

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.**

Service Appeal No. 446/2024

Shakeel Ahmad

VS


Director General & Other:


INDEX

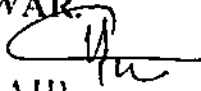
S.No.	Documents	Annexure	Page No.
1.	Memo of Reply	----	01-04
2.	Copy of notification 8.5.2019	---A---	05-06
3.	Copy of seniority list 13.5.2019	---A1---	07-09
4.	Copy of upgradation minutes/notification	---B---	10-25
5.	Copy of notification dt: 10.09.2021	---C---	26-28
6.	Vakalat Nama	----	

PETITIONERS

THROUGH:-


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN

& 
(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,
OF PESHAWAR.


HILAL ZUBAIR
ADVOCATE PESHAWAR

Room No.FR-08, 4th Floor,
Bilour Plaza Peshawar Cantt.
Cell # 03339103240

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.**

Service Appeal No.446/2024

Shakel ahmad VS Director General & Other:

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REPLY ON BEHALF OF RESPONDENTS NO.6,7,8,10,11,12,13..

.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

Khyber Pakhtunkhwa
Service Tribunal
Case No. 17856
Dated 12-11-24

1. That the appellant has no locus standi and cause of action.
2. That the appellant has not come with clean hands.
3. That the appeal is not maintainable.
4. That the appeal is bad for non-joinder and misjoinder of parties.
5. That the appeal is estopped by his own conduct to file the present appeal.
6. That the appeal of the appellant is suffering from material, factual and legal defects.
7. That the appellant has filed the instant service appeal before this tribunal just to pressurize the replying respondents and tries to make interference in public service as well as in smooth running of official business.
8. That the appellant better knows that respondent No.5 to 12 is senior to him in service etc.

FACTS:

1. Pertains to record. Moreover, the replying respondents is senior from appellant as they were upgraded/re-designated as District Sports Officers BPS-17 in 2018 and appellant was promoted to BPS-17 in year 2019. **Copy of notification are annexed as A.**
2. Incorrect, misleading. The department maintained the 1st joint seniority list of District Sports Officers, Assistant Director and Administrators (BPS-17) in year 2019 wherein the name of the replying respondent is shown in seniority list at serial No. 14 to 21 while the appellant was not shown in seniority list of 2019 for the reason that at that time appellant was not promoted in BPS-17. **Copy of seniority list attached as annexure A1.**
3. Incorrect and misleading. That the replying respondents were upgraded/re-designated to BPS-17 by the competent authority through a proper channel that the meeting was held on 25-1-2018, in which agenda NO.1 was clearly about the up-gradation/Re-designation of post of Deputy District Officer (BPS 16) to District Sport Officer (BPS-17), while in next week 15-2-2018 summary for the restructuring of the post of Deputy District Sports Officer (BPS-16) to the post of District Sports Officer (BPS 17) was moved to the Chief Secretary for the approval. Thereafter, the recommendation of up-gradation Committee was put on note to Chief Secretary Khyber Pakhtunkhwa on 28/02/208 for approval, which was properly approved by the competent authority, on the basis of which a notification dated 08.03.2018 was issued whereby the post of Deputy District Officer BPS-16 to District Officer BPS-17 was upgraded with immediate effect. **Copy of notification is attached as Annex-B.**
4. Misleading and concealed the original fact, that objections filed by the appellant on the tentative seniority are properly replied by the respondent department through notification dated 10.07.2021, in which the competent authority clarify that the position of present appellant that "Muhammad Shakil got promoted from the post of Superintendent and budget and accounts officer respectively on 28.05.2019)". Further while in Para-7 of the notification the respondent department clarified the position of the appellant and the replying respondent that:-

For inclusion in the joint seniority list for promotion to DDS/RSOs, BPS-18, Mr. Amjad Iqbal 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 No. 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 Sr. No. 08, 09 and 10; and

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

Copy of notification dated 10.09.2021 is attached as Annex-C

- 5. Incorrect. Moreover as explain in above Para-4.
- 6. Denied for want of knowledge. Moreover as Already explain in Para-4 above.

GROUND.

A. Incorrect hence denied that replying respondent upgrade/restructured to the post of BPS-17 in 08.02.2018, while the appellant promoted to the post of BPS-17 in 28.05.2019, that while APT Rules, 1989 (Rule 171) is much clear about that and judgment of the Apex Court much clearly about the seniority 2010 SCMR-450,

Bashir Ahmad V/s Muhammad Ali Khan (2010 PI D 1960) seniority has been considered as a vested right which cannot be reserved without lawful justification and in case titled Bashir Ahmad (Supra) the principle of the vested right of the seniority were determined as follows:-

- (i) *Every officer is graded service has a vested right to a proper place in the seniority list.*
- (ii) *This is of the highest importance to him, as well as to the maintenance of proper discipline and order within the service, and consequentially to the public interest which is deeply involved in the maintenance of a proper spirit of order and discipline within the service.*
- (iii) *Seniority rules are not of the same nature and quality as the great body of departmental rules applicable to the conduct of officers and other such matters relating to the service as a whole, which are capable of being altered by the Government. These rules are of the highest validity and have the quality of settling the important matter of seniority among officers of service."*

B. Incorrect hence denied and misleading, that it is a case of up-gradation/re-designation and the replying respondents upgraded to the re-designated post with immediate effect dated 08.03.2018

C. Already explained in Para-1 above.

D. Misleading hence denied that seniority list was made according to law.

E. Incorrect hence denied.

F. Incorrect hence denied, Rule-17 (2) of APT Rules Civil Servant Act, 1989 is much clear about the seniority.

G. Incorrect hence denied rules are made in 2019 and at that time no rules were framed.

H. Misconceiving that this Para is not applicable in this case.

It is, therefore, most humbly prayed that the appeal in hand may be dismissed with cost throughout being merit less and devoid of any legal footing.

Replying Respondent no.
6,7,8,10,11,12,13

Through:

M. Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.

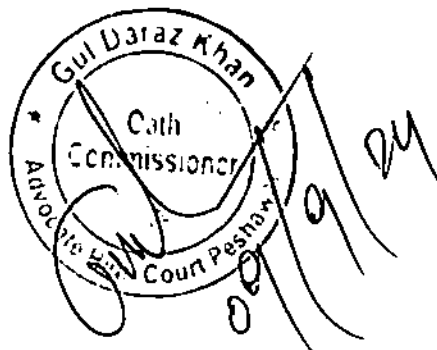
S. Noman Ali Bukhari
& (S. NOMAN ALI BUKHARI)
ADVOCATE HIGHCOURT,
OF PESHAWAR.

Hilal Zubair
HILAL ZUBAIR
ADVOCATE PESHAWAR

AFFIDAVIT

It is affirmed and declared that the contents of reply are true and correct to the best of my knowledge and belief. It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defence has been struck off.

[Signature]
DEPONENT





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

A

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

NOTIFICATION:

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 Pakhtunkhwa, to the next higher posts, on regular basis with immediate effect as mentioned against each:-

1. Mr. Hamid Ali, Assistant (BPS-16) promoted as Superintendent (BPS-17).
2. Mr. Riza Hussain, Assistant (BPS-16) promoted as Superintendent (BPS-17).
3. Mr. Zeeshan Faheem 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).
7. Miss Haya Naz, Assistant (BPS-16) promoted as Superintendent (BPS-17).
8. Mr. Amjad Iqbal, 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 (BPS-17) →

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.

Consequent upon the promotion of the above, the following postings/ transfers are hereby made with immediate effect in the best public interest:

S.H.	Name	From	To
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 Hussain	Assistant (BPS-16), o/o District Sports Officer Chitral	Superintendent (BPS-17) o/o Regional Sports Officer Malakand against the vacant post
3	Mr. Zeeshan Faheem Qureshi	Assistant (BPS-16), o/o Regional Sports Officer Kohat	Superintendent (BPS-17) o/o Regional Sports Officer Kohat against the vacant post
4	Mr. Asghar 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. Arshad 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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	Mr. Ibad Ullah Khan	Assistant (BPS-16), o/o Director General Sports Khyber Pakhtunkhwa	Superintendent (BPS-17), o/o Director General Sports Khyber Pakhtunkhwa against the vacant post
	Miss Haya Naz,	Assistant (BPS-16), o/o Regional Sports Officer Peshawar	Superintendent (BPS-17), o/o Regional Sports Officer Peshawar
8.	Mr. Amjad Iqbal	Superintendent (BPS-17), o/o Director General Sports Khyber Pakhtunkhwa	Assistant Director Accounts (BPS-17), o/o Director General Sports Khyber Pakhtunkhwa
9	Mr. Shakil Ahmad	Budget & Accounts Officer (BPS-16), o/o Director General Sports Khyber Pakhtunkhwa	Assistant Director Litigation (BPS-17), o/o Director General Sports Khyber Pakhtunkhwa

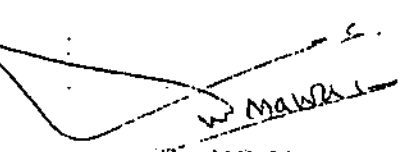
Sd/xx
Secretary to Government of Khyber Pakhtunkhwa
Sports, Tourism, Archaeology, Museums &
Youth Affairs Department

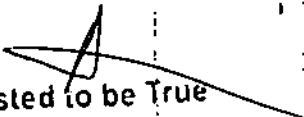
Establishment No. SO (Sports) 1-7/2018

Dated Peshawar the 28th May, 2019

Copy forwarded for information to :-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Managing Director Tourism Corporation, Khyber 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.
9. PS to Secretary Sports and Youth Affairs, Khyber Pakhtunkhwa.
10. All Officers concerned.


(SAJID NAWAZ)
SECTION OFFICER (SPORTS)


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20/0
9/5/1
7/17

(7)

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

Dated Peshawar, the 13/05/2019

NOTIFICATION

In pursuance of Section-8 (1) of Khyber Pakhtunkhwa Civil Service Act 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Services (Appointment, Transfer and Termination) Rules, 1959; joint final seniority list of Assistant Directors (District Sports Officers and Administrators) (BS-17) as stood on 05-03-2019 is hereby notified.

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

Name of Officer and Designation	Academic Qualification	D.O.B	Domicile	Date of 1 st Entry into Govt Service	Regular appointment to the present post		Present appointment	Remarks
					Date	Method of recruitment / appointment		
Mr. Muhammad Saqib Shah (District Sports Officer)	B.A. L.A.B	01-04-1962	D.I.Khan	26-2-1987	11-03-2004	(17) By promotion	DSO	Working against the post of District (Operations) in OPS
Mr. Muhammad Saleem Raza (District Sports Officer)	M.A. (M.Ed) M.Sc. (H.P.E.)	12-09-1949	Charwadla	08-10-1995	01-08-2009	(17) By initial	DSO	Working against the post of Administration/Abkhali Walthan Sports Complex Charwadla
Mr. Muhammad Khalid (District Director)	M.Sc.	15-01-1981	Laki Marwat	27-6-2009	27-06-2009	(17) By initial	AD	Working against the post of Deputy Director in OPS
Mr. Mehar Khan (District Sports Officer)	B.A.	21-03-1965	Peshawar	01-02-1995	01-10-2009	(17) By promotion	DSO	Working against the post of Administration/Manager Sports Complex
Mr. Mirza Javed (District Sports Officer)	M.A.	15-03-1965	Charwadla	30-01-1981	28-03-2010	(17) By promotion	AD	Working against the post of Deputy Director in OPS
Mr. Muhammad Iqbal (District Sports Officer)	B.A.	10-07-1963	Peshawar	11-03-1981	03-12-2012	(17) By promotion	AD	Working against the post of Deputy Director in OPS
Mr. Muhammad Iqbal (District Sports Officer)	M.Sc.	25-04-1963	Kohat	01-06-1991	10-01-2017	(17) By promotion	DSO	Working against the post of ASO/Khalef OPS

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Name of Officer and Designation	Academic Qualification	D.O.B	Domicile	Date of 1 st Entry into Govt. Service	Regular appointment / promotion to the present post			Present appointment	Remarks
					Date	BPS	Method of recruitment / appointment		
1. Muhammad Jundad (District Sports Officer)	M.Sc.	05-05-1978	D.I.Khan	01-01-2005	20-12-2017	17	By promotion	DSO	Working against the post of RSO Peshawar in OPS
2. Muhammad Suleman (District Sports Officer)	M.Sc.	01-04-1971	Dir	06-06-1990	20-12-2017	17	By promotion	DSO	DSO Buner
3. 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 D.I.Khan Sports Complex
4. Mr. Amir Zahid Shah (District Sports Officer)	M.Sc.	05-09-1967	Hannu	29-06-1992	20-12-2017	17	By promotion	DSO	Working against the post of RSO Hannu in OPS
5. Mr. Zaki Ullah (District Sports Officer)	M.A	22-01-1977	Peshawar	29-09-2005	20-12-2017	17	By promotion	DSO	Working against the post of Assistant Director
6. Mr. Raiz 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 D.I.Khan in OPS
7. Muhammad Ismail Khan (District Sports Officer)	M.Sc.	02-06-1977	Hannu	19-06-2005	08-03-2018	17	By Upgradation	DSO	DSO Karak
8. Mr. Faraz Muhammad (District Sports Officer)	M.Sc.	22-10-1972	Swabi	26-06-1997	08-03-2018	17	By Upgradation	DSO	DSO Swabi
9. Mr. Asad Khan (District Sports Officer)	M.A.	20-05-1968	Mardan	20-01-2006	08-03-2018	17	By Upgradation	DSO	Working against the post of Assistant Director
10. Mr. Ahmad Zaman (District Sports Officer)	M.Sc.	30-04-1980	Haripur	17-06-2009	08-03-2018	17	By Upgradation	DSO	DSO Haripur
11. Mr. Munir Abbas (District Sports Officer)	MBA	12-3-1984	Hangu	09-08-2006	08-03-2018	17	By Upgradation	DSO	Working against the post of Dy. Director in OPS
12. Kadir Farhan (District Sports Officer)	M.Phil	17-04-1984	Hannu	31-08-2017	08-03-2018	17	By Upgradation	DSO	Working against the post of RSO Mardan
13. Huzrat Ullah (District Sports Officer)	MS	01-01-1984	Karak	31-08-2017	08-03-2018	17	By Upgradation	DSO	Working against the post of RSO Swabi

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13/11/2019

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25-1-2018 (Meeting minutes)
(upgradation)

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B

B

MINUTES OF THE MEETING OF THE UPGRADATION COMMITTEE HELD ON 25-01-2018 AT 1400 HOURS UNDER THE CHAIRMANSHIP OF SECRETARY FINANCE DEPARTMENT IN HIS OFFICE.

A meeting of the Upgradation Committee was convened on 25-01-2018 at 1400 hours, under the Chairmanship of Secretary Finance Department in his office to discuss the upgradation cases of various administrative departments. The following attended the meeting:

- 1. Mr. Shakeel Qadir Khan, Secretary Finance Department. In chair
- 2. Mr. Muhammad Idrees Khan, Special Secretary Finance
- 3. Mr. Musharraf Khan, Additional Secretary (Reg.) Finance Department
- 4. Mr. Yasir Hassan, Deputy Secretary (Reg-II), Establishment Department
- 5. Representative of the concerned Department.

2. The meeting started with the recitation from the Holy Quran. The chair welcomed the participants. Various upgradation proposals were discussed threadbarely and recommendations were made accordingly which are illustrated below:

Agenda Item No.1

Subject:- **UPGRADATION OF THE POST OF DISTRICT OFFICER/DEPUTY DISTRICT OFFICER (SPORTS) FROM BPS-16 TO BPS-17 AT THE STRENGTH OF DIRECTORATE GENERAL SPORTS KHYBER PAKHTUNKHWA.**

The case regarding upgradation of the post of District Officer/Deputy District Officer (Sports) from BPS-16 to BPS-17 was thoroughly discussed by the Committee. The representative of the administrative department was of the view that in almost all the districts of the province all the district officers are either in BS-17, 18, 19 and even in 20 while only in certain districts its district sports officers are in BPS-16 with nomenclature of either District Officer or Deputy District Officer (Sports). The Committee

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After detailed discussion unanimously agreed to recommend upgradation of all the district officers of Sports Department from BPS-16 to BPS-17 permanently with the same nomenclature of District Sports Officer.

Agenda Item No.2

Subject:- UPGRADATION OF THE POST OF SUB-ENGINEER FROM BPS-12 TO BPS-16 IN C&W, IRRIGATION, PUBLIC HEALTH, LOCAL GOVERNMENT AND AGRICULTURE DEPARTMENT.

The committee was apprised that due to meager promotion prospects in the service rules of the cadre most employees after performing 25-35 years of service could not be promoted to next higher scale. The representative of the administrative department requested that the post of Sub-Engineer may be upgraded from BPS-11/12 to BPS-16 owing to anomaly created as a result of upgradation of certain sub-engineer to BPS-16.

After detailed discussion, the Committee unanimously recommended that the post of Sub-Engineer working in C&W, PHE, Irrigation, Local Govt and Agriculture Department may be upgraded on hardship basis from BPS-11/12 to BPS-16, personal in respect of incumbents having 10 years or more service at their credit. Besides, it was also further recommended that all the above mentioned administrative departments may refer their cases to Establishment Department for proper O&M study with regard to personal grades in BS-14, 15 and 16 for career progression in respect of those employees who have less than 10 years of service.

Agenda Item No.3

Subject:- PERSONAL UPGRADATION OF MR. RIZWAN ULLAH, FOREMAN FROM BPS-12 TO BPS-16.

The case regarding personal upgradation of Mr. Rizwan Ullah, Foreman, Agriculture Department was thoroughly discussed and the Committee after detailed discussion agreed to recommend his personal upgradation from BPS-12 to BPS-16 being covered under Upgradation Policy of the Provincial Government.

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Agenda Item No.9

Subject:- UPGRADATION OF THE POST OF LIBRARY ASSISTANT FROM BPS-12 TO BPS-16 IN HEALTH DEPARTMENT.

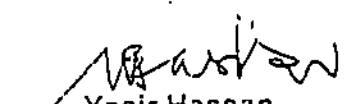
The subject case was discussed thoroughly by the Committee. The Additional Secretary (Reg) Finance Department was of the view that the post of Library Assistant is filled in by Diploma holders in Library Science while prescribed qualification for the post of Assistant Librarian is Bachelor in Library Science. The representative of the concerned administrative department when asked to clarify the prescribed qualification/criteria of the post of Library Assistant, who regretted her inability to do so due to not having copy of service rules at the moment. The Committee therefore recommended to defer the case and to be placed in the next meeting of the Committee for its consideration.

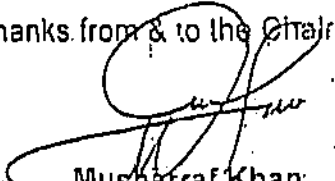
Agenda Item No.10


Subject:- PERSONAL UPGRADATION OF THE POST OF ACCOUNTS OFFICER IN DIRECTORATE GENERAL LOCAL GOVERNMENT FROM BPS-17 TO BPS-18.

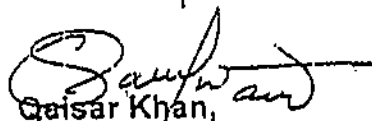
The case regarding personal upgradation of Syed Snahen Shah Accounts Officer (BPS-17) was thoroughly discussed by the committee. The Chairman asked the representative of the concerned Department that Finance Department has already created six posts of Deputy Directors (BPS-18) for the Directorate of the Local Government Department, therefore one of the said posts may be re-designated as Deputy Director (Finance & Accounts) through SSRC and the incumbent may be promoted against the said post. The committee, therefore advised the administrative department to proceed accordingly for early resolution of the issue.

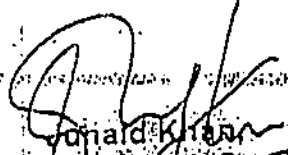
The meeting ended with a vote of thanks from & to the Chair.

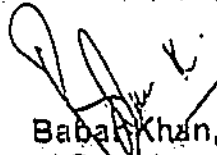

Yasir Hassan,
Deputy Secretary-II,
Establishment Department



Musharraf Khan,
Additional Secretary (Reg.),
Finance Department



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Qaisar Khan,
Secretary BOR,
Revenue & Estate Department



Iqbal Khan,
Director General (Sports),
Sports Department

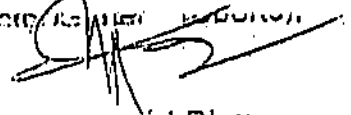

Babar Khan,
Additional Secretary (Sports),
Sports Department



Nasar Ali,
Deputy Secretary (C),
Higher Education Department

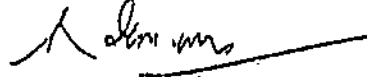

Muhammad Roz Khan,
Addl. Director,
Director Higher Education

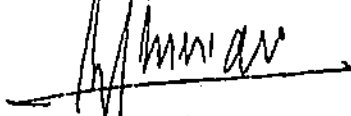

Muhammad Fakhr Alam,
Addl. Secretary,
Local Govt. Department

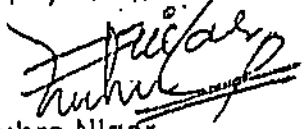

Manzoor Elahi,
Deputy Secretary (A),
Agriculture Department


Muhammad Rizaz,
Reader,
Special Court Anti-Corruption
Khyber Pakhtunkhwa

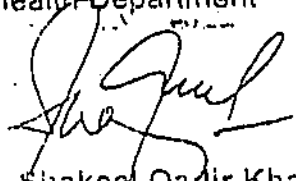

Misal Khan,
Deputy Secretary (A),
C&W Department

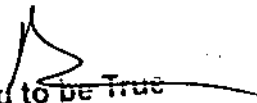

Saeed ur Rahman
Superintendent Engineer (H/Q)
Irrigation Department


Farhad Khan,
Addl. Secretary,
Irrigation Department


Zuhra Nigar,
Section Officer,
Health Department


Muhammad Idrees Khan
Special Secretary Finance


Shakeel Qadir Khan,
Finance Secretary


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15-2-18

Summary for the resolution

Post (16-17)

14

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



SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA

RESTRUCTURING OF THE DIRECTORATE GENERAL OF SPORTS

KHYBER PAKHTUNKHWA

A summary on the subject is submitted for approval of Chief Minister

Khyber Pakhtunkhwa

MINISTER FOR SPORTS & YOUTH AFFAIRS

KHYBER PAKHTUNKHWA

CHIEF SECRETARY

KHYBER PAKHTUNKHWA

CHIEF MINISTER

KHYBER PAKHTUNKHWA

Attested to be true

N.F.R.

Minister for
Sports, Culture, Tourism, Youth Affairs,
Archaeology & Museums Department
Khyber Pakhtunkhwa
19-02-18

Secretary to Government
Khyber Pakhtunkhwa
Sports, Culture, Tourism, Youth Affairs,
Archaeology & Museums Department
(MUSHAMMAD TARIQ)
SECRETARY
18

15

Views of Finance Department are added at para-12 of the Summary

Shakeel Qadir Khan

24.2.18

Shakeel Qadir Khan
Secretary, Finance Department

~~Chief Secretary~~

6/3/18

CHIEF SECRETARY
Govt. Of Khyber Pakhtunkhwa

~~Principal Secretary to Chief Minister~~

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8/3

Principal Secretary to
Khyber Pakhtunkhwa

Chief Secretary

Govt. Of Khyber Pakhtunkhwa

~~See Sports~~

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

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SUMMARY FOR CHIEF MINISTER, KHYBER PAKHTUNKHWA


Subject: RESTRUCTURING OF THE DIRECTORATE GENERAL OF SPORTS
KHYBER PAKHTUNKHWA

During the incumbent Government, the Sports Department has witnessed a significant growth in the number of playing facilities viz-a-viz sports promotional activities. Besides it, a number of institutional reforms have been/are being taken so as to streamline the existing system. Resultantly, new talent is coming forth and the existing is getting professionally groomed.

2 Before June 2013, the total playing facilities in the Province i.e. owned/controlled by the Directorate General of Sports were 114. However, in the past four years, more than hundred new facilities have been added to the existing list including Sports Complexes, Tehsil playgrounds and other small facilities. Furthermore, a total of 50 existing facilities have been rehabilitated and the number is growing with the passage of time which will go a long way to revolutionize and revive the sports sector in the Province.

It is further stated that the Directorate of Sports is responsible for upkeep and maintenance of a network of playing facilities in various Districts of the Province and actively involved in planning, monitoring and management of development portfolio amounting to Rs 10.387 billion with per year allocation of Rs 1725 million.

4 The Directorate General of Sports has also conducted U-23 Games for the last three years on a very large scale all over the Province which has surfaced the potent talent of players in all sort and categories of the games both in male and female. Besides it a large number of sports equipment both fixed and mobile has been provided to the players all over the province at grass-root level and professional level. Successful conduction of youth carnival for the last three years at provincial and national level is also on the credit of the officers of the Directorate General of Sports, KP.


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After clearance of the proposal from Establishment Department, it may be tabled in the Finance Department for up-gradation and creation of post.

Accordingly, a proposal was submitted and discussed as agenda item No.3 in the meeting of Restructuring Committee held under the Chairmanship of Special Secretary Establishment Department which was attended by Additional Secretary (Reg.) Establishment Department, Director General Sports and Section Officer (FR) Finance Department on 22-11-2017 (copy of the minutes is at Annex-I). The Restructuring Committee agreed that the Sports Department to have a meeting with Finance Department too about creation of the posts as per their demand.

Comparative Table of existing and proposed structure agreed upon.

Nomenclature of post	Existing		Proposed	
	Number of posts	Basic Pay Scale	Number of posts	Basic Pay Scale
Director General	01	19	01	20
Director	03	18	02	19
Deputy Director			04	18
Chief Coach			01	18
Regional Sports Officers			07	18
Assistant Directors	03	17	07	17
District Sports Officers	07	17	18	17
Dy: District Sports Officer	18	16		
Senior Coach			07	17
Coach	05	16	18	16

A detail case was submitted by the Sports Department to the Finance Department for re-structuring of the Directorate General of Sports and a number of meetings were held. The last meeting was held on 13-02-2018 under the Chairmanship of Additional Secretary (Regulation) Finance Department which was also attended by Deputy Secretary (Budget) Finance Department and DG Sports and unanimously agreed that some posts are required to be up-graded while for creation of new posts. The Sports Department may submit a summary for sorting approval of the Hon'ble Chief Minister Khyber Pakhtunkhwa. It is therefore, proposed that the Hon'ble Chief Minister may kindly grant approval for creation of the following posts to re-structure the Directorate General of Sports Khyber Pakhtunkhwa.

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- 1. Director General BPS-20 01
- 2. Deputy Directors BPS-18 04
- 3. Regional Sports Officers BPS-18 07
- 4. Assistant Directors BPS-17 04
- 5. Senior Coaches BPS-17 07

The Chief Minister Khyber Pakhtunkhwa is requested to kindly approve the proposal contained in para-10 above. Views of Finance Department may be added in route.

(MOHAMMAD TARIQ)
 SECRETARY
 15/2/18

MINISTER FOR SPORTS & YOUTH AFFAIRS
KHYBER PAKHTUNKHWA

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

Farhanee
CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Abdul 19-02-18
 Minister For
 Incharge, Sports, Culture,
 Archaeology, Tourism & Youth Affairs
 Khyber Pakhtunkhwa

CHIEF MINISTER
KHYBER PAKHTUNKHWA

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**SUBJECT: RESTRUCTURING OF THE DIRECTORATE GENERAL OF SPORTS
KHYBER PAKHTUNKHWA**

Finance Department supports the proposal contained in para-10 of the summary. The Administrative Department is advised that working paper for upgradation of the requisite posts may be submitted to the upgradation committee of Finance Department and a separate case of change of nomenclature of the posts may also be processed in due course of time.

Shakeel Qadir Khan
26.2.18

Shakeel Qadir Khan
Secretary, Finance Department

Chief Secretary

[Signature]
6/3/18

CHIEF SECRETARY
Govt. Of Khyber Pakhtunkhwa

Chief Minister

Para 12 approved

[Signature]
8.3.2018
Chief Minister
Khyber Pakhtunkhwa

[Signature]
Attested to be true
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(28-2-2018) Note for upgradation



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

(21)

NOTE FOR CHIEF SECRETARY, KHYBER PAKHTUNKHWA

Subject: UPGRADATION OF THE POST OF DEPUTY DISTRICT SPORTS OFFICER
BPS-16 TO DISTRICT SPORTS OFFICER BPS-17

STD-1417

The Directorate General of Sports Khyber Pakhtunkhwa proposed upgradation of the post of Deputy District Sports Officer/ District Sports Officer BPS-16 to the post of District Sports Officer BPS-17 working at District level under the Directorate General of Sports, Khyber Pakhtunkhwa. The case was submitted to upgradation committee of the Finance department for the purpose.

2 The case was included as agenda item No:1 in the meeting of Upgradation Committee held on 25-01-2018 under the chairmanship of Secretary Finance Department Khyber Pakhtunkhwa in his office. The committee unanimously agreed to the proposed upgradation of all the District Officer Sports/ Deputy District Sports Officers from BPS-16 to BPS-17, permanently with the same nomenclature of District Sports Officer (BPS-17), working under the Directorate General of Sports Khyber Pakhtunkhwa. Minutes of the meeting are at (Annex-1).

3 The Chief Secretary Khyber Pakhtunkhwa being the competent authority in respect of civil servants in BPS-17 requested to approve the upgradation of the Deputy District Sports Officer/ District Sports Officer (BPS-16) to the post of District Sports Officers (BPS-17) in the Directorate General of Sports Khyber Pakhtunkhwa on permanent basis with the same nomenclature of District Sports Officer (BPS-17).

4. Para 3 is submitted for approval, please.

(MUHAMMAD TARIQ)
Secretary

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

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa

SECTION OFFICER

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22

SUBJECT: UPGRADATION OF THE POST OF DEPUTY DISTRICT SPORTS OFFICER BPS-16 TO DISTRICT SPORTS OFFICER BPS-17

06. Finance Department endorses the proposal of the Administrative Department contained in para-03 of the Note being in line with the recommendations of the Upgradation Policy (Annex-I).

Shakeel Qadir Khan
28.2.18.
Shakeel Qadir Khan
Secretary, Finance Department

Chief Secretary

Secy SPORTS

M. Malik
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa

SECTION OFFICER (FR)

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

No. SO(Sports)1-24/2018
Dated Peshawar, the 7th March, 2018

To

The Secretary to Government of Khyber Pakhtunkhwa,
Finance Department

Subject: UPGRADATION OF POST OF DUPLY DISTRICT SPORTS
OFFICER FROM BPS-16 TO BPS-17

Dear Sir,

I am directed to refer to your letter No. So(FR)FD/17-34/2014/Sports
Dept/17434 dated 22-01-2018 on the subject noted above and to enclose
herewith a copy note approved by the Chief Secretary Khyber Pakhtunkhwa
for further necessary action at your end, please.

Encl: as above.

Yours faithfully,

Section Officer (Sports)

Copy is forwarded for information to the Director General Sports,
Khyber Pakhtunkhwa.

Section Officer (Sports)

Attested to be true
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8-3-2018

Notification of upgrd



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

26

Dated 08-03-2018

NOTIFICATION

No.SO(Sports)2-2/2018: In pursuance of the Finance Department Khyber Pakhtunkhwa letter; No. SO (FR)FD/7-34/2014/Sports Dept/17434 dated 08-03-2018, the competent authority has been pleased to accord sanction to the up-gradation of the post of Deputy District Sports Officer/ District Sports Officer working in BPS-16 to the post of District Sports Officer BPS-17 on permanent basis with immediate effect.

The expenditure involved shall be debatable to functional cum object classification 08- Recreational Culture and Religion, 081- Recreational and Sporting Services, 0811- Recreational and Sporting Services, 081120- Others, during the current Financial Year.

Secretary to Government of Khyber Pakhtunkhwa
Sports, Culture, Tourism, Archaeology and
Youth Affairs department

No. SO (FR)FD/7-34/2014/Sports Dept/

Dated 08-03-2018

Copy forwarded for information and necessary action to:

- 1- The Accountant General, Khyber Pakhtunkhwa.
- 2- All the District Accounts Officers, Khyber Pakhtunkhwa.

Section Officer (FR)
Finance Department

No.SO (S) No.SO(Sports)2-2/2018:

Copy Forwarded to:

- 1- The Secretary to Govt of Khyber Pakhtunkhwa, Finance Department.
- 2- The Secretary to Govt of Khyber Pakhtunkhwa, Establishment Department.
- 3- All the Deputy Commissioners of Khyber Pakhtunkhwa.
- 4- The Director General Sports Khyber Pakhtunkhwa.
- 5- The Principal Staff Officer to Chief Secretary, Govt of Khyber Pakhtunkhwa.
- 6- Section Officer (FR) Finance Department Khyber Pakhtunkhwa with respect to his letter No. SO (FR)FD/7-34/2014/Sports Dept/17434 dated 08-03-2018
- 7- Budget Officer-III Finance Department Khyber Pakhtunkhwa for information and necessary action.
- 8- Manager Government Printing Press Peshawar.
- 9- Budget and Accounts Officer of DG Sports Khyber Pakhtunkhwa
- 10- All the District Sports Officers Khyber Pakhtunkhwa

Section Officer (Sports)

Attested to be True
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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

25

No.SO(FR)FD/7-34/2014/Sports Deptt./17434
Dated Peshawar, the 08-03-2018

To

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

Subject: UPGRADATION OF THE POST OF DEPUTY DISTRICT
SPORTS OFFICER BPS-16 TO DISTRICT SPORTS
OFFICER BPS-17

Dear Sir,

I am directed to refer to your department letter No.SO(Sports)1-24/2018 dated 07-03-2018 on the subject noted above and to state that the competent authority has been pleased to upgrade the post of Deputy District Sports Officer/ District Sports Officer (BPS-16) to the post of District Sports Officer (BPS-17) in the Directorate General of Sports Khyber Pakhtunkhwa on permanent basis with immediate effect.

2. Audit copies may be prepared and sent to this department for authentication.

Yours faithfully,

Section Officer (FR)

Encl No. & Date even

Copy of the above is forwarded to Budget Officer-III, Finance Department for information and necessary action.

Section Officer (FR)

Attested to be True
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GOVERNMENT OF KHYBER PAKHTUNKHWA,
SPORTS, TOURISM, ARCHAEOLOGY, MUSEUMS &
YOUTH AFFAIRS DEPARTMENT.

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

NOTIFICATION:

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 Karnal (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) Gulrukh Gulam (16) Amjad Iqbal and (17) Shakeel Ahmad;

AND WHEREAS, Mr. Amjad Iqbal 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) 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 < 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-SIR-VII/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 KPSC Regulation, 2003. While Mr. Amjad Iqbal and Mr. Shakeel Ahmad were adjusted as Assistant, BS-14 after being promoted on 18-10-2007 and as Assistant, BS-14;

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- (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 Iqbal 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 seniority of civil servants affected 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:

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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 maintained.

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 tentative joint seniority as envisaged in the service rules:

Sl#	Name & Father Name of Officers	Date of Entry into BS-17 that is eligibility for the promotion to DD/RSO, BS-18	
01.	Mst. Nazia Zaki	09-09-2013	
02.	Mr. Sikandar Shah	10-01-2017	
03.	Muhammad Jamshed s/o Ghulam Muhammad	20-12-2017	
04.	Muhammad Suleman s/o Abdur Razaq	20-12-2017	
05.	Mr. Anwar Kamal s/o Noor Ullah Jan	20-12-2017	
06.	Mr. Amir Zahid Shah s/o Amir Shahin Shah	20-12-2017	
07.	Mr. Zakir Ullah s/o Shafi Ullah	20-12-2017	
08.	Mr. Raz Ullah Khan s/o Nasrullah Khan	20-12-2017	
09.	Muhammad Ismail Khan s/o Muhammad Saeed Khan	08-03-2018	R
10.	Mr. Tariq Muhammad s/o Qasim Khan	08-03-2018	R ✓
11.	Mr. Asad Khan s/o Shah Muhammad	08-03-2018	R
12.	Mr. Ahmad Zaman	08-03-2018	R
13.	Mr. Munir Abbas	08-03-2018	R
14.	Mr. Kashif Farhan	08-03-2018	R
15.	Mr. Hazrat Ullah Khattak	08-03-2018	R
16.	Mst. Gulrukh Gulfam	08-03-2018	R
17.	Mr. Amjad Iqbal	28-05-2019	R
18.	Mr. Shakeel Ahmad	28-05-2019	

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.

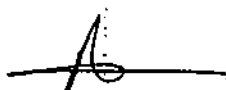
Secretary to Government of
Khyber Pakhtunkhwa Sports, Tourism,
Archaeology, Museums & Youth Affairs
Department

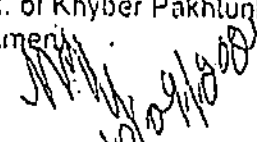
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Dated: 10th Sept, 2021

Copy forwarded to:

1. Director General of Directorate of Sports, Khyber Pakhtunkhwa with the request to take necessary action in the matter please.
2. PS to Secretary Sports and Tourism Department, Govt. of Khyber Pakhtunkhwa.
3. PS to Additional Secretary-II, Sports & Tourism Department.


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10/09/2021
Section Officer (Sports)
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