

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Execution Petition No.838/2024

In Service Appeal No. 1910/2023.

Yar Qand S/O Meher Qand R/O of Village Bunyadi, PO Nahaqi, Tehsil and District Peshawar, presentaly working as Sweeper BPS-03. **Appellant**

VERSUS

Secretary Sports & Youth Affairs Khyber Pakhtunkhwa and Others Respondents

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ASSISTANT DIRECTOR(Litigation)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

**Execution Petition No.838/2024
In Service Appeal No.1910/2022**

Yar Qand,

Sweeper BPS-03 Directorate of Youth Affairs Khyber
Pakhtunkhwa Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15544

Dated 09-09-24

.....**Appellant.**

V E R S U S

1. Secretary, Sports & Youth Affairs Government of Khyber Pakhtunkhwa, Peshawar.
2. The Director Youth Affairs, Khyber Pakhtunkhwa, Peshawar.

.....**Respondents.**

REPLY TO IMPLEMENTATION PETITION ON BEHALF OF RESPONDENT NO. 1 & 2.

Respectfully Sheweth:

1. Correct.
2. Correct to the extent that this tribunal accepted the appeal of the appellant. It is worth mention that the respondent department placed the judgement dated 12-06-2024 of this Hon'ble tribunal before the Provincial Scrutiny Committee of Law Department for determination of its suitability for filing Appeal/CPLA or otherwise. The Law Department in its meeting held on 10-07-2024 declared the instant case fit for Appeal/CPLA (**Copy attached as Annexure-A**) Accordingly, the respondent department filed CPLA against the judgement passed by this Hon'ble tribunal in the Apex court of Pakistan which is pending for adjudication.
3. Incorrect. That the respondents are law abiding civil servants and never think to violate the order of this Hon'ble tribunal. The respondent department just used its legal option by filing CPLA in the apex court of Pakistan.
4. Incorrect in view of the reply in the above paras.

Keeping in view of the above, it is, therefore, humbly requested that the instant petition may be disposed of accordingly.


(Matiullah Khan)

Secretary, Sports & Youth Affairs
Government of Khyber Pakhtunkhwa,
Respondent No. 1


(Nomad Mujahid)

Director Youth Affairs
Khyber Pakhtunkhwa,
Respondent No. 2.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Execution Petition No.838/2024

In Service Appeal No.1910/2022

Yar Qand S/O Meher Qand R/O of Village Bunyadi, PO Nahaqi, Tehsil and District Peshawar, presentaly working as Sweeper BPS-03.Appellant

VERSUS

Secretary Sports & Youth Affairs Khyber Pakhtunkhwa and OthersRespondents

AFFIDAVIT

I, Noman Mujahid, Director Youth Affairs, Khyber Pakhtunkhwa, do hereby solemnly declare and affirm on oath, that the contents of Para wise reply are correct to the best of my knowledge and belief and that nothing has been concealed therein from this Hon'ble Court. *It is further stated on oath that the answering respondents have neither been ex-Party nor the defence struck off / Cost.*



N. Mujahid
Deponent

9/9/24

IDENTIFIED BY

GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

(Agenda Item No. 03)

No. SOL/Law/9-16A(14)/Sports/2024/
Dated Peshawar the 10-07-2024

10655-57

SECRETARY
Sports and Youth Affairs
Dary Mo. 228
Dated 10/7/24

- The Advocate General,
Khyber Pakhtunkhwa, Peshawar.
- The Secretary to Govt. of Khyber Pakhtunkhwa,
Sports and Youth Affairs Department.

Subject:

SERVICE APPEAL NO. 1910/2023 YARQAND VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY SPORTS AND YOUTH AFFAIRS DEPARTMENT AND OTHERS

I am directed to refer to Govt. of Khyber Pakhtunkhwa Sports and Youth Affairs Department letter No. SO(Lit)S&YD/1-547/2023.Yarqand/1910-12, dated: 01.07.2024 on the subject noted above and to state that a meeting of the Scrutiny Committee has been held on 10-07-2024 under the Chairmanship of Secretary Law Department in order to determine the fitness of the subject case for filing of Appeal/CPLA before the Supreme Court of Pakistan.

That the appellant filed the subject service appeal against the non-entertaining the objection / appeal / representation against the seniority list whereby the appellant was placed at Serial No.76 instead of S.No.39. The Khyber Pakhtunkhwa Service Tribunal vide order dated 12-06-2024 accepted the subject service appeal and directed the respondents that the appellant be placed in the final seniority list at the place where he was placed in the provisional seniority list.

After a threadbare discussion on the subject case particularly hearing the stance of Administrative Department, it was decided with consensus by the Scrutiny Committee that the subject case is a **Fit** case for filing of Appeal/CPLA before the Supreme Court of Pakistan on the following main grounds amongst others:-

Grounds:-

That under the new Service Rules, the seniority is counted from the date of acquiring qualification and not from the date of appointment but the Khyber Pakhtunkhwa Service Tribunal ignored this aspect of the case while accepting the subject service appeal.

The details regarding limitation of the case are as under:-

Date of decision	12-06-2024
Date of application for obtaining attested copies of the judgment	14-06-2024
Date of preparation of copies of the judgment by the issuing copying branch	14-06-2024
Date of delivery of the attested copies of judgment by the issuing copying branch	14-06-2024
Expected date on which limitation period will expire	10-08-2024

In view of the foregoing, the Administrative Department is advised to approach the office of Advocate General, Khyber Pakhtunkhwa through a well conversant departmental representative alongwith complete record of the case for doing the needful forthwith, please.

Yours faithfully,
(Signature)
(TAHIR IQBAL KHATTAK)
SOLICITOR
LAW DEPARTMENT

Encl: No & Date Even.
Copy forwarded to the.

- PS to Secretary Law Department.

SOLICITOR

Attested
(Signature)



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

13-A, KHYBER ROAD, PESHAWAR CANTT:



091- 9223448.



091-9212535.



Sportslitigation@gmail.com

NO. SO (LIT)/S&YD/1-547/2023/ Yar Qand
Dated Peshawar the, 31 April 2024.

AUTHORITY LETTER

Mr. Naeem Gul, Assistant Director Litigation (BPS-17), Directorate of Youth Affairs Khyber Pakhtunkhwa, is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service appeal No.1910/2023, titled "Yar Qand VS Secretary Sports & Youth Affairs Khyber Pakhtunkhwa & Others "on behalf of the undersigned till the final decision of the case.


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

SECRETARY
Sports and Youth Affairs
Department
Khyber Pakhtunkhwa