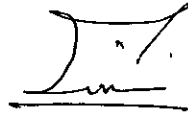


27<sup>th</sup> July, 2022

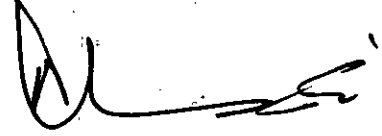
Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Addl:AG for respondents present.

2. Learned counsel for the appellant submitted an application for withdrawal of the instant service appeal, wherein he stated that grievance of the appellant has been redressed and he wants to withdraw the instant appeal. Application is placed on file. Dismissed accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 27<sup>th</sup> day of July, 2022.*



(Salah Ud Din)  
Member(Judicial)



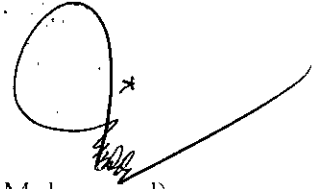
(Kalim Arshad Khan)  
Chairman



26.05.2022

Appellant in person present. Mr. Noor Zaman Khattak,  
District Attorney for the respondents present. None present on  
behalf of private respondent No. 4.

Written reply/comments on behalf of official  
respondents have already <sup>been</sup> submitted. Notice be issued to the  
private respondent No. 4 for submission of written  
reply/comments. Adjourned. To come up for written  
reply/comments on 28.06.2022 before S.B.



(Mian Muhammad)  
Member (E)

28.06.2022

Learned counsel for the appellant present. Mr.  
Kabir Ullah Khattak, Additional AG for alongwith Mr.  
Muhammad Mahir, Assistant for respondents 1 to 3  
present.

Despite proper notice no one present on behalf  
of respondents 4 hence, he is proceeded as ex-parte.

Written reply/comments on behalf of official  
respondents have already been submitted. To come  
up for rejoinder/arguments on 27.07.2022 before  
D.B.

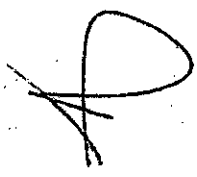


(Fareeha Paul)  
Member (E)

no fall P

AD

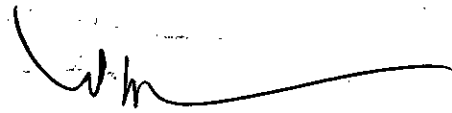
hina



14.01.2022

Appellant with counsel present. Mr. Kabirullah Khattak, AAG alongwith Mr. Hafeez Assistant Food Controller for respondents present.

Reply/comments on behalf of respondents are still awaited. Representative of respondents requested for time to submit reply/comments. Granted. To come up for reply/comments before the S.B 03.02.2022. The operation of the impugned order dated 10.11.2021 is suspended to the extent of appellant till date fixed.



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

03.02.2022

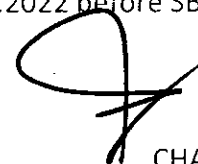
The Tribunal is non-functional, therefore, the case is adjourned to 15.04.2022 before S.B for the same.



Reader

15.04.2022

Counsel for the appellant present. Mr. Kabirullah Khattak Addl. AG for the respondents present and submitted written reply on their behalf. Learned counsel for the appellant submitted <sup>2</sup> application to implead Mr. Jamsheed Khan in the panel of respondents on the ground that <sup>2</sup> acceptance of the appeal might affect Mr Jamsheed Khan. Learned Addl. AG has expressed no objection on impleadment of Mr Jamsheed Khan in the <sup>2</sup> panel of respondents. Therefore, he is impleaded as respondent and notice be issued to him for written reply on 26.5.2022 before SB.



CHAIRMAN

Appeal No. 7840/2021  
Hashim Khan vs Govt

21.12.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant has invoked the jurisdiction of this Tribunal to impugn the transfer/posting order bearing Notification No. SOG/Food/1-2/2019/Vol-VI-10256 dated 10.11.2021, whereby he has been transferred from the post of Storage and Enforcement Officer (S&EO) Azakhel to report to the Directorate of Food, Peshawar with immediate effect in the public interest. According to account of the previous transfers of the appellant as per record annexed with the Memorandum of appeal, he while posted as Storage and Enforcement Officer Peshawar was transferred to report to the Directorate Food vide order dated 15.06.2021. By another order dated 26.08.2021 he was again transferred from Directorate of Food Peshawar to District Food Controller Charsadda and from there he was transferred to the post of S&EO NRC Azakhel vide order dated 15.10.2021. All the orders including the impugned order are shown to have been issued in public interest. What best public interest lies in frequent transfers of the appellant is required to be dug out during the course of full hearing. This appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 14.01.2022 before S.B.

An application for interim relief seeking suspension of operation of impugned order has been filed alongwith memorandum of appeal. Notice of application be also given to the respondents. The operation of the impugned order dated 10.11.2021 is suspended to the extent of appellant till date fixed.

Appellant Deposited  
Security & Process Fee

23/1/22

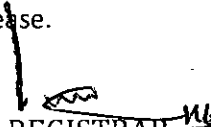

  
Chairman

Form- A

FORM OF ORDER SHEET

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

Case No.- 7840 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/12/2021	<p>The appeal of Mr. Hashim Khan presented today by Barrister M Yaseen Raza Khan 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</p>
2-		<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>21/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

Case Title: Hashim Khan vs Goult etc

S.#	Contents	Yes	No
1.	This appeal has been presented by: _____		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?	✓	
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on	✓	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on	✓	
26.	Whether copies of comments/reply/rejoinder submitted? on	✓	
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Barrister Yaseen  
Raza

Signature:

[Handwritten Signature]

Dated:


6-12-2021

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR

Appeal No. 7840 of 2021

Hashim Khan                      V/s                      Govt. Of KP, etc.


INDEX


S. No.	Description of Documents	Annexures	Pages
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2-	Notification dated 15.06.2021	"A"	9-10
3-	Notification dated 28.08.2021	"B"	11
4-	Notification dated 15.10.2021	"C"	12
5-	Impugned Notification dated 10.11.2021	"D"	13
6-	Election Notification dated 04.11.2021	"E"	14-15
7-	Food Dept. Notification dated 11.11.2021	"F"	16
8-	Impugned Letter dated 12.11.2021	"G"	17
9-	Appeal to the Competent Authority	"H"	18
10-	ESTA Code	"I"	19-21
11-		-	
12-	Wakalatnama	-	22

November 29, 2021

Appellant

Through

  
Barrister M Yaseen Raza Khan  
Advocate High Court(s)

  
Barrister Rayan Karim  
Advocate

60-C, 2<sup>nd</sup> Street, Defence Officers  
Colony, Khyber Road, Peshawar

1

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR

Appeal No. 7840 of 2021

**Hashim Khan S/o Amir Khan**  
R/o Amanabad Village, Nisata Road  
Mardan, Pakistan.

Khyber Pakhtunkhwa  
Services Tribunal

Discy No. 7970

Date: 06/12/2021

.....Appellant

Versus

1. **Government of Khyber Pakhtunkhwa**  
Through Secretary Food Department  
Govt. of Khyber Pakhtunkhwa  
Civil Secretariat, SAQ Road, Peshawar

2. **Director**  
Food Department  
Food Directorate, Peshawar

3. **Section Officer General**  
Food Department  
Govt. of KP, Peshawar

4. **Jamsheed Khan Assistant Food Controller**  
(RC Peshawar.)

.....Respondents

*vide order  
sheet  
15-04-2022*

**Filed to-day**  
*W*  
**Registrar**  
*06/12/2021*

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974,  
FOR SETTING ASIDE THE IMPUGNED TRANSFER ORDER DATED 10.11.2021

*Respectfully Sheweth;*

1. **That** appellant, a law-abiding citizen of Pakistan, joined the Food Department, Government of Khyber Pakhtunkhwa on 21.03.1996 as Food Grain Inspector (BPS-06) and due to his



unblemished service record, he was promoted on numerous occasions and is currently serving as District Food Controller (BPS-17).

2. **That** appellant was posted and was serving as the Storage and Enforcement Officer at the Storage and Enforcement Office, Food Department Peshawar, since April 2019 and vide Notification dated 15.06.2021 he was transferred and was directed to report to the Directorate of Food, Food Department Peshawar. Surprisingly, after only serving for a little over 02 months at the Directorate of Food, appellant was again transferred to Charsadda as District Food Controller vide notification dated 28.08.2021. Being a law-abiding citizen and obeying the dictates and commands of his superiors, appellant relinquished his charge at the Directorate of Food and assumed charge as District Food Controller, Charsadda in September, 2021.

(True copies of the Notifications dated 15.06.21 & 28.08.21 are annexed herewith marked-A & B)

3. **That** appellant planned his move and relocated to Charsadda and accordingly started adjusting to his new routine/duties, when he was caught with a surprise notification dated 15.10.2021, whereby, he was again transferred, within a month and a half, to NRC Azakhel.

(True copy of Notification dated 15.10.21 is annexed herewith marked-C)

4. **That** appellant as a result, despite having expended a considerable amount on his move to Charsadda, was compelled to relinquish charge and plan his move to NRC Azakhel. However, to his sheer astonishment, when he has not yet completed his move to NRC Azakhel, he has again been transferred, to the Food Directorate Peshawar, vide notification dated 10.11.2021 ('**Impugned Notification**') issued within 25 days of his previous transfer.

(True copy of Impugned Notification is annexed herewith marked-D)

5. **That** appellant has not yet assumed charge at the Food Directorate, as the Election Commission of Pakistan has notified that, from the announcement of the Local Body

Elections till the publication of the election results, any transfer/posting of the Government Officers and Officials including Autonomous Bodies/Authorities shall be made after the prior approval of the Commission.

(True copies of the Election Notification & Food Department Notification are annexed herewith marked-E & F)

6. That the malafide of the Respondents is evident from the fact that despite the above mentioned notification of the Election Commission of Pakistan and the Food Department, Respondent No.3, vide letter dated 12.11.2021 ('**Impugned Letter**') requested the Secretary Election Commission of Pakistan to, *inter-alia*, grant approval for the posting and transfer of the appellant.

(True copy of Impugned Letter is annexed herewith marked-G)

7. That aggrieved of the Impugned Notification dated 10.11.2021 and the Impugned Letter dated 12.11.2021, appellant seeks to invoke the jurisdiction of this august Tribunal, *inter-alia*, on the following;

### GROUND S

- a. **Because** the Impugned Notification dated 10.11.2021 and the Impugned Letter dated 12.11.2021 are illegal, arbitrary, without jurisdiction, capricious, motivated by malice and malafide and are violative of the appellant's rights as protected and enshrined by the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as '**the Constitution**').
- b. **Because** the appellant acted promptly by launching a departmental appeal on 12.11.2021, to set aside the Impugned posting/transfer notification, however, appellant has failed to get any response thereon since the past 15 days. As such, the

remedy being perfunctory, appellant is left with no other option but to invoke the jurisdiction of this worthy Tribunal for redressal of his grievances.



4  
1

(True copy of Appeal to Competent Authority  
is annexed herewith marked-H)

- c. **Because** it is trite law that frequent transfers would not improve efficiency of the civil servants, rather it would affect their performance very badly as they would not be in a position to concentrate on their job due to fear of fresh transfer.
- d. **Because** it has been repeatedly held by the Superior Courts that frequent transfers and posting, not only adversely affects the civil servants, but causes major inconvenience to their families as well by, *inter-alia*, damaging their private life and affecting children's education. Therefore, on this score alone the Impugned Notification and the Impugned Letter are liable to be set aside and declared nullity in the eyes of law.
- e. **Because** according to the Policy of the Provincial Government for Posting/Transfer framed under the Khyber Pakhtunkhwa Establishment Rules, all postings/transfers shall be strictly in the public interest and shall not be abused/misused to victimize the Government servants. Consequently, under the said Policy, the normal tenure of posting shall be three years. Therefore, the appellant has a vested right not to be transferred before the completion of the prescribed period which has been infringed due to his premature transfers, time and again, within a short duration of about four to five months.

(True copy of relevant portion of the ESTA Code  
is annexed herewith marked-I)

- f. **Because** the Respondents have acted unlawfully and illegally, in excess of the powers and jurisdiction conferred on them by violating the rights of the appellant not to be transferred prematurely.



- g. **Because Article 4** of the Constitution confers a right upon the appellant to be dealt with in accordance with the law. The Respondents by way of the Impugned Notification and Impugned Letter have infringed upon the Constitutional right of the appellant, by making orders for his posting on an arbitrary basis.
- h. **Because** the actions of Respondents, in terms of frequently transferring the appellant, tantamount to his exploitation, the worst form of discrimination and a breach and violation of his fundamental rights, both substantial and procedural, as enshrined in **Article 4** and **25** of the Constitution.
- i. **Because** the actions of the Respondents are based on malafide aimed only to hoodwink and defeat the mandate and the purpose of the law, fundamental rights of the appellant guaranteed by the Constitution and the principles of natural justice
- j. **Because** the appellant has no other alternate and efficacious remedy but to invoke the Jurisdiction of this honourable Tribunal through the instant appeal.

**PRAYER:**

**It is, therefore,** most humbly prayed that on acceptance of this appeal, this august Tribunal may be graciously be pleased to:

- i) **Declare** that the Impugned Notification dated 10.11.2021 and the Impugned Letter dated 12.11.2021 are illegal, unlawful, without jurisdiction and/or lawful authority, capricious, arbitrary and *ab initio* void;
- ii) **Set aside** the Impugned Notification dated 10.11.2021 and the Impugned Letter dated 12.11.2021 for being illegal, unlawful, without jurisdiction and/or lawful authority, capricious, arbitrary and *ab initio* void;

- iii) **Permanently restrain** the Respondents from taking any action to the detriment of the appellant including any further transfer before the completion of the prescribed period at NRC Azakhel;
- iv) **Grant Interim Relief** by suspending the operation of the Impugned Notification and the Impugned Letter, till the final disposal of the instant appeal;
- v) **Any other relief** this Honourable Tribunal deems fit and appropriate in the circumstances of the case.

November 29, 2021

Appellant

Through

Barrister M Yaseen Raza Khan  
Advocate High Court(s)

Barrister Rayan Karim  
Advocate

60-C, 2<sup>nd</sup> Street, Defence Colony  
Khyber Road, Peshawar

(3)

7

IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR

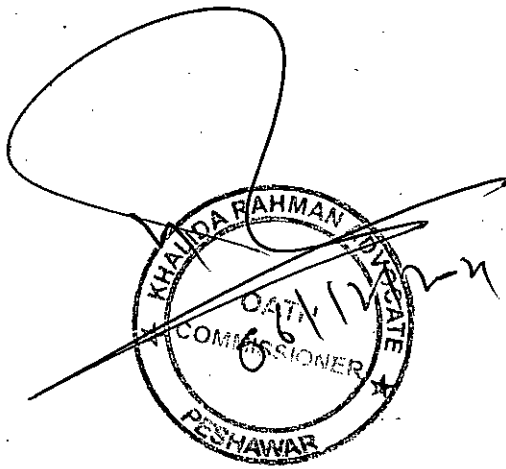
Appeal No. \_\_\_\_\_ of 2021

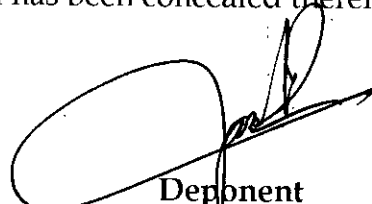
Hashim Khan                      V/s                      Govt. Of KP, etc.

AFFIDAVIT

I, Hashim Khan, District Food Controller Azakhel, R/o Peshawar, do hereby solemnly declare and affirm on oath that the accompanied appeal has been filed under my instructions, contents whereof are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.

**ATTESTED**



  
Deponent  
0345-9341770

8

**IN THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR**

Appeal No. \_\_\_\_\_ of 2021

Hashim Khan V/s Govt. Of KP, etc.

**MEMO OF ADDRESSES**

**Hashim Khan** S/o Amir Khan  
R/o Amanabad Village, Nisata Road  
Mardan, Pakistan.

.....Appellant

Versus

1. **Government of Khyber Pakhtunkhwa**  
Through Secretary Food Department  
Govt. of Khyber Pakhtunkhwa  
Civil Secretariat, SAQ Road, Peshawar
2. **Director**  
Food Department  
Food Directorate, Peshawar
3. **Section Officer General**  
Food Department  
Govt. of KP, Peshawar

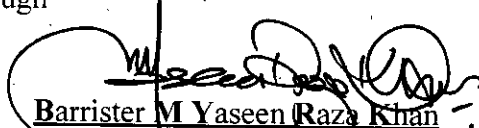
.....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974,**  
**FOR SETTING ASIDE THE IMPUGNED TRANSFER ORDER DATED 10.11.2021**

November 29, 2021

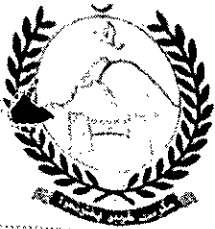
**Appellant**

Through

  
**Barrister M Yaseen Raza Khan**  
Advocate High Court(s)

**Barrister Rayan Karim**  
Advocate

60-C, 2<sup>nd</sup> Street, Defence Colony  
Khyber Road, Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
FOOD DEPARTMENT.

9

Dated Peshawar 15<sup>th</sup> June, 2021

ANNEXURE "A"

**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, Charsadda (OPS)	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	—

**ATTESTED**

To Be True Copy  
Advocate

Director, BS-09

Sd/-  
SECRETARY TO GOVERNMENT OF  
KHYBER PAKHTUNKHWA FOOD DEPARTMENT



Office of  
Lawyer

10


**Endst: No. & Date even:**

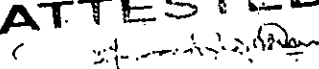
Dated: 15<sup>th</sup> June, 2021

Copy forwarded to:

1. Accountant General, Khyber Pakhtunkhwa and concerned District Account Officers.
2. PS to Minister Food, Khyber Pakhtunkhwa.
3. PS to Secretary Food, Khyber Pakhtunkhwa.
4. PA to Director Food, Khyber Pakhtunkhwa.
5. Personal files of the officers.

  
**SECTION OFFICER GENERAL**

  
**ATTESTED**

  
To Be True Copy  
Advocate



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

11

Dated Peshawar the 26-08-2021

091-9225373

fooddepartmentpk@gmail.com

@fooddepartmentpk

@foodsecretariat

ANNEXURE - "B"

**NOTIFICATION**

No.SOG/Food/1-3/2021/ : The Competent Authority has been pleased to order postings/transfers of the following officers of Food Department, Khyber Pakhtunkhwa with immediate effect in the best public interest:-

Sr.No	Name of officer	Present Posting	Proposed Posting
1	Mr. Mustajab Khan	Superintendent, Directorate of Food, Khyber Pakhtunkhwa	Assistant Director Food (Inspection)
2	Mr. Farhad Khan	Superintendent, Directorate of Food, Khyber Pakhtunkhwa	Assistant Director Food (Supply) against the vacant post
3	Mr. Falak Niaz	Superintendent, Directorate of Food, Khyber Pakhtunkhwa	Assistant Director Food (Co-ordination) against the vacant post
4	Mr. Jehanzeb Khan	Superintendent, Directorate of Food, Khyber Pakhtunkhwa	Assistant Director Food (Karachi)
5	Mr. Mehmood-Ur-Rehman, DFC (BS-17)	Directorate of Food, Khyber Pakhtunkhwa	DFC Bunner
6	Mr. Hashim Khan, DFC (BS-17)	Directorate of Food, Khyber Pakhtunkhwa	DFC Charsadda

SECRETARY FOOD DEPARTMENT  
GOVT: OF KHYBER PAKHTUNKHWA

Endst: No. & date even.

Copy for information and necessary action to:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Director Food, Khyber Pakhtunkhwa Peshawar.
3. All Divisional Assistant Directors Food in Khyber Pakhtunkhwa.
4. PS to Minister Food, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.
6. Assistant Director (IT), Food Directorate for uploading on official website.
7. Officers concerned.
8. Personal Files.

ATTESTED

To Be True Copy  
Advocate

(MURAD AHMAD HOTI)  
SECTION OFFICER (GENERAL)



Government of Khyber Pakhtunkhwa,  
Food Department,  
Peshawar.  
Dated Peshawar the 19<sup>th</sup> October, 2021

12

**NOTIFICATION:**

ANNEXURE - "C"

No.SOG/Food/1-2/2021/10/10/6 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 Hafoez, DFC (OPS)	S&EO (OPS) NRC Azakhel	DFC (OPS) Charsadda
5	Mr. Umair Ali AFC	AFC Lower Chitral	AFC Upper Chitral
6	Mr. Riaz Ahmad FGI	AFC (OPS) Office of DFC Swat	FGI Office of DFC Dir Lower

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.

ATTESTED

To Be This Copy  
Advocate

(MURAD AHMED)

SECTION OFFICER (GENERAL)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

Dated Peshawar the 10-11-2021

13

091-9225373

fooddepartmentkpk@gmail.com



@fooddepartmentkpk

@foodsecretariat

**NOTIFICATION**

ANNEXURE- "D"

**No.SOG/Food/1-2/2019/Vol.VII/ 10256** . The competent authority is pleased to order the following postings/transfers of officers in Directorate of Food, Khyber Pakhtunkhwa with immediate effect in the public interest.

S.No.	Name of Officer	From	To
1.	Mr.Hashim Khan, DFC (BS-17)	S&EO Azakhel	Report to Directorate of Food, Peshawar
2.	Mr. Jamshed Khan AFC (BS-16)	RC Peshawar (OPS)	S&EO Azakhel (OPS)
3.	Mr. Shabir Ahmad AFC (BS-16)	DFC Nowshera (OPS)	RC Peshawar (OPS)
4.	Akbar Khan AFC (BS-16)	Office of the S&EO Peshawar	DFC Nowshera (OPS)

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

**Endst: No. & date even.**

Copy for information and necessary action to:-

1. Director Food, Khyber Pakhtunkhwa Peshawar.
2. All Divisional Assistant Directors Food in Khyber Pakhtunkhwa.
3. District Accounts Officers, Peshawar, Nowshera.
4. District Food Controller Nowshera.
5. Rationing Controller Peshawar..
6. PS to Minister for Food, Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.
8. Assistant Director (IT), Food Directorate for uploading on official website.
9. Officers concerned.
10. Personal File.



ATTESTED

To Be True Copy  
Advocate

  
(MURAD AHMAD HOTI)  
SECTION OFFICER (GENERAL)

**ELECTION COMMISSION OF PAKISTAN  
NOTIFICATION**

Islamabad, the 4<sup>th</sup> November, 2021

**Subject:- REVISED SCHEDULE FOR CONDUCT OF LOCAL GOVERNMENT ELECTION (FIRST PHASE) IN KHYBER PAKHTUNKHWA.**

No.F.16(1)/2021-LGE-KP:- Consequent upon the order passed by the Hon'ble Peshawar High Court in Writ Petitions Nos. 3605-P/2019, 3772-P/2019 and 5051-P/2019 dated 02.11.2021 and Section-58 of the Elections Act, 2017 read with Rule-15(4) of Khyber Pakhtunkhwa Local Councils (Conduct of Elections) Rules, 2021 all other powers enabling it in that behalf; the Election Commission of Pakistan is pleased to revise the election schedule to the extent shown against each activity issued earlier vide notification of even number dated 25<sup>th</sup> and 28<sup>th</sup> October, 2021 whereby voters of Tehsil/City Councils, Village/ Neighbourhood Councils were called upon to elect their representatives to the seat of Mayor or Chairman and members of Village Councils/ Neighbourhood Councils of districts Buner, Bajaur, Mardan, Swabi, Peshawar, Nowshera, Kohat, Karak, D.I.Khan, Bannu, Tank, Haripur, Khyber, Mohamand, Charsadda, Hangu and Lakki Marwat of Khyber Pakhtunkhwa Province and in connection therewith appoints the following new dates of various activities of election to the aforesaid Councils:-

S#	Activity	Days	Date
1	Dates for filing of nomination papers with the Returning Officers by the candidates	7 Days	04.11.2021 to 10.11.2021
2	Publication of names of the nominated candidates on	1 Day	11.11.2021
3	Last date for Scrutiny of nomination papers by the Returning Officer	3 Days Including Sunday	12.11.2021 to 14.11.2021 (Sunday)
4	Last date for filing of appeals against decisions of the Returning Officer rejecting / accepting the nomination papers.	3 Days	15.11.2021 to 17.11.2021
5	Last date for deciding of appeals by the Appellate Tribunal	5 Days	19.11.2021
6	Publication of revised list of candidates	1 Day	20.11.2021
7	Last date for withdrawal of candidature and publication of revised list of candidates.	1 Day	22.11.2021
8	Allotment of Election Symbols to contesting candidates and publication of list of contesting candidates	1 Day	23.11.2021
9	Polling day on		19.12.2021
10	Consolidation of Results	5 Days	24.12.2021

ANNEXURE - "E"

**ATTESTED**

To Be Filing Copy  
Advocate

To ensure that elections to the Local Government are conducted honestly, justly, fairly in accordance with law and to ensure that the corrupt practices are guarded against, the Election Commission of Pakistan directs that:-

15

- i. All Executive Authorities in the Federation and in the Provinces shall neither announce any development project nor use State Resources in Local Government Elections calculated to influence the elections in favor of a particular candidate.
- ii. If any person in Government Service misuses his official position in any manner in order to influence results of the elections, he shall be liable to be proceeded against under the Law.
- iii. Districts in respect of which election schedule of local government elections has been issued, no transfers / postings of the Government Officers and Officials including Autonomous Bodies/ Authorities shall be made without prior approval of the Commission till the publication of election results.
- iv. After the issuance of Election Schedule, the President, Prime Minister, Chief Minister, Governor, Speaker and Deputy Speaker of any assembly, Chairman and Deputy Chairman of Senate, Federal and Provincial Ministers, Advisors to the Prime Minister or Chief Minister or any other holder of public office shall not visit the area of any local council to announce any development scheme or to canvass or campaign for any candidate or any political party. In case if someone is resident of the district where election are being held he may visit the district however shall not take part in any kind of political activity.
- v. Districts in respect of which election schedule has been issued, no leave of the Government Officers and Officials including Autonomous Bodies/ Authorities will be granted after the issuance of Election Schedule of the Local Government Elections without prior approval of the Commission till the publication of election results. In case leave has already been sanctioned, the officer will not relinquish his charge without approval of the Hon'ble Commission.
- vi. Any holder of public office, who is found to have violated any provision of Election Laws or the instructions issued by the Election Commission, shall be proceeded against as mandated in law.

- Note:-**
- i. The offices of the Election Commission as well as the offices of District Returning Officers and Returning Officers shall remain open on all public holidays if any activity provided in the schedule falls on that day.
  - ii. All electoral activities mentioned in the aforesaid schedule shall be undertaken during office hours and the said timing will also be followed on public holidays fixed for any electoral activity of the schedule.
  - iii. Polling Hours will be observed from 08:00 AM to 05:00 PM.
  - iv. Appellate Tribunals may start proceedings of hearing/deciding of appeals simultaneously from 15-11-2021 to 19-11-2021.

By the order of the Election Commission of Pakistan

To  
The Manager,  
Printing Corporation of Pakistan Press,  
Islamabad

(NAVEED UR-REHMAN)  
Deputy Director (LGE-KP)

[For publication in the Gazette of Pakistan,  
Extraordinary (Part-III) of today's date]

ATTESTED  
TO BE TRUE COPY  
ADVOCATE



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

16

Dated Peshawar the 11-11-2021

091-9225373

fooddepartmentkp@gmail.com

@fooddepartmentkp

@foodsecretariat

**NOTIFICATION**

ANNEXURE - "F"

**No.SOG/Food/1-2/2019/Vol.VI/10263** Due to announcement of Local bodies Elections by Election Commission of Pakistan, the competent authority is pleased to hold in abeyance the posting/transfer orders issued vide this Department's Notification of even No. dated 10-11-2021 with immediate effect till further orders.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

**Endst: No. & date even.**

Copy for information and necessary action to:-

1. Director Food, Khyber Pakhtunkhwa Peshawar.
2. All Divisional Assistant Directors Food in Khyber Pakhtunkhwa.
3. District Accounts Officers, Peshawar, Nowshera.
4. District Food Controller Nowshera.
5. Rationing Controller Peshawar..
6. PS to Minister for Food, Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.
8. Assistant Director (IT), Food Directorate for uploading on official website.
9. Officers concerned.
10. Personal File.

(MURAD AHMAD HOTI)  
SECTION OFFICER (GENERAL)

ATTESTED

To Be True Copy  
Advocate



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

NO SOG/Food/12/2020/  
Dated Peshawar, the 12<sup>th</sup> 11 2021/17

17

011-4271771

FoodDepartmentPK.gov

IS - KPK

ofFoodDept

To,

The Secretary Election Commission of Pakistan,  
Islamabad

ANNEXURE - "G"

Subject - REQUEST FOR GRANTING APPROVAL OF POSTING/ TRANSFER IN  
DIRECTORATE OF FOOD, KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to the subject noted above and to state that Food Department is primarily responsible for Food Security in the province. During the present food stuff crises and in larger interest of general public, it is in dire need that the following posting / transfers in Directorate of Food, Khyber Pakhtunkhwa may be made

2. It is further informed that none of these officers have been declared as RO or ARO by the Election Commission, therefore these posting/transfers will not hinder the upcoming Local Government Election process.

Sr.No	Name of officer	Present posting	Proposed posting
1	Mr. Jamshid Khan, AFC BS-16	Rationing Controller Peshawar (OPS)	S&EO Azakhel Nowshera (OPS)
2	Mr. Hashim Khan, DFC (BS-17)	S&EO Azakhel Nowshera	Report to Directorate of Food, Peshawar
3	Mr. Hafeez ur Rehman, AFC (BS-16)	In the office of Directorate of Food	Rationing Controller Peshawar (OPS)

3. Keeping in view of the present requirement/shortage of food crises in the province and announcement of Local Bodies Elections in the province, this department requests for granting approval for the above-mentioned posting/transfor, please.

Yours faithfully,

(MURAD AHMAD HOTI)  
SECTION OFFICER (GENERAL)

Copy to the:-

PS to Secretary Food, Khyber Pakhtunkhwa.

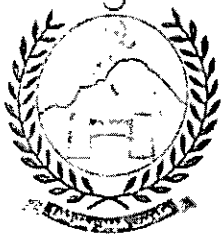
ATTESTED

Secretary  
Food Department  
Khyber Pakhtunkhwa

(MURAD AHMAD HOTI)  
SECTION OFFICER (GENERAL)

dc





OFFICE OF THE STORAGE & ENFORCEMENT OFFICER,  
NATIONAL RESERVE CENTRE,  
AZAKHEL.

18

ANNEXURE- "H"

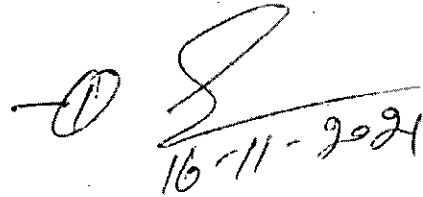
0923-580077 s.co.nrc.azakhel@gmail.com @NRCAZAKHEL @NRC AZAKHEL

NO. 623/S&EO/NRC/Azakhel.

Dated. 12/ 11 /2021.

To

The Worthy Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

  
16-11-2021

Subject: APPEAL AGAINST THE NOTIFICATION NO. SOG/FOOD/1-2/2019/VOL.VI/10256  
DATED 10-11-2021.

Respected Sir,

It is humbly submitted in your Honour that I, was serving as Storage & Enforcement officer Incharge PRC Peshawar and was transferred to Food Directorate Peshawar vide Notification No. SO(G)/Food/1-2/2020/9459 dated 15-06-2021 (Annex-A), then after two months I, was transferred to District Charsadda vide Notification No. SOG/Food/1-3/2021 dated 26-08-2021 (Annex-B), and then after one & a half month I, was transferred to NRC Azakhel vide Notification No. SOG/Food/1-2/2021/10106 dated 15-10-2021 (Annex-C). Now I, have been once again transfer to Food Directorate Peshawar vide Notification No. SOG/Food/1-2/2019/Vol.VI/10256 dated 10-11-2021 (Annex-D). All these transferred were made pre-mature.

Respected Sir, the above referred Notifications reveal that I, have been transferred four times in short span of time which is injustice and violation of basic human rights and lead to unrest and mental stress to the undersigned.

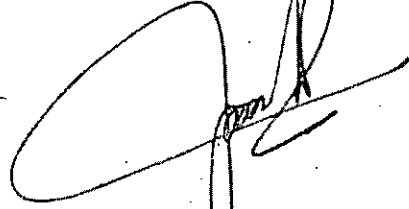
Keeping in view of the afore mentioned facts you are therefore requested that Notification No. SOG/Food/1-2/2019/Vol.VI/10256 dated 10-11-2021 may kindly be revisited so that enabling the undersigned to carry out my official obligations in best of my capacity please.

Yours Obediently



**ATTESTED**

*Advocate*  
TO BE THE COPY  
Advocate



(Hashim Khan)

Storage & Enforcement Officer,  
National Reserve Centre, Azakhel.