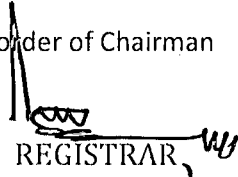


Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1333/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/09/2022	<p>The appeal of Mr. Muhibullah presented today by Mr. Muhammad Aslam Khan Tanoli Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____ . Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR, _____</p>

BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

*Appeal no. 1333/2022*

Muhibullah Senior Clerk, Office of the District Food Controller, Abbottabad.  
.....(Appellant)

VERSUS

1. Secretary Food Department, KPK, Peshawar.
2. Director Food Department, KPK, Peshawar.
3. District Food Controller, Abbottabad.
4. Miss. Nabeela Alam, Senior Clerk, office of the District Food Controller, Abbottabad. ....(Respondents).

SERVICE APPEAL

INDEX

S/No.	Description of documents.	Annexure	Page No.
1.	Memo of appeal & suspension application.		01-09
2.	Order dated 16-02-2022	"A"	10
2.	Order dated 07-06-2022	"B"	11
3.	Departmental Appeal 08-06-22	"C"	12
4.	Orders dated 31-08-2022 & dated 01-09-2022	"D&E"	13-14
5.	Wakalatnama		

*M. Aslam Tanoli*  
APPELLANT

THROUGH

*M. Aslam Tanoli*  
(MUHAMMAD ASLAM TANOLI)  
ADVOCATE HIGH COURT  
AT PESHAWAR

Dated: 12-09-2022

①

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Appeal No.....

Muhibullah, Senior Clerk, Office of the District Food Controller,  
Abbottabad. ....(Appellant)

VERSUS

1. Secretary Food Department, KPK, Peshawar.
2. Director Food Department, KPK, Peshawar.
3. District Food Controller, Abbottabad.
4. Miss. Nabeela Alam, Senior Clerk, office of the District Food Controller, Abbottabad.

.....(Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 READ WITH KPK TRANSFER POLICY AGAINST ORDER DATED 07-06-2022 PASSED BY DIRECTOR FOOD KPK PESHAWAR WHEREBY APPELLANT HAS BEEN TRANSFERRED FROM ABBOTTABAD TO DISTRICT KOHISTAN AND SUBSEQUENT ORDERS DATED 31-08-2022 AND 01-09-2022 OF RESPONDENT NO.3 WHEREBY APPELLANT'S HAS BEEN RELIEVED AND HIS PAY STOPPED IN VIOLATION OF LAW, RULES & REGULATIONS IN A WHIMSICAL AND ARBITRARY MANNER ON MALAFIDE BASIS.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL IMPUGNED ORDER DATED 07-06-2022 OF RESPONDENT NO. 2 AND SUBSEQUENT ORDERS DATED 31-08-2022 AND 01-09-2022 OF RESPONDENT NO. 3 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT BE ALLOWED TO CONTINUE PERFORMANCE OF HIS SERVICES/DUTIES AT DFO OFFICE ABBOTTABAD AND HIS PAY BE RELEASED TILL THE DECISION OF INSTANT APPEAL.**

Respectfully Sheweth:

1. That appellant has rendered more than 09 years service in the KPK Food Department. He always performed his duties to the entire satisfaction of his officers and never provided chance of reprimand and has meritorious service at his credit.

②

2. That appellant was transferred and posted as Senior Clerk (BS-14) in the office of District Food Controller Abbottabad vide order dated 16-02-2022 by the Director Food Department KPK Peshawar. **(Copy of the order dated 16-02-2022 is attached as Annex-"A")**.
3. That only after about 03 ½ months the Director Food KPK Peshawar vide his order dated 07-06-2022 transferred the appellant from office of the District Food Controller Abbottabad to office of the DFC Kohistan in violation of law, departmental rules & regulation and KPK Transfer Policy just to accommodate a blue eyed babe in his place on first promotion. **(Copy of the order dated 07-06-2022 is attached as Annex-"B")**.
4. That appellant aggrieved of the above order preferred a departmental appeal dated 08-06-2022 before the Secretary Food Department KPK Peshawar but the same was never responded in statutory period of 90 days. **(Copy of the appeal dated 08-06-2022 is attached as Annex-"C")**.
5. That appellant has now been relieved from his duties by the District Food Controller Abbottabad vide order dated 31-08-2022 and his pay stopped vide order dated 01-09-2022. **(Copies of both the orders dated 31-08-2022 & 01-09-2022 are attached as Annex-"D & E")**.
6. That aforementioned transfer of the appellant has been made within short period of about 03 ½ months in violation of law, departmental rules & regulations and KPK transfer policy in a cursory and whimsical manner based

3

on malafide contention and just to accommodate blue eyed babe otherwise there is no reason and justification of such transfer.

7. That due to issuing such transfer order by the departmental authorities the appellant has been put in serious mental agonies, duress and pressure as the appellant's father is dead and he has been appointed against sons quota of deceased employees and his mother is a heart patient. There is no one at home to look after appellant's old and ailing mother. If appellant is transferred from Abbottabad to Kohistan District at this stage his mother will have to face serious circumstances in her illness and appellant will suffer with mental agonies and worries.
8. That as the appellant's departmental appeal has not been decided within statutory period of 90 days hence this service appeal on the following grounds:-

**GROUND:**

- A) That transfer order dated 07-06-2022 and subsequent orders dated 31-08-2022 & 01-09-2022 are illegal, unlawful, against the departmental rules and regulations are liable to be set aside.
- B) That all the three impugned orders have been passed in violation of law and KPK Transfer Policy in a whimsical, arbitrary manner against the facts and principle nature justice, therefore are liable to be turned down straightaway.

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- C) That appellant has been transferred within a short period of three months without completing posting tenure period.
- D) That appellant has been transferred within a very short period just only to accommodate blue eyed babe in violation of rules and regulations and transfer policy.
- E) That respondents have not treated the appellant in accordance with law, departmental rules and regulations and transfer policy, hence respondent's orders are liable to be set aside.
- F) That appellant's mother is a heart disease and there is no one at home to look after her in such an ailing condition. If appellant is transferred to Kohistan his mother will have to suffer badly and appellant will have to face mental agonies and worries.
- G) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudicate upon the lis.

#### **PRAYER**

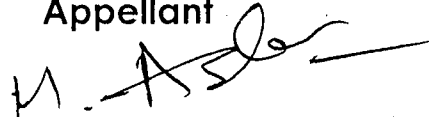
It is, therefore, humbly prayed that on acceptance of instant service appeal impugned order dated 07-06-2022 of respondent No.2 and subsequent orders dated 31-08-2022 & 01-09-2022 of

(5)

respondent No. 3 may graciously be set aside and appellant's transfer from DFC office Abbottabad to District Kohistan be cancelled and he be allowed to continue his performance of duties at DFC office Abbottabad. Any other relief which this Honorable Tribunal deems fit and proper in circumstance of the case may also be granted.

  
Appellant ✓

Through

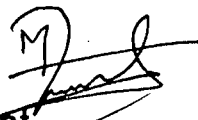
  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Peshawar

Dated: 12-09-2022

**VERIFICATION**

It is verified that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 12-09-2022

  
Appellant ✓

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**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Muhibullah Senior Clerk, Office of the District Food Controller,  
Abbottabad. **(Appellant)**

**VERSUS**

1. Secretary Food Department, KPK, Peshawar.
2. Director Food Department, KPK, Peshawar.
3. District Food Controller, Abbottabad.
4. Miss. Nabeela Alam, Senior Clerk, office of the District Food Controller, Abbottabad. ....(Respondents)

**SERVICE APPEAL**

**AFFIDAVIT**

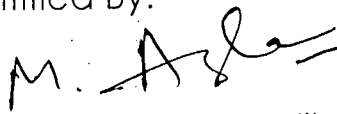
I, Mohibullah, appellant do hereby solemnly declare and affirm on oath that contents of instant service appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honorable Tribunal.




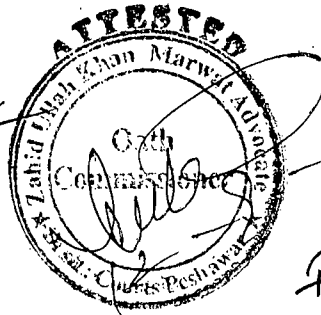
Dated: 12-09-2022

**Deponent/Appellant** ✓

Identified By:



(Muhammad Aslam Tanoli)  
Advocate High Court  
At Peshawar



Dated: 12-09-2022

**Appellant** ✓



7

**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Muhibullah Senior Clerk, Office of the District Food Controller,  
Abbottabad. ....(Appellant)

VERSUS

1. Secretary Food Department, KPK, Peshawar.
2. Director Food Department, KPK, Peshawar.
3. District Food Controller, Abbottabad.
4. Miss. Nabeela Alam, Senior Clerk, office of the District  
Food Controller, Abbottabad. ....(Respondents)

**SERVICE APPEAL**

**CERTIFICATE**

It is certified that no such appeal prior to this one on the subject  
has ever been filed in this Honorable Service Tribunal or any other  
court:

Dated: 12-09-2022

  
Appellant ✓

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**BEFORE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Muhibullah Senior Clerk, Office of the District Food Controller, Abbottabad.  
.....(Applicant)

**VERSUS**

1. Secretary Food Department, KPK, Peshawar.
2. Director Food Department, KPK, Peshawar.
3. District Food Controller, Abbottabad.
4. Miss. Nabeela Alam, Senior Clerk, office of the District Food Controller, Abbottabad. ....(Respondents).

**SERVICE APPEAL**

**APPLICATION FOR SUSPENSION OF OPERATION OF IMPUGNED ORDER DATED 07-06-2022 OF RESPONDENT NO. 2 AND SUBSEQUENT ORDERS DATED 31-08-2022 & 01-09-2022 OF RESPONDENT NO. 3 TILL FINAL DISPOSAL OF TITLED SERVICE APPEAL.**

Respectfully Sheweth:

1. That the above titled service appeal is being filed before this Honorable Service Tribunal in which no date of hearing has yet been fixed.
2. That the applicant/appellant has got a good prima facie case and is hopeful of its success.
3. That balance of convenience also tilts in favor of applicant/appellant.
4. That if operation of impugned order dated 07-06-2022 of respondent No.2 and subsequent orders dated 31-08-2022 & 01-09-2022 of respondent No.3 are not suspended the applicant/appellant will have to suffer an irreparable loss. **(Copies of all the 03 impugned orders are attached as Annex-A, B & C).**


**PRAYER**

It is, therefore, humbly prayed that on acceptance of instant service appeal impugned order dated 07-06-2022 and subsequent orders dated 31-08-2022 & 01-09-2022 of respondents may graciously be set aside and applicant's transfer from DFC office Abbottabad to District Kohistan be cancelled and he be allowed to continue his performance of duties at DFC office Abbottabad. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.

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Applicant

Through

  
(Muhammad Aslam Tanoli)  
Advocate High Court  
At Peshawar

Dated: 12-09-2022

**VERIFICATION**

It is verified that contents of instant service application/appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Dated: 12-09-2022

  
Applicant

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Annex - A



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF FOOD,  
PESHAWAR

No. 591/G-275-Promotion of J.C to S.C

Dated: 16/02/2022

091-9225378 M fooddirectoratepk@gmail.com @fooddirectoratepk @fooddirectorate

OFFICE ORDER

In continuation of Food Directorate Khyber Pakhtunkhwa, Peshawar office order No. 390/G-275 DPC dated 28-01-2022, on promotion from the post of Junior Clerks (BS-11) to the post of Senior Clerks (BS-14), the following postings / transfers of Senior Clerks and Assistant are hereby ordered with immediate effect in the public interest:-

S.No.	Name of Official with Designation	From	To
1.	Zubair Ali Khan Senior Clerk (BS-14)	DFC Office Chitral Upper	Posted against the post of Assistant (OPS) in DFC Office Chitral Upper
2.	Raham Sher Senior Clerk (BS-14)	Food Directorate, Peshawar	Food Directorate, Peshawar against the vacant post.
3.	Fazal Hadi Senior Clerk (BS-14)	DFC Office Chitral Lower	DFC Office Bajaur against vacant post
4.	Imran Khan Senior Clerk (BS-14)	DFC Office Dargai	DFC Office Dargai against the vacant post.
5.	Haseeb Anwar Senior Clerk (BS-14)	Food Directorate, Peshawar.	Food Directorate, Peshawar against the vacant post.
6.	Fawad Ali Shah Senior Clerk (BS-14)	DFC Office Buner	DFC Office Buner against the vacant post.
7.	Asad ur Rehman Senior Clerk (BS-14)	DFC Office Chitral Lower	Posted against the post of Assistant (OPS) in DFC Office Chitral Lower
8.	Umar Farooq Senior Clerk (BS-14)	DFC Office Tank	DFC Office Tank against the vacant post.
9.	Ibrar Ali Shah Senior Clerk (BS-14)	DFC Office Bannu	DFC Office Lakki Marwat against the vacant post.
10.	Gohar Iqbal Senior Clerk (BS-14)	Office of ADF Bannu Division	Office of DFC North Waziristan against the vacant post.
11.	Kousar Shaheen Senior Clerk (BS-14)	Food Directorate, Peshawar	Food Directorate, Peshawar against the vacant post.
12.	Asma Adween Senior Clerk (BS-14)	Office of DFC Bannu	DFC Office Bannu against the vacant post.
13.	Nadeem Khan Senior Clerk (BS-14)	Office of ADF Peshawar	DFC Office Khyber against vacant post.
14.	Samina Sajjad Senior Clerk (BS-14)	DFC Office Haripur	DFC Office Haripur vice S.No.20
15.	Faridullah Senior Clerk (BS-14)	Food Directorate, Peshawar	Food Directorate, Peshawar against the vacant post.
16.	Abdur Rehman Senior Clerk (BS-14)	DFC Office Charsadda	Food Directorate, Peshawar against the vacant post.
17.	Munibullah Senior Clerk (BS-14)	Office of ADF Hazara Division.	Office of DFC Abbottabad vice S. No. 19
18.	Asad Khan Senior Clerk (BS-14)	Office of DFC Abbottabad	Office of Rationing Controller, Peshawar against the vacant post.
19.	Rahim Gul Senior Clerk (BS-14)	Office of DFC Haripur	DFC Office Nowshera against the vacant post.
20.	Abdul Ghaffar Assistant (BS-16)	Office of DFC Chitral Upper	Office of Assistant Director Food Mardan Division against the vacant post.

DIRECTOR FOOD  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Endorsement No & Date Even

A copy is forwarded to:-

- The Accountant General, Khyber Pakhtunkhwa
- All District Accounts Officers in Khyber Pakhtunkhwa
- The Section Officer General, Government of Khyber Pakhtunkhwa Food Department Peshawar.
- All Divisional Assistant Directors Food in Food Department Khyber Pakhtunkhwa
- All District Food Controllers in Khyber Pakhtunkhwa
- The Storage & Entitlement Officers PRC Peshawar and NRC Azakhel
- The Rationing Controller, Peshawar
- P.O. District Food, Khyber Pakhtunkhwa, Peshawar
- P.O. Secretary Food, Khyber Pakhtunkhwa, Peshawar
- The Pay Bill Assistant Food Directorate, Peshawar
- Offices concerned/Personal File

Attested

DIRECTOR FOOD  
KHYBER PAKHTUNKHWA  
PESHAWAR



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Annex-B

Our faith, "Corruption free Pakistan"

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

No. 2076 /PF-


Dated: 27/04/2022

091-9225378 M fooddirectoratkpk@gmail.com foodKPGovt @foodkpgovt

OFFICE ORDER

In continuation of Directorate of Food Office Order No. 1872/G-275-DPC dated 24-05-2022, on promotion of Junior Clerks (BS-11) to the post of Senior Clerks (BS-14) on regular basis, the following postings / transfers of Senior Clerks are hereby ordered with immediate effect in the interest of public.

S.No.	Name of Official	From	To
1.	Mr. Muhammad Siyab Senior Clerk (BS-14)	Office of DFC Dargai	Office of DFC Nowshera against vacant post
2.	Mr. Rifaq Ahmad Senior Clerk (BS-14)	Office of DFC Mardan	Office of DFC Hangu against vacant post
3.	Mr. Sardar Rizwan Senior Clerk (BS-14)	Office of DFC Mansehra	Office of DFC Kohat against vacant post
4.	Mr. Sajjid Hussain Senior Clerk (BS-14)	Office of DFC Karakoram	Office of DFC South against vacant post Waziristan
5.	Noor Shahidin Senior Clerk (BS-14)	Office of DFC Chitral Lower	Office of DFC Bajaur against vacant post
6.	Miss Nabeela Alam Senior Clerk (BS-14)	Office of DFC Abbottabad	Office of DFC Abbottabad vice No. 10.
7.	Mr. Muhammad Nasir Senior Clerk (BS-14)	Office of DFC Mardan	Office of DFC Kohat against vacant post
8.	Miss Amara Urooj Senior Clerk (BS-14)	Office of DFC D.I.Khan	Office of DFC D.I.Khan against vacant post
9.	Miss-Khush Bakht Senior Clerk (BS-14)	Food Directorate, Peshawar.	Food Directorate, Peshawar against vacant post.
10.	Mr. Muhibullah Senior Clerk (BS-14)	Office of DFC Abbottabad	Office of DFC Kohistan against vacant post

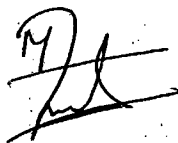
  
DIRECTOR FOOD  
KHYBER PAKHTUN KHWA,  
PESHAWAR.

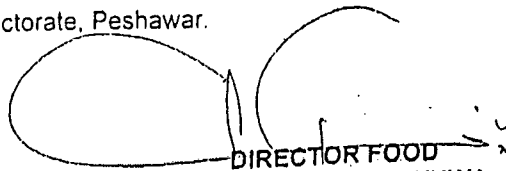
Endorsement No & Date Even

Copy forwarded to:

- 1 The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2 All District Accounts Officers in Khyber Pakhtunkhwa.
- 3 All Officers in Directorate of Food Khyber Pakhtunkhwa.
- 4 All Divisional Deputy Directors Food in Khyber Pakhtunkhwa.
- 5 All District Food Controllers in Khyber Pakhtunkhwa.
- 6 The Storage & Enforcement Officers NRC Azakhel and PRC Peshawar.
- 7 The Rationing Controller Peshawar.
- 8 PS to Minister Food, Khyber Pakhtunkhwa.
- 9 PS to Secretary Food, Khyber Pakhtunkhwa.
- 10 Officials concerned.
- 11 The Pay Bill Assistant Food Directorate, Peshawar.
- 12 Personal files.

Attested



  
DIRECTOR FOOD  
KHYBER PAKHTUN KHWA,  
PESHAWAR

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Annex - C

o,

The Secretary Food,  
Khyber Pakhtun Khwa,  
Peshawar

Subject : REPRESENTATION /APPEAL FOR CANCELLATION OF TRANSFER ORDER  
NO 2076/PF DATED 07-06-22 VIDE SERIAL #10

Respected Sir !

It is humbly submitted that my name is Mohibullah and I am currently serving as senior clerk in office of the District Food Controller Abbottabad since 16/02/2022 vide Food Directorate Office Order No 591/G-275-promotion of JC to SC Dated 16-02-2022

Vide Director Food Office order No 2076/PF dated 07/06/2022 ,Sr#10,I am transferred from District Food Controller Office Abbottabad to District Food Controller Office Kohistan just only after 03 months and 20 days approx in order to adjust a female newly promoted senior clerk having district of domicile Swabi district , posted in DFC office Abbottabad (her same place of posting as JC) in sheer violation of posting and transfer policy and fundamental human rights.

Respected Sir this transfer order aggrieved me on the following grounds:

- 1- My tenure on present post is just 3 months and 20 days only while as per posting transfer policy minimum tenure is 2 years .
- 2- This transfer order is discriminatory where by an unmarried single female employee having domicile of district Swabi ,is being preferred which is violation of statutory provisions of posting transfer policy and fundamental human rights protected under article 25 (2) constitution of Pakistan .

It is humbly prayed to set aside this transfer order as it is discriminatory please

Interim relief: it is requested ,not to disturb me from present posting till final decision on this instant petition please.

*Accepted*  
*[Signature]*

*[Signature]*

Mohibullah

SENIOR CLERK  
District Food Controller  
Abbottabad

Dated 08-06-2022

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Annex-D

**OFFICE OF THE  
DISTRICT FOOD CONTROLLER  
ABBOTTABAD.  
PHONE & FAX # 0992-9310326**

No. 9/3-15/ET-69(DFC,ATD)

Dated A/Abad the 3/108/2022.

To:- The District Food Controller,  
Kohistan Upper.

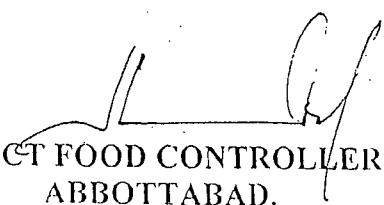
Subject: **RELIEVING ORDER.**

Memo:-

In compliance of the Food Directorate, Khyber Pakhtunkhwa Peshawar office order No. 2076/PF- dated 07/06/2022.

Mr. Mohibullah, Senior Clerk (BPS-14) is hereby relived from his duty today on 31-08-2022 (A.N).

His LPC & Service Book is sent in due course of time please.

  
DISTRICT FOOD CONTROLLER  
ABBOTTABAD.

Copy is forwarded for information to:-

1. The Director Food Khyber Pakhtunkhwa Peshawar.
2. The District Account Officer Kohistan Upper/Abbottabad for n/action please.
3. The Divisional Deputy Director Food (Hazara Division) at Abbottabad.
4. Official concerned for compliance.

  
DISTRICT FOOD CONTROLLER  
ABBOTTABAD.

