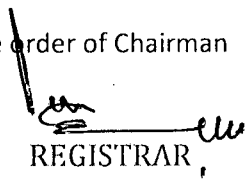



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1159/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27/07/2022	<p>The appeal of Mr. Abdul Hafiz presented today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on . Notices be issued to appellant and his counsel for the date fixed. <u>28-7-22</u></p> <p>By the order of Chairman</p> <p> REGISTRAR,</p>
28.07.2022		<p>Appellant alongwith counsel present.</p> <p>Let pre-admission notice be issued to respondents for submission of written reply/comments. To come up for written reply/preliminary hearing on 16.09.2022 before S.B.</p> <p> (Fareeha Paul) Member (E)</p>

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

Appeal No: 1159/2022

Abdul Hafeez District Food Controller Dir Upper

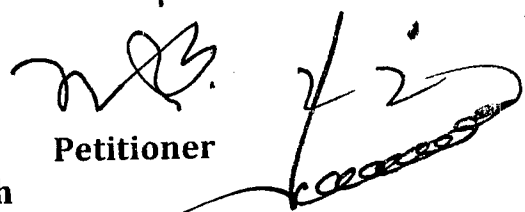
VERSUS

Govt of Khyber Pakhtunkhwa & Others

INDEX

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of Parties		7
4.	Copy of Service record	"A"	8-9
5.	Copy of order dated 18.04.2019	"B"	10
6.	Copy of office notification dated 18.12.2019	"C"	11
7.	Copy of order dated 15.06.2021	"D"	12
8.	Copy of notification dated 15.10.2021	"E"	13
9.	Copy of impugned order dated 31.05.2022	"F"	14
10.	Copy of W.P / Order, and impugned order dated 07.07.2022	"G, H, I"	15-20
11.	Other Documents	"J"	21-23
12.	Wakalat Nama		24

Dated: 23/07/2022


Petitioner

Through

Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan.

①

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

In S.A No-_____/2022

Abdul Hafeez BPS-17, District Food Controller Dir Upper R/o
House No.66 Street-2, Sector E-4, Phase-VII, Hayatabad Peshawar.

.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Secretary Food Department Govt of Khyber Pakhtunkhwa, Near Haji Camp Bus Stand G.T Road Peshawar.
3. Director Food Khyber Pakhtunkhwa Near Haji Camp Bus Stand G.T Road Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT -1974 AGAINST THE IMPUGNED TRANSFER ORDER NO. SO(G)/FOOD/1-2/2019/VOL-VI/11229 DATED 31-05-2022 OF THE OFFICE OF SECRETARY FOOD DEPARTMENT KHYBER PAKHTUNKHWA, WHEREBY THE APPELLANT HAS BEEN TRANSFERRED FROM DISTRICT CHARSADDA TO DISTRICT DIR UPPER IN UTTER VIOLATION TO THE LAW AND POLICY OF TRANSFER & POSTING GOVERNING THE SUBJECT AND AGAINST THE IMPUGNED OFFICE ORDER NO. SO(G).FOOD.7-4/11412 DATED 07.07.2022, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS TURNED DOWN IN A CLASSICALLY CURSORY AND WHIMSICAL MANNER.

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan & hails from a respectable family.

- 2)
2. That after fulfilling all the codal formalities, the appellant got on to the role of the respondent department as Food Grain Supervisor (BPS-5) back in the year 1993.
 3. That due to the mantle/whetted skills and devotion of the appellant towards the tasks assigned to him, the appellant got promoted as Food Grain Inspector (BPS-6) and later on was promoted to BPS-11 as Assistant Food Controller in the year 2010.
 4. That further progression into service is the basic need of the employee, provided he meets the criteria required under the rules and same was the case of the appellant as with the passage of time, the post of the appellant was upgraded to BPS-14 back in the year 2014 and later on the appellant got promoted to District Food Controller (BPS-16) in the year 2021, followed by his promotion to BPS-17 in the same year. **(Copy of Service record is annexed herewith as annexure "A")**
 5. That the story of discrimination, meted out to the petitioner was started that in the year 2019, whereby the petitioner was transferred from Charsadda to Karak vide office order No.SO(G)/food/1-2/2018/VOL-VI dated 18.04.2019. **(Copy of order dated 18.04.2019 is annexed as annexure "B")**.
 6. That the appellant rendered his meritorious services only for a short span of 8-months whereby again on 18.12.2019, vide office notification No.SO(G)/Food/1-2/2019/5074, the appellant was again transferred from District Karak to District Mardan in utter violation of the rules and policy governing the subject. **(Copy of office notification dated 18.12.2019 is annexed herewith as annexure "C")**.
 7. That the appellant served at District Mardan for the period of 18 months, whereby again he was transferred from District Mardan to Aza Khel Nowshera as Storage and Enforcement Officer vide

office order No. SO(G)/Food/1-2/2020/9459 dated 15.06.2021
**(Copy of order dated 15.06.2021 is annexed herewith as
annexure "D")**

8. That the story of discrimination did not end here rather repeated discrimination were meted out in shape of repeated transfers and this time to District Charsadda vide the office notification No. SO(G)/food/1-2/2021/10106 dated 15.10.2021, letting the petitioner served only for a period of 4-months. **(Copy of notification dated 15.10.2021 is annexed herewith as annexure "E").**
9. That now again the petitioner has been transferred from District Charsadda to District Dir Upper vide impugned office order SO(G)/food/1-2/2019/VOL-VI/11229 dated 31.05.2022 where against the petitioner served at District Charsadda only for a period of 8-months, which is against the rules and policy governing the subject. **(Copy of impugned order dated 31.05.2022 is annexed herewith as annexure "F").**
10. That feeling aggrieved, the appellant preferred a departmental presentation to the appellate authority, under the transfer and posting policy 2009, but despite of stipulated period, the same was not decided, and since there was no other speedy and expeditious remedy, so the appellant invoked the jurisdiction of Hon'ble Peshawar High Court Peshawar under the mandate of article 199 of the Constitution of Islamic Republic of Pakistan 1973 in writ petition No.2088-2022, and the Hon'ble Peshawar High Court Peshawar was gracious enough to issue direction to the appellate authority to decide the pending departmental representation of the appellant, vide order dated 21.06.2022 which was accordingly decided, in spite of doing justice the same was turned down vide impugned office order No. SO(G)/food/7-4/11412 dated 07.07.2022. **(Copy of W.P / Order, and impugned order dated 07.07.2022 are attached as annexure "G, H, I, J" respectively).**

11. That feeling aggrieved from the supra-mentioned episode, the grievances, that comes into existence, having the only forum and remedy available, the Appellant approaches this Hon'ble Tribunal, inter-alia, upon the following grounds;

GROUNDS:

- A. That the impugned office order dated 07-07-2022 is wrong, illegal, unlawful and is liable to be struck down and set-aside.
- B. That it is a cherished principle of law, that where a law requires a thing to be done in a particular manner, then the same is to be done in that manner and not otherwise.
- C. That the impugned Transfer & Posting is thoroughly in derogation to the principles as laid down and enumerated in the Transfer & Posting Policy.
- D. That it is pertinent to mention that the Hon'ble Peshawar High Court Peshawar was gracious enough that while disposing of the writ petition of the petitioner/appellant, strict directions were issued to decide the departmental appeal of the petitioner/appellant not only within 15-days but as well as strict direction to afford and extend the opportunity of personal hearing to the appellant / petitioner, but in spite of that the respondents department was so adamant but it simply brushed aside and chucked away the reverend direction of August Peshawar High Court Peshawar and not only regretted the opportunity of personal hearing even at appellate stage, what to say of doing just to the appellant.
- E. That by transferring the post of the Appellant, the Appellant has virtually been penalized for no wrong done and have been simply kicked out and being made a shuttle cock for no wrong done.
- F. That the appellant posting, transfer within shortest span of 3 years time is against the normal tenure of 3 years stay at one station without any exigency of service, unlawful, without lawful authority, malafide and ulterior motive within the meaning of KPK Civil Servant (appointment, promotion and transfer) rules 1989 r/w section 10 of KPK Civil Service Act 1973.

5)

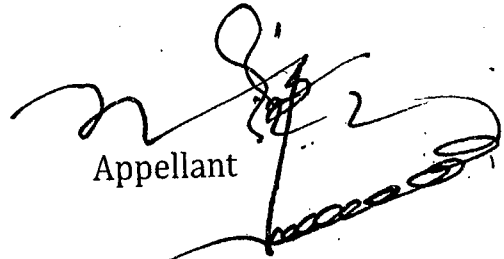
g. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned Transfer Order No SO(G)/Food/1-2/2019/Vol-VI/11229. Dated 31-05-2022 of the office of Secretary Food Department Khyber Pakhtunkhwa, whereby the appellant was transferred from District Charsadda to District Dir Upper and the impugned order SO(G)/Food/7-4/11412 dt: 07.07.2022, whereby the departmental appeal of the appellant was turned down be declared as void, illegal and be set-aside and by doing so, the appellant be let to serve at District Charsadda.

Any other relief not specifically asked for may also graciously be extended in favor of the Appellant in circumstances of the case.

Dated: 23/07/2022

Through


Appellant

Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan

Saghir Iqbal Gulbela
&
Ahsan Sardar
Advocates, High Court
Peshawar.

NOTE: -

As per information of my client, no such like appeal for the same Appellant, upon the same subject matter have earlier been filed, prior to the instant one.


Advocate.

7

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In S.A No-_____/2022

Abdul Hafeez District Food Controller Dir Upper

VERSUS

Govt of Khyber Pakhtunkhwa & Others

ADDRESSES OF PARTIES

ADDRESS OF APPELLANT

Abdul Hafeez BPS-17, District Food Controller Dir Upper R/o
House No.66 Street-2, Sector E-4, Phase-VII, Hayatabad Peshawar.

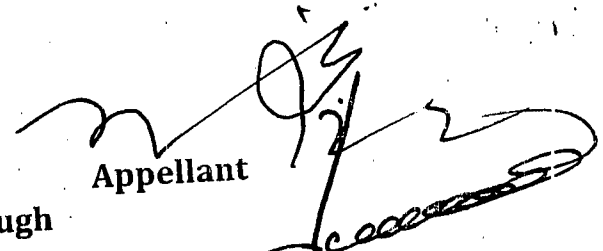
ADDRESSES OF RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Chief Secretary
Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
2. Secretary Food Department Govt of Khyber Pakhtunkhwa, Near Haji
Camp Bus Stand G.T Road Peshawar.
3. Director Food Khyber Pakhtunkhwa Near Haji Camp Bus Stand G.T
Road Peshawar.

Dated:23/07/2022

Through

Appellant


Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan.

Profile Card

ABDUL HAFEEZ



95240 Storage & Enforcement Officer (BPS-17) | Storage & Enforcement Office (NRC) Azakhel Nowshera



Father Name MUHAMMAD ABBAS
Date Of Birth 1969-07-07
Domicile Charsadda
Permanent Address MOHALLA MUHAMMAD ZAI VILLAGE RAJJAR TEHSIL AND DISTRICT CHARSADDA KPK
Telephone No. 03028891211
Qualification (Masters Degree)
Date Of Joining Service 13/May/1993
Service Group Executive
Basic Pay Scale BPS - 17

Education

S.NO.	Degree Title	Level	Start	End	Institute
1	Pushto	Masters Degree	1993-11-08	1996-10-14	UNIVERSITY OF PESHAWAR
2	Arts	Bachelors Degree (2-3 Years)	1991-04-15	1993-05-15	UNIVERSITY OF PESHAWAR
3	Arts	FSc / A Levels / (12 Years)	1989-04-10	1991-08-07	PESHAWAR BOARD
4	Science	Matriculation / O Levels	1986-03-08	1988-08-25	GOVERNMENT HIGH SCHOOL NO.1 RAJJAR

Training Courses

S.NO.	Training	Start Date	End Date	Local/Foreign
1	WFP,	21-Nov-2016	02-Dec-2016	Local

Service History

S.NO.	Place Of Posting	From	To
1	Storage & Enforcement Officer (BPS-17) Storage & Enforcement Office (NRC) Azakhel Nowshera Nowshera Khyber Pakhtunkhwa	16/06/2021	Currently works here
2	District Food Controller (BPS-16) District Food Controller Mardan Mardan Khyber Pakhtunkhwa Remarks: Transfer from District Food controller karak to District Food controller Mardan(OPS)	20/12/2019	15/06/2021
3	District Food Controller (BPS-14) District Food Controller Karak Karak Khyber Pakhtunkhwa Remarks: Assistant Food Controller Charsadda Abdul Hafeez transfer to Karak as District Food Controller Karak as an its (OPS) BPS (14).	22/04/2019	20/12/2019
4	Assistant Food Controller (BPS-14) District Food Controller Charsadda Charsadda Khyber Pakhtunkhwa	04/05/2016	21/04/2019
5	Assistant Food Controller (BPS-14) Storage & Enforcement Office Peshawar Peshawar Khyber Pakhtunkhwa	24/12/2015	03/05/2016
6	Assistant Food Controller (BPS-14) District Food Controller Swabi Swabi Khyber Pakhtunkhwa	03/02/2015	23/11/2015
7	Assistant Food Controller (BPS-14) District Food Controller Mardan Mardan Khyber Pakhtunkhwa	29/08/2014	02/02/2015
8	Assistant Food Controller (BPS-14) District Food Controller Charsadda Charsadda Khyber Pakhtunkhwa	06/05/2013	28/08/2014
9	Assistant Food Controller (BPS-14) District Food Controller Malakand Malakand Khyber Pakhtunkhwa	29/04/2013	02/01/2013
10	Assistant Food Controller (BPS-14) District Food Controller Charsadda Charsadda Khyber Pakhtunkhwa	25/10/2010	26/01/2013
11	Food Grain Inspector (BPS-7) District Food Controller Charsadda Charsadda Khyber Pakhtunkhwa	14/05/2009	21/10/2010

Attested

(1) No DUB COPY

S.NO.	Place Of Posting	From	To
12	Food Grain Inspector (BPS-7) District Food Controller Mardan Mardan Khyber Pakhtunkhwa	05/11/2008	13/05/2009
13	Food Grain Inspector (BPS-6) District Food Controller Charsadda Charsadda Khyber Pakhtunkhwa	03/08/2007	04/11/2008
14	Food Grain Inspector (BPS-6) Storage & Enforcement Office Peshawar Peshawar Khyber Pakhtunkhwa	23/02/2004	02/08/2007
15	Food Grain Inspector (BPS-6) District Food Controller Mardan Mardan Khyber Pakhtunkhwa	22/12/2003	19/02/2004
16	Food Grain Supervisor (BPS-5) District Food Controller Charsadda Charsadda Khyber Pakhtunkhwa	07/01/1999	20/12/2003
17	Food Grain Supervisor (BPS-5) Storage & Enforcement Office Peshawar Peshawar Khyber Pakhtunkhwa	25/03/1998	06/01/1999
18	Food Grain Supervisor (BPS-5) District Food Controller Charsadda Charsadda Khyber Pakhtunkhwa	06/09/1995	25/03/1998
19	Food Grain Supervisor (BPS-5) Storage & Enforcement Office Peshawar Peshawar Khyber Pakhtunkhwa	12/10/1994	05/09/1995
20	Food Grain Supervisor (BPS-5) District Food Controller Chitral Chitral Lower Khyber Pakhtunkhwa	13/05/1993	11/10/1994

Inquiries

Attested
 (to be used copy)

X

(10)

Annⁿ Bⁿ

GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Dated Peshawar, the, 18th April, 2019

NOTIFICATION

NO.SOG/FOOD/1-2/2018/VOL-VI:- The Competent Authority is pleased to order the following posting/transfer of District Food Controllers/Storage & Enforcement Officers in Food Directorate, Khyber Pakhtunkhwa with Immediate effect in the public interest:-

Sr. #	Name of Officer	From	To
1	Mr. Muhammad Zubair, DFC	DFC, Shangla	DFC Swat
2	Mr. Shad Muhammad, DFC	DFC, Abbottabad,	DFC Manshera
3	Mr. Shewaz Tariq, DFC	DFC, Haripur	DFC, Battagram,
4	Mr. Adil Badshah, DFC,	DFC, Mardan	DFC, Bannu
5	Mr. Muhammad Arshad, DFC,	DFC, Charsadda	DFC, Mardan
6	Mr. Shahabuddin, DFC,	DFC, Dir Lower	DFC, Charsadda
7	Mr. Abu Bakar, DFC,	DFC, Dargai	DFC, Dir Lower
8	Mr. Noor Hayat Khan, DFC	S&EO Peshawar	DFC, Dargai
9	Mr. Hashim Khan, DFC	S&EO, Azhakhel	S&EO, Peshawar
10	Mr. Kashif Ehsan, DFC,	DFC Bunair	DFC, Nowshera
11	Mr. Muhammad Ishfaq, DFC	DFC, Nowshera	DFC, Bunair
12	Mr. Nazir Rehman, DFC	DFC, D.I.Khan	S&EO, Azahakhel
13	Mr. Mehmood ur Rehman, DFC	DFC, Karak	DFC, D.I.Khan
14	Mr. Muhammad Tariq, AFC	Office of DFC Swat	DFC (OPS), Kohistan
15	Syed Ansar Qayum, AFC	Office of DFC Manshera	DFC (OPS), Abbottabad
16	Mr. Abdul Hafeez, AFC	Office of DFC Charsadda	DFC (OPS), Karak
17	Mr. Said Nawaz, AFC	Office of DFC, Dir Lower	DFC (OPS), Shangla
18	Mr. Jamshed Afridi, AFC	Office of S&EO, Peshawar	DFC (OPS), Kohat
19	Mr. Sheraz Anwar, AFC	Office of DFC, Haripur	DFC (OPS), Haripur

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endst No. SOG/Food/1-2/2018/2780

Dated Peshawar the 18th April, 2019

Copy for information and necessary action to:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director Food, Khyber Pakhtunkhwa, Peshawar.
3. All District Account Officers in Khyber Pakhtunkhwa.
4. All Assistant Directors Food at Divisional Level in Khyber Pakhtunkhwa.
5. All District Food Controllers in Khyber Pakhtunkhwa.
6. The Storage & Enforcement Officers, Peshawar & Azahkhel.
7. PS to Minister for Food, Khyber Pakhtunkhwa Peshawar.
8. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.
9. Officers concerned.
10. Persons of officers concerned.

SECTION OFFICER (GENERAL)



(11) Annⁿ C^v
GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Dated Peshawar the 18.12.2019

☎ 091-9225373

✉ fooddepartmentpk@gmail.com

📘 @fooddepartmentpk

🐦 @foodsecretariat

NOTIFICATION

No.SOG/Food/1-2/2019/ 5074 :- The competent authority is pleased to make the following postings/transfers in Directorate of Food, Khyber Pakhtunkhwa with immediate effect in the public interest.

S.No.	Name of Officer	From	To
1	Mr. Muhammad Arshad, DFC	District Food Controller, Mardan.	Report to Directorate of Food, Khyber Pakhtunkhwa.
2	Mr. Abdul Hafeez, AFC	District Food Controller, Karak	District Food Controller, Mardan (in own pay scale).
3	Mr. Amjad Ali, DFC	Assistant Director Food, Hazara Division, Abbottabad.	District Food Controller, Karak.

2 Mr. Imtiaz Muhammad Khan, Assistant Director Food, Mardan Division, Mardan will also hold the charge of the post of Assistant Director Food, Hazara Division, Abbottabad in addition to his own duties.

Sd/-
SECRETARY
GOVT: OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action to:-

1. Commissioner Mardan Division, Mardan.
2. Accountant General, Khyber Pakhtunkhwa.
3. Director Food, Khyber Pakhtunkhwa Peshawar.
4. District Accounts Officers, Mardan. Karak, Abbottabad.
5. All Deputy Directors in Food Directorate, Khyber Pakhtunkhwa Peshawar.
6. All Divisional Assistant Directors Food in Khyber Pakhtunkhwa.
7. PS to Minister for Food, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.
9. Assistant Director (IT), Food Directorate for uploading on official website.
10. Officers concerned.
11. Personal Files.

SECTION OFFICER (GENERAL)



(12)
GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT.

Ann D⁶

Dated Peshawar 15th June, 2021

NOTIFICATION:

No. SO(G): Food/1-2/2020/9459

The Competent Authority is pleased to order the following postings/transfers with immediate effect in the public interest:

Sl#	Name, Designation & Basic Scale of Officers	From	To	Remarks
1.	Mr. Nazeer Rehman, District Food Controller, BS-17	Storage and Enforcement Officer (S&EO) NRC Azakhel,	District Food Controller, Bannu	Vice Sr # 2
2.	Mr. Adil Badshah, District Food Controller, BS-17	District Food Controller, Bannu	Storage and Enforcement Officer (S&EO) PRC Peshawar.	Vice Sr # 4
3.	Muhammad Shahab ud Din, District Food Controller, BS-17	District Food Controller, Dargai, Malakand	Rationing Controller Peshawar	Vice Sr # 5
4.	Mr. Hashim Khan, District Food Controller, BS-17	Storage and Enforcement Officer (S&EO) Peshawar	Report to Directorate of Food	---
5.	Mr. Aftab Umar Khan, Assistant Food Controller, BS-16	Rationing Controller, Peshawar (OPS)	District Food Controller (OPS), Mardan	Vice Sr # 6
6.	Mr. Abdul Hafeez, Assistant Food Controller, BS-16	District Food Controller, Mardan (OPS)	Storage and Enforcement Officer (S&EO) (OPS) NRC Azakhel,	Vice Sr # 1
7.	Mr. Jamshed Khan Afridi, Assistant Food Controller, BS-16	District Food Controller, (OPS) Kohat	District Food Controller, (OPS) Dargai, Malakand	Vice Sr # 3
8.	Mr. Muhammad Arshad DFC BS-17	District Food Controller Charsadda	District Food Controller, Kohat	Vice Sr # 7
9.	Mr. Fakhar Zaman, Assistant Food Controller, BS-16	AFC, office of DFC Bannu	District Food Controller (OPS) Charsadda	Vice Sr # 8
10.	Muhammad Salim, Assistant Food Controller, BS-16	AFC Office of S&EO Azakhel	DFC (OPS) Shangla	---
11.	Mr. Rehmat Wali, Assistant Food Controller, BS-16	AFC office of DFC Chitral Lower.	DFC (OPS) Chitral Upper in his own pay and scale	---

Sd/-

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA, FOOD DEPARTMENT

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13

Government of Khyber Pakhtunkhwa,
Food Department,
Peshawar.

Dated Peshawar the 15th October, 2021

Ann² E²

NOTIFICATION:

No.SOG/Food/1-2/2021/10106. The competent Authority is pleased to order the following postings & transfers of District Food Controllers and Assistant Food Controllers, Khyber Pakhtunkhwa with immediate effect in the public interest.

S.No	Name of official	From	To
1	Mr. Sher Fayaz, DFC (BS-17)	DFC Nowshera	DFC Chitral Lower
2	Mr. Shabir Ahmad, AFC	Office of DFC Nowshera	DFC Nowshera (OPS)
3	Mr. Hashim Khan, DFC (BS-17)	DFC Charsadda	S&EO NRC Azakhel
4	Mr. Abdul Hafeez, DFC (OPS)	S&EO (OPS) NRC Azakhel	DFC (OPS) Charsadda
5	Mr. Umair Ali AFC	AFC Lower Chitral	AFC Upper Chitral

Consequent upon the above, Mr. Arshad Hussain DFC (OPS) Chitral Lower is relieved of the duties of DFC Chitral Lower and is retained as AFC Chitral Lower.

Sd/-
**SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA,
FOOD DEPARTMENT**

Endorsement No. & Date Even

A copy is forwarded to:

1. PS to Minister Food Khyber Pakhtunkhwa.
2. PS to Secretary Food Khyber Pakhtunkhwa.
3. Director Food, Khyber Pakhtunkhwa, Peshawar.
4. The District Food Controllers/Assistant Food Controllers/Food Grain Inspectors concerned.
5. The concerned District Accounts Officers in Khyber Pakhtunkhwa.
6. The Assistant Director Food Hazara and Mardan Divisions.
7. Personal File.

(MURAD AHMED)
SECTION OFFICER (GENERAL)

14

Ann F



GOVERNMENT OF KHYBER PAKHTUNKHWA FOOD DEPARTMENT

Peshawar, the May 31, 2022

NOTIFICATION

NO.SO(G)/FOOD/1-2/2019/VOL.VII/1228 The following transfers/postings of the officers are hereby ordered in the best public interest, with immediate effect:

S/N	NAME OF THE OFFICER	FROM	TO
1	Mr. Abdul Hafeez (BPS-17)	DFC Charsadda	DFC Dir Upper
2	Mr. Sadi Nawaz (BPS-17)	DFC Dir Upper	DFC Charsadda

SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endorsement & Date Even:

Copy forwarded to:

1. All the Administrative Secretaries, Khyber Pakhtunkhwa, for information.
2. Accountant General, Khyber Pakhtunkhwa, for information.
3. Director General, Food Safety And Halal Food Authority, Khyber Pakhtunkhwa for information.
4. Director, Food Directorate, Khyber Pakhtunkhwa for information.
5. All the Deputy Commissioners, Khyber Pakhtunkhwa, for information.
6. All the District Food Controllers, Khyber Pakhtunkhwa, for information.
7. PS to Minister Food, Khyber Pakhtunkhwa, for information.
8. PS to Secretary, Food Department, Khyber Pakhtunkhwa for information.
9. Officers concerned.
10. Manager, Government Printing Press, Peshawar.

31/5/2022

(ENGR. MALIK M. AHSAN TAHIR)
SECTION OFFICER (GENERAL)
KHYBER PAKHTUNKHWA FOOD DEPARTMENT

2

(15)

Annex 5

~~2283/2022~~

2

BEFORE PESHAWAR HIGH COURT PESHAWAR.



Writ Petition No. ~~2283~~/2022

Abdul Hafeez (BPS-17) DFC Charsadda (Under transfer) R/o House
No. 66, street 02, Sector E/4 Phase 7, Hayatabad.....Petitioner

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary KPK,
Civil Secretariat Peshawar
2. Secretary Government of KPK, Food department, Near Haji Camp
Bus stand, GT road Peshawar.
3. Food Director KPK, Near Haji Camp Bus stand, GT road Peshawar.

**WRIT PETITION UNDER ARTICLE 199 OF CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN 1973**

Respectfully Sheweth:

- 1) That petitioner was initially appointed as food grain supervisor
(BPS-5) in the food department in the year 1993.
- 2) That with the passage of time, in the year 2003 petitioner was
promoted as food grain inspector in BPS-6 and then was promoted
to BPS-17 in the year 2008.
- 3) That likewise, petitioner with the passage of time was promoted as
assistant food controller to BPS-11 and thereafter was upgraded to
BPS-14 in the year 2014 and similarly as district food controller
BPS-16 in the year 2021 followed by promotion to BPS-17 in the
year 2021 (Copy of profile card is attached as annexure "A" at
page 7)

Entry No. 1406
Date 23-7-2022
Secy: Food Office KPK

INT. SECY. GENERAL
GOVERNMENT OF KHYBER PAKHTUNKHWA
ISLAMABAD
2022

2

4) That during the time petitioner was posted as AFC BPS-14 where from he was transferred on 18.04.2019 to District Karak as district food controller Karak and that from district Karak he was transferred on 18.12.2019 as district food controller Mardan but initially transferred from district mardan to Azakhel vide order dated 15.06.2021 and then from there to district charsadda vide order dated 15.10.2021.

5) That the petitioner with in short span of time at Charsadda, he has been now transferred to district DIR Upper on 31.05.2022.

It means that with in a period of three years, he has been transferred frequently five times with ^{out} completion of his normal stay at a stations. (Copies of transfer and posting with effect from 18.04.2019 to 31.05.2022 are attached as Annexure "B" & "B1" at Page 9-14)

6) That the petitioner feeling aggrieved against posting and transfer orders filed representation to the competent authority with the request of its early disposal but the same has not been decided in one way or other as yet. (Copy of the representation is attached as annexure C at Page 15-16.)

7) That the petitioner in view of bar contained in Section "4" of service Tribunal Act, 1974 to file appeal against the decision, of his representation to the departmental, authority, after a period of ninety days cannot file the appeal to the tribunal. therefore, the petitioner finding no other prompt, speedy, efficacious remedy for redressal of his grievances and also that in view of the legal bar referred to above, the service tribunal for the petitioner is non-functional, for the time being, therefore, the constitutional jurisdiction under Article, 199 is being invoked on the following grounds inter alia:

GROUND

That the petitioner posting, transfer within shortest span of three years time against the normal tenure of three year stay of one station within any exigency of the service, is unlawful, without any right, manifest and with ulterior motive within the meaning of the Civil Servant (Appointment, promotion) Act

(2)

transfer) Rules, 1939 R/W Section 10 of the KPK civil Servant Act, 1973.

- B) That the frequent/quick transfers of the petitioner from one place to another are against the terms and condition of the service which cannot be varied to his disadvantage.
- C) That the impugned order dated 31.05.2022 from Charsadda to Dir Upper is arbitrary, in deviation from normal course.
- D) That power of posting and transfer assigned to authority would not mean to exercise according to their sweet will or with mala fide, either due to victimization, nepotism, favoritism or under any type of pressure as in the instant case, political pressure was exercised by a provincial minister, for the accommodation of his favorite at District Charsadda.
- E) That the powers of posting and transfer must be exercised in judicious manner, with wisdom and good sense, keeping in view the fundamental rights of the civil servant guaranteed by Part II, Chapter 1 of the constitution of Islamic republic of Pakistan 1973.
- F) That the authority/Respondents have materially violated the mandate of Article 199 within the jurisdiction of this Hon'ble Court functioning in connection with affairs of the province.
- G) That the respondents no 02 while passing the impugned order was not permitted by law to do and in violation of the provision of law on the subject, he passed the order not permitted by law to do.

It is, therefore, prayed that a Writ may graciously be issued, declaring that the impugned order date 31.05.2022 passed by respondent no 02, within the territorial jurisdiction of this Hon'ble court has been done, without lawful authority and is of no legal effect.

Secondly, direct respondent No 02 to refrain from doing the impugned act and action which is not permitted by law and to withdraw the impugned order being unlawful, illegal and without lawful authority.

(18)

(P)

Petitioner

Through

Ghulam Mohy ud Din Malik
Advocate
Supreme Court of Pakistan

&

Muhammad Sohaib Malik,

Advocate, High Court Peshawar.

INTERIM RELIEF

May it please your Lordship?

Pending disposal of the Instant WP, in the mean while the operation of impugned order dated 31.05.2022 may graciously be suspended.

Petitioner

Through

Ghulam Mohy-ud-Din Malik,

Advocate, Supreme Court of Pakistan.

&

Muhammad Sohaib Malik,

Advocate, High Court Peshawar.

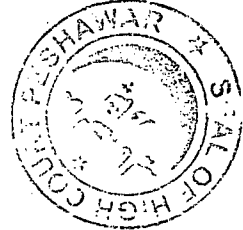
CERTIFICATE:

As per instructions of my client it is certified that no such like Writ Petition has ever been filed by the applicant before this Hon'ble Court.

Advocate

**PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET**

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
21.06.2022	<p><u>Writ Petition No. 2088-P/2022 with IR.</u></p> <p>Present: Ghulam Mohy-ud-Din Malik, advocate for the petitioner.</p> <p>*****</p> <p>LAL JAN KHATTAK, J.- After hearing arguments at some length learned counsel for the petitioner stated the petitioner would be satisfied and would not press this petition anymore if the respondent No.2 is directed to decide his representation pending before him.</p> <p>2. In view of the above, this petition is dismissed being not pressed with direction to the respondent No.2 to decide the petitioner's representation pending before him by providing an opportunity of hearing to the petitioner in accordance with law within a period of fifteen days from the receipt of copy of this order.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p>



41760
S.P.
20
22-6-22
22-6-22
21, 51

D.No. 1408

Received
mf
23/6/2022

JUDGE
GULBELA
PESHAWAR
(1957-1977)



(20)

Ann² I²

GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

No.SOG/Food/ 7-4/11411
Dated Peshawar, the 7th July, 2022.

☎ 091-9225373 ✉ fooddepartmentkpk@gmail.com 📺 foodsecretariat 🐦 @fooddepartmentkpk

To,

Mr. Abdul Hafeez,
District Food Controller, Dir Upper.

Subject: - **WRIT PETITION UNDER ARTICLE 199 OF CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973.**

Memo:

Reference to the subject noted and to state that your Departmental appeal against Notification No.SOG/FOOD/1-2/2019/Vol.VI/1229 dated 31.05.2022, containing your transfer from the post of District Food Controller, (BS-17) Charsadda, to the post of District Food Controller, (BS-17), Dir Upper, was duly processed by this Department for decision of the worthy Secretary Food. The Competent Authority, however, upon perusal of the appeal regretted the same given the fact that it is the sole discretion of the Government to retain or transfer any of the officers/officials in the best public interest, without taking into account the standard terms of Postings and Transfers Policy of the Provincial Government. Moreover, since compliance of the orders has also been made, hence, there is no room for revocation of the said order at such a stage as the same would lead to serious administrative repercussions which would ultimately hamper in the public service delivery.

7/7/2022

(ENGR. MALIK MOHD. AHSAN TAHIR)
SECTION OFFICER (GENERAL)

Copy for information to the:-

1. Registrar, Peshawar High Court, Peshawar, with reference to the above cited subject Petition.
2. Director Food Khyber Pakhtunkhwa, Peshawar.
3. PS to Secretary Food Department Khyber Pakhtunkhwa, Peshawar.
4. Personal file.

7/7/2022

(ENGR. MALIK MOHD. AHSAN TAHIR)
SECTION OFFICER (GENERAL)



21
Our faith, "Corruption free Pakistan"

Am J

OFFICE OF THE,
DEPUTY COMMISSIONER,
KARAK.

No: 5609/DC/IKK

Dated: 20/11/2019

COMMENDATION / APPRECIATION CERTIFICATE

Mr. Abdul Hafeez District Food Controller, Karak is a hard working officer of Food Department Karak, who always takes keen interest in the discharge of his official duties / Food related official business at District Karak. He fulfilled all assigned tasks and completed all important assignments to the entire satisfaction of the undersigned.

2 His performance on account of achievement of the target of procurement of wheat at Karak during the year 2019 is highly appreciated. Furthermore, his performance in controlling the price hike and adulteration is also excellent.

3 In recognition of his meritorious & commendable services rendered by him, this Certificate is grant to him.


DEPUTY COMMISSIONER,
KARAK

Copy for information to:

- 1) The Secretary to Government of Khyber Pakhtunkhwa Food Department Peshawar.
- 2) The Director Food Khyber Pakhtunkhwa, Peshawar.
- 3) Mr. Abdul Hafeez District Food Controller, Karak


DEPUTY COMMISSIONER,
KARAK

CERTIFICATE OF APPRECIATION

I hereby express my sincere appreciation to

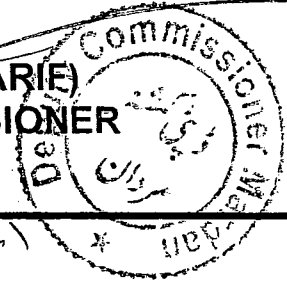
Mr. Abdul Hafeez,

As District Food Controller/Special Price Magistrate 1st Class Mardan in recognition of his ongoing contributions and continued work as a District Food Controller Mardan.

I value what you have done and continue to do.

Thank You.

(HABIB ULLAH ARIF)
DEPUTY COMMISSIONER
MARDAN

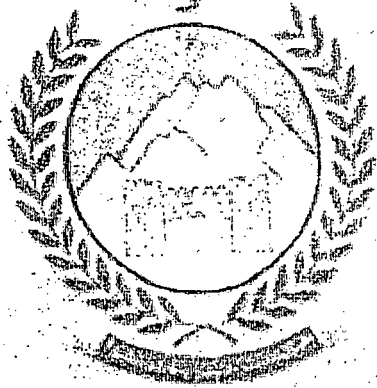


16-6-2021

62

Handwritten mark or signature.

23



BEST PERFORMANCE AWARD

In the Capacity of District food controller
in Mardan Division During Calendar
Year 2020

Presented To

ABDUL HAFEEZ

District food controller

Presented By

Office of Divisional Assistant
Director Food Mardan
division

X

وکالت نامہ

بعدالت: ضلع تختون سروس ٹریبونل لٹامہ

عبدالحمید حفظ نام حکومت

منجانب ایپلینٹ دعویٰ سروس ایبل

تاریخ 23/7/21

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جواب دہی

بمقام لٹامہ کیلئے جاوید اقبال گل بیلہ / پٹو و کیٹ سپریم کوٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پر داخنتہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹالشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخ ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا لگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

موضوع مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

- 1) Javed Iqbal Gulbela, Asc
Bc-10-7924 cell: 0345-9405501
17301-1496065-7
javed iqbal gulbela 1980@gmail.com.
- 2) Saghir Iqbal Gulbela, AHC
Bc-11-1742
17301-1502481-3
saghir99iqbal@gmail.com.
- 3) Ahsan Sardar, AHC
Bc-15-5815
ahsan.sardar 13@hotmail.com
17301-3546677-7

0345-9405501

کتاب الحفیظ (ایپلینٹ)

Abdulhalee317101@gmail.com

23/7/2021

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

1159

APPEAL No..... of 20 ²²

Rgd

Abdul Hafoez

Appellant/Petitioner

Versus

Govt. of KPK through chief Secy.

RESPONDENT(S)

Respondent no. 3

Notice to Appellant/Petitioner

Director Food KPK

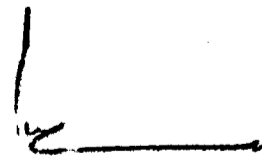
Near H.O. Camp Bus Stand

G.T Road Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication/affidavit/counter affidavit/record/arguments/order before this Tribunal on 18/9/2022 at 9:am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-Admission Notice
for Reply
copy of Appeal
is Attached.



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.



CN: 4765296685

Product Service type

C L

Payment Mode Date-Time

CASH 2022-09-09 11:28

ORG-DEST Piece(s) WEIGHT

PEW-PEW 1Pcs - .5
Staff: 118238 Route: X33102

Shipper Details

Name : KPK SERVICE
Phone : 03160928750
Address : TRIBUNAL PESHAWAR

Consignee Details

Name : DIRECTOR FOOD KPK
Phone : 03333333333
Address : NEAR HAJI CAMP BUS STAND GT ROAD P
ESHAWAR

Insured Value

Rs. 0

Payment Details

Service CHG	174.0
Fuel Surcharge	0.0
Other Amount	0.0
VAS	0
Insurance CHG	0
GST	26
Premium	0
TOTAL	200.0

Remarks

Instructions

Customer Signature

For Terms & Conditions Visit
www.tcscouriers.com/tnc
TCS Headquarters, 101-104, Civil Aviation
Club Road Karachi - 75202, Pakistan
UAN : 111 123456 Web : tcs.com.pk
(Shipper Copy) V-1.78

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No. 1159 of 20 22
APPEAL No.....

Regd Abdul Hafeez
Appellant/Petitioner

Versus

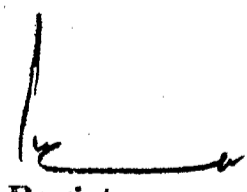
Govt. CF KPh through chief Secy.
RESPONDENT(S)

Respondant no. 2
Secretary Food Dept. Govt.
CF KPh Near Haji Camp
Bus Stand G.I Road Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication/ affidavit/counter affidavit/record/arguments/order before this Tribunal on 16/9/2022 at 7.30

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*Pre-Admission
Notice for Reply
copy of Appeal
is attached*


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

GST No. 12-009808-002-73



Product CN: 4765296686

Payment Mode: CASH Date-Time: 2022-09-09 11:29

Origin: PEW-PEW Piece(s): 1Pcs - .5 Staff: 118239 Route: X33102

Shipper Details

Name : KPK SERVICE Phone : 03160828750 Address : TRIBUNAL PESHAWAR

Consignee Details

Name : SECRATARY FOOD DEPT Phone : 03333333333 Address : NEAR HAJI CAMP BUS STAND GT ROAD PESHAWAR

Insured Value

Rs. 0

Payment Details

Service CHG	174.0
Fuel Surcharge	0.0
Other Amount	0.0
VAS	0
Insurance CHG	0
GST	26
Premium	0
TOTAL	200.0

Remarks

Instructions

Customer Signature

For Terms & Conditions Visit www.tcscouriers.com/tnc TCS Headquarters, 101-104, Civil Aviation Club Road Karachi - 75202, Pakistan UAN : 111 123456 Web : tcs.com.pk (Shipper Copy) V-1.78

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

APPEAL No. 1159 of 2022.

Abdul Hafeez

Appellant/Petitioner

Versus

Govt. of KPK through Chief Secy.

RESPONDENT(S)

Respondent No. 1

Notice to Appellant/Petitioner

Govt. of KPK through Chief Secretary Peshawar.

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 16/9/2022 at 9:am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Pre-Admission Notice for Reply

copy of appeal is attached.

16/9/22

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.