

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 585/2018

Date of Institution ... 16.04.2018

Date of Decision ... 12.11.2021

Rahmat Wali Khan S/o Mirza Wali Khan R/O Koor Broz, Tehsil & District Chitral.  
... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa (KPK) through Secretary Establishment at Civil Secretariat, Peshawar and forty eight others. ... (Respondents)

Syed Ghufran Ullah Shah,  
Advocate

... For Appellant

Mr. Muhammad Rasheed,  
Deputy District Attorney

... For official respondents No. 1 to 6

Mr. Abdul Hameed,  
Advocate

... For private respondents No. 8 to 14, 16, 17,  
20 to 26, 33, 35, 39, 41, 44, 45, 46 & 47

**SALAH-UD-DIN**

...

**MEMBER (JUDICIAL)**

**ATIQU-UR-REHMAN WAZIR**

...

**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E):-** This single judgment shall dispose of the instant service appeal as well as the connected Service Appeal bearing No. 583/2018 "titled Ghulam Rasool Versus Government of Khyber Pakhtunkhwa (KPK) through Secretary Establishment at Civil Secretariat, Peshawar and forty eight others" and Service Appeal bearing No. 584/2018 "titled Muhammad Zahir Shah Versus Government of Khyber Pakhtunkhwa (KPK) through Secretary Establishment at Civil Secretariat, Peshawar and forty eight others" as common question of law and facts are involved therein.

02. Brief facts of the case are that the appellants were initially appointed as Junior Clerks (BPS-5) at District Administration Chitral; the appellants were also assigned additional charge of Food Grain Supervisor in Food Department. In 2001, in the wake of re-structuring of certain departments, 09 junior clerks were declared surplus and their services were placed at the disposal of Food Department, but the food department requested for services of the appellants being already on additional charge in food department, which request was acceded to and services of the appellants were placed at the disposal of food department for further adjustment. Food department placed the appellants at the bottom of seniority as per Surplus Pool Policy and in due course of time they were also elevated to the post of Assistant Food Controller (BPS-14). On 17-01-2018, the respondents issued a seniority list of Assistant Food Controller, where appellants were placed at the bottom of seniority list. Feeling aggrieved, the appellants filed departmental appeals dated 26-01-2018, which was rejected vide order 15-03-2018, hence the instant service appeals with prayers that the impugned seniority list may be corrected/modified and the appellants may be placed at proper position in accordance with their dates of entry into service.

03. Learned counsel for the appellants has contended that the impugned seniority list followed by order in appeal is void, illegal and against law; that the appellants were neither surplus nor opted to join food department on their own request, therefore the impugned seniority list is illegal and void; that it is also an admitted fact that posts of the appellants were abolished by the respondents, for which the appellants cannot be blamed; that the appellants served against the post in Food Department prior to promulgation of Surplus Pool Policy and later on, upon request of Food Department, the appellants were adjusted against such posts, therefore, 20 years service of the appellants shall not go in waste; that act and omission of respondents is against the Khyber Pakhtunkhwa Civil Servants

(Appointment, Promotion & Transfer) Rules, 1989 as well as against the relevant provisions of Civil Servants Act, 1973.

04. Mr. Abdul Hameed Advocate appeared on behalf of private respondents No. 8 to 14, 16, 17, 20 to 26, 33, 35, 39, 41, 44, 45, 46 & 47 and contended that the appellants were serving as Junior Clerks in the office of DCO Chitral and additional duty as Food Grain Supervisor were also assigned to the appellants in the year 1996-97 at District Chitral. In the year 2001, due to restructuring of certain departments, appellants were declared surplus and placed in surplus pool. Appellants being surplus pool employees were later on adjusted/inducted in Food Department as Food Grain Supervisor vide order dated 24.01.2002 w.e.f 01.01.2002 as regular employees. Appellants were subsequently promoted to Food Grain Inspector and then to Assistant Food Controller (BPS-14) vide order dated 23.05.2017 against 75% reserved quota for promotion on seniority cum fitness. Food Department issued seniority list vide Endorsement No. 288/ET/716 dated 17.01.2018 wherein the appellants were placed at the bottom of seniority list. It was further contended that the private respondents are the regular employees of Food Department recruited/promoted as Assistant Food Controller (BPS-14) while the appellants were surplus pool employees who were later on inducted in Food Department in 2002, hence placing the appellants at the bottom of seniority list issued dated 17.01.2018 is justified in accordance with Surplus Pool Policy. Learned counsel for private respondents contended that the instant appeal of the appellants may kindly be dismissed, being meritless and non-maintainable.

05. Learned Deputy District Attorney for the respondents has contended that though the appellants had undertaken additional duty working as Food Grain Supervisor in food department, yet such additional duty, does not confer any right in their favor for determination of seniority; that the appellants were working as junior clerks in Revenue Department, who were rendered surplus and

subsequently adjusted in food department as per provisions contained in Surplus Pool Policy vide order dated 24-01-2002, the appellants were placed at the bottom of seniority list in accordance with law; that subsequently the appellants were promoted to the post of Food Grain Inspectors on 23-05-2017 as well as all the answering respondents had earlier been placed in the impugned seniority list in proper place, hence such seniority list is valid and legal.

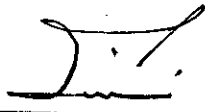
05. We have heard learned counsel for the parties and have perused the record.

06. Record reveals that the appellants were initially employees of Revenue Department working in District Administration Chitral. In 2001, 09 junior clerks were rendered surplus and their services were handed over to Food Department, but Food Department requested for the services of the appellants, as they were already working on additional charge in Food Department. Request of the Food Department was acceded to and the services of the appellants were placed at the disposal of food department instead of the already surplus employees and the appellants were absorbed in food department vide order dated 24-01-2002 as per provisions contained in surplus pool policy and they were correctly placed at the bottom of seniority list as per law. Admittedly, 09 junior most junior clerks were rendered surplus, but upon request of food departments the appellants were declared surplus instead of the already declared surplus junior clerks, and were adjusted in Food Department, to which they did not object at that particular time. Record shows that the appellants by any definition were rendered surplus and as per surplus pool policy; they were supposed to be placed at the bottom of the seniority list in Food Department, so we did not notice any irregularity in the impugned seniority list, hence does not warrant any interference.

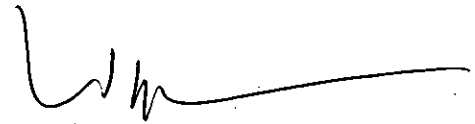
07. In view of the foregoing discussion, the instant appeal as well as connected Service Appeals bearing No. 583/2018 "titled Ghulam Rasool Versus Government of Khyber Pakhtunkhwa (KPK) through Secretary Establishment at

Civil Secretariat, Peshawar and forty eight others" and Service Appeal bearing No. 584/2018 "titled Muhammad Zahir Shah Versus Government of Khyber Pakhtunkhwa (KPK) through Secretary Establishment at Civil Secretariat, Peshawar and forty eight others" being devoid of merit are dismissed. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
12.11.2021



(SALAH-UD-DIN)  
MEMBER (J)



(ATIQU-UR-REHMAN WAZIR)  
MEMBER (E)

ORDER


12.11.2021

Appellant alongwith Syed Ghufan ullah Shah, Advocate, present.  
Mr. Muhammad Rasheed, Deputy District Attorney for official respondents  
No. 1 to 6 present. Mr. Abdul Hameed, Advocate, for private respondents  
No. 8 to 14, 16, 17, 20 to 26, 33, 35, 39, 41, 44, 45, 46 & 47 present.  
Arguments heard and record perused.

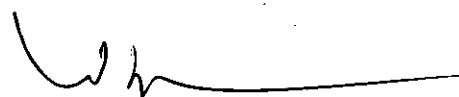
Vide our detailed judgment of today, separately placed on file, the  
instant appeal as well as connected Service Appeal bearing No. 583/2018  
"titled Ghulam Rasool Versus Government of Khyber Pakhtunkhwa (KPK)  
through Secretary Establishment at Civil Secretariat, Peshawar and forty  
eight others" and service appeal bearing No. 584/2018 "titled Muhammad  
Zahir Shah Versus Government of Khyber Pakhtunkhwa (KPK) through  
Secretary Establishment at Civil Secretariat, Peshawar and forty eight  
others" being devoid of merit are dismissed. Parties are left to bear their  
own costs. File be consigned to record room.

ANNOUNCED

12.11.2021



(SALAH-UD-DIN)  
MEMBER (J)



(ATIQU-UR-REHMAN WAZIR)  
MEMBER (E)

11.11.2021

Appellant alongwith Syed Ghufan Ullah Shah, Advocate, present. Mr. Muhammad Rasheed, Deputy District Attorney for official respondents No. 1 to 6 present. Mr. Abdul Hameed, Advocate, for private respondents No. 8 to 14, 16, 17, 20 to 26, 33, 35, 39, 41, 44, 45, 46 & 47 present.

Partial arguments heard. To come up for remaining arguments on 12.11.2021 before this D.B.



(Atiq-Ur-Rehman Wazir)  
Member (E)

(Salah-Ud-Din)  
Member (J)



17.09.2021

Syed Ghufuran Ullah Shah, Advocate for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 6 present. Mr. Abdul Hameed, Advocate for private respondents No. 8 to 14, 16, 17, 20 to 26, 33, 35, 39, 41, 44, 45, 46 & 47 present. Mr. Muhammad Abbas, junior of learned counsel for private respondents No.28 to 30 present and requested for adjournment on the ground that counsel for private respondents No.28 to 30 is busy in the august High Court. Adjourned. To come up for arguments before the D.B on 18.10.2021.



(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)



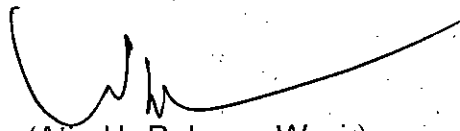
(SALAH UD DIN)  
MEMBER (JUDICIAL)

18.10.2021


Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Ubaid ur Rehman ADEO for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 11.11.2021 before D.B.



(Atiq-Ur-Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)



03.03.2021

Due to COVID-19, the case is adjourned for the same on 08.04.2021 before D.B

  
READER


08.4.2021

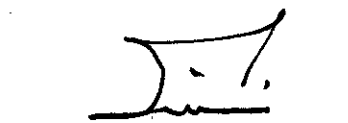
Due to demise of Honorable Chairman The Tribunal is defunct, therefore the case is adjourned to 27.07.2021 for the same as before.

  
Reader

27.07.2021

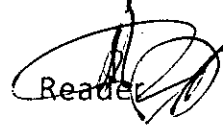
Syed Ghufuran Ullah Shah, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 6 present. Mr. Abdul Hameed, Advocate, for private respondents No. 8 to 14, 16, 17, 20 to 26, 33, 35, 39, 41, 44, 45, 46 & 47 present. Mr. Muhammad Abbas, junior of learned counsel for private respondents No. 29 & 30 present and sought adjournment on the ground that learned counsel for the said respondents is unable to appear before the Tribunal today due to illness of his mother. Adjourned. To come up for arguments before the D.B on 17.09.2021.

  
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

19.5.2020

Due to COVID19, the case is adjourned to  
10/8/2020 for the same as before.

  
Reader

10.08.2020


Due to summer vacations case to come up for the same on  
13.10.2020 before D.B.

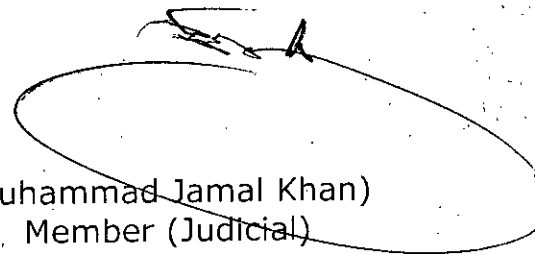
  
Reader

13.10.2020

Appellant himself alongwith Mr. Changaiz Khan, Advocate are present. Mr. Usman Ghani, District Attorney on behalf of official respondents No. 1 to 6 and private respondent No. 26 are also present.

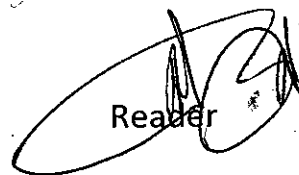
Learned junior counsel for the senior submitted that they are not going to submit rejoinder in the instant appeal and sought adjournment for arguing the appeal. The case is adjourned to 07.12.2020 on which to come up for arguments before D.B.

  
(Atiq-ur-Rehman Wazir)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

07.12.2020

Due to pandemic of Covid-19, the case is adjourned to  
03.03.2021 for the same as before.

  
Reader

18.03.2020

Appellant in person present. Addl: AG for official respondents No. 1 to 6, counsel for private No. 8 to 12, 14,16,17,2,21,22,23,24,25,26,33,35,39,41,44,45,46 and 47 and counsel for private respondents No. 18.,28,31,32,38,40,48 and 49 present. Learned counsel for private respondents No. 18,28,31,32,38,40,48 and 49 submitted application for adjournment. Adjourned. To come up for arguments on 19.05.2020 before D.B.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a checkmark-like stroke. A small asterisk is placed above the loop.

(MAIN MUHAMMAD)  
MEMBER

A handwritten signature in black ink, consisting of the letters 'MA' followed by a flourish.

(M.AMIN KHAN KUNDI)  
MEMBER

17.12.2019

Junior to counsel for the appellant, Addl. AG alongwith Qazi Fidaur Rahman, AD and Sajd Superintendent for official respondents present.

Attorney for respondent No. 13 present and has furnished reply on behalf of the said respondent. Private respondents No. 29, 30 and 34 present in person and seek further time to furnish reply/comments. They may furnish reply within a fortnight. Respondents No. 7, 15, 27, 34, 42 and 43 are not present nor their written reply/comments received, hence placed ex-parte. The appeal is assigned to D.B for arguments on 10.02.2020. The appellant may submit rejoinder, if any, within one month.

  
Chairman

10.02.2020

Junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Sajid, Superintendent for official respondents and counsel for private respondents No. 8 to 14, 16 to 26, 28 to 33, 35 to 41, 44 to 49 present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned to 18.03.2020 for rejoinder and arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

10.10.2019

Counsel for the appellant, Addl. AG alongwith Qazi Fidaur Rahman, A.D and Sajid Superintendent for official respondents, Mr. Abdul Hameed, Advocate/counsel for respondents No. 8 to 12, 14, 16, 17, 20 to 26, 33, 35, 39, 41, 44 to 47 and Mr. Taimur Ali, Advocate/counsel for respondents No. 28 to 30 present.

Representatives of official respondents as well as learned counsels for the said respondents request for further time.

Adjourned to 14.11.2019, on which date the requisite reply/comments shall positively be submitted.

Chairman



14.11.2019

Counsel for the appellant. Addl. AG alongwith Qazi Fidaur Rahman, A.D for respondents No. 1 to 6 present and furnished the requisite reply. Placed on record.

Counsel for private respondents No. 8, 9, 10, 11, 12, 14, 16, 17, 20, 21, 22, 23, 24, 25, 26, 33, 35, 39, 41, 44, 45, 46 and 47 present and parawise comments submitted. Placed on record. Counsel for respondents No. 18, 28, 31, 32, 38, 40, 48 and 49 present and submitted Wakalatnama in his favour alongwith parawise comments on behalf of the said respondents. Junior to counsel for respondents No. 29, 30, <sup>lets</sup> time. Fresh notices be issued to respondents No. 7, 13, 15, 19, 29, 34, 36, 37, 42 and 43. Last opportunity is granted to respondents No. 29, 30, 7, 13, 15, 19, 29, 34, 36, 37, 42 and 43 to submit reply/comments on 17.12.2019 before S.B.

Chairman



27.06.2019

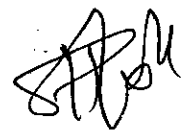
Learned counsel for the appellant present. Written reply not submitted. M/S Qazi Fida ur Rehman Assistant Director (for respondents No.1 to 4), Mati ur Rehman Superintendent (for respondent No.5) and Sajid Superintendent (for respondent No.6) present and requested for time to furnish written reply/comments. No one present on behalf of private respondents No.7 to 49. Notice be issued to private respondents No.7 to 49 with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 22.08.2019 before S.B.



Member

22.08.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith M/S Fida ur Rehman Assistant Director for official respondent No. 1 to 4, Sajid Superintendent on behalf of official respondent No.6 present. Mr. Abdul Hameed Advocate submitted Waklat Nama alongwith Written reply on behalf of private respondent No. 8 to 12, 14, 16, 17, 20 to 26, 33, 35, 39, 41, 44 to 47. Mr. Taimour Haider Khan Advocate submitted Waklat Nama in favor of private respondent No. 28 to 30. Representative of the official respondents and counsel for private respondents No. 28 to 30 seeks time to furnish written reply. None present on behalf of official respondent No.5 and private respondents No. 7, 13, 15, 18, 19, 27, 31, 32, 34, 36 to 38, 40, 42, 43, 48, & 49 therefore, notice be issued to them to attend the court and submitted their written reply. Adjourned. To come up for written reply/comments on 10.10.2019 before S.B.



(Hussain Shah)  
Member

30.04.2019

Counsel for the appellant present.

Contends inter-alia that in the year 2002 the appellant, amongst others, was adjusted against vacant post in Food Department as surplus staff while the surplus policy was not in field at the relevant time nor the appellant had ever opted for the purpose. In the final seniority list of Food Grain Supervisors (BPS-6), as it stood on 01.08.2009, the date of appointment of appellant to the present post was noted as 01.01.2002 while actually the appellant joined government service on 16.12.1981. In the said manner the seniority of appellant was counted in the Food Department w.e.f. 01.01.2002. The said error was carried through till the impugned seniority list of Assistant Food Controllers as it stood on 17.01.2018. In effect, the appellant was entitled to seniority in the light of service actually rendered by him from the date of his appointment, it was added.

In view of the above, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents.

Appellant Deposited  
Security 27.06.2019  
Process Fee

To come up for written reply/comments on 28.06.2019 before S.B. [Signature]  
 not submitted. S.B. [Signature] Chairman / Assistant Director (for  
 respondents No. 1 to 4) / Mail up Chairman / Superintendent (for  
 respondent No. 5) and Supt. Superintendents (for respondent No. 6)  
 present and requested for time to furnish written reply/comments.  
 No one present on behalf of private respondent No. 7 to 9.  
 Notice issued to private respondents No. 7 to 9 with direction  
 to furnish written reply/comments. Adjourn. To come up for  
 written reply/comments on 22.08.2019 before S.B.

Member

27.03.2019

Learned counsel for the appellant present and again requested for adjournment to furnish copy of order dated 26.12.2009 as mentioned in the order sheet dated 23.01.2019. Adjourn. To come up for preliminary hearing on 26.04.2019 before S.B

  
Member

26.04.2019

Appellant in person present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 30.04.2019 before S.B.

  
Chairman



Service Appeal No. 585/2018

13.12.2018

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 23.01.2019 before S.B.



Muhammad Amin Khan Kundi  
Member

23.01.2019

Learned counsel for the appellant present. Perusal of the final seniority list available on file would show that in the said seniority list his date of appointment to the post of Food Grain Inspector/Cane Inspector is mentioned as 26.12.2009. Learned counsel for the appellant seeks adjournment to furnish copy of order dated 26.12.2009. Adjourn. To come up for preliminary hearing on 27.02.2019 before S.B.

~~15.02.2019~~

~~Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn to come up for preliminary hearing on 27.03.2019 before S.B.~~

~~Member~~

15.02.2019

Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 27.03.2019 before S.B.



Member

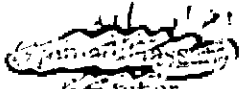
06.08.2018

Neither the appellant nor his counsel present, however, Mr. Akram Jan, Advocate put appearance on behalf of counsel for the appellant and made a request for adjournment. Granted. Case to come up for preliminary hearing on 15.10.2018 before S.B.

  
Chairman

~~Neither appellant nor his counsel present. Due to general strike of the Bar the case is adjourned. Case to come up for preliminary hearing on 15.10.2018 before S.B.~~

15.10.2018

  
Counsel for the appellant present. Due to general strike of the Bar the case is adjourned. Case to come up for preliminary hearing on 22.11.2018 before S.B.

(Ahmad Hassan)  
Member

22.11.2018

Syed Ghufuran Shah, Advocate, counsel for appellant present.





Learned counsel for the appellant requests for adjournment as he could not prepare the case today under the misconception that the Tribunal was incomplete. Adjourned to 13.12.2018 for preliminary hearing before S.B.

  
Chairman

Form-A  
FORM OF ORDERSHEET

Court of \_\_\_\_\_

Case No. 585/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	26/04/2018	<p>The appeal of Mr. Rehmat Wali Khan resubmitted today by Syed Ghufuran Ullah Shah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 26/4/18</p>
2-	15/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/05/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	24.05.2018	<p>None present on behalf of the appellant. Adjourned. To come up for preliminary hearing on 12.07.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>
	12.07.2018	<p>Clerk of the counsel for appellant present. Preliminary arguments could not be heard due to killing of a lawyer Barrister Haroon Bilour in a suicide attack during the election campaign. To come up for preliminary hearing on <u>06.08.2018</u> before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Rehmat Wali Khan son of Mirza Wali Khan Distt. Chitral received today by i.e. on 16.04.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondent Nos. 7 to 49 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures of the appeal may be attested.
- 3- Forty three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 818 /S.T,

Dt. 18/04 /2018.

*[Signature]*  
REGISTRAR 18/4/18  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Ghufanullah Shah Adv. Pesh.

*Respected Sir,*

*Re-submitted after completion  
all objections.*

*[Signature]*

**BEFORE THE KHYBER PAKHTUNKHUWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. S85 /2018

**Rahmat Wali Khan**

**V E R S U S**


Government of KPK through Chief Secretary, Peshawar and others

**INDEX**

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5	Copy of letters issued by Director Food	"B"	10-11
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7	Copies of impugned Seniority List	"D"	14-16
8	Copies of Departmental appeal	"E"	17-18
9	Copy of Impugned Rejection order	"F"	19
10	Wakalat Nama		✓

  
Appellant

Through

.....  
  
**Syed Ghufan ullah Shah**  
(Advocate 22-A Nasir Mansion  
Railway Road, Peshawar  
Cell No.0334-9185580

Office Address: 22-A Nasir Mention Railway Road-II Peshawar.

Cell # 0334-9185580

**BEFORE THE KHYBER PAKHTUNKHUWA****SERVICE TRIBUNAL PESHAWAR**Khyber Pakhtunkhwa  
Service TribunalService Appeal No. 585 /2018.Diary No. 562Dated 16/04/2018**Rahmat Wali Khan**

S/o Mirza Wali Khan

R/O Koor Broz, Tehsil &amp; District Chitral. ....Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa (KPK) through Secretary Establishment at Civil Secretariat, Peshawar.
2. Secretary Food Government of K.P.K at Civil Secretariat, Peshawar.
3. Director Food Khyber PukhtunKhuwa, Peshawar.
4. District Food Controller, Chitral
5. District Coordinator Officer/DC,, Chitral
6. Secretary Finance Government of K.P.K at Civil Secretariat, Peshawar
7. Syed Wazir Shah
8. Aftab Umar Khan
9. Muhammad Tariq
10. Ansar Qayum
11. Abdul Hafeez
12. Aman Khan
13. Arshad Hussain
14. Asghar Khan
15. Shabir Ahmad Khan
16. Said Nawaz
17. Jamshid Khan Afridi
18. Sohail Habib
19. Sheraz Anwar
20. Muhammad Azam
21. Tausif Iqbal
22. Muhammad Shakil
23. Miss Usman Kanwal
24. Zafar Alam Raza
25. Shujaat Hussain Shah
26. Hafeez-ur-Rehman
27. Adnan Khan

Filed to-day

Registrar

16/4/18

Re-submitted to-day  
and filed.Registrar  
28/4/18

28. Muhammad Akbar
29. Muhammad Salim Iqbal
30. Noor Khan
31. Muhammad Salim
32. Gulab Gul
33. Muhammad Khalid
34. Usman Khan
35. Muhammad Shoaib
36. Amjid Khan
37. Muhammad Zubair
38. Saif Ali Shah
39. Aurang Zeb Khan
40. Syed Wasim Shah
41. Rashid Saeed
42. Attaullah
43. Ashafaq Khan
44. Riaz Ahmad
45. Ateeq-ur-Rahman
46. Angoor Shah
47. Qazi Bilal
48. Lal Bacha
49. Fakhar Zama.....All through the office of Director Food  
KPK at Civil Secretariat Peshawar.

.....Respondents

Appeal U/S 4 of Khyber Pakhtunkhwa (KPK), Service Tribunal Act 1974 against the impugned final Seniority List of Assistant Food Controller (BS-14) in the Food Directorate KPK, dated 17-01-2018 as well as impugned Order in Appeal dated 15-03-2018 (received on 19-03-2018) whereby the seniority of the appellant from date of entry into Government Service i.e. 16-12-1981 has been denied and his departmental appeal has been rejected respectively.

### Prayer;

That on acceptance of the subject Service Appeal the impugned Seniority List with all back and subsequent effect to the appellant be modified/corrected and the appellant be placed at proper position in accordance with his date of entry

into Government Service (16-12-1981). Any other relief which deems Just and proper may also be granted to the appellant keeping in view facts and circumstance of the case.

Respectfully Sheweth:

That brief facts and grounds giving rise to the instant Service Appeal are as under;

1. That the appellant was initially appointed as Junior Clerk BPS-05 at District Administration Chitral on 16-12-1981.
2. That with passage of time the appellant was also granted Selection Grade of BPS-07.
3. That since 1996/97 the appellant was assigned with additional charge of Food Grain Supervisor at Different Food Grain Stores at Chitral against vacant posts.
4. That in the year 2001, the surplus policy was introduced and 09 junior most clerks of District Administration Chitral were held surplus by the Establishment Department and their services were send to the Food Department Chitral as surplus employees vide Office Order dated 23<sup>rd</sup> October, 2001 issued by District Coordination Office Chitral.  
(Copy of order is Annexure-"A")
5. That in response Director Food KPK refused to take services of the junior surplus employees of District Administration and request not to repatriate service of the appellant from Food Department vide office letter bearing No.1409/G-12-Swat dated 26-01-2002 and letter bearing No.1009/G-12/Chitral dated 18-02-20002.  
(Copy of letters issued by Director Food are annexure "B")
6. That in furtherance it was requested by the Director Food that the post of Food Grain Inspector against which the appellant was working on dual charges was a technical and vacant post and resultantly it was recommended to transfer the appellant against that post.
7. That vide office order dated 24<sup>th</sup> January, 2002 the appellant was transferred to Food Department Chitral with effect from 1<sup>st</sup> January, 2002 and the adjustment order of surplus employees to the food department dated 23-10-2001 was set aside.  
(Copy of Office Order dated 24-01-2002 is annexure "C")



8. That in connection to their qualified service the appellant is presently posted as Assistant Food Controller BPS-14 but his service has been counted from date of his transfer instead of his first entry into the Government Service.
9. That on 17-01-2018 the Director Food has issued Seniority List of Assistant Food Controller (BS-14) whereby the 20 years service of the appellant from his date of appointment i.e. 16-12-1981 to his transfer to the food department has been denied.  
(Copy of impugned Seniority List is annexure "D")
10. That as an statutory right the appellant filed departmental appeal against the same on 26-01-2018 (Annexure "E"), which was rejected on 15-03-2018 and received to appellant on 19-03-2018 (Annexure "F"); hence the instant Service Appeal amongst the following other grounds;

### GROUNDS:

- A. That the impugned seniority list followed by order in appeal is void, illegal and against the administration of justice because through the impugned order respondents No.1 & 2 have supported the impugned Seniority List on such a ground, which in fact is much arbitrary and un justified like the impugned Seniority List.
- B. That admittedly the appellant was neither surplus nor opted to join food department on his own request, therefore impugned order in appeal is illegal and void.
- C. That it is also admitted on record that post of the appellant at District Administration nor the department in itself was abolished neither the appellant was junior most employee of that department.
- D. That admittedly the appellant was assigned with additional charge of food grain Inspector against vacant post about 5/6 years prior to promulgate the surplus policy against the vacant post and later on upon request of the Food department he has been transferred against that department, therefore 20 years qualified service of the appellant is not hit by surplus policy.
- E. That it is also clear from the record that the food department refused to take surplus employees of District Administration due to technical status of the post of Food Grain Inspector beside the required experience for that post.

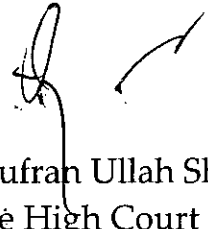
- F. That the word "not to repatriation" of the appellant in itself clarify the whole case of the appellant.
- G. That the act and omission of respondents is against the KPK Civil Servant (Appointment, Promotion and Transfer rules 1989 as well as against the relevant provision of KPK Civil Servant act 1973).
- H. That the instant appeal relates to terms and conditions of Civil Servant and this honourable Tribunal has been vested with statutory power to entertain the matter.
- I. That any other grounds will be furnished at the time of final arguments with the prior permission of this honourable Tribunal.

It is, therefore, most humbly prayed that the instant Service Appeal be accepted as prayed for.



Appellant

Through



Syed Ghufuran Ullah Shah  
Advocate High Court  
Peshawar.

**BEFORE THE KHYBER PAKHTUNKHUWA**  
**SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2018

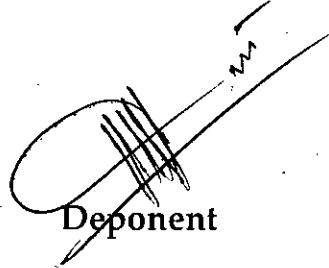
**Rahmat Wali Khan**

**V E R S U S**

Government of KPK through Chief Secretary, Peshawar and others

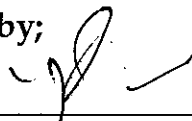
**AFFIDAVIT;**

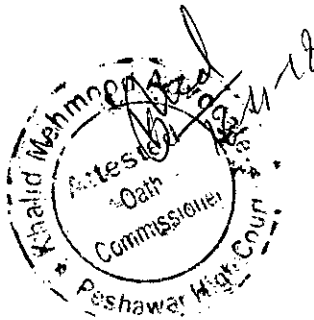
I, Mirza Wali Khan S/O Mirza Wali Khan R/O Koor Broz, Tehsil & District Chitral/Appellant; do hereby solemnly verify and declare on Oath that all the contents of the subject appeal; are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

  
**Deponent**

C.N.I.C No. 15201-0594196-7

Verified by;

  
 \_\_\_\_\_  
**Syed Ghufran Ullah Shah**  
**Advocate Peshawar**



**BEFORE THE KHYBER PAKHTUNKHUWA SERVICE**  
**TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2018

Rahmat Wali Khan

**V E R S U S**

Government of KPK through Chief Secretary, Peshawar and others

**ADDRESSES OF PARTIES**

**APPELLANT;**

Ghulam Rasool S/o Fazal Kabir Khan R/O P/O Ayun, Darkhanan  
Deh, Tehsil & District Chitral

**RESPONDENTS;**

1. Government of Khyber Pakhtunkhwa (KPK) through Secretary  
Establishment at Civil Secretariat, Peshawar.
2. Secretary Food Government of K.P.K at Civil Secretariat, Peshawar.
3. Director Food Khyber PukhtunKhuwa, Peshawar.
4. District Food Controller, Chitral
5. District Coordinator Officer/DC, Chitral
6. Secretary Finance Government of K.P.K at Civil Secretariat, Peshawar
7. Syed Wazir Shah, AFC, DFC Office, Batagram
8. Aftab Umar Khan, AFC, RC, Batagram (Rashen Controller, Peshawar)
9. Muhammad Tariq, AFC, DFC Office, Haripoor
10. Ansar Qayum, AFC, DFC Office, Mansehra
11. Abdul Hafeez, AFC, DFC Office, Charsadda
12. Aman Khan, AFC, DFC Office, Tang
13. Arshad Hussain, AFC, DFC Office, Chitral
14. Asghar Khan, AFC, DFC Office, Dargai
15. Shabir Ahmad Khan, AFC, DFC Office, Nowshera
16. Said Nawaz, AFC, DFC Office, Timargra Lower Dir
17. Jamshid Khan Afridi, AFC, S & EQ Peshawar Office
18. Sohail Habib, AFC, DFC Office Swabi
19. Sheraz Anwar, AFC, DFC Office, Swat
20. Muhammad Azam, AFC, DFC Office, Buner
21. Tausif Iqbal, AFC, DFC Office, Laki Marwat
22. Muhammad Shakil, AFC, DFC Office, Kohistan
23. Miss Usman Kanwal AFC, DFC Office, Abbattabad

24. Zafar Alam Raza, AFC, DFC Office, Chitral
25. Shujaat Hussain Shah, AFC, DFC Office, Batagram
26. Hafeez-ur-Rehman, AFC, S&EO Office Peshawar
27. Adnan Khan, AFC, DFC Office, Tang
28. Muhammad Akbar, AFC, DFC Office, Mardan
29. Muhammad Salim Iqbal, AFC, Food Directorate Peshawar Office
30. Noor Khan, AFC, DFC Office, Kohat
31. Muhammad Salim, AFC, S&EO Azakhel Office
32. Gulab Gul, AFC, DFC Office, Kohat
33. Muhammad Khalid, AFC, RC Peshawar
34. Usman Khan, AFC, S&EO Azakhel
35. Muhammad Shoaib, AFC, DFC Office, Abbattabad
36. Amjid Khan, AFC, DFC Office, Upper Dir
37. Muhammad Zubair, AFC, Food Directorate Peshawar
38. Saif Ali Shah, AFC, DFC Office, Karak
39. Aurang Zeb Khan, AFC, S&EO Office Peshawar
40. Syed Wasim Shah, AFC, DFC Office, Bannu
41. Rashid Saeed, AFC, DFC Office, DI Khan
42. Attaullah, AFC, DFC Office, Dargai
43. Ashafaq Khan, AFC, DFC Office, Timargra Lower Dir
44. Riaz Ahmad, AFC, DFC Office, Chitral
45. Ateeq-ur-Rahman, AFC, DFC Office, Swabi
46. Angoor Shah, AFC, Food Directorate Peshawar
47. Qazi Bilal, AFC, DFC Office, Mansehra
48. Lal Bacha, AFC, DFC Office, Buner
49. Fakhar Zaman, AFC, DFC Office, Bannu.

Through

*Appellant*

*Syed Ghufraan Ullah Shah  
Advocate Peshawar*

Amir FA

19 38

OFFICE OF THE DISTRICT COORDINATION OFFICER CHITRALORDERDated Chitral the 23<sup>rd</sup> October 2001

No. \_\_\_\_\_ / DCO/SPS. In pursuance of Government of NWFP, Establishment & Administration Department circular letter No. SOR-I (S&GAD) 1-200/98 (Vol-I) dated 13<sup>th</sup> August 2001, the following surplus staff are hereby adjusted in Food Department Chitral against the posts as noted against each with effect from 1-10-2001.

S.No	Name of Official	Designation, BPS & present place of posting	Adjusted as	Remarks
1	Mr. Jamshid Hussain	J/Clerk (BPS-5) defunct DC office Chitral	Food Grain Supervisor (BPS-5) in Food Deptt Chitral	-
2	Mr. Ghulam Mohd	J/Clerk (BPS-5) defunct DC office Chitral	—do—	-
3	Mr. Aftab Alam	Junior Clerk (BPS-5) Cooperative Deptt Chitral	—do—	-
4	Mr. Abdul Jabbar	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-
5	Mr. Mohd Nawaz	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-
6	Mr. Namwar Shah	Junior Clerk (BPS-5) Cooperative Deptt Chitral	—do—	-
7	Mr. Merajuddin	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-
8	Mr. Gulabuddin	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-
9	Mr. Afzal ul Mulk	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-

District Coordination Officer  
ChitralNo. 1625-37 / DCO

Copy forwarded to :-

1. The District Accounts Officer Chitral
- ✓ 2. The District Food Controller Chitral
3. The PSO to District Nazim.
4. All concerned official for immediate compliance.

K.C.  
25/10Amir  
25/10District Coordination Officer  
Chitral

ATTACHED

Ames (B)

(10)

Food Directorate NWFP,  
Peshawar.

No. 1409 /G-12-Swat.

Dated 26 /1/2002.

To

The District Coordination Officer,  
Chitral.

Subject: ADJUSTMENT OF SURPLUS STAFF AGAINST VACANT  
POST IN FOOD DEPARTMENT.

Memo:

Please refer to your memo No.2874/DCO/SPS dated 7.1.2002, on the subject cited above.

2. In this connection your attention is once again invited to this Office No.1009/G-12/Chitral dated 18.2.2002.

3. The factual position is that (11) posts of Foodgrain Supervisors (SPS-5) are lying vacant in Chitral District while (13) personnels of District Administration Chitral are working against these posts on various PR Centres for the last 5 to 10 years.

4. It is worth mentioning here that Foodgrain Supervisors is a semi-technical post and falls under initial recruitment quota. A Foodgrain Supervisor initially recruited is not directly posted at Foodgrain Godown/PR Centre but is attached with some senior officer at the Foodgrain Godown for on job Training because being a perishable commodity storage of wheat involves fumigation and upkeep of stocks of wheat etc otherwise it deteriorates very quickly.

5. Beside this most of the staff of District Administration Chitral working with Food Department Chitral is involved in the non depositing of sale proceeds to the tune of at least one crore Rupees and if they are repatriated it is apprehended that the chances of recovery of embazzled amount will be eliminated for ever. Food Department is pressurising them on day to day basis for recovery & they are also making payment in this respect.

6. In view of the above, it will be more appropriate that these surplus officials may be posted in some other Departments and the repatriation of the staff already working with Food Department Chitral may not be made and they be adjusted against these vacant posts.

Director Food NWFP,  
Peshawar.

Dated 26 /1/2002.

No. 1410-11 /G-12-Swat.

A copy is forwarded to:

(11)

FOOD DIRECTORATE, NWFP,  
PESHAWAR.

no. 1009 /G-12/Chitral. dated pesh. the 18/02/2002.  
no

The district coordination  
Officer, Chitral.

subject: - ADJUSTMENT OF SURPLUS STAFF AGAINST  
VACANT POSTS IN FOOD DEPARTMENT.


memo: -

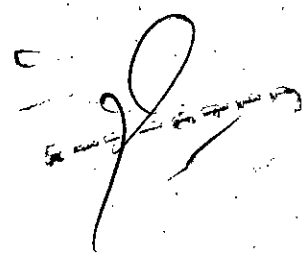
please refer to your office order no. 1625\_37/  
PCO dated 23rd October 2001, wherein you adjusted (9) junior  
Clerk (BPS\_5) against the vacant posts of foodgrain supervisors  
(BPS\_5) in the office of district food controller, Chitral.

2. In this connection the factual position is  
that (11) posts of foodgrain supervisors (BPS\_5) are lying  
vacant in Chitral district while (13) personnels of district  
Administration Chitral are working against these posts on  
various P.R. centres for the last 5 to 10 years.

3. It is worth mentioning here that foodgrain  
supervisor is a semi technical post and falls under initial  
recruitment quota. A foodgrain supervisor initially recruited  
is not directly posted at foodgrain godown/P.R. Centre but is  
attached with some senior officer at the foodgrain godown for  
on job training because being a perishable commodity storage  
of wheat involves fumigation and upkeep of stocks of wheat etc  
otherwise it deteriorates very quickly.

4. In view of the above, it will be more  
appropriate that these surplus officials may be posted in  
some other department and the repatriation of the staff already  
working with food department Chitral may not be made and  
they be adjusted against these vacant posts.

  
Director Food, NWFP,  
Peshawar.





Amr (C) (12)

**OFFICE OF THE DISTRICT COORDINATION OFFICER CHITRAL**

Dated Chitral the 27<sup>th</sup> January 2002.

**ORDER.**

No. \_\_\_\_\_/DCO/SPS. In pursuance of Establishment Department, NWFP circular letter No. SOR-I (S&GAD) 1-200/98 (Vol.I) dated 13<sup>th</sup> August 2001, nine (9) Junior Clerks BPS-5 were adjusted in Food Department Chitral vide order No. 1624/DCO/SPS dated 23<sup>rd</sup> October 2001, which was not accepted by Food Directorate NWFP vide No. 25193-208/G-12/Swat dated 27-10-2001 and despite obtaining clarification from Establishment Department, Govt. of NWFP vide their No. SO (SPS&GAD/24/2001 dated 24<sup>th</sup> November 2001 the same was again not accepted and referred the matter to Food Department NWFP Peshawar vide Director Food letter No.27374-76/G-12/swat dated 13<sup>th</sup> December 2001. Now the Director Food NWFP has requested to adjust all those official who are already working on additional charge basis with Food Department Chitral as Food Grain Supervisor BPS-5 vide letter No. 1009/G-12/Chitral dated 18<sup>th</sup> January 2002. Therefore the adjustment order already issued vide No. 1624/DCO/SPS dated 23-10-2001 is hereby cancelled.

Consequently the following officials already working with Food Department Chitral on dual charge basis is hereby adjusted/transferred to Food Department Chitral as Food Grain Supervisor with effect from 1<sup>st</sup> January 2002.

S.No.	Name	Designation/Department	Adjusted as	Remarks
1	Zar Mohammad	Secretary, UC Karimabad	Food Grain Supervisor BPS-5	
2	Hasil Murad	Junior Clerk (BPS-5), Revenue Department	Food Grain Supervisor (BPS-5)	
3	Qadir Khan	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
4 ✓	Ghulam Rasool	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
5 ✓	Rehmat Wali Khan	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
6	Fathuddin Ahmad	Senior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	In own pay & scale
7	Mohd Zaman	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
8	Mukhtar Ahmad	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
9	Sher Ali	Junior Clerk (BPS-5) Finance & Planning Department Chitral	Food Grain Supervisor (BPS-5)	
10 ✓	Mohd Zahir Shah	Junior Clerk (BPS-5) Finance & Planning Deptt Chitral	Food Grain Supervisor (BPS-5)	
11	Dinar Wali Khan	Secretary Union Council Khot	Food Grain Supervisor (BPS-5)	

ATTESTED

13

Subsequently, the following surplus staff are hereby adjusted in the department as noted against each with effect from 1<sup>st</sup> January 2002.

S.No	Name	Designation, BPS & Department	Adjusted as	Remarks
1	Sher Khybari	Senior Clerk, (BPS-7) defunct DC Office Chitral	Senior Clerk, Revenue Department Chitral	-
2	Jamshid Hussain	Junior Clerk, BPS-5 defunct DC Office Chitral	Junior Clerk (BPS-5) Revenue Department	-
3	Ghulam Mohd	---do---	----do---	-
4	Abdul Jabbar	---do---	----do---	-
5	Mohd Nawaz	---do---	----do---	-
6	Merajuddin	---do---	----do---	-
7	Gulabuddin	---do---	----do---	-
8	Afzal ul Mulk	---do---	----do---	-
9	Aftab Alam	Junior Clerk, BPS-5 Cooperative Deptt Chitral	Secretary (BPS-6) Union Council Karimabad.	In own Pay & scale
10	Namwar Shah	---do---	Junior Clerk (BPS-5) Finance & Planning Department Chitral	-

Note :-

1. The District Officer (Revenue & Estate) Chitral and DFC Chitral may further issue the posting order of the officials adjusted in their respective department.
2. The Respective offices may prepare the LPC and Service Book of the official and send to the offices where the official has been adjusted.

District Coordination Officer  
Chitral

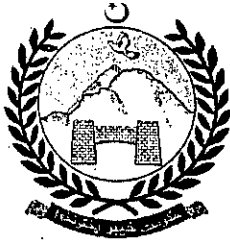
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Copy forwarded to :-

1. The Director Food NWFP Peshawar.
2. The District Nazim Chitral.
3. The District Officer (R&E) Chitral.
4. The EDO, Finance & Planning Chitral.
5. The SO (SP) Establishment Department NWFP, Peshawar.
6. The DAO Chitral.
7. The TMO Chitral/Mastuj.
8. The DFC Chitral.
9. All the officials for immediate compliance.

District Coordination Officer  
Chitral

REGISTERED



Amir D's  
GOVERNMENT OF KHYBER PAKHTUNKHWA,  
DIRECTORATE OF FOOD,  
PESHAWAR

No. 282 /ET-716

Dated 17/January, 2018

(14)

TO:-

1. All Officers/ Officials in Food Directorate, Peshawar.
2. All Assistant Directors Food at Divisional level in Food Department Khyber Pakhtunkhwa
3. All District Food Controllers in Khyber Pakhtunkhwa
4. The Storage & Enforcement Officers, NRC Azakhel & PRC Peshawar
5. The Rationing Controller Peshawar.

Subject:- **FINAL SENIORITY LIST OF ASSISTANT FOOD CONTROLLER AS IT STOOD ON 17-01-2018**

Memo:-

In compliance of Judgements of Khyber Pakhtunkhwa Service Tribunal Peshawar announced on 24-11-2017 in case of Appeals Nos 07 & 08 regarding acceptance of Seniority Appeal of M/s. Muhammad Akbar and Muhammad Salim Iqbal AFCs, and well as acceptance of appeals of M/s Aman Khan, Noor Khan, Aurangzeb Khan and Attuailah AFCs by the competent authority the final seniority list of Assistant Food Controller as it stood on 17-01-2018 are enclosed herewith for circulation amongst your concerned staff. Please acknowledge receipt.

DEPUTY DIRECTOR FOOD (A&C)  
KHYBER PAKHTUNKHWA  
PESHAWAR

**Endorsement No and Even date**

Copy for information to

1. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the Judgments announced on 24-11-2017 in case of Appeal No 07/2017 Muhammad Akbar AFC & Appeal No. 08/2017 Muhammad Saleem Iqbal AFCs.
2. The Section Officer General Government of Khyber Pakhtunkhwa Food Department Peshawar..
3. Mr. Aman Khan Assistant Food Controller Peshawar with reference to his appeal dated 18-11-2016
4. Muhammad Akbar Assistant Food Controller Office of DFC Mardan with reference to Appeal No.07/2017 and Judgement dated 24-11-2017.
5. Muhammad Saleem Iqbal Assistant Food Controller Office Food Directorate, Peshawar with reference to his Appeal No.08/2017 and Judgement dated .24-11-2017
6. Mr. Noor Khan Assistant Food Controller, Office of DFC Kohat with reference to his appeal dated 29-12-2016
7. Mr. Aurangzeb Khan Assistant Food Controller, Office of S&EO PRC Peshawar with reference to his appeal dated 17-07-2017.
8. Mr. Attuailah Assistant Food Controller Office of DFC Dargai with reference to his appeal dated 31-03-2017

Approved  
4/07  
  
DEPUTY DIRECTOR FOOD (A&C)  
KHYBER PAKHTUNKHWA  
PESHAWAR.

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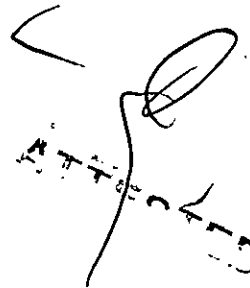
**FINAL SENIORITY LIST OF ASSISTANT FOOD CONTROLLERS (BS-14) IN THE FOOD DIRECTORATE KHYBER PAKHTUNKHWA  
PESHAWAR AS IT STOOD ON 17-01-2018**

1	2	3	4	5	6	7	8	9	10
S.No.	Name of Govt Servant	Qualification	Date of birth	Domicile	Date of entry in to Govt service	Date of appointment to the post of FGI/ Cane Inspector	Date of appointment to the present post	Method of recruitment	Date of superannuation
1.	Syed Wazir Shah	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
2.	Mr. Aftab Umar Khan	MA	04-08-1985	Mohmand Agency	19-05-2010	-	19-05-2010	By initial recruitment	03-08-2045
3.	Muhammad Tariq	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2030
4.	Mr. Ansar Qayum	B.A	11.07.1970	Mansehra	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030
5.	Mr. Abdul Hafeez	M.A	07.07.1969	Charsadda.	09.05.1993	20.12.2003	21-10-2010	By Promotion	06.07.2029
6.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-08-2016	By Promotion	01.08.2028
7.	Mr. Arshad Hussain	B.A	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
8.	Mr. Ali Asghar Khan	B.A	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
9.	Mr. Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026
10.	Mr. Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032
11.	Mr. Jamshed Khan Afridi	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
12.	Mr. Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
13.	Mr. Sheraz Anwar	F.A	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
14.	Mr. Muhammad Azam	B.B.A	22.11.1988	S. Wazirstan Agency	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	21.11.2048
15.	Mr. Tausif Iqbal	M.B.A	01.10.1987	Karak	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	30.09.2047
16.	Muhammad Shakeel	M.B.A	10.04.1984	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2044
17.	Miss Uzma Kanwal	M.A	03.12.1990	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.12.2050
18.	Mr. Zafar Alam Riza	M.A	03.01.1987	Chitral	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.01.2047
19.	Mr. Shujaat Hussain Shah	M.Sc	10.04.1987	Mansehra	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2047
20.	Mr. Hafeez-ur Rehman	B.A	18.04.1984	Dir Lower	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	17.04.2044
21.	Mr. Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	26.06.2049
22.	Mr. Muhammad Akbar	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	22-04-2016	By Promotion	04.12.2022
23.	Mr. Muhammad Salim Iqbal	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.2004	22-04-2016	By Promotion	14.07.2029
24.	Mr. Noor Khan	F.A	12-09-1968	Peshawar	20-04-1995	25-08-2004	28-11-2016	By Promotion	11-09-2028
25.	Mr. Muhammad Salim	M.A Pol: Science	18.04.1965	Nowshera	14.07.1993	17.06.2005	22-04-2016	By Promotion	17.04.2025
26.	Mr. Gulab Gul	MA Pol: Science	01.02.1967	Karak	14.07.1993	17.06.2005	22-04-2016	By Promotion	31.12.2027
27.	Mr. Muhammad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	22-04-2016	By Promotion	01.05.2033
28.	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2016	By Promotion	31.12.2035
29.	Mr. Muhammad Shoaib	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	22-04-2016	By Promotion	10.04.2026
30.	Mr. Amjid Khan	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	22-04-2016	By Promotion	04.01.2035
31.	Mr. Mohammad Zubair	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	22-04-2016	By Promotion	20.09.2030
32.	Mr. Saif Ali Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2016	By Promotion	02.03.2029
33.	Mr. Aurangzeb Khan	F.A	12-05-1971	Bannu	27-04-1997	12-01-2009	28-11-2016	By Promotion	11-05-2031
34.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat.	13-08-2009	13-08-2009	22-04-2016	By Promotion	14-02-2047
35.	Mr. Rashid Saeed	B.A	15.03.1974	D.I.Khan	22.05.1995	26-12-2009	22-04-2016	By Promotion	14.03.2034

(16)

36.	Mr. Attaullah	Metric	02-04-1976	Dir Lower	22-05-1995	26-12-2009	28-11-2016	By Promotion	01-04-2036
37.	Mr. Ashfaq Khan	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	04-08-2016	By Promotion	24.03.2037
38.	Mr. Riaz Ahmad	M.A	01.03.1966	Chitral	02.05.1995	26-12-2009	04-08-2016	By Promotion	28.02.2026
39.	Mr. Ateeq-ur Rehman	B.A	01.05.1977	M/Agency	03.05.1995	26-12-2009	04-08-2016	By Promotion	30.04.2037
40.	Mr. Angoor Shah	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	04-08-2016	By Promotion	31.05.2023
41.	Mr. Qazi Bilal	F.A	15-04-1969	Abbottabad	06-08-1995	26-12-2009	28-11-2016	By Promotion	14-04-2029
42.	Mr. Lal Bacha	B.A	09.04.1989	Mardan	06-12-2016	-	06-12-2016	By initial recruitment	08.04.2049
43.	Mr. Fakhar Zaman	F.A	22.04.1971	S.Waziristan	03.08.1992	26-12-2009	10-01-2017	By Promotion	21.04.2031
44.	Mr. Rehmat Wali	F.A	10.06.1963	Chitral	16.12.1981	26-12-2009	23-05-2017	By Promotion	09.06.2023
45.	Mr. Ghulam Rasool	Matric	10-04-1963	Chitral	23.04.1983	26-12-2009	23-05-2017	By Promotion	09-04.2023
46.	Mohammad Zahir Shah	F.A	10.12.1965	Chitral	01.09.1985	06-04-2010	23-05-2017	By Promotion	11.04.2019
47.	Mr. Wajid Ali	Matric	18.02.1981	Nowshera	08.05.2004	06-04-2010	23-05-2017	By Promotion	17.02.2041
48.	Mohammad Yousaf Khan	D.Com	07-04-1984	FR Bannu	16-04-2010	16-04-2010	19-09-2017	By Promotion	06-04-2044
49.	Mr. Amir Khalid	B.A	26-03-1970	Mansehra	15-01-2009	14-05-2010	19-09-2017	By Promotion	25-11-2030
50.	Mr. Umair Ali	BA	15-11-1987	Charsadda	13-05-2010	14-05-2010	19-09-2017	By Promotion	14-11-2047
51.	Mr. Numan Amir	BA	25-12-1983	Peshawar	13-05-2010	14-05-2010	19-09-2017	By Promotion	24-12-2043
52.	Mr. Shoukat Ali	F.A	04.04.1977	Mansehra	08.05.2004	20-10-2010	10-10-2017	By Promotion	03.04.2037

  
ASSISTANT DIRECTOR FOOD (E)  
KHYBER PAKHTUNKHWA  
PESHAWAR





Annexure 'E' (17)

**OFFICE OF THE  
DISTRICT FOOD CONTROLLER  
CHITRAL**

No. 1419 /4/3-ET  
Dated 26 /01/2018.

To,

The Director Food,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: **APPLICATION**

Memo:-

Enclosed please find herewith an application submitted by the following Assistant Food Controllers for onward submission to honorable Secretary Food Khyber Pakhtunkhwa for consideration in the matter please.

S.No.	Name of AFC
1	Rehmat Wali
2	Zahir Shah
3	Ghulam Rasool

District Food Controller,  
Chitral.

**Endst No. & date Even**

Copy forwarded to:-

1. The Assistant Director Food Malakand Division at Saidu Sharif Swat for information.
2. The Assistant Food Controller concern for information with reference to their application dated.

District Food Controller,  
Chitral.

letter to DF for Rehmat Wali AFC

ATTACHED

خدمت حساب سکیئر شیری ٹورڈ صاحب حکم خوراک سیر کھنڈ خواہ بٹا اور  
لواسطہ - حساب ڈی ایف سی صاحب خیرال  
حساب عالی

ہیئت اراک کے ساتھ گزارش ہے - کہ ہم فڈوران سال 2002  
میں ڈسٹرکٹ ایڈمنسٹریٹیشن خیرال سے حکم خوراک میں ٹرانسفر ہو کر  
ایڈمنسٹریٹیشن سے رہے۔ لیکن ابھی تک حکم خوراک ہمارا پورانا سروس قوا  
کرنے سے انفاری ہے۔ اور ڈسٹرکٹ صاحب حکم خوراک KPK نے ہماری درخواست  
حساب والا

ڈسٹرکٹ ایڈمنسٹریٹیشن میں جو سیر کھنڈ سرپیس خوراک  
ان کو فوڈ ڈیپارٹمنٹ میں ایڈمنسٹریٹیشن کرنے کا لے ڈی سی او صاحب خیرال  
نے حکم خوراک کو سیر کھنڈ میں کو فوڈ ڈیپارٹمنٹ نے قبول نہیں کیا۔  
اضرکار خناس ڈیپارٹمنٹ حکم خوراک کو ہدایت کی کہ ان لوگوں کو  
ایڈمنسٹریٹیشن میں ایڈمنسٹریٹیشن کریں۔ لیکن فوڈ ڈیپارٹمنٹ نے ان  
سیرپیس لوگوں کو اپنے سے انفاری ہوا اور ہم لوگ جو اپنے سے فو  
ڈیپارٹمنٹ کے ساتھ ایڈمنسٹریٹیشن خارج نہ کام کر رہے تھے۔ پھر بھی یہاں  
ان سیرپیس لوگوں کو بیماری حکم ڈسٹرکٹ ایڈمنسٹریٹیشن میں ایڈمنسٹریٹیشن  
ڈی سی او صاحب خیرال کا آرڈر جو لے ہذا ہے صاف واضح ہے۔

دوسرا یہ کہ ہم ہائی سکیل یعنی سکیل بڑے سے سکیل بڑے میں ایڈمنسٹریٹیشن  
ہیں۔ اس حساب سے بھی ٹرانسفر میں ہمارا حق بنتا ہے۔ لہذا خیرال  
والا کی خدمت اقدس میں درخواست ہے کہ ٹی سی او صاحب خیرال کا  
آرڈر علاقے ٹرما کر اور ہم میں ہم فرما کر ہمارا ٹرانسفر میں بھیج دینے کی حلقہ  
منابت فرمائیں ہم حساب والا کی کامیابی اور عمر درازی کے لئے دعا گو ہیں۔  
خیرال

① رفعت وی ایف سی خیرال  
(جی) غلام رسول ایف سی خیرال  
(جی) قاضی محمد ظاہر شاہ ایف سی خیرال

10/2/2002  
H/C



**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT**

NO.SOF(Food Deptt)1-27/13 238  
Dated Pesh: the 15-03-2018

*Annexure  
2 F 3*

*19*

To,

The Director Food,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: **APPLICATION**

Dear Sir,

I am directed to refer to your letter No.959/PF-1034 dated 23.02.2018 on the subject noted above and to state that appeal of M/S Rehmat Wali, Zahir Shah and Ghulam Rasool is not covered under the rules being adjusted in equal pay scale from Junior Clerk to Foodgrain Supervisor as per Surplus Policy of the Government, please.

Yours faithfully,

*[Signature]*  
SECTION OFFICER (GENERAL)

CC:-

1. PS to Secretary Food, Khyber Pakhtunkhwa.



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF FOOD  
PESHAWAR**

No 1335 /PF-  
Dated Peshawar the 15 /March, 2018

A Copy of letter of Section Officer General Government of Khyber Pakhtunkhwa Food Department vide No.SOF (Food Deptt)1-27/13/238 dated 15-03-2018 is forwarded to :-

1. The Assistant Directors Food Malakand Division.
2. The District Food Controller, Chitral
3. Mr. Rehmat Wali Assistant Food Controller, Chitral.
4. Mr. Ghulam Rasool Assistant Food Controller, Chitral.
- ✓ 5. Mr. Zahir Shah Assistant Food Controller, Chitral.
6. Concerned File.

*[Signature]*

*[Signature]*  
DEPUTY DIRECTOR FOOD  
KHYBER PAKHTUNKHWA  
PESHAWAR



**BEFORE THE K.P.K SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal** \_\_\_\_\_ No. \_\_\_\_\_ of 2018

**Rahmat Wali Khan**

**V E R S U S**

**Government of K.P.K, through Chief Secretary Peshawar, and others**

(Petitioner)  
(Plaintiff)  
✓ **(Appellant)**  
(Accused)  
(Decree-Holder)

Respondent  
(Defendant)  
(Opponent)  
(Complainant)  
(Judgment-Debtor)

I/we **Mr. Rahmat Wali Khan S/O Mirza Wali, Appellant.**

The above named accused/Petitioner /Appellant do hereby appoint and constitute **SYED GHUFRAN ULLAH SHAH, Advocate** as counsel **(for Appellant)** in the above mentioned case, to do all or any of the following acts, deeds and things:-

- 1- 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.
- 2- To sign, verify and file or withdraw all proceedings, petitions, 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 the conduct, prosecution or defense of the said case at any stages.
- 3- To receive payment of and issue receipts for all money that may be or become due and payable to us during the course or on the conclusion of the proceedings. To do all other acts and things this may be deemed necessary or advisable during the course of the proceedings.

**AND HEREBY AGREE:-**

- a) To ratify whatever the said Advocate may do in the proceedings.
- b) Not to hold the Advocate 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.
- c) That the Advocate shall be entitled to withdraw from the prosecution of the 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

15<sup>th</sup> Day of March, 2018 at Peshawar

Signature of Executants'

Accepted subject to term regarding payment of fee.

**SYED GHUFRAN ULLAH SHAH**  
Advocate High Court Peshawar  
22-A Nasir Mansion, Railway Road Peshawar  
Off:-0342-9047344/H.C.B No.091-9210186/Mob: 0334-9185580

**Firm Regist.No.RF/ICT #8565/09**  
**N.T.N 3796081-4**

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal No. 585/2018**

**Rahmat Wali Khan s/o Mirza Wali Khan**

**.....Appellant**

**Versus**

**Government of KPK, through Secretary Establishment  
Department & others...**

**.....Respondents**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS  
NO.8, 9, 10, 11, 12, 14, 16, 17, 20, 21, 22, 23, 24, 25, 26,  
33, 35, 39, 41, 44, 45, 46 & 47**

Respectfully Sheweth

**PRELIMINARY OBJECTIONS:**

1. This appeal is not maintainable in its present form.
2. The appellant has no cause of action/locus standi to file this appeal.
3. The appellant is estopped by his own conduct to file this appeal.
4. This appeal is bad for non-joinder and mis-joinder of necessary parties.
5. The appellant has not come to this Hon'ble Tribunal with clean hands. He has suppressed the material facts from this Hon'ble Tribunal for his ulterior motives.
6. This appeal is pregnant with malafide intentions and is liable to be dismissed.
7. This appeal is hopelessly barred by time and is liable to be dismissed on this ground alone.
8. This appeal is not maintainable as the appellant has got no vested right to claim seniority over FGs (BPs-5) in Food

Department, KP from the date of entry into Government service as he is a surplus pool employee having been inducted later in Food Department KP as FGs (BPs-5)

**ON FACTS**

1. Para-1 of the appeal needs no comments. Being facts of the case are discussed in this para.
2. No comments. Being facts of the case are discussed in this para.
3. In reply to Para-3 of this appeal, it is clarified that though the appellant had undertaken additional duty working as Food Grain Supervisor at the District Chitral during the year 1996-97 by an order of DCO, Chitral, yet this additional duty/assignment performed by him, in addition to his own duties, has not created vested right in his favour because he was a Junior Clerk (BPs-5) being on the strength of DCO, Chitral at that time, holding a ministerial level post.
4. Para-4 of the appeal needs no comments.
5. Para-5 of the appeal needs no comments.
6. Para-6 of the appeal needs no comments.
7. Para-7 of the appeal needs no comments.
8. Contents of Para-8 of the appeal are incorrect and misconceived. The factual position of the case is explained as under:-

- i. That the appellant while working as junior clerk (BP-5) at Revenue Department, Chitral, was rendered surplus and was sent to surplus pool.
- ii. That by an order dated 24.1.2002, issued by District Coordination Officer (DCO) Chitral, the appellant was adjusted/inducted in Food Department, Government of Khyber Pakhtunkhwa, as Food Grain Supervisor (BP-5) on regular basis w.e.f 1.1.2002. **(vide order dated 24.1.2002 annexed with appeal of appellant at page 12)**
- iii. That after adjustment/induction in Food Department, Govt of KPK, as FGs (BP-5), on 1.1.2002 henceforth the services of the appellant were/are to be governed under the NWFP (now KP) Food department (Recruitment & Appointment) Rules 1981. **(Copy of the service rules 1981 is attached as annexure A)**
- iv. That as per ibid service rules of KP Food Department 1981, the appellant (being surplus pool employee) having been adjusted/inducted in Food department KP as FGs (BP-5) w.e.f 1.1.2002, on regular basis has become regular employee of Food Department Government of KP w.e.f 1.1.2002 and hence his seniority in the seniority list of FGs (BP-5) of Food Department, KP, was/is to be reckoned w.e.f 1.1.2002, instead of his date of entry into Government service.
- v. That in due course of time, the appellant had been promoted to the post of Food Grain Inspector on

26.12.2009, against 75% quota reserved for promotion, on seniority cum fitness basis.

- vi. That subsequently, the appellant had been promoted to the post of Assistant Food Controller (BP-14) on 23.5.2017, against 75% reserved quota for promotion, on the basis of seniority-cum-fitness.

Since all the answering Respondents had earlier been promoted/recruited as Assistant Food Controller (BPs-14) in Food Department and they have been placed in the impugned seniority list of AFCs (BPs-14) in proper place, hence this seniority list is valid and legal in the eyes of law

From the facts narrated above, it is crystal clear that the plea taken by the appellant in the instant appeal pertaining to his seniority from the date of entry into government service is illegal and unlawful, being not based on legal footing.

9. That as explained in para-8 above, the final seniority list of AFC (BPs-14), Food Department, KP as stood on 17.1.2018, issued by Director Food KPK through Endorsement No.288/ET/716 dated 17.1.2018 which is already appended with this appeal has been circulated by the official Respondents/Department strictly in accordance with law/Rules, wherein the appellant has been properly placed in the ibid seniority list dated 17.1.2018 and no injustice has been done with him in this regard.

10. Para -10 of the appeal needs no comments. Being facts of the case are discussed in this regard. However, the instant appeal being meritless and devoid of force is liable to be dismissed inter alia on the following grounds.

**GROUND**

- A. Incorrect and not admitted. The seniority list of AFC (BPs-14) dated 17.1.2018 issued by Respondent/Department is a valid and legal instrument under the prevailing laws/rules.
- B. Contents of Para-B of the ground are incorrect and misconceived. The appellant (being ex-surplus pool employee) working as junior clerk (BPs-5) in the office of DCO Chitral, had himself opted to join the Food Department, KP as Food Grain Supervisor (BP-5) on 1.1.2002 and his seniority in Food Department was/is to be reckoned w.e.f 1.1.2002 i.e. from the date of his adjusted/induction in Food Department KP.
- C. Incorrect and not admitted.
- D. Contents of Para-D under the ground of this appeal, are incorrect and misconceived.
- E. Incorrect and not admitted.
- F. Incorrect and misconceived.
- G. Incorrect and misconceived.
- H. No comments, being legal matter.
- I. No comments

It is, therefore, most humbly prayed that on acceptance of the reply filed by the answering Respondents, the instant appeal of the appellant, may graciously be dismissed, being meritless and non-maintainable.

H/Rahman

**ANSWERING RESPONDENTS**

(Detailed above)

Through

  
(ABDUL HAMEED) 22/8/19

Advocate Supreme Court of Pakistan

**VERIFICATION**

Verified on oath, this day of 22th August 2019 that the contents of the reply filed by above Answering Respondents are true and correct to the best of my knowledge & belief.

H/Rahman

Respondents

Ann: (A) 23  
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**GOVERNMENT OF NORTH WEST FRONTIER PROVINCE  
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

**NOTIFICATION**

Dated Peshawar, the 24-05-1981

NO.SOR-II(S&GAD)2-18/79, dated 24-05-1981, In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servant Act 1973 (NWFP Act No. XVIII of 1973) and in super session of all previous rules on the subject in this behalf, the Governor of the North West Frontier Province is please to make the following rules, namely.

**THE NORTH WEST FRONTIER PROVINCE FOOD  
DEPARTMENT (RECRUITMENT AND APPOINTMENT)  
RULES 1981**

1 (1) These rules may be called the North West Frontier Province Food Department (Recruitment and Appointment) Rules, 1981.

(2) They shall come into force at once.

2 The method of recruitment, minimum qualification, age limit and other matters related thereto for the posts specified in column-2 of the schedule annexed shall be such as given in column-3 to 06 of the said schedule.

Sd/-  
Secretary to Government of  
North West Frontier Province  
Services and General Administration  
Department

Endst No. SOR-II(S&GAD)2-18/79 Dated 24/05/1981

A copy is forwarded for information to:-

- 1 All Administrative Secretaries to Government of NWFP,
- 2 Director of Food, NWFP Peshawar.
- 3 Manager, Government Printing Press, Peshawar for Publication in the Government Gazettee. He is requested to supply 50 copies of the Gazettee Notification to the S&GAD and Law Department
- 4 Section Officer (R-I), S&GAD, Government of NWFP,

Sd/-  
(Abdul Halim)  
(Section Officer Regulation-II).



8

## SERVICE RULES FOR APPOINTMENT TO VARIOUS POSTS IN FOOD DEPARTMENT KHYBER PAKHTUNKHWA

### SCHEDULE-42

S.N. o	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Minimum qualification for appoint by promotion.	Age Limit	Method of Recruitment
1	2	3	4	5	6
1	Director Food				<ul style="list-style-type: none"> <li>a) By selection on merit with due regard to seniority from amongst the Deputy Directors with at least 12 years service in Grade-17 and Grade-18; or</li> <li>b) By transfer of an officer already employed in any Department of Government other than the Food Department.</li> </ul>
2	Deputy Director				<ul style="list-style-type: none"> <li>a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Directors Food, with at least five-years service in Grade-17; out of which at least two years mandatory service in Food Directorate or</li> <li>b) by transfer of an officer already employed in any Department of Government other than the Food</li> </ul>
<p>Entries in the Shedule-42 against serial No.2, in column 6, in clause (a ), after the word happen and figure "Grade-17", the words "the words" the words "out of which at least two years service in Food Directorate is mandatory" is inserted as amended vide Notification of Government of Khyber Pakhtunkhwa Food Department No. SOF(Food Deptt)1-12/2010/388 dated 10-11-2010,</p>					
3	Deputy Director (Accounts)				<ul style="list-style-type: none"> <li>a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Accounts Officer with at least 5 years service in Grade-17; or</li> <li>b) by transfer on deputation from the office of the Audit Department for a specified period in accordance with the terms as may be specified.</li> </ul>

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4	Assistant Director Food				<ul style="list-style-type: none"> <li>a) By selection on merit with particular reference to fitness for higher responsibilities from amongst District Food Controller Rationing Controller and S&amp;EO, with at least seven years service as such; or</li> <li>b) By transfer of an officer already employed in any Department of Government other than the Food Department.</li> </ul>
5	Assistant Accounts Officer (BPS-17)				<ul style="list-style-type: none"> <li>a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Accounts Officers in Grade-16 &amp; Statistical Officers with at least 3 years service as such; or</li> <li>b) By transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified.</li> </ul>
6	Regional Audit Officer				<ul style="list-style-type: none"> <li>a) By transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified; or</li> <li>b) By promotion on the basis of seniority-cum-fitness from amongst Superintendents / Accountants who have passed the S.A.S. Examinations.</li> </ul>
7	Assistant Accounts Officer (BPS-16)	B Com from a Recognized University of SAS qualified		20 Years to-25 years	<ul style="list-style-type: none"> <li>a) Twenty Five percent by initial recruitment</li> <li>b) Seventy Five percent by selection on merit with particular reference to fitness for higher responsibilities from amongst Superintendent &amp; Accountants or by transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified.</li> </ul>
8	Statistical Officer	Bachelor's Degree with Statistics as one of the subjects from a recognized University.		20 Years to 25 years	<ul style="list-style-type: none"> <li>a) By selection on Merit with particular reference to fitness for higher responsibilities from amongst Superintends /Accountants, or</li> <li>b) By initial recruitment.</li> </ul>
9	DFC/S&EOs/RC	Degree from a recognized University		20 Years to 25 years	<ul style="list-style-type: none"> <li>a) 25% by initial recruitment, and</li> <li>b) 75% by Selection on merit with particular reference to fitness for higher responsibilities from amongst AFCs with at least 05 years Service as such</li> </ul>
10	Executive Establishment Assistant Food Controller	Degree from a recognized University		20 Years to 25 years	<ul style="list-style-type: none"> <li>a) 75 % by promotion on the basis of seniority cum fitness from amongst FGIs and Cane Inspector with at least 05 Years service as such and</li> <li>b) 25 % by initial recruitment.</li> </ul>


10

11	FGI/ Cane Inspector	Intermediate from a recognized Board		18 years to 25 years.	a) 75 % by promotion on the basis of seniority cum fitness from amongst FGS, and Cane Inspector with at least 03 Years service as such and b) 25 % by initial recruitment.
12	Entries under Column No 02 to 06 of S.No.12 deleted vide notification No.O-ET/SOF/P-II dated 05-05-1996				
13	Food grain Supervisor	Matriculation or equivalent qualification from a recognized Board		18 years to 25 years	By Initial recruitment
14	Ministerial Estt. Superintendent Accountant				By promotion on the basis of Seniority-cum fitness from amongst Senior Auditors, Assistant (including Assistant of Cane Control Organization Stenographer and Head Clerk with at least five years as such.
15	Senior Auditor				By Promotion on the basis of Seniority cum fitness from amongst the Junior Auditors and Senior Clerks with at least 05 years experience in Accounts work.
16	Assistant /Head Clerk	Degree from a recognized University		18 years to 25 years	a) 25% by initial recruitment or b) 75% by promotion on the basis of seniority cum-fitness from amongst Junior Auditors and Senior Clerks with at least 05 years experience in Accounts work.
17	Cane Assistant	Degree from a recognized University		18 years to 25 years	By initial recruitment.
18	Junior Auditor				By Promotion on the basis of seniority cum fitness from amongst the Junior Clerks with at least two years experience in accounts works.
19	Senior Clerk				By Promotion on the basis of seniority cum-fitness from amongst the Junior Clerks with at least two years service are as such.
20	Junior Clerk	Matriculation or equivalent qualification from a recognized Board.		18 Years to 25 Years	By initial recruitment.
21	Stenographer	i) Matriculation or equivalent qualification from a recognized Board and ii) A speed of 100 words per minute in shorthand and 40 words per minute in typing		18 Years to 25 Years	a) By Promotion on the basis of seniority cum fitness from amongst the steno typist or b) By initial recruitment, if no suitable Steno typist available
22	Steno typist	i) Matriculation or equivalent qualification from a recognized Board and ii) A speed of 80 words per minute in shorthand and 35 words per minute in typing		18 Years to 25 Years	By initial recruitment

(11)

- 4 -

	Drivers		25 years to 45 years	By initial recruitment from amongst persons who are in possession of a valid driving License.
	Daftari	Middle Slandered	25 years to 45 years	a) By Promotion on the basis of seniority cum-fitness from amongst Naib Qasid or b) By initial recruitment if no suitable Naib Qasids available.
25	Naib Qasid		18 Years to 40 Years	By initial recruitment
26	Chowkidar		18 Years to 40 Years	By initial recruitment
27	Mali		18 Years to 40 years	By initial recruitment
28	Sweeper		18 Years to 40 years	By initial recruitment

  
Assistant Director Food (Estt)  
Food Directorate, Peshawar  
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR**  
**APPEAL No. 585/2018**

Rahmat Wali Khan S/O Mirza Wali Khan  
R/O Koor Broz, Tehsil & District Chitral

**Appellant**

**Versus**

- 1 Government of Khyber Pakhtunkhwa (KPK) through Secretary Establishment at Civil Secretariat, Peshawar.
- 2 The Secretary Food Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar
- 3 The Director Food Khyber Pakhtunkhwa, Peshawar.
- 4 The District Food Controller Chitral.
- 5 The District Coordinator Officer / DC, Chitral.
- 6 The Secretary Finance Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.

**Respondents**

**JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 TO 06.**

**RESPECTFULLY SHEWETH:**

1. Pertain to record.
2. Pertain to record.
3. Pertain to record.
4. The Government of Khyber Pakhtunkhwa introduced the Surplus Pool Policy vide letter No. SOR-I (E&AD)1-200/98 dated 08-06-2001 regarding adjustment of surplus staff. In pursuance to the above, The District Coordination Officer Chitral issued order No. 1625-37/DCO dated 23th October, 2001 (**Annex-I**) in light of the Government of Khyber Pakhtunkhwa, Establishment & Administrative Department Circular letter No. SOR-I (S&GAD) 1-200/98(Vol-I) dated 13<sup>th</sup> August, 2001 regarding adjustment of 09 surplus Junior Clerks (BS-05) of District Surplus Pool Chitral in District Food Controller, Chitral against the vacant posts of Foodgrain Supervisor (BS-05) with effect from 01-10-2001. (**Annex-II**)

In response Food Directorate requested to the District Coordination Officer Chitral vide letter No.1009/G-12-Chitral dated 18-02-2002, that the adjustment order vide No. 1625-37/DCO dated 23<sup>rd</sup> October, 2001 of 09 surplus Junior Clerks (BS-05) of District Surplus Pool Chitral against the 11 vacant posts of Foodgrain Supervisors (BS-05) at Chitral may be withdrawn being a technical post, and to adjust 13 Junior Clerks / Secretary Union Council (BS-05) of District Administration Chitral already working against these posts on various PRCs in DFC Office Chitral (**Annex-III**).

The District Coordination Officer, Chitral (now DC Chitral) withdrawn the order No. 1625-37/DCO dated 23th October, 2001 regarding adjustment of 09 Junior Clerks (BS-05) of District Surplus Pool as Foodgrain Supervisor (BS-05) in Food Department Chitral. The appellant with others Junior Clerks / Secretary Union Council (BS-05) rendered surplus by the respective Departments at District Chitral due to abolition of

posts of District set up were adjusted against 11 posts of Foodgrain Supervisor (BS-05) as per Government of Khyber Pakhtunkhwa Surplus Pool Policy contained in E&AD Department circular No. SOR-I(E&AD)1-200/98 dated 08-06-2001 in the Food Department Chitral with effect from 01-01-2002 (being equal cadre scale), vide Food Directorate Office Order No.2706-16/G-12-Swat dated 15-02-2002 (**Annex-IV**) at the time of adjustment their seniority positions were placed at the bottom of the seniority of list of Foodgrain Supervisors, as per surplus pool policy, in vogue, clearly embodies that the surplus employees would be placed at the bottom of the Seniority List of employees /cadres as the Department concerned at the time of adjustment, hence, the appellant is not aggrieved as his scale being equal i.e. in (BS-05), in which, he was serving in his parent Department.

5. As per reply given at para-4 above.
6. As per reply given at para-4 above.
7. As per reply given at para-4 above.
8. As per reply given at para-4 above.
9. As per reply given at para-4 above.
10. In compliance of Judgements of Khyber Pakhtunkhwa Service Tribunal Peshawar announced on 24-11-2017 in case of Appeals Nos 07 & 08 regarding acceptance of Seniority Appeal of M/s. Muhammad Akbar and Muhammad Salim Iqbal AFCs, and well as acceptance of appeals of M/s Aman Khan, Noor Khan, Aurangzeb Khan and Attuallah AFCs by the competent authority the final seniority list of Assistant Food Controller as it stood on 17-01-2018 was circulated amongst the concerned vide Food Directorate letter No. 282/ET-716 dated 17-01-2018(**Annex-V**). Against the said seniority list of AFC as it stood on 17-01-2018 the appellant with others i.e M/s Ghulam Rasool and Muhammad Zahir Shah AFCs office of District Chitral filed an appeal on the ground that they may be given seniority with effect from the date of appointment in their parent Department i.e. District Administration Chitral.

On examination the appeal for seniority with effect from the date of appointment in their parent Department District Administration, the appellate authority informed the appellant with two others vide letter No. SOF(Food Deptt)1-27/13/238 dated 15-03-2018 duly endorsed by the Directorate of Food vide No. 1335/PF- dated 15-03-2018 that appeals of "M/S Rehmat Wali, Zahir Shah and Ghulam Rasool is not covered under the Surplus Poll Policy of the Government of Khyber Pakhtunkhwa dated 08-06-2001 being adjustment in equal pay scale/cadre from the post of Junior Clerk (BS-05) to the post of Foodgrain Supervisor (BS-05) (**Annex-VI**).

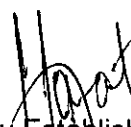
**Grounds:**

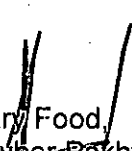
- A. As per reply given at para-10 of the facts.
- B. As per replies given at paras 4 and 10 of the facts.
- C. No comments.
- D. As per replies given at paras 4 and 10 of the facts.
- E. As per replies given at paras 4 and 10 of the facts.
- F. As per replies given at paras 4 and 10 of the facts.

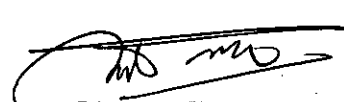
- G. According to the Government of Khyber Pakhtunkhwa Surplus Pool Policy contained in E&AD Department circular No. SOR-I(E&AD)1-200/98 dated 08-06-2001 the adjustment of the appellant with others in the Food Department Chitral with effect from 01-01-2002 made on equal pay scale/ cadre, vide Food Directorate Office Order No.2706-16/G-12-Swat dated 15-02-2002 as at the time of adjustment the seniority of the appellant with others, in vogue, clearly embodies that the surplus employees would be placed at the bottom of the Seniority List of Foodgrain Supervisor (BS-05), hence, the appellant is not aggrieved as his scale was equal i.e. Junior Clerk in(BS-05), in which, he was serving in his parent Department.
- H. No comments.
- I. No comments.

The appeal having no legal footing may, therefore, be dismissed with cost please.

**RESPONDANTS**

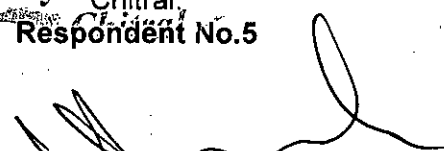
  
Secretary Establishment,  
Government of Khyber Pakhtunkhwa,  
Establishment Department  
**Respondent No.1**

  
Secretary Food,  
Government of Khyber Pakhtunkhwa,  
Food Department  
**Respondent No.2**

  
Director Food,  
Khyber Pakhtunkhwa,  
Peshawar  
**Respondent No.3**

  
District Food Controller,  
Chitral.  
**Respondent No.4**

  
The District Coordinator Officer, / DC,  
Chitral.  
**Respondent No.5**

  
Secretary Finance,  
Government of Khyber Pakhtunkhwa,  
Finance Department  
**Respondent No.6**

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR**  
**APPEAL No. 585/2018**

Rahmat Wali Khan S/O Mirza Wali Khan  
R/O Koor Broz, Tehsil & District Chitral

**Appellant**

**Versus**

- 1 Government of Khyber Pakhtunkhwa (KPK) through Secretary Establishment at Civil Secretariat, Peshawar.
- 2 The Secretary Food Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar
- 3 The Director Food Khyber Pakhtunkhwa, Peshawar.
- 4 The District Food Controller Chitral.
- 5 The District Coordinator Officer / DC, Chitral.
- 6 The Secretary Finance Government of Khyber Pakhtunkhwa at Civil Secretariat Peshawar.

**Respondents**

**AFFIDAVIT.**

I Qazi Fida ur Rehman Assistant Director Food (Estt) Food Directorate Khyber Pakhtunkhwa Peshawar do hereby solemnly affirm and declare the contents of the accompany written reply submitted by respondents No. 01 to 06 are true to the best of my knowledge and belief that nothing has been concealed from the Hon,able Khyber Pakhtunkhwa Service Tribunal Peshawar.

**DEPONENT**

**NIC NO.11101-0321163-7**

**For Respondents No. 01 to 06**



GOVERNMENT OF N.W.F.P. Annex-I  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT  
(REGULATION WING)

NO.SOR-1(E&AD)1-200/98

DATED: Peshawar, The 8<sup>TH</sup> June, 2001.

(22) \*

(28)

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14  
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Annex - B

To:

1. All Administrative Secretaries in NWFP.
2. The Secretary to Governor, NWFP.
3. All Commissioners in NWFP.
4. All Heads of Attached Departments in NWFP.
5. All Heads of Autonomous/Semi Autonomous Bodies in NWFP.
6. The Registrar, Peshawar High Court, Peshawar.
7. All Districts & Sessions Judges in NWFP.
8. All Deputy Commissioners/Political Agents in NWFP.
9. The Secretary, NWFP Public Service Commission, Peshawar.
10. The Director Anti Corruption Establishment, Peshawar.
11. The Registrar, NWFP, Service Tribunal, Peshawar.

SUBJECT: POLICY FOR DECLARING GOVERNMENT SERVANTS AS SURPLUS AND THEIR SUBSEQUENT ABSORPTION/ADJUSTMENT.

I am directed to refer to the subject noted above and to say that the Provincial Government has been pleased to make the following policy for absorption/ adjustment of Government Servants declared as surplus in view of the transition of District System and resultant re-structuring of the Government organizations/ Departments etc.

1. POWER WITH REGARD TO THE DECLARATION OF POSTS AS SURPLUS.

The Finance Department in consultation with Department concerned and with the approval of competent authority would decide with regard to the declaration of a particular organization, set up or individual post as redundant or inessential.

2. CREATION OF SURPLUS POOL.

There will be a surplus pools cell in the E&AD. After abolition of such posts in the concerned department, duly notified by the Finance Department, equal number of posts in the corresponding basic pay scales would be created in the E&AD for the purpose of drawl of pay and allowances etc by the employees declared surplus as such.

3. IMPLEMENTATION/MOITORING CELL.

For the purpose of coordination and to ensure proper and expeditious adjustment / absorption of surplus staff, the Government of NWFP has been pleased to constitute the following committee:-

- |   |       |            |
|---|-------|------------|
| a. Additional Secretary (Establishment) E&AD. | ..... | Chairman.  |
| b. Deputy Secretary LG&RD Department.         | ..... | Member.    |
| c. Deputy Secretary Finance Department.       | ..... | Member.    |
| d. Deputy Secretary (Establishment) E&AD.     | ..... | Secretary. |

4. CRITERIA FOR DECLARING A GOVERNMENT SERVANT AS SURPLUS AS A RESULT OF ABOLITION OF POST.

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 as indicated in Para 2 above for the purpose of drawl of pay and allowances and also for consideration for subsequent adjustment

Altaf

## PROCEDURE FOR ADJUSTMENT OF SURPLUS EMPLOYEES.

Notwithstanding anything contained in any other law, rules or regulation to the contrary, for the time being in force, the following procedure for the adjustment of surplus staff would be followed:-

a. Before transferring an employee to the surplus pool, he should be given option by concerned department.

(i) To proceed on retirement with normal retiring benefits under the existing rules,

OR

✓ (ii) To opt for readjustment/absorption against a future vacancy of his status/ BPS which may not necessarily be in his original cadre/ department.

b. Those who opt for retirement would be entitled for usual pension and gratuity according to the existing Government Servants Pension and Gratuity Rules of Provincial Government. Those who for absorption/re-adjustment, a category-wise seniority list would be caused in the Surplus Pool for their gradual adjustment against the future vacancies, as and when occurred in any of the Government Departments. These adjustment shall be on seniority cum fitness basis. For this purpose the seniority list will be caused category-wise with reference to their respective dates of appointment in the cadre. In case where dates of appointment of two or more persons are the same, the person older in age shall rank senior and shall be adjusted first.

c. Adjustment shall be made on vacant posts pertaining to initial recruitment quota from those in the surplus pool in the following manner:-

(i) In case of occurring of vacancies in their corresponding posts in any Government Department/ Organization, the senior most employee in the surplus pool should be adjusted first.

(ii) In case of cross cadre adjustment, the persons with such minimum qualification as prescribed in the relevant Service Rules for the post in question shall be adjusted keeping in view their seniority position.

(iii) If an employee possesses the basic academic qualification but lacks the professional/ technical qualification, he may be adjusted against such post subject to imparting the requisite training.

(iv) (a) The surplus employees holding such posts which fall to promotion quota in about all the departments, he shall remain in the surplus pool till the availability of a post in the parent department.

OR

(b) Where no equivalent post is available the civil servant may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the post immediately preceding his appointment to a lower post shall remain protected.

(d) If no suitable person is available in the surplus pool to be adjusted against the vacant/revived post, such a post would be filled up by initial recruitment in the prescribed manner after getting clearance from the E&AD.

(e) Surplus Staff should be adjusted preferably in their home District(s). If not possible, then within the same Division, if staff is adjusted away from their District of Domicile in the first instance then on availability of post they should be considered for adjustment near to their home station.

*Handwritten signature*

2

dependent upon the Administrative Department to take up the case with Finance Department for revival of essential posts so retrenched as a result of general directive issued by Finance Department from time to time, giving cogent reasons/justification. Against the resultant revival/restoration of the post, the concerned department will place a requisition on the E&AD for transferring of a suitable surplus employee against the said post.

(R) Unless the surplus employees in class IV are fully adjusted/absorbed against their respective graded posts in various Government Department/Organizations, the general policy of the Finance Department regarding conversion of BPS-1 & 2 posts to posts in fixed salary, @ Rs.2000/- per month for contractual appointed should be restricted to the above extent.

### FIXATION OF SENIORITY

The interse seniority of the surplus employees after their adjustment in the various departments will be determined according to the following principles:-

(a) In case a surplus employee could be adjusted in the respective cadre of his parent department he shall retain his original seniority in that cadre.

(b) 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 the seniority list of that cadre.

(c) In case of his adjustment against a post in corresponding basic pay scale with different designation/nomenclature of the post, either in his parent department or any other department, he will be placed at the bottom of seniority list.

### NOTE:

In case the Officer/official declines to be adjusted/ absorbed in the above manner in accordance with the priority fixed as per his seniority in the integrated list, he shall lose the facility/ right of adjustment/absorption and would be required to opt for pre-mature retirement from Government Service.

Provide that if/does not fulfill the requisite qualifying service for premature retirement he may be compulsorily retired from service by the competent authority.

### COMPETENT AUTHORITY TO NOTIFY/ ORDER ADJUSTMENT/ABSORPTION.

After the transfer of services of surplus employee to a Department for adjustment/absorption against a vacant/revived post, the Competent Authority to notify/ order his absorption/ adjustment shall be the respective appointing authority under the relevant rules for the post.

Provided that the decision of adjustment/ absorption of surplus employees by the E&AD shall be binding upon the respective appointing authorities.

Yours Obedient Servant

(MUHAMMAD HAMAYUN)  
ADDITIONAL SECRETARY (REGULATION)

Please circulate this clarification amongst all concerned for their information and guidance.

3

Attended

145

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Yours Faithfully,

( ABDUL JALIL )  
SECTION OFFICER (O.M)

1)

st of Even No. & Date.

Copy forwarded to the:-

- All Additional Secretaries in Estt. & Admn. Department.
- All Deputy Secretaries in Estt. & Admn. Department.
- All Section Officer in Estt. & Admn. Department.

SECTION OFFICER (O.M)

~~Handwritten signature~~  
Handwritten signature

GOVERNMENT  
ESTABLISHMENT &  
(REGULATION WING)



NO. SOR.VI (E&AD)/5-1/2005  
Dated Peshawar, the 15<sup>th</sup> February 2006.

146  
13  
22  
17

1. All Administrative Secretaries to Govt. of NWFP.
2. The Secretary to Governor, NWFP.
3. The Secretary to Chief Minister, NWFP.
4. All District Coordination Officers/Political Agents in NWFP.
5. The Registrar, Peshawar High Court Peshawar.
6. The Registrar, NWFP Service Tribunal Peshawar.
7. All Head of Attached Departments.
8. The Secretary, NWFP Public Service Commission.
9. The Secretary, Board of Revenue NWFP Peshawar.
10. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
11. The Director Anti-Corruption Establishment NWFP Peshawar.

Subject: AMENDMENT IN THE SURPLUS POOL POLICY.

Dear Sir,

I am directed to refer to the subject cited above and to state that Surplus Pool Policy circulated vide letter No. No.SOR-1(E&AD)1-200/98, dated 8<sup>th</sup> June 2001 has been reviewed. It has been decided by the competent authority to add following sub paras to the relevant paras of the policy: -

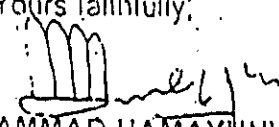
(i) Sub para (c) (v) added to para-5

C(v) In case an employee already adjusted against a lower post is declared surplus again, he shall regain his original pay scale.

(ii) Sub para-(d) added to para (6)

(d) in case of adjustment against a post lower than his original scale, he shall be placed at the top of seniority list of that cadre, so as to save him from being rendered surplus again & becoming junior to his juniors.

Yours faithfully,

  
(MUHAMMAD HAMAYUN) 15.2.06  
SPECIAL SECRETARY (REGULATIONS)


Encl No. & Date even.

Copy forwarded to.

1. The Accountant General, NWFP, Peshawar.
2. Private Secretary to Governor, NWFP, Peshawar.
3. Private Secretary to Chief Minister, NWFP, Peshawar.
4. All District & Agency Account Officers

147/224

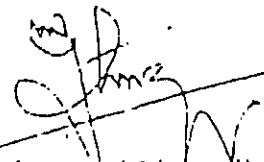
5. Private Secretary to Chief Secretary NWFP, Peshawar.
6. Private Secretary to Senior Minister NWFP.
7. Private Secretaries to all the Provincial Ministers NWFP.

  
(Hussain Shah)  
Deputy Secretary (Reg-I)

Sl No & date ever

Copy forwarded to

- All Additional Deputy Secretaries in Establishment and Administration Department NWFP, Peshawar.
- Director, Staff Training Institute, Benevolent Fund Building Peshawar.
- All Section Officers/Estate Officer Establishment and Administration Department
- Private Secretary to Secretary Establishment Department.
- Assistant Secretary Benevolent Fund, Establishment & Administration Department.
- Librarian, Establishment & Administration Department.

  
(Muhammad Masood)  
Section Officer (Reg-VI)

# Annex-II

FROM : NAZIR>FEX>SERVIC&STATIONARY.HD PHONE NO. : 412387

Oct. 25 2001 10:47A

Annex A

19 31

## OFFICE OF THE DISTRICT COORDINATION OFFICER CHITRAL

Dated Chitral the 23<sup>rd</sup> October 2001

**ORDER**

No. \_\_\_\_\_ / DCO/SPS. In pursuance of Government of NWFP, Establishment & Administration Department circular letter No. SOR-I (S&GAD) 1-200/98 (Vol-I) dated 13<sup>th</sup> August 2001, the following surplus staff are hereby adjusted in Food Department Chitral against the posts as noted against each with effect from 1-10-2001.

S.No	Name of Official	Designation, BPS & present place of posting.	Adjusted as	Remarks
1	Mr. Jamshid Hussain	J/Clerk (BPS-5) defunct DC office Chitral	Food Grain Supervisor (BPS-5) in Food Deptt Chitral	-
2	Mr. Ghulam Mohd	J/Clerk (BPS-5) defunct DC office Chitral	—do—	-
3	Mr. Aftab Alam	Junior Clerk (BPS-5) Cooperative Deptt Chitral	—do—	-
4	Mr. Abdul Jabbar	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-
5	Mr. Mohd Nawaz	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-
6	Mr. Namwar Shah	Junior Clerk (BPS-5) Cooperative Deptt Chitral	—do—	-
7	Mr. Merajuddin	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-
8	Mr. Gulabuddin	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-
9	Mr. Afzal ul Mulk	Junior Clerk (BPS-5) defunct DC Office Chitral	—do—	-

District Coordination Officer  
Chitral

No. 1625-37 /DCO

Copy forwarded to :-

1. The District Accounts Officer Chitral
- ✓ 2. The District Food Controller Chitral
3. The PSO to District Nazim.
4. All concerned official for immediate compliance.

*X.C.*  
*[Signature]*  
25/10

*[Signature]*  
25/10

District Coordination Officer  
Chitral

*[Signature]*

Annex - III

(11)

FOOD DIRECTORATE, NWFP,  
PESHAWAR.

no. 1009 / 12 / Chitral. dated Pesh, the 18 / 02 / 2002.  
no

The District Coordination  
Officer, Chitral.

subject: - ADJUSTMENT OF SURPLUS STAFF AGAINST  
VACANT POSTS IN FOOD DEPARTMENT.

memo: -

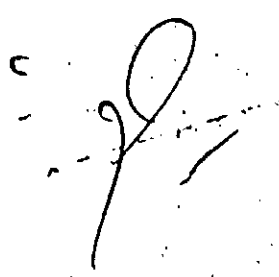
please refer to your office order no. 1625\_37/  
DCO dated 23rd October 2001, wherein you adjusted (9) junior  
clerk (BPS\_5) against the vacant posts of foodgrain supervisors  
(BPS\_5) in the office of District food controller, Chitral.

2. In this connection the factual position is  
that (11) posts of foodgrain supervisors (BPS\_5) are lying  
vacant in Chitral district while (13) personnels of District  
Administration Chitral are working against these posts on  
various P.R. centres for the last 5 to 10 years.

3. It is worth mentioning here that foodgrain  
supervisor is a semi technical post and falls under initial  
recruitment quota. A foodgrain supervisor initially recruited  
is not directly posted at foodgrain godown/P.R. centre but is  
attached with some senior officer at the foodgrain godown for  
on job training because being a perishable commodity storage  
of wheat involves fumigation and upkeep of stocks of wheat etc  
otherwise it deteriorates very quickly.

4. In view of the above, it will be more  
appropriate that these surplus officials may be posted in  
some other department and the repatriation of the staff already  
working with food department Chitral may not be made and  
they be adjusted against these vacant posts.

  
Director Food, NWFP,  
Peshawar.





No. 1409 /G-12-Swat.

Food Directorate NWFP,  
Peshawar.

Dated 26 /1/2002.

The District Coordination Officer,  
Chitral.

Subject: ADJUSTMENT OF SURPLUS STAFF AGAINST VACANT  
POST IN FOOD DEPARTMENT.

Memo:

Please refer to your memo No.2874/DCO/SPS dated 7.1.2002, on the subject cited above.

2. In this connection your attention is once again invited to this Office No.1009/G-12/Chitral dated 18.2.2002.

3. The factual position is that (11) posts of Foodgrain Supervisors (SPS-5) are lying vacant in Chitral District while (13) personnels of District Administration Chitral are working against these posts on various PR Centres for the last 5 to 10 years.

4. It is worth mentioning here that Foodgrain Supervisors is a semi-technical post and falls under initial recruitment quota. A Foodgrain Supervisor initially recruited is not directly posted at Foodgrain Godown/PR Centre but is attached with some senior officer at the Foodgrain Godown for on job Training because being a perishable commodity storage of wheat involves fumigation and upkeep of stocks of wheat etc otherwise it deteriorates very quickly.

5. Beside this most of the staff of District Administration Chitral working with Food Department Chitral is involved in the non depositing of sale proceeds to the tune of at least one crore Rupees and if they are repatriated it is apprehended that the chances of recovery of embazzled amount will be eliminated for ever. Food Department is pressurising them on day to day basis for recovery & they are also making payment in this respect.

6. In view of the above, it will be more appropriate that these surplus officials may be posted in some other Departments and the repatriation of the staff already working with Food Department Chitral may not be made and they be adjusted against these vacant posts.

Director Food NWFP,  
Peshawar.

Dated 26 /1/2002.

No. 1410-11 /G-12-Swat.

A copy is forwarded to:

Amir Khan (12)

Annex 4V

OFFICE OF THE DISTRICT COORDINATION OFFICER CHITRAL.

Dated Chitral the 27<sup>th</sup> January 2002.

ORDER.

No. \_\_\_\_\_ /DCO/SPS. In pursuance of Establishment Department, NWFP circular letter No. SOR-1 (S&GAD) 1-200/98 (Vol.1) dated 13<sup>th</sup> August 2001, nine (9) Junior Clerks BPS-5 were adjusted in Food Department Chitral vide order No. 1624/DCO/SPS dated 23<sup>rd</sup> October 2001, which was not accepted by Food Directorate NWFP vide No. 25193-208/G-12/Swat dated 27-10-2001 and despite obtaining clarification from Establishment Department, Govt. of NWFP vide their No. SO (SP)S&GAD/24/2001 dated 24<sup>th</sup> November 2001 the same was again not accepted and referred the matter to Food Department NWFP Peshawar vide Director Food letter No.27374-76/G-12/swat dated 13<sup>th</sup> December 2001. Now the Director Food NWFP has requested to adjust all those official who are already working on additional charge basis with Food Department Chitral as Food Grain Supervisor BPS-5 vide letter No. 1009/G-12/Chitral dated 18<sup>th</sup> January 2002. Therefore the adjustment order already issued vide No. 1624/DCO/SPS dated 23-10-2001 is hereby cancelled.

Consequently the following officials already working with Food Department Chitral on dual charge basis is hereby adjusted/transferred to Food Department Chitral as Food Grain Supervisor with effect from 1<sup>st</sup> January 2002.

S.No.	Name	Designation/Department	Adjusted as	Remarks
1	Zar Mohammad	Secretary, UC Karimabad	Food Grain Supervisor BPS-5	
2	Hasil Murad	Junior Clerk (BPS-5), Revenue Department	Food Grain Supervisor (BPS-5)	
3	Qadir Khan	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
4	Ghulam Rasool	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
5	Rehmat Wali Khan	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
6	Fathuddin Ahmad	Senior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	In own pay & scale
7	Mohd Zaman	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
8	Mukhtar Ahmad	Junior Clerk (BPS-5) Revenue Department	Food Grain Supervisor (BPS-5)	
9	Sher Ali	Junior Clerk (BPS-5) Finance & Planning Department Chitral	Food Grain Supervisor (BPS-5)	
10	Mohd Zahir Shah	Junior Clerk (BPS-5) Finance & Planning Deptt Chitral	Food Grain Supervisor (BPS-5)	
11	Dinar Wali Khan	Secretary Union Council Khor	Food Grain Supervisor (BPS-5)	

APPROVED

(13)

Subsequently, the following surplus staff are hereby adjusted in the department as noted against each with effect from 1<sup>st</sup> January 2002.

S.No	Name	Designation, BPS & Department	Adjusted as	Remarks
1	Sher Khybari	Senior Clerk, (BPS-7) defunct DC Office Chitral	Senior Clerk, Revenue Department Chitral	
2	Jamshid Hussain	Junior Clerk, BPS-5 defunct DC Office Chitral	Junior Clerk (BPS-5) Revenue Department	
3	Ghulam Mohd	---do---	---do---	
4	Abdul Jabbar	---do---	---do---	
5	Mohd Nawaz	---do---	---do---	
6	Merajuddin	---do---	---do---	
7	Gulabuddin	---do---	---do---	
8	Afzal ul Mulk	---do---	---do---	
9	Aftab Alam	Junior Clerk, BPS-5 Cooperative Deptt Chitral	Secretary (BPS-6) Union Council Karimabad.	In own Pay & scale
10	Namwar Shah	---do---	Junior Clerk (BPS-5) Finance & Planning Department Chitral	

Note :-

1. The District Officer (Revenue & Estate) Chitral and DFC Chitral may further issue the posting order of the officials adjusted in their respective department.
2. The Respective offices may prepare the LPC and Service Book of the official and send to the offices where the official has been adjusted.

District Coordination Officer  
Chitral

No: 3204-211

Copy forwarded to:-

1. The Director Food NWFP, Peshawar.
2. The District Nazim Chitral.
3. The District Officer (R & E) Chitral.
4. The EDO, Finance & Planning Chitral.
5. The SO (SP) Establishment Department NWFP, Peshawar.
6. The DAO Chitral.
7. The TMO Chitral.
8. The DFC Chitral.
9. All the officials for immediate compliance.

District Coordination Officer  
Chitral



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
DIRECTORATE OF FOOD,  
PESHAWAR

No. 282 /ET-716

Dated 17 /January, 2018

(14)

Annex-1

TO:-

1. All Officers/ Officials in Food Directorate, Peshawar.
2. All Assistant Directors Food at Divisional level in Food Department Khyber Pakhtunkhwa
3. All District Food Controllers in Khyber Pakhtunkhwa
4. The Storage & Enforcement Officers, NRC Azakhel & PRC Peshawar
5. The Rationing Controller Peshawar.

Subject:- **FINAL SENIORITY LIST OF ASSISTANT FOOD CONTROLLER AS IT STOOD ON 17-01-2018**

Memo:-

In compliance of Judgements of Khyber Pakhtunkhwa Service Tribunal Peshawar announced on 24-11-2017 in case of Appeals Nos 07 & 08 regarding acceptance of Seniority Appeal of M/s. Muhammad Akbar and Muhammad Salim Iqbal AFCs, and well as acceptance of appeals of M/s Aman Khan, Noor Khan, Aurangzeb Khan and Attaullah AFCs by the competent authority the final seniority list of Assistant Food Controller as it stood on 17-01-2018 are enclosed herewith for circulation amongst your concerned staff. Please acknowledge receipt.

DEPUTY DIRECTOR FOOD (A&C)  
KHYBER PAKHTUNKHWA  
PESHAWAR

**Endorsement No and Even date**

Copy for information to

1. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the Judgments announced on 24-11-2017 in case of Appeal No 07/2017 Muhammad Akbar AFC & Appeal No. 08/2017 Muhammad Saleem Iqbal AFCs.
2. The Section Officer General Government of Khyber Pakhtunkhwa Food Department Peshawar..
3. Mr. Aman Khan Assistant Food Controller Peshawar with reference to his appeal dated 18-11-2016
4. Muhammad Akbar Assistant Food Controller Office of DFC Mardan with reference to Appeal No.07/2017 and Judgement dated 24-11-2017.
5. Muhammad Saleem Iqbal Assistant Food Controller Office Food Directorate, Peshawar with reference to his Appeal No.08/2017 and Judgement dated .24-11-2017
6. Mr. Noor Khan Assistant Food Controller, Office of DFC Kohat with reference to his appeal dated 29-12-2016
7. Mr. Aurangzeb Khan Assistant Food Controller, Office of S&EO PRC Peshawar with reference to his appeal dated 17-07-2017.
8. Mr. Attaullah Assistant Food Controller Office of DFC Dargai with reference to his appeal dated 31-03-2017

DEPUTY DIRECTOR FOOD (A&C)  
KHYBER PAKHTUNKHWA  
PESHAWAR.

15

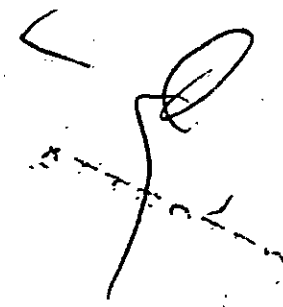
FINAL SENIORITY LIST OF ASSISTANT FOOD CONTROLLERS (BS-14) IN THE FOOD DIRECTORATE KHYBER PAKHTUNKHWA, PESHAWAR AS IT STOOD ON 17-01-2018

1	2	3	4	5	6	7	8	9	10
S.No.	Name of Govt Servant	Qualification	Date of birth	Domicile	Date of entry in to Govt service	Date of appointment to the post of FGI/ Cane Inspector	Date of appointment to the present post	Method of recruitment	Date of superannuation
1.	Syed Wazir Shah	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
2.	Mr. Aftab Umar Khan	MA	04-08-1985	Mohmand Agency	19-05-2010	-	19-05-2010	By Initial recruitment	03-08-2045
3.	Muhammad Tariq	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2030
4.	Mr. Ansar Qayum	B.A	11.07.1970	Mansehra	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030
5.	Mr. Abdul Hafeez	M.A	07.07.1969	Charsadda.	09.05.1993	20.12.2003	21-10-2010	By Promotion	06.07.2029
6.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-08-2016	By Promotion	01.08.2028
7.	Mr. Arshad Hussain	B.A	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
8.	Mr. Ali Asghar Khan	B.A	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
9.	Mr. Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026
10.	Mr. Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032
11.	Mr. Jamshed Khan Afridi	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
12.	Mr. Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
13.	Mr. Sheraz Anwar	F.A	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
14.	Mr. Muhammad Azam ✓	B.B.A	22.11.1988	S. Wazirstan Agency	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	21.11.2048
15.	Mr. Tausif Iqbal	M.B.A	01.10.1987	Karak	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	30.09.2047
16.	Muhammad Shakeel	M.B.A	10.04.1984	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2044
17.	Miss Uzma Kanwal	M.A	03.12.1990	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.12.2050
18.	Mr. Zafar Alam Riza	M.A	03.01.1987	Chitral	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.01.2047
19.	Mr. Shujaat Hussain Shah	M.Sc	10.04.1987	Mansehra	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2047
20.	Mr. Hafeez-ur Rehman	B.A	18.04.1984	Dir Lower	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	17.04.2044
21.	Mr. Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	26.06.2049
22.	Mr. Muhammad Akbar	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	22-04-2016	By Promotion	04.12.2022
23.	Mr. Muhammad Salim Iqbal	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.2004	22-04-2016	By Promotion	14.07.2029
24.	Mr. Noor Khan	F.A	12-09-1968	Peshawar	20-04-1995	25-08-2004	28-11-2016	By Promotion	11-09-2028
25.	Mr. Muhammad Salim	M.A Pol: Science	18.04.1965	Nowshera	14.07.1993	17.06.2005	22-04-2016	By Promotion	17.04.2025
26.	Mr. Gulab Gul	MA Pol: Science	01.02.1967	Karak	14.07.1993	17.06.2005	22-04-2016	By Promotion	31.12.2027
27.	Mr. Muhammad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	22-04-2016	By Promotion	01.05.2033
28.	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2016	By Promotion	31.12.2035
29.	Mr. Muhammad Shoaib	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	22-04-2016	By Promotion	10.04.2026
30.	Mr. Amjid Khan	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	22-04-2016	By Promotion	04.01.2035
31.	Mr. Mohammad Zubair	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	22-04-2016	By Promotion	20.09.2030
32.	Mr. Saif Ali Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2016	By Promotion	02.03.2029
33.	Mr. Aurangzeb Khan	F.A	12-05-1971	Bannu	27-04-1997	12-01-2009	28-11-2016	By Promotion	11-05-2031
34.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	22-04-2016	By Promotion	14-02-2047
35.	Mr. Rashid Saeed	B.A	15.03.1974	D.I.Khan	22.05.1995	26-12-2009	22-04-2016	By Promotion	14.03.2034

(16)

36.	Mr. Attaullah	Metnc	02-04-1976	Dir Lower	22-05-1995	26-12-2009	28-11-2016	By Promotion	01-04-2036
37.	Mr. Ashfaq Khan	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	04-08-2016	By Promotion	24.03.2037
38.	Mr. Riaz Ahmad	M.A	01.03.1966	Chitral	02.05.1995	26-12-2009	04-08-2016	By Promotion	28.02.2026
39.	Mr. Ateeq-ur Rehman	B.A	01.05.1977	M/Agency	03.05.1995	26-12-2009	04-08-2016	By Promotion	30.04.2037
40.	Mr. Angoor Shah	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	04-08-2016	By Promotion	31.05.2023
41.	Mr. Qazi Bilal	F.A	15-04-1969	Abbottabad	06-08-1995	26-12-2009	28-11-2016	By Promotion	14-04-2029
42.	Mr. Lal Bacha	B.A	09.04.1989	Mardan	06-12-2016	-	06-12-2016	By initial recruitment	08.04.2049
43.	Mr. Fakhar Zaman	F.A	22.04.1971	S.Waziristan	03.08.1992	26-12-2009	10-01-2017	By Promotion	21.04.2031
44.	Mr. Rehmat Wali	F.A	10.06.1963	Chitral	16.12.1981	26-12-2009	23-05-2017	By Promotion	09.06.2023
45.	Mr. Ghulam Rasool	Matric	10-04-1963	Chitral	23.04.1983	26-12-2009	23-05-2017	By Promotion	09-04.2023
46.	Mohammad Zahir Shah	F.A	10.12.1965	Chitral	01.09.1985	06-04-2010	23-05-2017	By Promotion	11.04.2019
47.	Mr. Wajid Ali	Matric	18.02.1981	Nowshera	08.05.2004	06-04-2010	23-05-2017	By Promotion	17.02.2041
48.	Mohammad Yousaf Khan	D.Com	07-04-1984	FR Bannu	16-04-2010	16-04-2010	19-09-2017	By Promotion	06-04-2044
49.	Mr. Amir Khalid	B.A	26-03-1970	Mansehra	15-01-2009	14-05-2010	19-09-2017	By Promotion	25-11-2030
50.	Mr. Umair Ali	BA	15-11-1987	Charsadda	13-05-2010	14-05-2010	19-09-2017	By Promotion	14-11-2047
51.	Mr. Numan Amir	BA	25-12-1983	Peshawar	13-05-2010	14-05-2010	19-09-2017	By Promotion	24-12-2043
52.	Mr. Shoukat Ali	F.A	04.04.1977	Mansehra	08.05.2004	20-10-2010	10-10-2017	By Promotion	03.04.2037

  
ASSISTANT DIRECTOR FOOD (E)  
KHYBER PAKHTUNKHWA  
PESHAWAR





Annexure  
F 2

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

NO.SOF(Food Deptt)1-27/13 238  
Dated Pesh: the 15-03-2018

Annex-VII

To,

19

The Director Food,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: **APPLICATION**

Dear Sir,

I am directed to refer to your letter No.959/PF-1034 dated 23.02.2018 on the subject noted above and to state that appeal of M/S Rehmat Wali, Zahir Shah and Ghulam Rasool is not covered under the rules being adjusted in equal pay scale from Junior Clerk to Foodgrain Supervisor as per Surplus Policy of the Government, please.

Yours faithfully,

SECTION OFFICER (GENERAL)

CC:-

1. PS to Secretary Food, Khyber Pakhtunkhwa.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF FOOD  
PESHAWAR

No 1335 /PF-  
Dated Peshawar the 15 March, 2018

A Copy of letter of Section Officer General Government of Khyber Pakhtunkhwa Food Department vide No.SOF (Food Deptt)1-27/13/238 dated 15-03-2018 is forwarded to :-

1. The Assistant Directors Food Malakand Division.
2. The District Food Controller, Chitral
3. Mr. Rehmat Wali Assistant Food Controller, Chitral.
4. Mr. Ghulam Rasool Assistant Food Controller, Chitral.
5. Mr. Zahir Shah Assistant Food Controller, Chitral.
6. Concerned File.

DEPUTY DIRECTOR FOOD  
KHYBER PAKHTUNKHWA  
PESHAWAR

Annexure 'B'

(17)



OFFICE OF THE  
DISTRICT FOOD CONTROLLER  
CHITRAL

No. 1419 /4/3-ET

Dated 26 /01/2018.

To,  
The Director Food,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: **APPLICATION**  
Memo:-

Enclosed please find herewith an application submitted by the following Assistant Food  
Controllers for onward submission to honorable Secretary Food Khyber Pakhtunkhwa for  
consideration in the matter please.


S.No.	Name of AFC
1	Rehmat Wali
2	Zahir Shah
3	Ghulam Rasool

District Food Controller,  
Chitral.

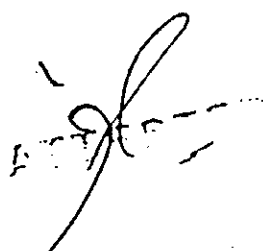
**Endst No. & date Even**

Copy forwarded to:-

1. The Assistant Director Food Malakand Division at Saidu Sharif Swat for information.
2. The Assistant Food Controller concern for information with reference to their application dated.

  
District Food Controller,  
Chitral.

letter to DF for Rehmat Wali AFC





خدمت جناب سیکرٹری فوڈ اینڈ ایگریکلچرل ڈیپارٹمنٹ، حکومت خواتین و بچوں کے امور، اسلام آباد  
لواسٹم - جناب ڈی ایف سی اور صاحب جنرل  
جناب عالی!

سہیت اراک کے ساتھ گزراش ہے۔ کہ ہم فڈ ورک سال 2002 میں ڈسٹرکٹ ایڈمنسٹریٹیشن جنرل لاہور سے حکم خواتین میں ٹرانسفر ہو کر ایڈجسٹ ہو گئے۔ لیکن ابھی تک حکم خواتین ہمارا پورا کرنا سروس قبول کرنے سے انکاری ہے۔ اور ڈسٹرکٹ صاحب محکم خواتین نے ہماری درخواست پر جناب والا!

ڈسٹرکٹ ایڈمنسٹریٹیشن میں 9 جونز کلر کی سرپلیس نوٹ  
ان کو فوڈ ڈیپارٹمنٹ میں ایڈجسٹ کرنے کے لیے ڈی سی او صاحب جنرل نے حکم خواتین کو لکھا جس کو فوڈ ڈیپارٹمنٹ نے قبول نہیں کیا۔ افسر کار خناس ڈیپارٹمنٹ حکم خواتین کو ہدایت کی کہ ان لوگوں کو اپنے ڈیپارٹمنٹ میں ایڈجسٹ کریں۔ لیکن فوڈ ڈیپارٹمنٹ نے ان سرپلیس لوگوں کو اپنے سے انکاری ہوا اور ہم لوگ جو کہ پہلے سے فوڈ ڈیپارٹمنٹ کے ساتھ ایڈجسٹل چارج ہو کر رہے تھے۔ پچھلے دنوں ان سرپلیس لوگوں کو ہماری جگہ ڈسٹرکٹ ایڈمنسٹریٹیشن میں ایڈجسٹ کر دیا گیا۔ ڈی سی او صاحب جنرل کا آرڈر جو فوڈ ڈیپارٹمنٹ کے خلاف ہے۔

دوسرا یہ کہ ہم ہائی سکیل یعنی سکیل بڈ سے سکیل بڈ ڈیپارٹمنٹ میں ہیں۔ اس حساب سے بھی ٹرانسفر ہمارا حق بنتا ہے۔ لہذا جناب والا کی خدمت اقدس میں درخواست ہے کہ ڈی سی او صاحب جنرل کا آرڈر حلاقہ فرما کر اور ہم سروس فرما کر ہمارا ٹرانسفر سروس میں دیکھی جملہ عنایت فرمائیں ہم جناب حلاقہ کامیابی اور عمر درازی کا دعا گو ہیں۔

دعا گو  
محمد ظہیر شاہ ڈی ایف سی جنرل  
محمد ظہیر شاہ ڈی ایف سی جنرل  
محمد ظہیر شاہ ڈی ایف سی جنرل

28/05/2002  
H/C

Dated Chitral the 6 th November, 2000.

ORDER

No. \_\_\_\_\_/G-1(AC). The following transfer and posting amongst the ministerial establishment is hereby ordered with immediate effect in the interest of public service :-

S.No.	Name & Designation	From	To	Remarks.
1/	Mr. Mutiur Rehman, Assistant	AG-I, D.C. Office.	AG-II, D.C.Office.	Against the vacant post. He will also look after the work of AG-I.
2/	Mr. Abdul Aziz, Junior Clerk	Grain Godown Booni.	A.C Office Booni.	Vice No.3
3/	Mr. Mohd Zaman, Junior Clerk	A.C.Office, Booni.	Grain Godown Booni.	Vice No.2
4/	Mr. Ghulam Rasool, Junior Clerk.	Main Office D.C Office.	PRC, Ayun/ Bumbarate/ Birir.	-

Mr. Ghulam Rasool, Junior Clerk will look after routine work in D.C Main Office in addition to his own duty also.

Note:-

1. The official at S.No. 3 and 4 will move first.
2. The new godown clerk will furnish a surety bond in the sum of Rs. Ten lac with two surities in the like amount that in case of any discrepancy/theft the loss will be made good from the surety amount.
3. The District Food Controller, Chitral. He is requested to personally supervise the handing/taking over of charge. The outgoing clerk will clear all dues of his period.

Deputy Commissioner,  
Chitral.

No. 10307-18/G-1(AC)

Copy forwarded to :-

- 1/ The Assistant Commissioner, Mhatuj.
- 2/ The District Food Controller, Chitral.
- 3/ The Naib Tehsildar, Chitral.

For information and necessary action.

4-9/The officials concerned for compliance.

CS

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DEPUTY COMMISSIONER  
CHITRAL

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.**

**Service Appeal No. 585/2018**

**Rehmat Wali Khan s/o Mirza Wali Khan**

**.....Appellant**

**Versus**

**Government of KPK, through Secretary Establishment  
Department & others...**

**.....Respondents**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.  
18, 28, 31, 32, 38, 40 & 48, 49**

Respectfully Sheweth

**PRELIMINARY OBJECTIONS:**

1. This appeal is not maintainable in its present form.
2. The appellant has no cause of action/locus standi to file this appeal.
3. The appellant is estopped by his own conduct to file this appeal.
4. This appeal is bad for non-joinder and mis-joinder of necessary parties.
5. The appellant has not come to this Hon'ble Tribunal with clean hands. He has suppressed the material facts from this Hon'ble Tribunal for his ulterior motives.
6. This appeal is pregnant with malafide intentions and is liable to be dismissed.
7. This appeal is hopelessly barred by time and is liable to be dismissed on this ground alone.
8. This appeal is not maintainable as the appellant has got no vested right to claim seniority over FGs (BPs-5) in Food

Department, KP from the date of entry into Government service as he is a surplus pool employee having been inducted later in Food Department KP as FGs (BPs-5)

**ON FACTS**

1. Para-1 of the appeal needs no comments. Being facts of the case are discussed in this para.
2. No comments. Being facts of the case are discussed in this para.
3. In reply to Para-3 of this appeal, it is clarified that though the appellant had undertaken additional duty working as Food Grain Supervisor at the District Chitral during the year 1996-97 by an order of DCO, Chitral, yet this additional duty/assignment performed by him, in addition to his own duties, has not created vested right in his favour because he was a Junior Clerk (BPs-5) being on the strength of DCO, Chitral at that time, holding a ministerial level post.
4. Para-4 of the appeal needs no comments.
5. Para-5 of the appeal needs no comments.
6. Para-6 of the appeal needs no comments.
7. Para-7 of the appeal needs no comments.
8. Contents of Para-8 of the appeal are incorrect and misconceived. The factual position of the case is explained as under:-

- i. That the appellant while working as junior clerk (BP-5) at Revenue Department, Chitral, was rendered surplus and was sent to surplus pool.
- ii. That by an order dated 24.1.2002, issued by District Coordination Officer (DCO) Chitral, the appellant was adjusted/inducted in Food Department, Government of Khyber Pakhtunkhwa, as Food Grain Supervisor (BP-5) on regular basis w.e.f 1.1.2002. **(vide order dated 24.1.2002 annexed with appeal of appellant at page 12)**
- iii. That after adjustment/induction in Food Department, Govt of KPK, as FGs (BP-5), on 1.1.2002 henceforth the services of the appellant were/are to be governed under the NWFP (now KP) Food department (Recruitment & Appointment) Rules 1981. **(Copy of the service rules 1981 is attached as annexure A)**
- iv. That as per ibid service rules of KP Food Department 1981, the appellant (being surplus pool employee) having been adjusted/inducted in Food department KP as FGs (BP-5) w.e.f 1.1.2002, on regular basis has become regular employee of Food Department Government of KP w.e.f 1.1.2002 and hence his seniority in the seniority list of FGs (BP-5) of Food Department, KP, was/is to be reckoned w.e.f 1.1.2002, instead of his date of entry into Government service.
- v. That in due course of time, the appellant had been promoted to the post of Food Grain Inspector on

26.12.2009, against 75% quota reserved for promotion, on seniority cum fitness basis.

- vi. That subsequently, the appellant had been promoted to the post of Assistant Food Controller (BP-14) on 23.5.2017, against 75% reserved quota for promotion, on the basis of seniority-cum-fitness.

Since all the answering Respondents had earlier been promoted/recruited as Assistant Food Controller (BPs-14) in Food Department and they have been placed in the impugned seniority list of AFCs (BPs-14) in proper place, hence this seniority list is valid and legal in the eyes of law

From the facts narrated above, it is crystal clear that the plea taken by the appellant in the instant appeal pertaining to his seniority from the date of entry into government service is illegal and unlawful, being not based on legal footing.

9. That as explained in para-8 above, the final seniority list of AFC (BPs-14), Food Department, KP as stood on 17.1.2018, issued by Director Food KPK through Endorsement No.288/ET/716 dated 17.1.2018 which is already appended with this appeal has been circulated by the official Respondents/Department strictly in accordance with law/Rules, wherein the appellant has been properly placed in the ibid seniority list dated 17.1.2018 and no injustice has been done with him in this regard.

10. Para -10 of the appeal needs no comments. Being facts of the case are discussed in this regard. However, the instant appeal being meritless and devoid of force is liable to be dismissed inter alia on the following grounds.

**GROUND**

- A. Incorrect and not admitted. The seniority list of AFC (BPs-14) dated 17.1.2018 issued by Respondent/Department is a valid and legal instrument under the prevailing laws/rules.
- B. Contents of Para-B of the ground are incorrect and misconceived. The appellant (being ex-surplus pool employee) working as junior clerk (BPs-5) in the office of DCO Chitral, had himself opted to join the Food Department, KP as Food Grain Supervisor (BP-5) on 1.1.2002 and his seniority in Food Department was/is to be reckoned w.e.f 1.1.2002 i.e. from the date of his adjusted/induction in Food Department KP.
- C. Incorrect and not admitted.
- D. Contents of Para-D under the ground of this appeal, are incorrect and misconceived.
- E. Incorrect and not admitted.
- F. Incorrect and misconceived.
- G. Incorrect and misconceived.
- H. No comments, being legal matter.
- I. No comments

It is, therefore, most humbly prayed that on acceptance of the reply filed by the answering Respondents, the instant appeal of the appellant, may graciously be dismissed, being meritless and non-maintainable.

*H/Rahman*

**ANSWERING RESPONDENTS**

(Detailed above)

**Through**

*Abdul Hameed*  
(ABDUL HAMEED)

Advocate Supreme Court of Pakistan

**VERIFICATION**

Verified on oath, this day of 20<sup>th</sup> November 2019 that the contents of the reply filed by above Answering Respondents are true and correct to the best of my knowledge & belief.



*20-11-19 H/Rahman*

**Respondents**



Ann: GA 99

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**GOVERNMENT OF NORTH WEST FRONTIER PROVINCE  
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

**NOTIFICATION**

Dated Peshawar, the 24-05-1981

NO.SOR-II(S&GAD)2-18/79, dated 24-05-1981, In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servant Act 1973 (NWFP Act No. XVIII of 1973) and in super session of all previous rules on the subject in this behalf, the Governor of the North West Frontier Province is please to make the following rules, namely.

**THE NORTH WEST FRONTIER PROVINCE FOOD  
DEPARTMENT (RECRUITMENT AND APPOINTMENT)  
RULES 1981**

1 (1) These rules may be called the North West Frontier Province Food Department (Recruitment and Appointment) Rules, 1981.

(2) They shall come into force at once.

2 The method of recruitment, minimum qualification, age limit and other matters related thereto for the posts specified in column-2 of the schedule annexed shall be such as given in column-3 to 06 of the said schedule.

Sd/-  
Secretary to Government of  
North West Frontier Province  
Services and General Administration  
Department

Endst No. SOR-II(S&GAD)2-18/79 Dated 24/05/1981

A copy is forwarded for information to:-

- 1 All Administrative Secretaries to Government of NWFP,
- 2 Director of Food, NWFP Peshawar.
- 3 Manager, Government Printing Press, Peshawar for Publication in the Government Gazettee. He is requested to supply 50 copies of the Gazettee Notification to the S&GAD and Law Department
- 4 Section Officer (R-I), S&GAD, Government of NWFP,

Sd/-  
(Abdul Halim)  
(Section Officer Regulation-II).

**SERVICE RULES FOR APPOINTMENT TO VARIOUS POSTS IN FOOD DEPARTMENT  
KHYBER PAKHTUNKHWA**

**SCHEDULE-42**

S.N. o	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Minimum qualification for appoint by promotion.	Age Limit	Method of Recruitment
1	2	3	4	5	6
	Director Food				a) By selection on merit with due regard to seniority from amongst the Deputy Directors with at least 12 years service in Grade-17 and Grade-18; or b) By transfer of an officer already employed in any Department of Government other than the Food Department.
2	Deputy Director				a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Directors Food, with at least five years service in Grade-17; out of which at least two years mandatory service in Food Directorate or b) by transfer of an officer already employed in any Department of Government other than the Food
Entries in the Shedule-42 against serial No.2, in column 6, in clause (a ), after the word happen and figure "Grade-17", the words "out of which at least two years service in Food Directorate is mandatory" is inserted as amended vide Notification of Government of Khyber Pakhtunkhwa Food Department No. SOF(Food Deptt)1-12/2010/388 dated 10-11-2010,					
3	Deputy Director (Accounts)				a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Accounts Officer with at least 5 years service in Grade-17; or b) by transfer on deputation from the office of the Audit Department for a specified period in accordance with the terms as may be specified.

9

4	Assistant Director Food					a) By selection on merit with particular reference to fitness for higher responsibilities from amongst District Food Controller Rationing Controller and S&EO, with at least seven years service as such; or b) By transfer of an officer already employed in any Department of Government other than the Food Department.
5	Assistant Accounts Officer (BPS-17)					a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Accounts Officers in Grade-16 & Statistical Officers with at least 3 years service as such; or b) By transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified.
6	Regional Audit Officer					a) By transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified; or b) By promotion on the basis of seniority-cum-fitness from amongst Superintendents / Accountants who have passed the S.A.S. Examinations.
7	Assistant Accounts Officer (BPS-16)	B Com from a Recognized University of SAS qualified			20 Years to-25 years	a) Twenty Five percent by initial recruitment b) Seventy Five percent by selection on merit with particular reference to fitness for higher responsibilities from amongst Superintendent & Accountants or by transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified.
8	Statistical Officer	Bachelor's Degree with Statistics as one of the subjects from a recognized University.			20 Years to 25 years	a) By selection on Merit with particular reference to fitness for higher responsibilities from amongst Superintends /Accountants, or b) By initial recruitment.
9	DFC/S&EOs/RC	Degree from a recognized University			20 Years to 25 years	a) 25% by initial recruitment, and b) 75% by Selection on merit with particular reference to fitness for higher responsibilities from amongst AFCs with at least 05 years Service as such
10	Executive Establishment Assistant Food Controller	Degree from a recognized University			20 Years to 25 years	a) 75 % by promotion on the basis of seniority cum fitness from amongst I/Gs and Cane Inspector with at least 05 Years service as such and b) 25 % by initial recruitment.

10

11	FGI/ Cane Inspector	Intermediate from a recognized Board		18 years to 25 years.	a) 75 % by promotion on the basis of seniority cum fitness from amongst FGS, and Cane Inspector with at least 03 Years service as such and b) 25 % by initial recruitment.
12	Entries under Column No 02 to 06 of S.No.12 deleted vide notification No.O-ET/SOF/P-II dated 05-05-1996				
13	Food grain Supervisor	Matriculation or equivalent qualification from a recognized Board		18 years to 25 years	By Initial recruitment
14	Ministerial Estt. Superintendent Accountant				By promotion on the basis of Seniority-cum fitness from amongst Senior Auditors, Assistant (including Assistant of Cane Control Organization Stenographer and Head Clerk with at least five years as such.
15	Senior Auditor				By Promotion on the basis of Seniority cum fitness from amongst the Junior Auditors and Senior Clerks with at least 05 years experience in Accounts work.
16	Assistant /Head Clerk	Degree from a recognized University		18 years to 25 years	a) 25% by initial recruitment or b) 75% by promotion on the basis of seniority cum-fitness from amongst Junior Auditors and Senior Clerks with at least 05 years experience in Accounts work.
17	Cane Assistant	Degree from a recognized University		18 years to 25 years	By initial recruitment.
18	Junior Auditor				By Promotion on the basis of seniority cum fitness from amongst the Junior Clerks with at least two years experience in accounts works.
19	Senior Clerk				By Promotion on the basis of seniority cum-fitness from amongst the Junior Clerks with at least two years service are as such.
20	Junior Clerk	Matriculation or equivalent qualification from a recognized Board.		18 Years to 25 Years	By initial recruitment.
21	Stenographer	i) Matriculation or equivalent qualification from a recognized Board and ii) A speed of 100 words per minute in shorthand and 40 words per minute in typing		18 Years to 25 Years	a) By Promotion on the basis of seniority cum fitness from amongst the steno typist or b) By initial recruitment, if no suitable Steno typist available
22	Steno typist	i) Matriculation or equivalent qualification from a recognized Board and ii) A speed of 80 words per minute in shorthand and 35 words per minute in typing		18 Years to 25 Years	By initial recruitment

(11)

-4-

	Drivers		25 years to 45 years	By initial recruitment from amongst persons who are in possession of a valid driving License.
	Daftari	Middle Slandered	25 years to 45 years	a) By Promotion on the basis of seniority cum-fitness from amongst Naib Qasid or b) By initial recruitment if no suitable Naib Qasids available.
25	Naib Qasid		18 Years to 40 Years	By initial recruitment
26	Chowkidar		18 Years to 40 Years	By initial recruitment
27	Mali		18 Years to 40 years	By initial recruitment
28	Sweeper		18 Years to 40 years	By initial recruitment

  
Assistant Director Food (Estt)  
Food Directorate / Muzer Pakhtunkhwa  
Peshawar

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.****Service Appeal No. 585/2018****Rehmat Wali Khan s/o Mirza Wali Khan****.....Appellant****Versus****Government of KPK, through Secretary Establishment  
Department & others...****.....Respondents****PARAWISE COMMENTS ON BEHALF OF RESPONDENTS  
NO.13**

Respectfully Sheweth

**PRELIMINARY OBJECTIONS:**

1. This appeal is not maintainable in its present form.
2. The appellant has no cause of action/locus standi to file this appeal.
3. The appellant is estopped by his own conduct to file this appeal.
4. This appeal is bad for non-joinder and mis-joinder of necessary parties.
5. The appellant has not come to this Hon'ble Tribunal with clean hands. He has suppressed the material facts from this Hon'ble Tribunal for his ulterior motives.
6. This appeal is pregnant with malafide intentions and is liable to be dismissed.
7. This appeal is hopelessly barred by time and is liable to be dismissed on this ground alone.
8. This appeal is not maintainable as the appellant has got no vested right to claim seniority over FGs (BPs-5) in Food

Department, KP from the date of entry into Government service as he is a surplus pool employee having been inducted later in Food Department KP as FGs (BPs-5)

**ON FACTS**

1. Para-1 of the appeal needs no comments. Being facts of the case are discussed in this para.
2. No comments. Being facts of the case are discussed in this para.
3. In reply to Para-3 of this appeal, it is clarified that though the appellant had undertaken additional duty working as Food Grain Supervisor at the District Chitral during the year 1996-97 by an order of DCO, Chitral, yet this additional duty/assignment performed by him, in addition to his own duties, has not created vested right in his favour because he was a Junior Clerk (BPs-5) being on the strength of DCO, Chitral at that time, holding a ministerial level post.
4. Para-4 of the appeal needs no comments.
5. Para-5 of the appeal needs no comments.
6. Para-6 of the appeal needs no comments.
7. Para-7 of the appeal needs no comments.
8. Contents of Para-8 of the appeal are incorrect and misconceived. The factual position of the case is explained as under:-

- i. That the appellant while working as junior clerk (BP-5) at Revenue Department, Chitral, was rendered surplus and was sent to surplus pool.
- ii. That by an order dated 24.1.2002, issued by District Coordination Officer (DCO) Chitral, the appellant was adjusted/inducted in Food Department, Government of Khyber Pakhtunkhwa, as Food Grain Supervisor (BP-5) on regular basis w.e.f 1.1.2002. **(vide order dated 24.1.2002 annexed with appeal of appellant at page 12)**
- iii. That after adjustment/induction in Food Department, Govt of KPK, as FGs (BP-5), on 1.1.2002 henceforth the services of the appellant were/are to be governed under the NWFP (now KP) Food department (Recruitment & Appointment) Rules 1981.
- iv. That as per ibid service rules of KP Food Department 1981, the appellant (being surplus pool employee) having been adjusted/inducted in Food department KP as FGs (BP-5) w.e.f 1.1.2002, on regular basis has become regular employee of Food Department Government of KP w.e.f 1.1.2002 and hence his seniority in the seniority list of FGs (BP-5) of Food Department, KP, was/is to be reckoned w.e.f 1.1.2002, instead of his date of entry into Government service.
- v. That in due course of time, the appellant had been promoted to the post of Food Grain Inspector on 26.12.2009, against 75% quota reserved for promotion, on seniority cum fitness basis.



vi. That subsequently, the appellant had been promoted to the post of Assistant Food Controller (BP-14) on 23.5.2017, against 75% reserved quota for promotion, on the basis of seniority-cum-fitness.

Since all the answering Respondents had earlier been promoted/recruited as Assistant Food Controller (BPs-14) in Food Department and they have been placed in the impugned seniority list of AFCs (BPs-14) in proper place, hence this seniority list is valid and legal in the eyes of law

From the facts narrated above, it is crystal clear that the plea taken by the appellant in the instant appeal pertaining to his seniority from the date of entry into government service is illegal and unlawful, being not based on legal footing.

9. That as explained in para-8 above, the final seniority list of AFC (BPs-14), Food Department, KP as stood on 17.1.2018, issued by Director Food KPK through Endorsement No.288/ET/716 dated 17.1.2018 which is already appended with this appeal has been circulated by the official Respondents/Department strictly in accordance with law/Rules, wherein the appellant has been properly placed in the ibid seniority list dated 17.1.2018 and no injustice has been done with him in this regard.

10. Para -10 of the appeal needs no comments. Being facts of the case are discussed in this regard. However, the instant appeal being meritless and devoid of force is liable to be dismissed inter alia on the following grounds.

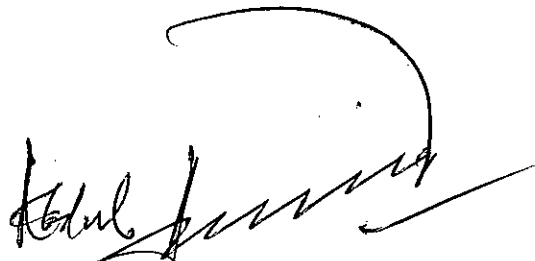
**GROUND**S

- A. Incorrect and not admitted. The seniority list of AFC (BPs-14) dated 17.1.2018 issued by Respondent/Department is a valid and legal instrument under the prevailing laws/rules.
- B. Contents of Para-B of the ground are incorrect and misconceived. The appellant (being ex-surplus pool employee) working as junior clerk (BPs-5) in the office of DCO Chitral, had himself opted to join the Food Department, KP as Food Grain Supervisor (BP-5) on 1.1.2002 and his seniority in Food Department was/is to be reckoned w.e.f 1.1.2002 i.e. from the date of his adjusted/induction in Food Department KP.
- C. Incorrect and not admitted.
- D. Contents of Para-D under the ground of this appeal, are incorrect and misconceived.
- E. Incorrect and not admitted.
- F. Incorrect and misconceived.
- G. Incorrect and misconceived.
- H. No comments, being legal matter.
- I. No comments

It is, therefore, most humbly prayed that on acceptance of the reply filed by the answering Respondents, the instant appeal of the appellant, may graciously be dismissed, being meritless and non-maintainable.

**RESPONDENT No.13**

**Through**



**(ABDUL HAMEED)**

**Advocate Supreme Court of Pakistan**

**VERIFICATION**

Verified on oath, this day of 17th December 2019 that the contents of the reply filed by above Answering Respondents are true and correct to the best of my knowledge & belief.

*H/Rahman*  
**Respondents**