Court further expounded the need for the Islamic concept of fair play and social justice in an egalitarian society, as is idealized under the Objective Resolution of our Constitution, which has now become an integral part of the Constitution by insertion of Article 2-A therein. The undersigned's rights are violated for no fault of her own, which is not in anyway supported by any law for the time being in force.



(105)

g. Because a system of promotion is the essence of modern management and when a person is recruited in an organization, he/she must be given an opportunity to advance. The object of assigning seniority is to facilitate the filling of promotional posts. Although under many statutory rules or administrative instructions seniority is not the sole factor in granting promotion e.g., when the rules provide for seniority-cum-merit or ment-cum-seniority, yet it is difficult to find rules or instructions which completely ignore seniority in relation to promotion. Even in cases of selection posts the seniority in the feeder grade from which the selection is to be made can be an important factor because employees of a given seniority are treated in the zone of consideration while granting promotion to the selection posts.

For the set of facts and grounds as laid bereinbefore, your goodself is requested to intervene in the matter by directing the concerned quarter to treat this representation for the purposes of "observations" on the tentative seniority list dated 19-01-2023 and also direct that the removal of the name of the undersigned be forthwith looked into and the undersigned by placed at senial no. 1 of the seniority list, as the issue is pending since long, please.

Sincerely Yours

(NAZIA ZAKI)

Dated: 23-02-2023





GOVERNMENT OF KHYBER PAKHTUNKHWA SPORTS & YOUTH AFFAIRS DEPARTMENT AMORE 26 1/2.

(Sports Section)

(106)

No SO (Sports) 1-41/Seniority list/2023/<u>31 o 9 - 1</u>]

Dated Peshawar the 10th March, 2023

Mst. Nazia Zaki,
Deputy Director (Investigation),
Ombudsman Secretariat Room#212,
Benevolent Fund Building, Peshawar Cantt,
Peshawar.

Subject:

APPEAL FOR RECORDING OBSERVATIONS ON THE TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BPS-17) DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA ISSUED ON 18-01-2023

I am directed to refer to your application dated 23-02-2023 on the subject noted above and to state that you will be heard in person on Tuesday 14th March, 2023 at 1400 hours at the office of Additional Secretary, Sports & Youth Affairs Department, Khyber Pakhtunkhwa. Therefore, you are directed to appear before the Additional Secretary, Sports & Youth Affairs in the above mentionled date & time, please.

Section Officer (Sports)

Copy is forwarded to the:

1. PA to Additional Secretary, Sports Department, Khyber Pakhtunkhwa.

2. PA to Deputy Secretary (Sports), Sports Department, Khyber Pakhtunkhwa.

Section Officer (Sports)

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DIRECTORATE GENERAL OF SPORTS

KHYBER PAKHTUNKHWA Ph: # 9212707. Epx # 0212700

No. 17/Seniority List/2022

To,

Dited 17-04-2023

SECRETARY

The Secretary to Govt of Khyber Pakhtankhwa, Sports and Youth Affairs Department, Peshnwar,

APPEAL FOR ISSUANCE OF FINAL SENIORITY LIST OF DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BPS-17) DIRECTORAYE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA.

Kindly refer to your letter No. SO(Sports)1-41/Seniority list/2023/3840-43, dated 6th April 2023 on the subject noted above and to submit the requisite replies to the observations raised by the Istablishment Department: -

- Copy of Directorate General of Sports letter No. 17/Seniority List/2021/5051-54, dated 16-08-2022, whereby the tentative seniority list was circulated is attached as Annex-A.
- The appeal of Mst Nazia Zaki, Assistant Director, Directorate of Sports merged areas is against the procedure and not considerable because she was required to submit the same through the Administrative Department. As regards the exclusion of her name from the tentative seniority list, a committee was constituted by the Sports Department vide Notification dated 21-12-2018 (Annex-B) for the settlement of issues arising out of the merger of the Directorate of Sports merged areas. A meeting of the committee was held on 02-11-2022. It was explained that the Directorate of Sports of the erstwhile FATA was initially a subsidiary office of the erstwhile FATA Education Department Khyber Pakhtunkhwa. Some employees were appointed under the Federal Governament scheme FATA Sports Projects on contract basis from the year 2007 to 2010. Later on, the Finance Divison Governament of Pakistan through the Education Department created various categories of posts for the establishment of the Directorate of Sports crstwhile FATA. The employees of Directorate of Sports merged areas submitted appeal for obsorption by adjustment in Sports Department Khyber Pakhtunkhwa against regular post. The case was refferd to the Establishment Department for advice. The Establishment Department Khyber Pakhtunkhwa clarified vide letter No. SOR-1(E&AD)4-1/2018 dated 09-09-2020 (Annex-C) that the issue regarding abosorption and subsequent determination of senority of employees of erstwhile FATA Sports Directorate comes in the ambit of surplus pool policy 2001. It is added that Finance Department created posts for the Directorate of Sports merged areas and allowed budget under a separate DDO code delegated under the post of Director Sports merged areas for 10 years. Moreover, the merger of erstwhile ATA is meant for the integration of the area while not that of the services of the government servants in any capacity of their services.

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No policy guidelines have been issued by the Provincial Governament so far in this regard. Hence the absorption of the employees of erstwhile FATA in the Directorate General of Sports Khyber Pakhtunkhwa will create agonics for the employees of the Directorate of Sports and will lend to litigation. Minutes of the meeting of the committee are at Annex-D. A detailed report was submitted to the Administrative Department vide letter dated 13-12-2022 Annex-E. Subsequently, the issue was discussed in a formal meeting held in the office of Additional Secretary Sports in which it was agreed to exclude the name of Mst Nazia Zaki, Assistant Director, Directorate of Sports merged areas from the tentative seniority list based on facts mentioned in the minutes of the meeting of the committee as well as in the letter of Directorate of Sports as referred to above (Annex-D and E).

- Annex-F. In pursuance of the said judgment, Finance Department created supernumerary posts vide letter dated 13-09-2022 Annex-G. As regards, the rejection of observations raised by Mr. Amjad Iqbal and Mr. Shakeel Ahmad, it is pointed out that the officers at S.No. 08 to 15 of the tentative seniority list had taken the charge of the upgraded posts (that is DSO BS-17) on 08-03-2018, while Mr. Amjad Iqbal and Mr. Shakeel Ahmad were promoted to the equivalent posts of AD BS-17 on 28-05-2019, hence it is equivalent to charge the established right of seniority of Senior Officers. Therefore, the objection/observation raised by the above Officers was declared baseless in the meeting held in the office of the Additional Secretary Sports Department taking based on facts/records.
- iv. The said tentative list was circulated so many times and after considering objections, the same has now reached finality.
- v. Copy of previous seniority list attached at Annex-H.
- vi. Attested copies of the relevant pages of the budget books showing the details of sanctioned strength at Provincial, Regional & District offices are attached in Annex-I.
- vii. The exact detail of sanction posts is available at Annex-H ibid.

Encl: As above.

DIRECTOR GENERAL

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GOVERNMENT OF KHYBER PAKHTUNKHWA SPORTS & YOUTH AFFAIRS DEPARTMENT

(Sports Section)

(108)

No SO (Sports) 1-41/Seniority list/2023/51-76-74

Daled Peshawar the 9th June, 2023

To

The Director General of Sports, Khyber Pakhtunkhwa,

Peshawar.

D.No. 865-17/Seniority /

Directorate General of Sports KPK Poshawar Cente.

Subject: -

APPEAL FOR ISSUANCE OF FINAL SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BPS-17) DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to your letter No. 17/Seniority list/2022 dated 17-04-2023 on the subject noted above and to state that replies to the observations conveyed vide the above referred are hereby returned to Directorate General of Sports, Khyber Pakhtunkhwa for re-examination as desired, please.

Yours faithfully,

Section Officer (Sports)

Copy is forwarded to the:

- 1. PS to Secretary, Sports Department, Khyber Pakhtunkhwa.
- 2. PA to Additional Secretary, Sports Department, Khyber Pakhtunkhwa.
- 3. PA to Deputy Secretary (Sports), Sports Department, Knyber Pakhtunkhwa.

Section Officer (Sports)







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

DIRECTORATE GENERAL OF SPORTS

KHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT, PH# 091-9212767, FAX# 091-9212766



Dated Peshawar the 14th July, 2023.

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No. 17/Servay 4 131 /2023. In light of the Government of Khyber Pakhtunkhwa Sports and Youth Affairs Department letter No. SO (Sports) 1-44/seniority list/2021/5176-79 dated 09-06-2023, a committee comprising of the following is hereby constituted under the Chairmanship of the Director General Sports, Khyber Pakhtunkhwa to re-examine the tentative seniority list of Assistant Directors, District Sports Officer and Administrators (BPS-17) of the Directorate General of Sports, Khyber Pakhtunkhwa. The committee shall also examine the seniority list of the employees in BPS-3 to BPS-16 in accordance with the law and rules for the time being in force.

- 1. Director Operation, Khyber Pakhtunkhwa
- 2. Director Sports Werged Areas
- 3. Director Development Khyber Pakhtunkhwa
- 4. Deputy Director (P&M), Various Playing Facilities in Khyber Pakhtunkhwa.

DIRECTOR GENERAL

Endst: & Date even.

Copy for information forwarded to the:

- 1. Secretary Sports & Youth Affairs Department, Khyber Pakhtunkhwa with reference to the Sports and Youth Affairs Department letter quoted above
- 2. Director Operation, Khyber Pakhtunkhwa.
- Director Sports Merged Areas.
- 4. Director Development Khyber Pakhtunkhwa.
- 5. Deputy Director (P&M), Various Playing Facilities in Khyber Pakhtunkhwa.
- 6. PA to Director General Sports, Khyber Pakhtunkhwa.
- 7. PA to Deputy Secretary Sports, Sports Department, Khyber Pakhtunkhwa.

DIRECTOR GENERAL



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

DIRECTORATE GENERAL OF SPORTS

KHYBER PAKHTUNKHWA

ESHAWAR SPORTS COMPLEX, PESHAWAR CANTT. PH# 091-9212767, FAX# 091-9212766



MINUTES OF THE MEETING REGARDING FIXATION OF SENIORITY OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (3S-17) AND OTHER EMPLOYEES IN BPS-03 TO BPS-16 OF DIRECTORATE GENERAL OF SPORTS, KHYBER PAKTHUNKHWA.

A meeting of the Committee under the chairmanship of Director General Sports was held on 27-07-2023 in his office to examine the long standing issue of fixation of inter se seniority of all the employees of the Directorate of Sports in BPS-03 to BPS-17 including the employees of the Directorate of sports of erstwhile FATA merged in the said Directorate. The following attended the meeting:

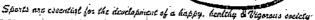
- 2. Before reaching any conclusion, the committee took into consideration the following legal instruments on the subject of fixation of inter-se-seniority:
 - i. The 25th constitutional amendment published on 05-06-2018 with regard to merger of FATA into the Province of Khyber Pakhtunkhwa.

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- Presidential Order No-13 of 1972 dated 12-04-1972 defining status of the Employees of the erstwhile FATA read with Article-269(1) of the constitution.
- iii. The Notification of the Provincial Government dated 31-05-1979 with regards to integration of employees of the State of Amb with the employees of the Provincial Government and subsequent fixation of inter-se-seniority of the employees integrated with each other with reference to the date of their continuous appointment.
- iv. Notification dated 01-01-1971 with regards to the integration of the employees of the states of Dir, Swat and Chitral with the employees of the Provincial Government and subsequent fixation of inter-se-seniority of the employees







DIRECTORATE GENERAL OF SPORTS

KHYBER PAKHTUNKHWA

ESHAWAR SPORTS COMPLEX, PESHAWAR CANTT. <u>PH# 091-9212767, FAX# 091-9212766</u>

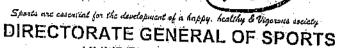


integrated with each other with reference to the date of their continuous appointment.

- v. Notification No. SO(Sports)1-41/2020/2913-16, dated 10.09.2021 of the Government of Khyber Pakhtunkhwa, Sports & Youth Affairs Department with regard to fixation of joint tentative seniority of District Sports Officers/Assistant Directors/Administrators.
- vi. Sub Rule (3) of Rule-17 of the Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989 read with Section-8 of the Khyber Pakhtunkhwa Civil Servants Act-1973 and subsequent advice of the Government of Khyber Pakhtunkhwa Establishment Department dated 06-04-2021 conveyed vide Government of Khyber Pakhtunkhwa Sports & Youth Affairs Department letter No. SO (Sports)2-75/Merged Areas/2021/7315-19 dated 07-05-2021 for implementation.
- vii. Clauses (a), (b), (d), (f) of Sub Section (1) read with Sub Section(2) of Section2 of the Khyber Pakhtunkhwa (Regularization of Services of Employees of
 Erstwhile Federally Administered Tribal Areas) Act, 2021.
- viii. Sub Section (1) of Section-3 and Sub Section (1) and Sub Section (2) of Section-5 of the Regularization Act, 2021 referred to above. Sub Section (2) of Section-5 of the Regularization Act, 2021 has specially described the fixation of inter se seniority of the employees by referring Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 and Rule-17 of the Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989.
- 3. In view of what has been stated in the preceding para, the committee unanimously decided that:
 - i. The tentative seniority lists so prepared of all the employees of BPS-3 to BPS-17 including the merged employees of the Erstwhile FATA Sports Directorate may be prepared as fresh in accordance with Sub-Rule (3) of Rule-17 of the Khyber Pakhtunkhwa Civil Servants (APT) Rules, 1989 and subsequent advice of the Establishment Department dated 06-04-2021 conveyed vide Goyt of







KHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT. 2H# 091-9212767, FAX# 091-9212766



Kliyber Pakhtunkhwa, Sports & Youth Affairs Department letter No. SO (Sports)2-75/Merged Areas/2021/7315-19, dated 07-05-2021.

- The tentative seniority lists may be circulated amongst all for raising objections thereon within 15 days as well as the same be uploaded on the official website of the Directorate General of Sports, Khyber Pakhtunkhwa for information.
- The above exercise along with approval of the Director General may be accomplished within a period of 15 days of the circulation of these minutes.
- The meeting ended with a vote of thanks to and from the chair.

(Millainmad Nouman)

Deputy Director (P&M) Various Playing Facilities Khyber Pakhtunkhwa

Director Operation Directorate General of Sports Khyber Pakhtunkhwa

(Abdullah Shah)

(Salcem Raza)

Director Development Directorate General of Sports Knyber Pakhtunkhwa

Director Sports .. Merged Areas

(Capt.® Khalid Mchmodd) Director General Sports

Khyber Pakhtunkhwa/

To,

The Director General Sports Khyber Pakhtunkhwa Peshawar, Divo 196-17/senioxity List

Date...O/-..O9--2.0.23...

Directorate General of Sports

KPK Peshawar Cantr

Annex'C

Subject :- Objection On Tentative Seniority List Of Assistant Directors,

<u>Districts Sports Officers And Administrator (BPS-17), Directorate</u>

<u>General Of Sports Khyber Pakhtunkhwa.</u>

Dear Sir,

Kindly refer to your good office letter No. 17/ Seniority/2022/652-55 Dated 21-08-2023 on the subject noted above and to submit here with observation/ objection officers at s. No. 1 and from 5. No. 8 to 15 regarding my seniority position favorable action.

Regional sports officer (Malakand)

at:Swat

Jake-5/9/23

The copy of Color

DD (Berga)



SUBJECT: - OBJECTION ON TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICTS SPORTS OFFICERS AND ADMINISTRATOR (BPS-17), DIRECTORATE GENERAL OF SPORTS KHYBER PAKHTUNKHWA FOR THE YEAR 2023.

Dear Sir,

It is certified that I have gone through my particulars mentioned at serial no.<u>18</u>
Of the tentative senjority list of <u>Assistant Directors</u>, <u>Districts Sports Officers and Administrators</u> (<u>BPS-17</u>) and found them correct except at the following columns:-

s.#	Column no.	Present entry	to be replaced by (attach copy if any)	Remarks
1	1	17 [.]	. e	As per given reason/ lustification

The following discrepancies are also brought into the notice:-

- 1. The subject tentative seniority list was issued on 1-5-2020 for the year 2020 and objected to it dated 22-06-2020(annexure-A).
- 2. In the light of the sports department notification No. SO(sports)1-41/2020/2913-16 dated 10-9-2021, Directorate General of sports issued the said seniority list Vide letter no. 17/seniority list/2021 dated 15-9-2021(annexure-B) and I again objected to it dated 28-9-2021 (Annexure-C).
- Now the subject seniority list has been issued for the third time vide No.17/seniority list /2021/5051-54 dated 16/08/2022. (Annexure-E) and 1 again objected to it dated 30-08-2027
- 4. In the first seniority list the name of <u>Miss Nazia Zaki</u> was not included as she does not belong to cadre but her name has been included in the seniority list issued second time on 15/9/2021 which is not understood. Her name therefore be removed from the seniority list.
- 5. For the 4th time the senjority list stood on 18-01-2023 issued without circulating among the officers and an undisputed certificate was issued and submitted for finalization to Secretary Sports on 27-01-2023. (Annexure-F)
- 6. | objected on 17-03-2023; (Annexure-G)

And after all the above process I have not found any reply and then I knocked the door of the court and filled a Service appeal before the service Tribunal Peshawar on 17-06-2023, and 21-09-2023 date is fixed for hearing. (Annexure-H)



(116)

Preliminary Objections On The Current Seniority List Stood On 18-08-2023 and Issued Through Letter No 17/Seniority/2022/652-55 dated 21-08-2023.

1. Final or tentative seniority list must be approved by competent authority and issued under his signatures/ stamp. In our case it has not been done.

No O&IM study has taken place for merger where some posts would be abolished, some rename some upgraded and recreated.

3. Officer at SL NO 1 has been shown recruited on initial appointment which is not true as initial recruitment in BPS-17 is only possible through Public Service Commission and in the instant case no such recommendation letter from Public Service Commission is available.

<u>Details</u>

It is added that the former FATA sports directorate a subordinate office of the former FATA education directorate has not been absorbed/merged in the DIRECTORATE GERNAL OF SPORTS Khyber PAKHTUNKHWA but in the new tentative seniority list, the name of Ms naziazaki and some other officers of the former FATA education directorate has been included which is against the rules.

It is further added that neither the DIRECTORATE GERNAL OF SPORTS restructured nor the former SPORT DIRECTORATE, a subordinate office of the former FATA directorate, merged with the DIRECTORATE GERNAL OF SPORTS Khyber PAKHTUNKHWA. Actually, the staff of the former FATA Sport, were the employees engaged under a project of the former FATA education. So, it is humble requested that those officers may be adjusted in their parent department and exclude them form out seniority.

It is pertinent to mention that the Directorate of Sports Marge areas is still working independently/separately without any actual merger of services and budget in the Directorate General of Sports while the merger of erstwhile FATA is meant for the integration of the area while not that of the services of the government servants working in any capacity of the services, regular/project/contract basis.

It is to further clarified that the post created for the posting the services of such employees (regular/contract /project) are created under the separate DDO code entrusted /delegated under the post of Director Sports Merged Areas, so there are not drawing their salaries from Director General Sports Khyber Pakhtunkhwa, which further delineate / illustrates that the erstwhile FATA sports Directorate is not yet merged in the Directorate General Of Sports Khyber Pakhtunkhwa, then no question of inter-se-seniority emerges at this time and is pre-mature while such matter are not yet decided by the Establishment Department Khyber Pakhtunkhwa. And the status of permanent absorption of services is not taken effect. It is further stated that those post of the erstwhile FATA directorate are not covered under existing service rules of the Directorate General Of Sports Khyber Pakhtunkhwa which seemingly creates an anomaly in itself in inter-se-seniority.

M



Directorate in the sports department Khyber PAKHTUNKHWA against regular position is invited where it is mentioned that the issue of absorption & subsequent determination of seniority of employee of EX-FATA. Directorate of Sports come under the ambit of surplus pool policy 2001 and the establishment department further states that the sports department need to follow the same in the true spirit.

Similarly objection/ observation against the officers from 5#. 8 to 15 is also given below :-

The post of deputy district sports officers BPS-16 have been up-graded to the posts of district sports officers BPS-17without mentioning incumbents of the post for which DPC is necessary as per laid down procedure, these officers (district sports officers) only took charged and availed all benefits of BPS-17 illegally because after the up-gradation of the posts of the deputy districts sports officers BPS-16 to districts sports officers BPS-17 DPC was required but no DPC was held for the up graded post of deputy districts sports officers BPS-17

In view of the above submission, it is clear that the assistant director at \$\pm\$.1 and others from merged tribal districts are not eligible to be represented in the seniority list while district sports officers from \$\mathbb{S}\$ 8 to 15 of the seniority list are still in BPS-16 and availing all benefits of BPS-17 without any legal procedure and they are still junior to me and as it is requested that necessary correction in the seniority list may kindly be made my due right may be giving to me.

Shaffee ahmad

Regional sports officer (Malakand)

at Swat



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

DIRECTORATE GENERAL OF SPORTS

KHYBER PAKHTUNKHWA

PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT.

No. 17/Scrivit Lil 2023/83/

Dated: Peshawar 12th September, 2023

То

Mr. Shakeel Ahmad Regional Sports Officer

Subject: - ‡

TENTATIVE SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS <u>OFFICERS</u> ADMINISTRATORS DIRECTORATE GENERAL OF SPORTS, KHYBER PAKTHUNKHWA.

Reference to your application dated 01-09-2023 on the subject cited above. A copy of the minutes of the meeting of the committee constituted for finalization of seniority of all the employees of the Directorate of Sports Khyber Pakhtunkhwa dated 27-07-2023 (duly signed by the members of the committee) is enclosed in this regards to the observations raised by your good-self in your application. All the relevant laws with regard to fixation of seniority have been referred in the said minutes of the meeting in view of which your objections upon seniority list are not sustainable. Moreover, the incumbents at Serial No.08 to 16 of the tentative seniority list have been upgraded with the approval of the competent forum/authority. Hence, regretted.

DIRECTOR GENERAL

į.,

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P.III

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 10th OCTOBER, 2023.



GOVERNMENT OF KHYBER PAKHTUNKHWA SPORTS & YOUTH AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar Dated, the 10th October, 2023.

NO. SO (Sports)1-41/2023/1975-82: In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following final seniority list of Assistant Directors, District Sports Officers and Administrators (BS-17) of Directorate General of Sports, Khyber Pakhtunkhwa as it stood on 18-08-2023 is hereby notified.

FINAL JOINT SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BPS-17) OF THE DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA

Total sarictioned posts: 59 Eleven (11) Assistant Directors, Thirty-Five (35) District Sports Officer and Thirteen (13) Administrators (BPS-17)

i. Filled: <u>27</u>



FINAL JOINT SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BPS-17) OF THE DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA AS STOOD ON 18-08-2023

	S#.	Name of Officer with academic Qualifications	and domicile	#Date of 19 entry into # Govt Service		pres	nent// promotion to the ent posts	Present appointment with date	
	漢語 4 1)	-Mst. Nazia Zaki, M.PED/ MBA	05-06-1986 Kurram	09-09-2013	09-09-2013	17	By regularization	Assistant Director 09-09-2013	Dy: Director (Estab.) o/o DG Sports
	2)	Mr. Muhammad Jamshid, M.Sc.	05-05-1978 D.I.Khan	01-01-2005	20-12-2017	17	By promotion	DSO 20-12-2017	Administrator o/o DSO Charsadda
	3)	Mr. Muhammad Suleman, M.Sc.	01-04-1971 Dir Lower	06-06-1990	20-12-2017	17	By promotion	0S0 20-12-2017	District Sports Officer, Mohmand
	4}	Mr. Anwar Kamal, B.A	27-03-1975 D.I.Khan	29-09-2005	20-12-2017	17	By promotion	DSO 20-12-2017	Regional Sports Officer, O.I. Khan
	ŝ)	Mr. Amir Zahid Shah, M.Sc.	05-09-1967 Bannu	29-06-1992	20-12-2017	17	By promotion	OSO 20-12-2017	Dy. Director (operation) O/o Director General Soprts
	6)	Mr. Zakir Ullah, M.A/ M.Sc.	22-04-1977 Peshawar	29-09-2005	20-12-2017	17	By promotion	DSO. 20-12-2017	Regional Sports Officer, Peshawar
	7)	Mr. Razi Ullah Khan, M.A/ M.Sc.	01-10-1979 Tank	02-09-2002	20-12-2017	17	By promotion	DSO 20-12-2017	District Sports Officer, Tank
	8)	Mr. Muhammad Ismail Khan, M.A/ M.Sc.	02-06-1977 Bannu	19-06-2005	08.03.2018	17	By Upgradation	DSO 08-03-2018	District Sports Officer, Lakki Marwat
	9)	Mr. Tariq Muhammad, MA/MSc.	22-10-1972 Swabi	26-06-1997	08-03-2018	17	By Upgradation	DSO 08-03-2018	District Sports Officer, Swabi
	10)	Mr. Asad Khan, M.A	20-05-1968 Mardan .	20-03-2006	08-03-2018	17	By Upgradation	DSO 08-03-2018	AD o/o DG Sports Khyber Pakhtunkhwa
1	11)	MrAhmad Zaman, M.Sc.	30-04-1980 Haripur	17-06-2009	08-03-2018	17	By Upgradation	DSO 08-03-2018	Regional Sports Officer, Abboltabad



KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 10th OCTOBER, 2023 364

FINAL JOINT SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BPS-17) OF THE DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA AS STOOD ON 18-08-2023

				· · · · · · · · · · · · · · · · · · ·		— <u>—</u> …		
12)	Mr. Munir Abbas, MBA	12-03-1984 Hangu	09-08-2006	08-03-2018	17	By Upgradation	DSO 08-03-2018	D.D (Dev:) (BPS-18) (OPS) o/o DG Sports Khyber Pakhtunkhwa
13)	M.Phil	Bannu	31-08-2017	08-03-2018	17	By Upgradation	DSO 08-03-2018	District Sports Officer, Khyber-
14)	PhD	Karak	31-08-2017	08-03-2018	17	By Upgradation	DSO 08-03-2018	District Sports Officer, Karak having additional charge Hangu
15)	M.Sc	Abbottabad	29-09-2017	08-03-2018	17	By Upgradation	DSO 08-03-2018	District Sports Officer, Peshawar
16) 	MSc Botany (Gold Medalist)	Peshawar	15-8-1992	28-05-2019	17	By Promotion	Assistant Director 28-05-2019	AD (Accounts) o/o DG Sports Khyber Pakhtunkhwa
17)	M.A	Buner	18-1-2008	28-05-2019	17	By Promotion	Assistant Director 28-05-2019	Regional Sports Officer, Swat
18)	BIT (Hons:)	Charsadda	14-07-2008	04-01-2022	17	By Promotion	Assistant Director 04-01-2022	Administrator, Mardan Sports Complex, Mardan
19)	M.Sc (HPE)	07-07-1984 South Waziristan	13-01-2022	13-01-2022	17	By initial recruitment via Regularization Act-2021	- DSO	Administrator, Swabi Sports Complex
20)	M.Sc (HPE)	09-08-1984 Sub- Division Bannu	13-01-2022	13-01-2022	17	By initial recruitment via	DSO	District Sports Officer, South Waziristan
21)	M.Sc	24-08-1986 Khyber	13-01-2022	13-01-2022	17	By initial recruitment via	DSO	AD (HQ) o/o DG Sports Khyber Pakhtunkhwa
22)_	M.Sc (HPE)	10-03-1975 Mohmand	13-01-2022	13-01-2022	17	By initial recruitment via	DSO	District Sports Officer, Mardan
23)	MSc. (Agriculture)	07-04-1977 Kurram	13-01-2022	13-01-2022	17	By initial recruitment via Regularization Act-2021	DSO	District Sports Officer, Kurram
24)	M.Sc (HPE)	15-01-1986 Sub- Division Kohat	13-01-2022	13-01-2022	17	By initial recruitment via Regularization Act-2021	DSO	DSO Kohat having additional charge of RSO Kohat
25)	Mr. Muhammad Hussain, BBA (Hon) & MSc. (HPE)	04-04-1990 Orakzai	13-01-2022	13-01-2022	17	By initial recruitment via	DSO	District Sports Officer,
	13) 14) 15) 16) 17) 18) 20) 21) 22) 23)	13) MRA 13) Mr. Kashif Farhan, M.Phil 14) Mr. Hazrat Uilah, PhD 15) Mrs. Gul Rukh Gulfam, M.Sc 16) Mr. Amjad Iqbal, MSc Botany (Gold Medalist) 17) Mr. Shakil Ahmad, M.A 18) Mr. Hamid Ali, BIT (Hons:) 19) Mr. Taj Muhammad, M.Sc (HPE) 20) Mr. Noor Ullah, M.Sc (HPE) 21) Mr. Rahid Gul, M.Sc 22) Mr. Saeed Aklitar, M.Sc (HPE) 23) Mr. Amjad Hussain, MSc (Agriculture) 24) Mr. Sajid Khan, M.Sc (HPE)	13	MBA	MBA	MBA	MBA	MBA



FINAL JOINT SENIORITY LIST OF ASSISTANT DIRECTORS, DISTRICT SPORTS OFFICERS AND ADMINISTRATORS (BPS-17) OF THE DIRECTORATE GENERAL OF SPORTS, KHYBER PAKHTUNKHWA AS STOOD ON 18-08-2023

26)	Mr. Sheraz Khan Wazir, MCS	15-03-1985 North Waziristan	13-01-2022	13-01-2022	17	By initial recruitment via Regularization Act-2021	- OSO 13-01-2022	District Sports Officer, North Wazinstan
27)	Mr. Irfanuliah, MSc.	10-09-1977 Sub-Division Tank	13-01-2022	13-01-2022	17	By initial recruitment via Regularization Act-2021	DSO 13-01-2022	Administrator, D.I. Khao Sports Complex

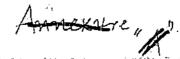
Note: - The said seniority list is final, undisputed and not sub-judice in any court of law.

Secretary to Government of Khyber Pakhtunkhwa Sports & Youth Affairs Department

Printed and published by the Manager, Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar



Annex.



Directorate of Sports & Youth Affairs

OFFICE ORDER

On the recommendation of selection committee and approval from the competent authority Miss Nazia Zaki D/o Zaki Hussain residence of Exchange Colony, P/O Tehsil Alizai, Lower Kurram Agency is hereby appointed as Assistant Directress in the Directorate of Sports & Youth Affairs FATA in BPS-17 on Fixed Pay package/contract basis at @ Rs. 30,000/- per month as per the terms and conditions given below.

- 1. The appointment is purely on temporary basis and liable to termination at any time or on the expiry of project, which ever come earlier. Annual increment at @ of 05% will be allowed/ enhanced.
- 2. If the employ wants to leave the job, she will have to give two month prior notice in advance or her two months salary will be forfeited in lieu thereof.
- 3. No GP Fund and other deductions Le. GI, BF, will be made from the pay of the official being contract employ, whoever income tax at the prescribed rate will be deducted from the resource.
- 4. The employ-will remain on probation for a period of three months. If she does not come up to the satisfaction of the Directorate of Sports & youth Affairs FATA or competent authority, her services will be terminated without any prior notice.
- 5. She will have to produce her health and age certificate from the civil surgeon concerned with in ten days of the issue of this appointment order, failing which the appointment order will be stand as cancelled.

. (FAISAL JAMIL SHAH) Director Sports & youth Affairs (FATA)

Endst: No. <u>ちん75-フタ</u>/ O. Order/Assistant Directress: Dated <u>ッパリッズ</u> 2010.

Copy to:

E. Additional Accountant General (PR) Sub- office, Peshawar:

2. Secretary (Admn & Coord) FATA, FATA Secretariat, Peshawar.

3. Director Education FATA, FATA Secretariat, Peshawar.

4. Official concerned

5. Personal File.

Director Sports & youth Affairs (FATA)

(124)





Sports are essential for the development of a happy of vigorous society Directorate of Sports & Youth Affairs (FATA)

NOTIFICATION:

In pursuance of FATA Secretariat Administration Infrastructure and Coordination Department letter No. FS/E/100-90 (Task Force) /15494 dated 03/10/2014 services of Ms. Nazia Zaki, Assistant Directress Sports FATA are regularized in the light of the Governor's directives circulated vide letter No. 50-1/101/GS/2012/10935-52 / dated 28/05/2013 w.e.f 09/09/2013.

35)

(Muliammad Abid Majeed)
Secretary Admn, Infra & Coord Department FATA

Endst: No. 6613-25 /Appointment order Dated: 13/10/2014

Copy for information to:-

- 1. Principal Secretary to Governor Khyber Pakhtunkhwa, Peshawar.
- 2. Additional Accountant General (PR) Sub Office, Peshawar.
- 3. Section Officer (B&A) Admn, FATA Secretariat, Peshawar.
- 4. Secretary Finance FATA, FATA Secretariat Peshawar.
- 5. Section Officer (B&A), FATA Secretariat, Peshawar.
- 6. Section Officer -I Governor's Secretariat, Feshawar w/r to her letter No. quoted above.
- 7. PS to Additional Chief Secretary FATA, FATA Secretariat Peshawar.
- 8. PS to Secretary (A, I&C) Department, FATA Secretariat, Peshawar.
- 9. Director Education FATA, FATA Secretariat, Peshawar.
- 10. Section Officer (Education) FATA, FATA Secretaria: Peshawar,
- 11:Account officer local Directorate.
- 12. Officials concerned

13. Personal Files.

(Faisal Jamil Shah) Director Sports FATA

H ADAMERA

CHARGE REPORT



In pursuance of Notification No.6613-25/Appointment Order, Dated 13th October, 2014, I. Miss Nazia Zaki, assumed the charge of the post of Assistant Directress Sports FATA BPS-17 at Directorate of Sports FATA, FATA Secretariat on 9th September, 2013 (F. Noon).

NÁZIA ZAKI

Endst No. 6617-3-6 dated, 14/10/2014.

Copy for information to:-

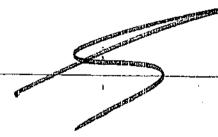
- Principal Secretary to Governor Khyber Pakhtunkhwa Peshawar. 1.
- Secretary Finance FATA, FATA Secretarial Peshawar. 2.
- PS to Additional Chief Secretary FATA, FATA Secretariat Peshawar. 3. 4.
- PS to Secretary (A, 1&C) Department, FATA Secretariat, Peshawar. 5.
- Additional Accountant General (PR) Sub Office, Peshawar, 6.
- Section Officer (Estab), A,I&C Department FATA, FATA Secretarial. 7.
- Section Officer -1 Governor's Secretariat, Peshawar wir to her letter No. SO-I/101/GS/2012/10935-S2 dated 28/05/2013.
- Account officer local Directorate. 8.
- Officials concerned

10. Personal Files.



NC21111 (061) SPORTS, CULTURE, TOURISM & MUSEUMS

FUNCT	IONAL CUM OBJECT CLA	SSIFICATION	YUM	BER OF			
AND P	ARTICULARS OF THE SCH	IEME		OSTS	DUDGET ESTIMATES	REVISED	AUTHORIZED
						ESTIMATES	EXPENDITURE
			2022-2023	2023-2024	2022-2023	2022-2023	JUL - OCT 2023
08	RECREATION	L. CULTURI	E AND D	ELICION	Rs.	fts	Rs
WECKER HONAL AND		いし AND SPOI	RTING CI	703/4/000	•		
	I RECREATION: 120 OTHERS	LL AND SPOI	RTING SO	ERVICES			•
						•	•
, PR		ports & Culti	ire			,	
	Peshawar						
4 01	TOTAL EMPLOYEES RE	LATED EXPENS	ere			•	
		1	36.01		<u> </u>	<u> 14 788.000 , </u>	10.360.000
4011	TOTAL PAY		38	3.8	19 <u>.477,980</u>	7 994 840	<u> </u>
4011-1	TOTAL PAY OF OFFICE	:	21.				* *************************************
101111			<u></u> .	71	15,085,000	<u> 5,938 pipi </u>	6.313,000
A01701	Total Basic Pay Of Officer		<u>31</u>	21	<u> </u>	5 928 000	
D063	Director	(BPS-19)	1	1	986,000		
- Dugs	Deputy Director	(BPS-18)	2 .	2	1,900,000		413,000
X070	Assistant Director	(808-17)	3	. 14	J. 184.680		795,000
3117.4	iuniar Scale Stenographer	(BPS-17)	1	1	719,000		1,303,000
\$166	Superintendent	(DFS-17)	F	1			301,000
\$692	Senior Cosek	(BPS-17)	4		719,000		301,000
Cnxa	Сотраце: Орегиот	(BPS-(6)	ز	3	3,049,000		1.276,000
6131	Event/Ground Manager	(BPS-(G)	,	J	1,786,000	•	747,000
0003	Office Assistant	(RPS-16)	4	•	5!3,0eg		215,000
		(5 10)	'+	4	2, 299, ADD		- 962,000
A011-2	TOTAL PAY OF OTHER	STAFF	17	17	4 342 000	7.000	
AGHST	Tetal Basic Pay Other Staff						L 91R AHD
			1.7	<u>; '</u> (<u> 1 341 000</u>	7 066 060 ·	1.918 nun
1013	Junior Clark	(BPS-11)	ı	1	376,000		166,000
DHZ	Drive;	(APS-06)	3	3	815,000	•	360,000
N005	Nail) Qusid	(BPS-03)	11	11	2,623,600		1,159,000
5162	Sweeper .	(BPS-03)	2	2	528.00 0		233,000
A012	TOTAL ALLOWANCES					6 T0 / pp.	
.017				-		6 794,000	<u>2.179 000</u>
A012-1	TOTAL REGULÁR ALLOW	/ANCES		-		<u> </u>	2,120,000
A01202	House Rent Allowance				708,000	1.451.040	
A01202	Conveyance Allowance				333,000	1,451,000 612,000	212,000 160 000



hakeel Ahmed Director General Sports and others Kespoonsont 0/05 do hereby appoint & constitute The Law Hirm of SHAH | DURRANI | KHATTAK (a registered law firm) as counsel in the above mentioned case, to do all or any of the following acts, deeds and things:-To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.

To sign, verify and file Plaint/Written Statement or withdraw all proceedings, petitions, suit appeals, revision, review, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for proper conduct, prosecution or defence of the said case at any stage. To do and perform all other acts which may be deemed necessary or advisable during the course of the proceedings. AND HEREBY AGREE:-To ratify whatever the said Advocates may do in the proceedings in my interest, a) Not to hold the Advocates responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing or is decided against me/us. That the Advocates shall be entitled to withdraw from the prosecution of the li) said case if the whole OR any part of the agreed fee remains unpaid. In witness whereof I/We have signed this Power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me / us this _ Signature of Executant(s) Accepted subject to term regarding payment of fee for/on behalf of The Law Firm of Shah ! Durram | Khattak. **©ÖHÂR**⊅DURRANI Advocate Supreme Court (6232) aligohar@sdklaw.org +92-332-929-7427 Babar Khan Durrani Zarak Arif Shah Advocate High Court Advocate High Court 0333-8335886 0301-8891818 Hannah Zahid Durrani Matrown Fries Advocate High Court Shah | Durrani | Khattak (A registered law firm) info@sdklaw.ore www.sdklaw.org Walted ofwars
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