

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Service Appeal No 1153/2023

Asif Usman s/o Gul Sahib Khan (Computer Operator BPS-16) R/o Near Ufone Tower, Katcheri Road, Sokari Karim Khan Bannu.

******* Appellant**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Sports & Youth Affairs, Civil Secretariat Peshawar.
2. Director General Sports, Qayyum Stadium Saddar, Peshawar.

******* Official Respondents**

3. Mr. Ishfaq Ahmad presently posted as Assistant Director (IT) BPS-17 in the office of Director General Sports, Khyber Pakhtunkhwa.
4. Mr. Muhammad Uzair presently posted as Assistant Director (IT) BPS-17 in the office of Director Sports Arbab Niaz Cricket Stadium, Peshawar.
5. Mr. Hamim Ullah presently posted as Assistant Director (IT) BPS-17 in the office of Director Sports Hayatabad Sports Complex, Peshawar.

******* Private Respondents**

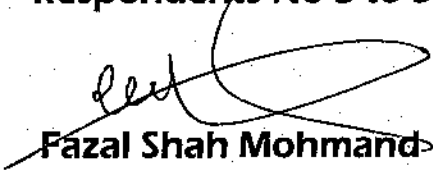
I N D E X

S. No	Description of documents	Annexure	Pages
1.	Reply with Affidavit		1-5
2.	Copy of letter dated 29-11-22 ^{& Appointment order}	A & B	6-11
3.	Copys of merit list & Departmental ^{Appreciation}	(C & D)	12-18

59
Dated:-2024

Through

Respondents No 3 to 5


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 1153/2023

Diary No. 15475

Asif Usman s/o Gul Sahib Khan (Computer Operator BPS-16) R/o Near
Ufone Tower, Katcheri Road, Sokari Karim Khan Bannu.

Dated 05.09.2024

******* Appellant**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Sports & Youth Affairs, Civil Secretariat Peshawar.
2. Director General Sports, Qayyum Stadium Saddar, Peshawar.

******* Official Respondents**

3. Mr. Ishfaq Ahmad presently posted as Assistant Director (IT) BPS-17 in the office of Director General Sports, Khyber Pakhtunkhwa.
4. Mr. Muhammad Uzair presently posted as Assistant Director (IT) BPS-17 in the office of Director Sports Arbab Niaz Cricket Stadium, Peshawar.
5. Mr. Hamim Ullah presently posted as Assistant Director (IT) BPS-17 in the office of Director Sports Hayatabad Sports Complex, Peshawar.

******* Private Respondents**

Reply/Comments on behalf of respondents No 3 to 5

Respectfully Submitted:-

Preliminary Objections

1. That the appellant has no Locus Standi and cause of action to file instant appeal.
2. That the appeal is not maintainable in its present form.
3. The appeal is barred by law and limitation.
4. This honorable Tribunal has got no jurisdiction to entertain the titled appeal.
5. The tentative seniority list was circulated on 14-10-2021, and the final seniority list was issued on 22-02-2022. However, the appellant submitted observations/objections on the tentative seniority list after a lapse of 13 months, as indicated in DSO Bannu's letter dated 23-11-2022. **(A copy of the letter is enclosed as Annexure-A).**

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6. That the appeal is bad for misjoinder and non-joinder of necessary parties.
7. Respondents No 3 to 5, being highest in merit, were rightly placed at the top of the seniority list, under Rule 17 (1) (a), of the KP Civil Servants (Appointment, Promotion & Transfer) Rules 1989.
8. Respondents No. 3 to 5, being the most senior, have been appointed on an Acting Charge Basis as Assistant Directors (IT) (BPS-17) under the provision contained in Rule-9 (1) of the Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion, & Transfer) Rules, 1989.

PARAWISE REPLY/COMMENTS ON FACTS

1. The appellant was appointed on fixed pay as a Monitoring & Data Collection Assistant under a project by the Health Department.
2. Pertains to record hence needs no reply.
3. Correct to the extent of appointment of the appellant, however, it is further explained that Respondent No. 3 was appointed under the merit quota following the written refusal of a successful candidate on the same day (**Annex-B**). The respondents scored higher than the appellant in the final merit list, with Respondent No. 3 securing 90.5, Respondent No. 4 securing 90, and Respondent No. 5 securing 89.5, while the appellant obtained a score of 89. Consequently, seniority has been determined based on merit, as reflected in the Seniority List (**A copy of the merit lists are enclosed as Annexure-C**).
4. Para under reply is correct to the extent of the Seniority List as well as seniority positions of the appellant as well as replying respondents, however, the same position was assigned as per their merit position, in accordance with law.
5. Para No.5 pertains to record however Tentative Seniority List was circulated on 14-10-2021, against which no objections were raised by the appellant and after resolving the objections of others, the Final Seniority List was issued on 22-02-2022 and the appellant raised objections over the same on 23-11-2023 after many months, further detailed reply has been given in preceding paras.
6. Incorrect, there is no mention as to whether the appellant has filed a departmental appeal against the Tentative Seniority List or against the Final Seniority List, as even there is no mention of the date of the Seniority List which he has filed a departmental appeal, hence appeal

is not maintainable. The appellant has even filed no appeal to the department against the promotion of the replying respondents and even instant appeal absent the Acting Charge Promotion is not maintainable.

7. Incorrect. His appeal was re-evaluated and responded accordingly vide Sports Department letter No. SO (Sports) 1-41/Seniority list/2023/3978-82 dated 12-04-2023, however, the appellant has not challenged the same but rather has challenged the Comments of respondent No 2 which he had submitted to respondent No 1 in response to the departmental appeal, hence service appeal is not tenable and liable to be dismissed (**Annex-D**).

REPLY TO GROUNDS:


- A. Para under reply incorrect as the impugned Seniority List is in accordance with law and rules and no right of the appellant has been violated hence he has got no cause of action.
- B. As no right of the appellant has been infringed, the seniority list has been issued in accordance with law on the subject and he has been treated in accordance with law and rules.
- C. Incorrect, as the seniority list has been prepared following the order of merit which is in accordance with Rules 17 of the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion & Transfer), Rules 1989 and thus the same is based on law and rules on the subject.
- D. Incorrect, detailed reply has been given in the above paras.
- E. Incorrect, respondent No. 3 was appointed the same day, i.e 24-12-2019, however, it is clarified that there were two senior candidates in merit quota, of which one refused in writing to join service and respondent No 3 being next on merit was appointed accordingly, as per law on the subject and who was better in merit than the appellant as explained above.
- F. Incorrect the appellant has been treated in accordance with the law and rules on the subject and no illegality has been done to him.
- G. Para under reply legal however the replying respondents also seek leave of this honorable Tribunal for additional grounds at the time of arguments.

It is therefore prayed that the appeal of the appellant may kindly be dismissed with heavy costs.

Dated:- 5/9/2024

Through

Respondents No 3 to 5


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 1153/2023

Asif Usman s/o Gul Sahib Khan (Computer Operator BPS-16) R/o Near Ufone Tower, Katcheri Road, Sokari Karim Khan Bannu.

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1. Government of Khyber Pakhtunkhwa through Secretary Sports & Youth Affairs, Civil Secretariat Peshawar.
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5. Mr. Hamim Ullah presently posted as Assistant Director (IT) BPS-17 in the office of Director Sports Hayatabad Sports Complex, Peshawar.

******* Private Respondents**

AFFIDAVIT

I, Ishfaq Ahmad, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Reply** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable Tribunal.




DEPONENT

"A" (6)

OFFICE OF THE DISTRICT SPORTS OFFICER BANNU

No.643-644/DSO/BU

Dated:23/11/2022

To

The Director General
Sports Khyber Pakhtunkhwa,
Peshawar Cantt.

D.No. 881-17/seniority list
Date: 29/11/2022
Directorate General of Sports
KPK Peshawar Cantt.

Subject:

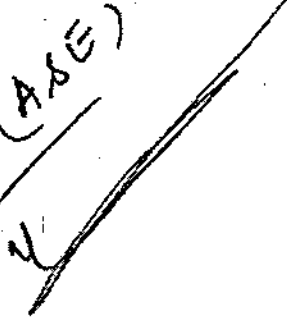
GRIVENCES OVER SENIORITY LIST OF COMPUTER OPERATORS.


In continuation to this office letter No.71-72/DSO/BU dated:10-11-2021 and enclosed find herewith an application in respect of Mr. Asif Usman, Computer Operator (BPS-16) of this office, on the subject noted above, which is self-explanatory forwarded for necessary action please.


District Sports Officer
Bannu

Copy for information to the PS to Secretary Sports, Tourism, Archelogy, Museums & Youth Affairs Department Department Khyber Pakhtunkhwa.

District Sports Officer
Bannu

DD (ASE)


AD (AD)


ATTESTED


The Worthy Director General of Sports,
Khyber Pakhtunkhwa, Peshawar.

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Through: Proper Channel.

Subject: - GRIEVANCES OVER SENIORITY LIST OF COMPUTER OPERATORS.

Venerated Sir,

With humble submissions, it is stated that the following few lines regarding grievances/observations over seniority list of Computer Operator are hereby brought in your kind attention: -

1. That I have been appointed as Computer Operator (BPS-16) in Khyber Pakhtunkhwa Sports Department and posted at District Sports Office Bannu since 24.12.2022 (copy flagged as F/A). Prior to my this appointment I also remained a Government Servant as Computer Operator since 30.11.2016 (copy F/B) and I applied for the instant post through proper channel (copy F/C) due to which my previous service is required to be considered/included in the seniority list of Computer Operator which was totally ignored.
2. That presently I was listed at Serial No.04 while 03 other Computer Operators are listed more senior than me on the basis of ambiguous ~~Merit Score~~ as such Merit criteria of all selected candidates are unknown (copy F/D).
3. ~~That 1st Entry into Government Service in respect of the Computer Operator at Senior No.01 of Seniority List was shown as 24.12.2019 while his actual entry into regular Government Service is 15.01.2020 according to SAP System Generated Report of the Accountant General Peshawar (copy F/E).~~
4. That initially a list of all selected candidates showing addresses of the selected computer operators was displayed on the Directorate Official Facebook Page (<https://www.facebook.com/KPDGSports?mibextid=ZbWKwL>) (copy F/F) in which the Computer Operator at Serial No.01 of the Seniority List was not shown which creates question marks on the 1st Position of the said Computer Operator (copy flagged as F/G).

Keeping in view the above facts, it is humbly prayed that my application may kindly be considered and issue necessary directions for

ATTESTED



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 # 9212768

8

No. 17/Seniority List/19

Dated 03-02-2023

To

The District Sports Officer,
Bannu.

Subject: GRIEVANCES OVER SENIORITY LIST OF COMPUTER OPERATORS.

I am directed to refer to your letter No. 643-644/DSO/BU dated 23-11-2022 on the subject noted above and to submit the para-wise comments as under: -

1. It is correct that you have applied through proper channel in this office and appointed through initial recruitment against the vacant post at District Sports Office, Bannu. However, your plea regarding seniority from your first appointment i.e., 30.11.2016 is not covered under the rules as the previous service is only count for the purpose of pay & pension protection not for seniority. Furthermore, you have been granted the experience marks which makes you eligible for selection in District Sports Office, Bannu.
2. The seniority list has been made under the rule 17 of APT rules 1989.
3. The first date of entry into service in respect of Serial No. 1 of the seniority list is mentioned as 24.12.2019, there were two senior candidates on provincial posts in the merit list out of which one of them didn't join the service and refused in writing to join this Directorate soon after the receipt of offer of appointment. Next candidate which is mentioned at Serial No. 1 of the seniority list being the senior in the waiting list which was maintained for the period of 03 months was offered the appointment order on the same day i.e., 24.12.2019 under the rules. Later on, he requested to extent his joining period due to clearance of some liabilities in the department where he was serving. As such his joining period was extend by the competent authority under the rules. Due to typographically mistake his date of joining in the seniority list has been wrongly mentioned as 24-12-2019 instead of 15-01-2020 which will be corrected in due course of time. But the date of appointment or joining is not considered for the purpose of seniority as the seniority is fixed on the basis of merit.
4. As explained in Para No. 4.

~~DEPUTY DIRECTOR G.S.~~

A copy forwarded for information to PS to Secretary Sports & Youth Affairs Department, Khyber Pakhtunkhwa, Peshawar.

~~DEPUTY DIRECTOR G.S.~~

ATTESTED

D.No. 889-17/QSC Appointment in
Date 24.12.2019
Directorate General of Sports
KPK Peshawar Cantt.

446

9 "B"


To

The Director General,
Sports Department, Khyber Pakhtunkhwa.


Subject: APPOINTMENT AGAINST THE VACANT POST OF COMPUTER OPERATOR (BPS-16) IN DIRECTORATE GENERAL OF SPORTS, KPK.

Reference your office order No. 17 / QSC / Appointment / Ministerial Staff / 2019 dated 24.12.2019, wherein the undersigned was appointed against the vacant post of Computer Operator (BPS-16) in your esteemed office, with due respect, it is stated that, I, the undersigned being not willing to join your good office as I am already serving at some other department.

It is therefore, requested that in lieu of the undersigned, you may call the next candidate in the merit for the above mentioned post, please.


Yours sincerely,
Muhammad Haris Khan
r/o Bakshi Pul, Peshawar.

Dated: 24.12.2019

PL process:

24/12


ATTESTED

AD (HO)

Accepted 
24/12



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 # 9212768

447
10

Dated Peshawar, the 24th December, 2019

OFFICE ORDER:-

No. 17/ QSC/ Appointment/ Ministerial staff/ 2019:- This office order of even No. & dated 24-12-2019 is amended to the effect that the appointment order issued in R/O Muhammad Haris Khan S/O Muhammad Riaz Khan R/O Bakhshi Pul Kakar Tehsil & District Peshawar is hereby withdrawn with immediate effect.


DIRECTOR GENERAL

Endst: No. & date even

Copy forwarded to the: -

- 1- Director Operations o/o Director General Sports Khyber Pakhtunkhwa.
- 2- Section Officer (Sports), Sports & Youth Affairs Department Khyber Pakhtunkhwa.
- 3- Assistant Director (Accounts), o/o Director General Sports Khyber Pakhtunkhwa.
- 4- Muhammad Haris Khan S/O Muhammad Riaz Khan R/O Bakhshi Pul Kakar Tehsil & District Peshawar.


DIRECTOR GENERAL


ATTESTED



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 # 9212768

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Dated Peshawar, the 24th of December, 2019

OFFICE ORDER:-

No. 17/ QSC/ Appointment/ Ministerial staff/ 2019:- In pursuance of the recommendation of Departmental Selection Committee (DSC), the competent authority has been pleased to appoint Mr. Ishfaq Ahmad S/O Muhammad Iqbal Khan R/O Village Najoi P/O Wadpaga Tehsil & District Peshawar as Computer Operator in BPS-16 at the Directorate General of Sports Khyber Pakhtunkhwa with immediate effect on the following terms and conditions:-

- i- His services are liable to be terminated without assigning any reason. In case, he wishes to resign from service, 30-days advance notice will be necessary or in lieu thereof 30-days pay shall be forfeited.
- ii- His services will be on probation for a period of one year as provided under section-6 (2) of Civil Servants Act, 1973.
- iii- He will be governed by such rules and orders relating to pay, allowances, leave, T.A., Medical attendance etc as applicable to Govt. servants of the same category as may be issued by the Govt. from time to time.
- iv- He should join his duties within 15 (fifteen) days of the issuance of this order. In case he fails to join duty within the stipulated period, the offer of appointment shall be treated as cancelled.
- v- He will have to produce fitness certificate from the Medical Superintendent / Civil Surgeon.

If the offer of appointment is acceptable to him on the above terms and conditions, he is advised to report to the office of the undersigned for duty.

o/o


DIRECTOR GENERAL

Endst: No. & date even

Copy forwarded to the: -

- 1- Accountant General Khyber Pakhtunkhwa.
- 2- Section Officer (Sports), Sports & Youth Affairs Department Khyber Pakhtunkhwa.
- 3- Director Operations o/o Director General Sports Khyber Pakhtunkhwa.
- 4- Assistant Director (Accounts), o/o Director General Sports Khyber Pakhtunkhwa.
- 5- Mr. Ishfaq Ahmad S/O Muhammad Iqbal Khan R/O Village Najoi P/O Wadpaga Tehsil & District Peshawar.

o/o


DIRECTOR GENERAL


ATTESTED

18

COMPERATIVE GRADING OF QULAIIFICATION MARKS (MERIT), COMPUTER OPERATOR (BPS-16) AT REGIONAL SPORTS OFFICE BANNU

S.#	Name of Candidate	Father's Name	Qualification Marks (70)			Higher qualification marks (12)			Experience (10) marks	Interview Marks (08)	Total
			Matric	F.A/FSc	B.A/BSc	One stage	Two stage	Three stage			
1-	Asif Usman	Gul Sahib Khan	23	23	24	6	-	-	10	3	89
2-	Inam Ullah	Abdul haleem	23	23	18	6	-	-	4	3.5	77.5
3-	Muhammad Ayaz	Ikhtiar Gul	17	23	24	-	8	-	7	2.5	81.5
4-	M. Sufyan Khan	Abdul Qayyum	23	23	24	6	-	-	4	3.5	83.5
5-	Sajid Rasool	Naib Rasool	23	23	24	-	8	-	4	7	89
6-	Nemat Ullah	Abbas Khan	17	17	18	6	-	-	-	4	62
7-	Naseer Ullah Jan	Rafi Ullah Jan	23	23	24	6	-	-	-	5	81
8-	Junaid Khan	Aslam Khan	23	23	24	-	8	-	-	3	81
9-	Muhammad Haroon	Raham Pazeer Khan	23	23	24	6	-	-	-	5.5	81.5
10-	Asif Khan	Sail Mir Khan	23	23	24	6	-	-	-	3	79
11-	Naib Khan	Basher Khan	23	17	24	6	-	-	-	4	74

ATTESTED

Director Sports (Operation)
Khyber Pakhtunkhwa
Peshawar

Director General
Sports & Youth Affairs
Peshawar

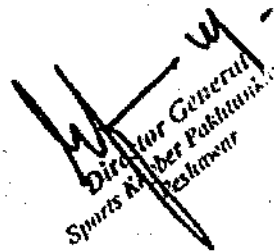
Section Officer
Sports & Youth Affairs
Khyber Pakhtunkhwa


13

COMPERATIVE GRADING OF QULAIIFICATION MARKS (MERIT), COMPUTER OPERATOR (BPS-16) AT REGIONAL SPORTS OFFICE MARDAN

S.#	Name of Candidates	Father's Names	Qualification Marks (70)			Higher qualification marks (12)			Experience (10) marks	Interview Marks (08)	Total
			Matric	F.A/FSc	B.A/BSc	One stage	Two stage	Three stage			
1-	Abdullah	Abdul Qadir	23	23	24	6	-	-	-	7	83
2-	Muhammad Ibrar	Muhammad Saleem	23	23	24	6	-	-	4	5	85
3-	Mansoor Ullah	Dildar Ali	23	23	24	6	-	-	-	5.5	81.5
4-	Muhammad Asad	Sartaj Khan	23	17	24	6	-	-	-	3.5	73.5
5-	Hamim Ullah	Ihsan Ullah	23	23	24	6	-	-	10	3.5	89.5
6-	Tufail Ahmad	Muhammad Ibrahim	23	23	24	-	-	-	-	6	76
7-	Aimal Khan	Aurang Naveed	23	23	18	6	-	-	-	4	74
8-	Asad Ullah	Muhammad Ilyas Khan	17	17	24	6	-	-	-	3	67
9-	Sohail Ahmad	Ali Bahadur	23	23	24	6	-	-	-	5	81
10-	Muhammad Usman	Sher Zada	23	23	24	6	-	-	4	7	87
11-	Abid Ali	Qand Farosh Khan	23	23	24	6	-	-	-	3.5	79.5


Director Sports (Operation)
Khyber Pakhtunkhwa
Peshawar


Director General
Sports Khyber Pakhtunkhwa
Peshawar


Section Officer
Sports & Youth Affairs
Khyber Pakhtunkhwa


ATTESTED

14

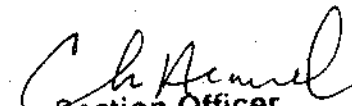
COMPERATIVE GRADING OF QULAIIFICATION MARKS (MERIT), COMPUTER OPERATOR (BPS-16) AT REGIONAL SPORTS OFFICE, D.E.KHAN

S.#	Name of Candidate	Father's Name	Qualification Marks (70)			Higher qualification marks (12)			Experience (10) marks	Interview Marks (08)	Total
			Matric	F.A/FSc	B.A/BSc	One stage	Two stage	Three stage			
1-	Farooq Ahmad	Nawab Khan Burki	23	17	24	6	-	-	-	6.5	76.5
2-	Muhammad Uzair	Misal Khan	23	23	24	6	-	-	10	4	90
3-	Farhanullah Qazi	Qazi Hizbullah	23	23	24	6	-	-	-	4.5	80.5
4-	Basit Yameen	Allah Dad	17	17	24	6	-	-	-	3.5	67.5
5-	Muhammad Nouman Khan	Abdul Rashid	17	17	24	6	-	-	-	3.5	67.5
6-	Muhammad Usman Ghani	Liaqat Ali Khan	23	23	24	6	-	-	-	4	80
7-	Zain-Ul-Abid Khan	Bhadar Sher	23	23	24	6	-	-	-	4	80
8-	Muhammad Waqar	Zahoor Ahmad	23	17	24	6	-	-	-	2.5	72.5
9-	Asadullah	Muhammad Iqbal	23	23	24	6	-	-	-	2	78
10-	Samiullah	Sanullah	17	17	24	6	-	-	-	5	69


Director General
Sports Khyber Pakhtunkhwa
Peshawar


Director Sports (Operation)
Khyber Pakhtunkhwa
Peshawar

ATTENDED


Section Officer
Sports & Youth Affairs
Khyber Pakhtunkhwa

15

COMPERATIVE GRADING OF QULAIIFICATION MARKS (MERIT), COMPUTER OPERATOR (BPS-16) AT THE DIRECTORATE GENERAL OF SPORTS KHYBER PAKHTUNKHWA, PESHAWAR

S.#	Name of Candidate	Father's Name	Qualification Marks (70)			Higher qualification marks (12)			Experience (10) marks	Interview Marks (08)	Total
			Matric	F./AFSc	B./BSc	One stage	Two stage	Three stage			
1	Muhammad Ismail Khan	Khan Zaman	23	23	-	6	-	-	-	Absent	52
2	Syed Ghazanfar	Syed Muslim	23	23	24	6	-	-	10	6	92
3	Shafqat Ullah	Noor Rehman	23	23	24	6	-	-	-	2	78
4	Muhammad Awais Sabir	Shabbir Ahmad	23	23	18	6	-	-	-	3	73
5	Abdullah	Abdul Qadoos	23	23	24	6	-	-	-	3	79
6	Abdullah Khan	Hamdullah Khan	23	17	-	6	-	-	-	Absent	46
7	Waqar Ahmad	Islam uddin	23	23	18	-	-	-	-	Absent	64
8	Mohammad Ahsan Mohsin	Taj Mohsin Khan	23	23	18	6	-	-	-	3	73
9	Ahmad-ur-Rehman	Yan khan	23	23	24	-	8	-	-	2	80
10	Haroon Feroz	Feroz Din	23	17	18	6	-	-	-	5	69
11	Intikhab Alam	Raz Muhammad	23	23	24	6	-	-	-	4	80
12	Aftab Ahmad Khan	Gul Muhammad	17	17	24	6	-	-	-	4	68
13	Majid Khan	Munawar Khan	23	23	24	6	-	-	-	3	79
14	Salman Ahmad	Muhammad Saleem	23	23	18	6	-	-	-	3.5	73.5
15	Fida Hussain	Abdul Jafil	23	23	24	6	-	-	-	4.5	80.5
16	Atiq-ur-Rehman	Mujeeb-ur-Rehman	23	23	24	6	-	-	-	4	80
17	Inam Ullah	Abdul Haleem	23	23	18	6	-	-	4	2	76
18	Muhammad Haris Khan	Muhammad Riaz Khan	23	23	24	6	-	-	10	6	92
19	Zeeshan Agib	Shah Braz Khan	23	17	24	6	-	-	-	3	73
20	Ishfaq Ahmad	Muhammad Iqbal Khan	23	23	24	6	-	-	7	7.5	90.5

*Director General
Sports Khyber Pakhtunkhwa
Peshawar*

*Director Sports (Operation)
Khyber Pakhtunkhwa
Peshawar*

Ch Ahmad
ATTESTED
Section Officer
Sports & Youth Affairs
Khyber Pakhtunkhwa



GOVERNMENT OF KHYBER PAKHTUNKHWA
SPORTS & YOUTH AFFAIRS DEPARTMENT
(Sports Section)

(16) "D"

No SO (Sports) 1-41/Seniority list/2023/ 3978-80

Dated Peshawar the 12th April, 2023

To

The District Sports Officer,
Bannu.

Subject: DEPARTMENTAL APPEAL FOR CORRECTION OF THE IMPUGNED SENIORITY LIST OF DIRECTORATE GENERAL OF SPORTS COMPUTER OPERATORS

I am directed to refer to your letter No. 744/DSO/BU dated 10-03-2023 and to forward herewith a copy of self-explanatory letter No. 17/Seniority List/19 dated 27-03-2023 received from Director General Sports, Khyber Pakhtunkhwa and to state that the complainant may be informed accordingly, please.

Section Officer (Sports)

Copy is forwarded to the: -

1. Director General Sports, Khyber Pakhtunkhwa (W/r to his letter quoted above).
2. PS to Secretary, Sports Department, Khyber Pakhtunkhwa.
3. PA to Additional Secretary, Sports Department, Khyber Pakhtunkhwa.
4. PA to Deputy Secretary (Sports), Sports Department, Khyber Pakhtunkhwa.

Section Officer (Sports)

ATTEST



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

DIRECTORATE GENERAL OF SPORTS

KHYBER PAKHTUNKHWA
PESHAWAR SPORTS COMPLEX, PESHAWAR CANTT.
Ph: # 8212767, Fax # 8212766

17

No. 17/Seniority List/19

Dated 27-03-2023

To

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

Subject: DEPARTMENTAL APPEAL FOR CORRECTION OF THE IMPUGNED SENIORITY LIST OF DIRECTORATE GENERAL OF SPORTS COMPUTER OPERATORS.

Kindly refer to your letter No. SO (Sports) 1-41/seniority list/2023/3350-53 dated 17-03-2023 on the subject noted above and submit para-wise comments in respect of Departmental Appeal of Mr. Asif Usman, Computer Operator (BPS-16), office of the District Sports Officer, Barinu as under: -

1. Need no comments.
2. The applicant has correctly mentioned that he applied through proper channel for the post of Computer Operator in this Directorate. However, his plea regarding previous seniority of Zakat & Usher Department cannot be allowed under the rules as he was appointed through initial recruitment in this Directorate and previous service can only be considered for the purpose of pay & pension protection. As such his claim of seniority for the service from his first date of appointment in Zakat & Usher Department i.e., 30.11.2016 is not covered under the rules. However, he was given the experience marks due to which he became eligible for his selection in this Directorate.
3. The seniority list of computer operators has been prepared under rule 17 of APT Rules 1989.
4. The name of Mr. Ishfaq Ahmad has been placed on the top on the basis of merit list. As regards his date of entry into service in the Directorate General of Sports as 24.12.2019, there were two senior candidates for provincial headquarter posts in the merit list out of which one of them didn't join the service and refused in writing to join this Directorate on the same day i.e., 24.12.2019. Mr. Ishfaq Ahmad being the senior in the waiting list was offered the appointment order on the same day i.e., 24.12.2019 under the policy / rules. Later on, he requested to extent his joining period due to clearance of some liabilities in the department where he was serving. As such his joining period was extended by the competent authority under the rules. Due to typographically mistake his date of entry into govt service in the seniority list has been wrongly mentioned as 24-12-2019 instead of 15-01-2020 which will be rectified in due course of time. It is added that the date of appointment or joining is not considered for the purpose of seniority as the seniority is fixed on the basis of merit in the initial recruitment as per the APT rules, 1989.

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- (18)
5. It is pointed out that those candidates who got maximum marks on provincial & district posts in the same advertisement were recommended for selection and their names were displayed on the mentioned Facebook link in which the name of Mr. Ishfaq Ahmad was not mentioned due to the fact that he was in the waiting list including the applicant mentioned at S.No. 17 of the seniority list. After the refusal of one of the selected candidate on provincial post the next senior candidate Mr. Ishfaq Ahmad was offered appointment order as the waiting list was maintained for the period of 03 months as per the rules.
 6. In pursuance of his letter dated 23-11-2022 (as referred in para-6 in his application) the District Sports Officer, Bannu was asked to provide a copy of his earlier letter of dated 10-11-2021 as the same was not available on the record of this office. Astonishingly he provided a copy of letter dated 10-11-2022 instead of 10-11-2021. Therefore, the DSO Bannu was asked to bring their record and appear along with complainant. The DSO Bannu and a senior clerk attended this office along with the original record while the complainant did not bother to attend this office in order to redressal to his grievances. After going through the record, the letter of dated 10.11.2021 (as referred in para-6 of his application) was not found in their record too. It is pointed out that as per practice in vogue, the tentative seniority list was circulated on 14-10-2021, on which some computer operators had raised observations / objections. After clearance of all observations / objections and their satisfaction, the final seniority list was issued on 22-02-2022. After lapse of 08 months, he has submitted observations / objections through DSO Bannu letter No. 643-644/DSO/BU dated 23-11-2022 by giving above reference which doesn't exist. As such his plea regarding non consideration of his previous application is baseless.
 7. The applicant has used un-parliamentarian language. The seniority list was prepared on the basis of merit under rule 17 of APT Rules 1989 which is not ambiguous.
 8. As explained in Para-No.6 above.

In view of the above it is clear that the observation raised by the complainant are baseless, without merit and having no justification which may kindly be filed.

Your's faithfully,

ATTEST


DIRECTOR GENERAL

27/3/23