- 19th Oct., 2022 01. None present on behalf of the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.
 - O2. Called several times, till last hours of the court but nobody turned up on behalf of the appellant. The appeal is, therefore, dismissed in default. Consign.
 - 03. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19th day of October, 2022.

(Farecha Paul)

Member (E)

(Kalim Arshad Khan)

Chairman

18.04.2022

Appellant in person present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Appellant requested for adjournment as his counsel is not available today. Last opportunity is granted. To come up for arguments before the D.B on 31.05.2022.

(Mian Muhammad) Member (E)

Chairman

31th May, 2022

Counsel for the appellant present. Mr. Muhammad Rashid, DDA for respondents present.

Arguments heard. To come up for order before the D.B on 23.06.2022.

(Mian Muhammad) Member(E) (Kalim Arshad Khan) Chairman

23rd June, 2022

Junior to counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Because of the Departmental Selection Committee proceedings, we could not record the judgment. To come up on 08.08.2022 for order.

(Mian Muhammad) Member(E) (Kalim Arshad Khan) Chairman

8.8.2022

Proper DB not available the case is adjourned to 19-10-2022

Reader

31.01.2022

Nemo for the appellant. Mr. Kabir Ullah Khattak Additional Advocate General for the respondents present.

On previous date too, none was present for the appellant, therefore, notice for prosecution of the appeal was ordered to be issued to the appellant as well as his counsel, however, the notice has not been returned either served or un-served, therefore, fresh notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 01.04.2022 before the D.B.

(Rozina Rehman) Member (J) (Salah-Ud-Din) Member (J)

01.04.2022

Clerk to learned counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Clerk to learned counsel for the appellant states that learned counsel for the appellant is out of station today.

To come up for consideration on 18.04.2022 before the D.B.

(Mian Muhammad) Member (Executive) Chairman



20.08.2021

Due to summer vacations, case is adjourned to 09.11.2021 for the same as before.



09.11.2021

Nemo for the appellant. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for arguments before the D.B on 31.01.2022.

(Atiq-Ur-Rehman Wazir)

Member (E)

(Salah-Ud-Din) Member (J)

Appellant in person present. Muhammad Rasheed, learned Deputy District Attorney alongwithg Muhammad Mahir Assistant for respondents present.

Appellant requested for adjournment that his counsel is not available today. Adjourned. To come up for arguments 07.04.2021 before D.B.

iq Ur Rehman Wazir) Member (E)

(Muhammad Jamal Khan) Member(J)

7.4.21 Due to derive of learned Chairman Tribunal is defunct, therefore, Case is adjourned to 7.7.21

07.07.2021

Junior of learned counsel for the appellant present. Muhammad Zafrullah Khan, Assistant Director alongwith Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present.

We being Members of Larger Bench, remained busy in hearing arguments in the appeals fixed before the Larger Bench, therefore, arguments in the instant appeal could not heard. Adjourned. To come up for arguments before the D.B on 20.08.2021.

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

(SALAH-UD-DIN) MEMBER (JUDICIAL) 08.12.2020

Clerk of the counsel for appellant is in attendance. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General and Zafarullah, Assistant Director, for the respondents are also present.

Adjournment application has been submitted to the effect that the learned counsel for appellant has proceeded to attend Dar-ul-Qaza and is not available today and requested for adjournment. Request is allowed. The appeal is adjourned to 22.01.2021 on which date file to come up for arguments before D.B.

(MIAN MUHAMMAD) MEMBER (EXECUTIVE) Frecent M. MEMBER (JUDICIAL)

(MUHAMMAD JAMAL KHAN)

Consider the Property of the P

Appolituse requested for accommentation in segundaria Cuca-available-today. Adjourned-10-cente-up-lo-adjunents

04.04.108 abelone 1918.

(Angelescomanics Siz)

(Telbecassas Janual Phan) Media (3)

Due to COVID19, the case is adjourned to 2/2/3/2020 for the same as before.

Reader

12.08.2020

Due to summer vacations case to come up for the same on 15.10.2020 before D.B.

15.10.2020

Mr. Imran Ullah, son of the appellant is present. Mr. Muhammad Jan, Deputy District Attorney alongwith representative of the department Mr. Muhammad Zafarullah, Assistant Director are also present.

Son of the appellant submitted that learned counsel representing appellant has proceeded to Islamabad in connection with certain cases pending in the august Supreme Court of Pakistan and requested for adjournment. Adjourned to 08.12.2020 on which to come up for arguments before D.B.

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

(Muhammad Jamal Khan) Member (Judicial) Serv

31.12.2019

Appellant alongwith his counsel and Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Zafarullah, Assistant Director for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 13.02.2020 for arguments before D.B.

(Hussain Shah) Member

(M. Amin Khan Kundi) Member

13.02.2020

Appellant alongwith his counsel and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Zafarullah, Assistant Director for the respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment for arguments. Rejoinder is placed on record. Adjourned to 19.03.2020 for arguments before D.B.

(Hussain Shah) Member

(M. Amin Khan Kundi) Member

19.03.2020

Appellant in person present. Addl: AG alongwith Mr. Zafarullah Khan, AD for respondents present. Due to general strike on the call of Peshawar Bar Council, the case is adjourned. To come up for arguments on 20.05.2020 before D.B.

(MAIN MUHAMMAD) MEMBER (M.AMIN KHAN KUNDI) MEMBER

10.07.2019 Appellant in person present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Zafar Ullah Assistant Director present. Appellant submitted application for adjournment. Application allowed. Adjourn. To come up for arguments on 26.09.2019 before D.B.

Member

26.09.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 11.11.2019 for arguments before D.B.

(HUSSAIN SHAH) **MEMBER**

(M. AMIN KHAN KUNDI) **MEMBER**

11.11.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Irfan, Assistant for the respondents present. Learned counsel for the appellant requested for adjournment to file rejoinder. He may do so within fortnight. Case to come up for arguments on 31.12.2019 before D.B.

· (Ahmad/Hassan) Member

(M. Amin Khan Kundi) Member

17.12.2018

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Zafarullah Assistant Director for the respondents present. Junior to counsel for the appellant requested for adjournment as counsel for the appellant is not in attendance. Adjourned. To come for arguments on 08.02.2019 before D.B

(Hussain Shah) Member (Muhammad Amin Khan Kundi) Member

08.02.2019

Counsel for the appellant present. Mr. Muhammad Riaz Khan, Asst: AG alongwith Zafrullah Khan, A.D for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 23.04.2019 before D.B.

(Ahmad Hassan) Member (M. Amin Khan Kundi) Member

23.04.2019

Appellant in person and Addl. AG alongwith Zafrullah, AD for the respondents present.

Due to general strike on the call of District Bar Council, instant matter is adjourned to 10.07.2019 for arguments before the D.B.

Memher

Chairman

26.04.2**01**8

Junior to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Ghulam Rasool AFC for the respondents present. The Tribunal is non-functioned due to retirement of Hon'ble Chairman. Therefore the case is adjourn. To come up for the same on 11.07.2018.

READER

11.07.2018

Clerk to counsel for the appellant and Mr. Sardar Shaukat Hayat learned Additional Advocate General present. Due to general strike of the bar, the case is adjourned. To come up on 05.09.2018 before D.B.

(Ahmad Hassan) Member

(Muhammad Hamid Mughal) Member

05.09.2018

Neither appellant nor his counsel present. Mr. Riaz Ahmad Paindakhel, Assistant AG alongwith Mr. Abdul Hameed, Assistant for the respondents present. Adjourned. To come up for arguments rejoinder and on 30.10.2018 before D.B.

(M. Amin Khan Kundi)

Member

(M. Hamid Mughal) Member

30.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is incomplete. Therefore, the case is adjourned. To come up for the same on 17.12.2018.

02.01.2018

Counsel for the petitioner present requested for adjournment. Adjourned. To come up for arguments on restoration application on 24.01.2018 before before S.B.

Member (E)

2401.2018

Learned counsel for the appellant and Mr. Kabir Ullah Khattak, Learned Additional Advocate General for the respondents present. Learned AAG raised objection that the present restoration application is time barred. Learned counsel for the appellant seeks adjournment to assist this Tribunal on the issue of limitation. Adjourned. To come up for arguments on restoration application on

20.02.2018 Before S.B

(Muhammad Hamid Mughal)

20.02.2018

MEMBER
Counsel for the petitioner present. Arguments on application for restoration of appeal heard and case file perused. Through instant petition the petitioner has prayed for setting order dated 02.08.2017 vide which the appellant of the present petitioner was dismissed due to non prosecution

Since the instant application has been filed well within time, hence the appeal be restored subject to payment of cost of Rs. 500/- and be fixed for its previous proceedings on 26.04.2018 before D.B. Notices be also issued to the respondents for the date fixed.

Member

20.09.2017

Counsel for the applicant present and seeks adjournment.

To come up for arguments on restoration application on 1
26.10.2017 before S.B.

描述符

(Ahmad Hassan) Member

(30) / Y **26.10.2017**

Petitioner with counsel present. Notice be issued to

of the sales of the opening opening of the sales

到的30年

the respondents for attendance for 14.11.2017 before S.B.

Linguist Starting problems and starting on problems of the problems

(Muhammad Amin Khan Kundi)

Member (Allumi Linksu) Manige

14.11.2017

古村 建铁色煤

None present on behalf of the petitioner. To come

up for arguments on restoration application 07:12.2017

before S.B.

語。19.30年 | 韓国國 图: 3:

(Gul Zeb Khan) Member

07.12.2017

Junior counsel for the applicant present seeks adjournment. Adjourned. To come up for arguments on restoration application 02.01.2018 before S.B.

(Gul Zeb Khan) Member (E)

Form-A FORMOF ORDERSHEET

Court of	

Appeal's Restoration Application No.155/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge		
1	2	3		
1	23.08.2017	The application for restoration of appeal No. 177/2017 submitted by Mr. Sher Ali through Mr. S.M.Ilyas Advocate may be entered in the relevant register and put up to the Court for		
	•	proper order please. REGISTRAR		
2		This restoration application is entrusted to S. Bench to be put up there on $\frac{5-9-2017}{4}$,		
;; ,		MEMBER		
. ·	<i>(</i> 0/2017			
.	/ 9/2017	No one is present on behalf applicant. Notices be issued to applicant/his counsel for arguments on restoration application on		
		20/9/2017 before SB.		
		(GUL ZEB KHAN) MEMBER		
-21, T				
		The second secon		

Restoration application No Sof 2017
In appeal No. 177 of 2017

Sher Ali Vs Govt KPK etc.

INDEX

S.No.	Descriptions	Annexure	page
1	application	本	1-3
2.	Order dated 02/08/2017	A	4-
3	Wakalat Nama (Tickets.	-	2-6-

Dated: 26/08/2017

Through,

S.M.Ilyas Advocat

High Court.

Restoration application No. 155 of 2017
In appeal No. 177 of 2017

Sher Ali Vs Govt KPK etc.

APPLICATION FOR RESTORATION OF APPEAL NO.177 OF 2017

Respectfully Sheweth,

- 1. That above titled appeal No.177 of 2017 was pending in this Honorable court on 02/08/2017.
- 2. That on 02/08/2017 the case was dismissed for non-prosecution due to non-attendance of the parties. (Order dated 02/08/2017 is attached as annex A)
- 3. That on 02/08/2017 counsel for appellant was going abroad to Dubai with family, due to summer vocation, therefore unable to appeared before this Honourable Tribunal on time.
- 4. That appellant are permanently residing at Chitral in remote area therefore he came late and the case was dismissed for non-prosecution.
- 5. That valuable right of the petitioner is attached with above titled appeal, if the case not restored then petitioner will suffer for irreparable losses.
- 6. That case of the appellant was not decided on merits and primary object of the court

is to give justice and to decide the case on merit.

7. That appellant will be carful in future and will attend this Honourable Court in time.

So it is therefore humbly prayed that above titled case may please be restored for further proceedings.

Dated 26/08/2017

Through,

S.M.Ilyas Advocate

High Court at District Courts

Mardan.

Restoration application No ____ of 2017

Sher Ali

Vs

Govt KPK etc.

AFFIDAVIT

I (appellant) solemnly affirm that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Dated: 26/08/2017

Deponent



Appeal No. 177 of 2017

Sher Ali Ex-Foodgrain Inspector Office of DFC Chitral.

Versus,

(Appellant)

- Khyber Pukhtonkhwa, through chief 1. Government of Secretary/ Civil Secretariat, Peshawar.
- 2. Secretary Food department Peshawar.
- 3. Director Food Khyber PukhtoonKhwa Peshawar.
- 4. Deputy Director Food (A&C) Khyber PukhtoonKhwa Peshawar.
- 5. District Food Controller Chitral.
- 6. Assistant Director Food Malakand Division at Saidu Shareef Swat. (Respondents)

None is present for the appellant. Mr. Muhammad Jan, Deputy District Attorney alongwith Abdul Hameed, Junior Clerk for the respondents present. Called several times till last hours of the Court but none appeared on behalf of the appellant..

In view of the above, the appeal is dismissed for nonprosecution. File be consigned to the record room.

10.05,2017

Clerk to counsel for the appellant and Mr. Abdul Hamid, Assistant alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments for 15.06,2017 before \$.B.

Charman

15.06.2017

None for the appellant and Mr. Abdul Hamid, Junior Clerk alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Written reply submitted. To come up for rejoinder and arguments on 02.8.2017 before S.B.

(Ahmad Hassan) Member

hairman

02.08.2017

None is present for the appellant. Mr. Muhammad Jan, Deputy District Attorney alongwith Abdul Hameed, Junior Clerk for the respondents present. Called several times till last hours of the Court but none appeared on behalf of the appellant..

In view of the above, the appeal is dismissed for non-prosecution. File be consigned to the record room.

Member

ANNOUNCED 02-08-2017 07.03.2017

Counsel for appellant present! Preliminary arguments heard. Sher Ali ex-Foodgrain Inspector from the office of DCC Chitral has preferred this service appeal against his dismissal order dated 10.10.2016 against which he has preferred departmental appeal in time. The learned counsel for appellant pointed out that no proper opportunity was extended in inquiry. Further Foodgrains could not be preserved for long time. That the appellant was serving at remote area of Chitral where stocking the foodgrains is not an easy task and this harsh punishment was extended which his against the norms of justice.

Point raised needs consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit the security and process fee within 10 days thereafter notices be issued to the respondents for written reply/comments for 05.04.2017before S.B.

(ASHFAQUE TAJ) MEMBER

05.04.2017

Clerk to counsel for the appellant and Mr. Abdul Hamid, Junior Clerk alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 10.05.2017 before S.B.

Form- A FORM OF ORDER SHEET

Court of	 ·		<u> </u>
	•		
Case No	<u> 177/201</u>	<u> 17 </u>	

Date of order proceedings	Order or other proceedings with signature of judge or Magistrate		
2	3		
on of the state of	-1		
09/02/2017	The appeal of Mr. Sher Ali resubmitted today by Mr.		
	S.M. Ilyas Advocate may be entered in the Institution Register		
	and put up to the Learned Member for proper order please.		
	REGISTRAR		
. * · · · ·	This case is entrusted to S. Bench for preliminary hearing		
15-2-2017	to be put up there on <u>21-02-20/</u> 7		
1	$\langle m \rangle$		
	MEMBER		
-			
	Clerk to counsel for the appellant present. Clerk to counsel		
	for the appellant requested for adjournment. Request accepted.		
	come up for preliminary hearing on 07.03.2017 before S.B.		
•	(AHMAD HASSA		
	MEMBER		
, .			
. ,			
	Ng 4.		
	2		

The appeal of Mr. Sher Ali Ex-Food Grain Inspector Office of DFC Chitral received today i.e on: 23.01.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Copy of reply to charge sheet mentioned in para-5 of the memo of append is not attached with the appeal which may be placed on it.
- 4- Copies of show cause notice and its reply mentioned in para-7 of the memo of appeal are not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

KHYBÉR PAKHTUNKAWA PESHAWAR.

S.M. Ilyas Adv. Pesh.

09/02/2-17

Re-submitted flow completion

S-Mi/lyas

Adv

Appeal No. 177 of 2017

Sher Ali

Vs

Govt KPK etc.

INDEX

S.No.	Descriptions	Annexure	page
1	Grounds of appeal with affidavit	-	1-8
2.	Memo of addresses	_	વ
3.	Copy of statement of allegation	A	11-0)
4.	Copy of office order dated 10/06/2016	В .	12
5.	Copy of office order dated 01/08/2016	С	13
6.	Reply of show cause notice	D	14-23
7	Reply of show cause notice	Е	24-30
7.	Copy of inquiry report dated 18/08/2016	E-1	31 - 35
8.	Copy of impugned order dated 10/10/2016	F	36-38
9	Copy of departmental representation is attached	G	39-42
10	office letter dated 7080/PF-1037 dated 28/12/2016	H	43-47
11	Copies of other relevant documents	I	48-64
12	Wakalat Nama		65

Through,

S.M.Ilyas Advocat

High Court.



Appeal No. 177 of 2017

Khyber Pakhtukhwa Service Tribunal

Diary No. 81

Dated 23-01-2017

Sher Ali Ex-Foodgrain Inspector Office of DFC Chitral.

(Appellant)

Versus,

- 1. Government of Khyber Pukhtonkhwa, through chief Secretary/ Civil Secretariat, Peshawar.
- 2. Secretary Food department Peshawar.
- 3. Director Food Khyber PukhtoonKhwa Peshawar.
- 4. Deputy Director Food (A&C) Khyber PukhtoonKhwa Peshawar.
- 5. District Food Controller Chitral.
- 6. Assistant Director Food Malakand Division at Saidu Shareef Swat. (Respondents)

APPEAL UNDER SECTION 4 OF KHYBER PUKHTONKHWA SERVICE TRIBUNAL ACT 19 g, AGAINST ORDER DATED 10/10/2016 WHICH THE APPELLANT DISMISSED FROM **SERVICE** THE BYRESPONDENT *NO.3* WHICH ILLEGAL AGAINST LAW AND FACTS AND RECORD INEFFECTIVE UPON THE RIGHT APPELLANT.

Filedto-day Respectfully Sheweth,

23 (11).

Re-submitted to -day and filled.

Registrar
9/>//>

- 1. That appellant was initially appointed on 01/06/1986 as clerk in the office of Deputy Commissioner Chitral and thereafter appellant was transferred in Food Department as Godown clerk in PR center shagram, further served as Food Grain Inspector Yarkhun, Broghil & Torkhow Food department at Chitral.
- 2. That charge sheet was issued to the appellant that the DFC Chitral during physical verification

(3)

- 10/10/2016. (Copy of departmental representation is attached as annex G)
- 10. That vide office letter dated 7080/PF-1037 dated 28/12/2016 the decision on departmental appeal was forwarded to the appellant, wherein the competent authority has maintained the impugned order dated 07/11/2016 dismissal form service of the appellant and dismissed the representation, thus the impugned order is illegal against law and facts/record on the following Ground. (Copy is attached as annex H)

GROUNDS

- A. Because, the charge of three PRC's spread over remote localities, there are outstanding dues against various sale points in the area and time to time the appellant informed the competent authority from the difficulties, all the relevant complaint are available on record.
- B. That appellant produced the relevant record to the members of the inquiry committee, so time to time different resolutions had already been passed regarding the shortage of wheat and appellant had informed the competent authority from the difficulties of recovery from sale point
- C. That it is evident from the previous inquiry reports that the wheat grains is laying in storage for long time and as a result has lost its fitness for human consumptions. That extremely bad storage conditions also aggravated the situation which was beyond the control of Food Department. That under warmer climatic conditions where temperatures are melt and environment humid and dump coupled with long storage period, wheat grain losses making it even unfit for animal consumptions.

- D. That the storage facilities are in worst conditions and need immediate attention. All the sale points' owners were held responsible for the losses if any, since the sale points are run by the representative of local populations and no employee of the Food Department were appointed.
- E. Because during previous inquiry committees had recommended that empty gunny bags must not be stored with the new wheat stocks, while most of the Godowns are "KACHA" made upon to climate exposers such as rain water pours into the Godowns due to the leakage of roofs, thereby affecting the sounds stock coupled with moisture gaining through snowfall.
- F. That one reason of the damages stock/ shortage of wheat bags is based on the different sale points, wherein it is crystal clear that chitral is spreading over 56 hundreds square mile covered with hard hilly track and in winter due to heavy snow fall the Food Directorate had not managing the wheat properly.
- G. That the sale points are mostly private houses of one room which was totally unfit for long storage. The previous committee randomly checked the reported infested in poor quality wheat on the spot, the committee also met with the delegations of local population and resolutions received from the local populations. The resolution received forwarded to the competent authority but the competent authority had thrown away the complaints and resolutions without proper any necessary action against the said cause.
- H. That the inquiry officer had not considered the available material on record, the recommendation of inquiry committee in utter disregard and misapplication of Law has all together ignored the principles of natural



6

justice and major penalty for dismissal from service was announced to the appellant, which is totally illegal against Law and facts and material available on record.

- I. That the inquiry committee have not recorded the statement of the witnesses, who are signed the complaint and resolutions regarding the same issue while the competent authority have passed the impugned Order which is based on self-made presumptions, which is not sufficient to connect the accused with the commission of an offence.
- J. That it is mentioned in the Inquiry report that no such complaint of the accused official is available in the record of DFC Office Chitral, though the complainants forwarded those complaints through registered post personally in the presence of witnesses all the documents were forwarded to the DFC concerned and all the complaints/ Resolutions are witness of the several persons but the inquiry committee have not recorded the statement of impartial witnesses.
- K. That the "KACHA" Godown, eating of wheat's by rats and ants and other insects were found but it was not considered by the inquiry committee and further far-flung area and its visits by the appellant without official vehicles, TA/DA's specially in hard areas and allowance was not paid to the appellant, which has already been justified in the inquiry report.
- L. That further complaints regarding the sale points and its owners, shortage of Chowkidar no official vehicle has been provided and regular inspection of the area approximately Four thousand Square Kilometers, over "Kacha" narrow roads and non-availability of the public transport is the main causes.
- M.Because it is not humanly possible to supervise three PRC's and 26 sale points

M



simultaneously on daily basis, to collect and deposit the sale proceed in a bank on treasury, as no such facilities are available in the jurisdiction of the appellant.

- N. That the punishment imposed upon the appellant is illegal unlawful void and ineffective upon the right of the appellant, the same is against the principal of natural justice also.
- O. That, the charges as level in the show-cause notice are not true and accordance with actual and factual position of the case and the reply submitted in response to the said show-cause notice has been ignored by the competent authority.
- P. That the competent authority illegally and unlawfully dispensed with the regular inquiry without mentioning any reason or justification for not holding the same. That whatever duty was assigned to the appellant, was honestly fulfilled with the instructions of the seniors.
- Q. That no regular and proper inquiry has been conducted, nor the Khyber PukhtoonKhwa (Efficiency & Discipline Rule 2011) has been followed and its true letter and spirit.
- R. That as per precedents of the Superior Courts, it is now well established Law that where the major punishment is imposed, the material on service record has to be taken into the consideration in Order to separate chaff from the grain.
- S. That inquiry officer has not considered the material produced by the appellant in Order to innocence of the appellant but the major punishment was imposed to extend undue benefit which speaks volumes of mala-fide against the appellant.

- T. That, the impugned Order is based on malafide and has been passed in arbitrary manners bypassing the relevant Laws.
- U. That appellant has to credit more than 20 years of continuous, regular and unblemished service record, wherein he was never/ever been punished for misconduct nor any disciplinary action was ever initiated against him.
- V. That no meaningful/ purposeful of chance for personal hearing has been afforded to the appellant by the competent authority, the punishment Order is not based on true facts and figure/ rather the same is based on summaries and conjectures. (Other relevant documents are attached as annex. I)

So, it is therefore humbly prayed that on acceptance of this service appeal the impugned Order being against the law and Rule being set aside illegal unlawful, void and ineffective and appellant be restrained into service with all back wages and benefits with such other relief as may deemed fit in the circumstances of the case may also be granted.

Date: 23/01/2017

Appellant,

Through,

S.M.Ilyas Advocate

High Court at District Courts

Mardan.

(2)

Before The Khyber PuktoonKhwa Serive Tribunal Peshawar

Appeal No. ____of 2017

Sher Ali Vs

Govt KPK etc.

AFFIDAVIT

I (appellant) solemnly affirm that the contants of this appeal is true and correct to the best of my knowledge and belief and nothing has been conceeled from this Honourable Court.

Deponent



Appeal No. _____of 2017

Sher Ali Vs Govt KPK etc.

MEMO OF ADRESS

Appellant

Sher Ali Ex-Foodgrain Inspector Office of DFC Chitral.

Respondents

- 1. Government of Khyber Pukhtonkhwa, through chief Secretary/ Civil Secretariat, Peshawar.
- 2. Secretary Food department Peshawar.
- 3. Director Food Khyber PukhtoonKhwa Peshawar.
- 4. Deputy Director Food (A&C) Khyber PukhtoonKhwa Peshawar.
- 5. District Food Controller Chitral.

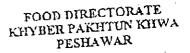
6. Assistant Director Food Malakand Division at Saidu Appelland Saidu Shareef Swat.

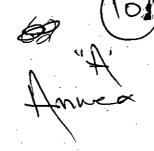
Through,

S.M.Ilyas Advocate

High Court at District Courts

Mardan.







I Muhammad Anwar Khan Director Food Khyber Pakhrunkhwa, as competed auditority Turkoh Chitral) as follows:

That you, while posted as incharge PRCs Yarkhoon & Turkoh Chitral committed th. 2 following irregularities:-.

The District Food Controller Chitral reported vide letters No.1615/2/1-FG dated 30-05-2016 and No.1620/Sher All FGI dated 30-05-2016 that during Physical verification of PRCs are No.1620/Sher All FGI dated 30-05-2016 that during Physical verification of PRCs Yarkhoon & Turkoh carried out by Mr. Zafar Alam Riaz AFC & Riaz Ahmad FGI a quantity of Nacola Control of Programme 2007 (1998) and Prog 12971 (Jute & plastic) Bags 1173.362 M. Tons wheat valuing Rs.3,95,83,055/- have been short detected against Mr. Sher Ali FGI incharge PRCs Yarkhoon & Turkoh

- By reasons of the above, you appear to be guilty of misconduct under rule-3 of the Angher Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 which rendered you liable to all or any of the penalties specified in rule-4 of the rules ibid. The following enquiry committees are herebi constituted:-
 - 1) Mr. Abdul Jalil Assistant Director Food Malakand Division at Saidu Sharif Swat.
 - 3) Mr. Mr. Muhammad Jehangir Assistant Director Food Bannu Division Bannu.
- Your written defence if any should reach the inquiry committee within the specified period, fulling which it shall be presumed that you have no material in your defence and in that case exparte action shall be taken against you.

Please also intimate whether you desired to be heard in person.

A statement of allegation is enclosed.

DIRECTOR FOOD KHYDER PAKHTUN KHWA, PESHAWAR

Charact Street in Rule Sher Al. FCA dated 65216-7016-doe

other district to the

P/Chitral.







FOOD DIRECTORATE KHYBER PAKHTUN KHWA PESHAWAR 32.66

Dated 10_/06/2016

STATEMENT OF ALLEGATIONS

I Muhammad Anwar Khan Director Food Khyber Pakhtunkhwa, being competer thoulty, am of the opinion that (Mr. Sher Ali Foodgrain Inspector incharge PRCs Yarkhoon & Turko be of District Food Controller Chinal has rendered himself liable to be proceeded against, as h mmitted the following acts/omissions, with in the meaning of Rule ? of the Khyber Pakhtunkiaw vernment Servants (Efficiency & Discipline) Rules, 2011:-

The District Food Controller Chitral reported vide letters No.1615/2/1-FG dated 30-05-2016 an No.1620/Sher Ali FGI dated 30-05-2016 that during Physical verification of PRCs Yarkhoo: / Turkoh carried out by Mr. Zafar Alam Riaz AFC & Riaz Ahmad FGI a quantity of 12971 (June plastic) Bags =1173.362 M. Tons wheat valuing Rs.3,95,83,055/- have been short detected again. Nic. Shor Ali FCii incharge PRCs Yarkhoon & Turkoh

For the purpose of inquiry against the said accused with reference to the above Pre-ations, an inquiry officer ringuity committee, consisting of the following, is constituted under rule 1 : 1) (a) of the ibid rules. The following enquiry committees are hereby constituted:-

- 1) Mr. Abdul Jalil Assistant Director Food Malakand Division at Saidu Shori: Swot.
- 2) Mr. Muhammad Jehangir Assistant Director Food Bannu Division (Lone

The Inquiry Committee shall, in accordance with the provisions of the ibid rules, provid man, table opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt . This order, put forth its findings so that appropriate action could be take

The accused and a well conversant representative of the department shall join the processings on the date, time and place fixed by the inquiry committee.

> DIRECTORFOOD KHYBER PARATUN KHWA, PESHAWAR.

Endorsement No & date Even A copy of the above is forwarded to:-

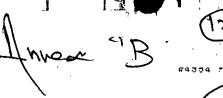
- l) Mr. Abdul Ialil Assistant Director Food Malakand Division at Saidu Sharif Swat, for initiating proceeding against the accused under the provisions of the Khyber Pakhtunkhwa E&D Rules.2011 (Copy of Charge Sheet along with Statement of Allegation is saclosed)
- Mr. Mr. Muhammad Jehangir Assistant Director Food Bannu Division initiating proceeding against the accused under the provisions of Pakhtunkhwa E&D Rules,2011 (Copy of Charge Sheet along with Allegation is enclosed)
- The District Food Convoller, Chitral for information with the direction complete record to the enquiry committee for the purpose of the enquiry process
- Mr. Sher Ali FOI incharge PRCs Yarkhoon & Turkoh Chitral for information with the direction to appear before the Enquiry Committee on the date/tipre playe fixed by the committee for the purpose of the enquiry proceedings.

DIKECTOK FOOD, KHYBÉR BAKHTUN KHWA, PESHAWAR.

this Rute Ther Att POT dated 09-06-2019, date

β**φ**3/2016 23:03

PAT



43



FOOD DIRECTORATE, KHYBER PAKHTUNKHWA, PESḤAWAR.

No 32_66 / PF-1037 Dated /6 / 06/2016

The District Food Controller Chitral reported vide letters No.1615/2/1-FG dated 30-05-2016 and No.1620/ Sher Ali FGI dated 30-05-2016 that during Physical verification of PRCs Yarkhoon & Turkoh carried out by Mr. Zafar Alam Riaz AFC & Riaz Ahmad FGI a quantity of 12971 (Jute & plastic) Bags =1173.362 M. Tons wheat valuing Rs.3,95,83,055/- have been short detected against Mr. Sher Ali FGI incharge PRCs Yarkhoon & Turkoh.

2 He is hereby suspended from Government service with immediate effect. His

monthly pay & allowances are also stopped.

DIRECTO: FOOD KHYBER PAKHTUNKHWA, PESHAWAR

Endorsement No & date Even

Copy is forwarded to

- 1. The District Accounts Officer, Chitral for information with the request the pay & allowance of Mr. Sher Ali FGI Office of District Food Controller, Chitral may kindly be stopped.
- 2. The Assistant Director Food Malakand Division at Saidu Sharif Swat for information and necessary action.
- 3. The District Food Controller, Chitral for information with reference to his letters No.1615/2/1-FG dated 30-05-2016 and No.1620/Shor Ali FGI dated 30-05-2016.

4. Mr. Mr. Sher All FGI incharge PRCs Yarkhoon & Turkoh.

5. Personal File

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR

pension Sher Ali FOI dated 09-66-2016.doc

AT

09/08



FOOD DIRECTORATE, RELYBER PAKUTUNKHWA, PESHAWAR.

No 4394/PF-1037 Dated _C/_ /08/2016

In pursuance to the decision of the Provincial Food Committee taken in its meeting OFFICE ORDER held on 21-07-2016 (Para-3-c of the Minutes), suspension of Mr. Sher, Ali Foodgrain Inspector Office of District Food Controller, Chitral is hereby reviewed/into-service enabling him to assist the District Food Controller Chitral in the recovery of outstanding dues against him being Incharge of PRCs Yarkhoon & Turkoh . However proceedings against him under the E&D Rules-2011 shall continue.

On re-instatement he shall deal only with the issues of outstanding recovery and will not deal with other allied matters, which will be the mandate of his successor.

DIRECTOR FOOD KHYBER PAKHTUNKHWA;

Endorsement No & date Even

- 1. PS to Minister Food for information of the Minister Food Government of Khyber
- 2. PS to Secretary Food for information of the Secretary Food Government of Khyber
- 3. The Section Officer General Government of Khyber Pakhtunkhwa Food Depurtment Peshawar with reference to his letterNo.SOF/FD/2-26/Vol.VI/2874 dated 26-07-2016.
- 4. The District Accounts Officer, Chitral
- The Assistant Director Food Malakand Division at Saidu Sharif Swat
- 6. The District Food Controller, Chitral
- 7. Mr. Mr. Sher Ali FGI incharge PRCs Yarkhoon & Turkoh.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, -PESHAWAR

05-08-16

D.No R.Ot: £Ma. T.Whon

10 MPK - 60 113 Child be 113 - 60 . Cols Cols of the cold of the c SHOW CAUSE NOTICE NO.46/4/PR-1037 DATED. 26 TH AUGUST, 2016. معقی نه مِنْ عِلَادً . وَإِلَى الرَّ عَلَى كُونَ مُونَ كُاذَ يُونَ عَنُولُ اللَّهِ إِلَى és w cièmin 36 29 éen 43 prée de fins 2016 le la 2016 l 21- | or in cit (idelico is a de is refler) 16 20 00 Co Gel (by 1/2 0 00) 1/0/13 10 /2 - cho con con to de Library 24 01 bos cu 03 - 60 per 1.6 52 1 36 10/ 7 11/6 per 6 les Cités de di Color de Circula NC 91 - in Con Or - p19 C cullar of Gray peu Gray The Dre 2016 = 26 Per Personel Leaving (c-0) معتر نوس کے وہ اس اور اور اس کی ن را کولٹری عم میں ک - 5 p m m 85 38 (C) 1) ams (2) Es 1 8 2 77 (6) ams / is ملم درون ایا لیم کول سے اس وی وی کے زمے والال The Ly low and he wind of Cir Entitle , Lo (-auro 78 i 23 Earling tus do, - Gr Justing 5/20 3 3 6 16 6) S LOVING - 65 DEC 60 Mis Com

The series 135 por 135 por 2003 5. 27 per 135 por 135 U/25 to Wifie or Me Col, - les con in of the de je/ is velies & 27 mild Ger Clocke color de DEC au ilway is 01,6 and (vi \$ 2) a Go in ing. Che cit for alle (440) sent de la contra se contra la contra cont when or explice was - be los de y on de les (1) of - en/5 or Eist) DEC (2) in 8' 70/5 is ever ciolo / 250/ Eft _ 200 com com sol i Jøj 23 8- pus viel 2 gr 25,29 20.03 UNG 00 - 241 & cm flie NBP Ci06/ DEC Jes co 2-1/1/1/20 civil fc / levs evicin on oping & or Wio cists se eichers Dip 528 4 as -54 by cop eicoso

1/2/2/2010 / Och 10 / 500 / 3/ No 100/ 500 440 0/ is 2/m/-65 6/20/ did of @ 'séjéo Collies Em (www es 16-9 260) Nova & Color os of 1603 CD GWOLDSON ZELLWING ROWL O'Los buscelo Le apéricos (of or Ew : h. 676, 6, 6, 6, 6) 12 33 05 E 2 2 Chi Gira - Colos i h L' de in l'is / sin/lether de la cirleir Le bythe Lachting to Jon or سے ماز راب سواط عے۔ Jetjapu ~ 83 6-79 1 = 68 = C/10 ho (c-3etopolie « on cico or lune pré i après cie Job Pier Are 10/ July Dre Lier of 26/2 Grand Criver & Library Sund Grange DR CIII W Wifeir was a fine es 3 (N 500 00 CV 68 2 - W W 54 1,6 i Jelein 2 10 2 00 (4) 2/1/0/ chilly child

065/1927 195! 204 (213 / 223 / 216 / 2256 25 (1) 2 (1) Ec 2 2) (1) 20 2 2) (1) 20) (1) whiles (wideligh & comes de moster) Je de Lience Lotte on mpa y circo de sie The benefit at a of if - as to 83 6 79 : és CVIORIS 69 - 20 58 - Orleans 16 - نع) فاقع المرة شاه حما تن كو در ما روق على مرة be come right of ching come of - box is GIS ONS DRG- Ste Wilm Gilling 2 to Griping 16 cm 204 of 195 i es Eviction in con 13 Charles in in Drew Earl - 9 60 M 100 00 00 - 2200 in 219 is 25 CC Wy1538 13-26 We Go 153.768 O (first which of the will all of the court of th min the one disco (or cui) is Decre of set Portel/88, 10 The Who see it of white - Go see Whomis Civbs" TADA - WZ win de cilo son 6

1 1 1 6 Cu 1 6 Cu 18 Les (al 26) W (1) on be gh 1/5 (c) opowo show it is in it is the war with of problet willing in Le que 20 res jes prés con ces y igt die wighin it be in jest of. vow ig sting the ties & the existerió a coló i To és solvos in Wer are 11/ DRE (2) b' L'C) D'E Marie Zober Jam Ene DEN CARE 10/ DRE- CENTELS MINE ilus u/ c/5 L'austres / 16/ L'Oper 16/6 Cien of Life Ciendent (de) 11/5-0/18/18/2/5/2/5/200 Kim es & Ches als cupes Tiegellers - flant & Bright-Brill misol (i) of will osti all ousting the constation of the 1806/77 1 168 6/66 (160 (159 is -140 (-137) res E (203 678) 213 6 205 (203 6 181 Jelen M. Th-Dr gy Star - 240 1 239 (230 (23) 254 252 251 (248 Mis DEF Com July) 25 5000

39/1 Com pli L CUB mies i L civil y d The one policy of the one of 9 الله و و الله الله الله الله و و الله و و و الله و و و الله و و و الله و و و و الله و الله و الله و الله و الله و الله و الله و الله و و refers of the ordinate عربان مرفح ف سے عمر فرال تو بھا سی فو orbugildie Deel Es E Miso one. es es de la como de la 221 i 220 m2206 1586 1576 5 les E5/10 Cus - 0- 60 M f.6 cs. 245 6-241 19/228 6225 ٥١١٠ من دللا بو على رما رسان معرا منا ده و (مان يي ے ان ملاحل اسمال دیمولا کر اور دو کے مالان or well the observent 50% to Olgin co line Et Colon Line (hit & C16 & plant out to 1 1/2 - 2 his ind , by 5 out out out of 2 his out of 1 2 his W/8/2/w cu ets Ecition ción E/1/3 whipintucked Up to Dre- co up 50/6 PUEZ et OWN/NA 100/1 de C e this was

The was conclassed for placed of the conjunction 10 mg de Lais 1 /m - 0 f (les Leis Lis) b 100, -100 - 200 - 3 - 96 min - 11, 3 60 m 101 is the formal of 165 of 161 is the self 134 b لون تو المي عام وإرات من م ريكوليرى سي مغرب 2) on 1/2 / 2 / (2) / 2 / (2) 0 ds dre vi 2 26016 rever 1 36 (215 Com 1-200 m (1) o 3 o (1) o 6 - 1 This fine con Sun whish some of the light 22/6 6/03/cm Cajo 15/1/5/ Shili ا تسامرون کے مافیہ افریم ان مون ار دیگر مون تور 0120000 pg Lightight of Colons 1001 De Color (1 69 - 6) (2 6 - 6) Les (with Le to de sie de la le de de de de de Til 2 no où out3 2 en la cio milio بر ماه موسی تنی دفع فیرال - بی رز فرون می کس i dêmilosopé ella ella esticking is in the the city of the

100 2 m co am) , 1000 cho sello mo lonicol 06 66 mojus de - moi Cospa i Lice is will on on line so ophilis sill- race as intil OD SOLE DIE IN MA SIS DECOS to place in the said in the De Die Cump de with a Est dico DERE To ارد کے توں سام کم تعمیات کا ما قامی ہورا 830/ Cre vé 9 shites - 25 16 is is in the color of the see Capies de nies 18 (vi 1/1/16 on in of the Course of 9-21/2 6 Rowin in the start who sola of conserved of the second of the desire of علاده از از ما م م ک وف بی و در از فیما دد 12/1/6/20 / Z/W/1/9/00 (3 = 20) is the production of the state of the state

داسمان مع سرای بیا کالل دوره فرال کو کو کری ن ا کاب سے مود فی نے (لیمای کیا تھ- کے آپ ضرار کی سے کولیا = 2 2 1 ECO NO VI (= ECIS) ONO - FORE E 09 En lo W ENG - () con is to to so of 6 is 12 to 15 to 16 is to Cods' - 4 Sunder 5/5 مِس مَى ابْ مَا تَوْدُنُادِقَ أُورِ اللَّهِ مُنْ اللَّهُ وَنُادِقَ أُورِ اللَّهِ مُنْ اللَّهُ اللَّا اللَّهُ اللَّهُ اللَّالَاللَّهُ اللَّا الللَّهُ اللَّهُ اللَّلْحِلْلَاللَّا اللَّهُ اللَّ 0 (100 m) (100 m) (100) ely out) out (100) ال عرفرای رسی تارس ال بیدار درست الم ایداری دالود of 12/16-8630000 & 3/250,000 Biston 12/10/10 molon of June 1/2 and June 2 (intélimente conciençal cit à l'és de l'és de 13 -18/2/ -18/1 -18/2/ 8/2/ أ ذ الله الماسل المراسل المراس Still July INO DE ES LOVIED COM NO1989/ - Em/g/2 403- Etim 50/060/3m we to to I'm I'me fuil & No Gris Mongo wo wo wo over 9 vw - do wi 1) ~ e 0, e/20 18 g d maj 0/0/ ~ evo el suito de col 9,000

1, 2 2 / 2 m 2 m 2 / - 2 m / 2 - / - 2 m de de 60 / hm 5/4-165/ Lue no / 2 Cr /0/ نای دستا ویزیت کا لغور و یک و کا می این کا این میان ما مه سا مع و شارت می می و دار (we shir Gill of the 19 is in and ملى فان فودار مي ڏيا ڪال ATTASTED

تنان ، شيك كان مان قول السيرا بارون ويو Jje of RPK & S/3 () & / by / 13 - 40 -: Civis SHOW CAUSE HOTICE .: 0'gs 4614/PF-10376 60 20 10 00 00 00 00 5165 35-5 / 2016 = 5 EN 2015 CNT 26 ès س علاء شو كاز بؤكت من معرف ما تون عامون < pl (sin' Alached sol 2 18 go ingist of 2015 Je (11) W. Jer eight (15-1) (ibelia) jeget) in fil dis is الدرات) معانی میں موز کا ز نون کا کوار کی واردما ط کے - ساک مال ر کوائری شے انوں 2 m (5 m 2 0 8 (18 (ر نبور کری کے لیے کے معزز مران کو می نے و یا رہارو رائع عمرا في سالون كاولب سي ما دماع وى i or gio cois por to be a cimp to 100, fit 2/15 1 in well tip for. دين سيم ترارها- مكر ما معلى ووج شيم ترارها-معرف کے مارس مارکر انحاق کے (روسان فان) (6 cm 6, 9, 2, 6 de 2 h/ 30 cm in 6, 9/19) ELINA 9, EP .. - N/3 CUZ les 40 5 60

سخا / نزازه نگایی کم کی پسل کون اسان 016-2001 for femily emery اسے کی کورنسی ایم سیولاف وزن المع مست سي كول ع كما إن عن كوامن SECTION SING SING 12 at localor di Circles por Two will by the topic give of the two to well city Willest (g) evé 44 16 Grew 04, Office (in civel/established) ielellér sont 2/85/ cum مع رکار رک دن ۱۹ د منا برگار 530(1) 10 En Cu 5,62 Cub (Q 0) (2 =7 photolist (God Die Cielina) professor (Nhafié à lie à ci co le - vistis le reprie - or En - on who for Q'in is o' Co o 1 Civ 2 5/6-8 Example There see (1°5) 63/16 The Weld/ veres Lay - or Dre 39 11-23/20 ver Afe - fins

6 conservance de la color on de ci, us up 2, (6 6 Gings) 1, 4 come of ware 9- 01 ((N) 1 Ectivity 6/19 (1895) Let ildi, 605 > i c'c'/ E-1 & w co Willie cons singly eint il -or will one ak intown to be to the fine 6-1/2/2 (Job) (wes) & res's of Sting 19. 2 m au 20/6/10 & m 20/6 m 2 = 8/ Maly of the wind of EGN 19 Millionia, ver DRC/ARCHUTEZ-11 Principal of the state of the s di ji d'Oliver (INI GOV C36 Cind con - or Gui Gla or oljevi fuls or for - Des x 2 dry 28

(جغےنے) is along some chos selections of the contractions Gerlo (co) of The fle China as The 16%-03/6 (NU) ve le Light 2 Em 160 س بور نوس دائم س مال برائم أو فف رک Joy c/ Su . or i/ 1/1/ (Spoke 2) (2) esing pings on by 2) mà 10 m 20 1/20 mig 20 2 3 d' eccell 1/46 des Salary Account Cu Sui 1 060 Worl > 10) tos ino Gui Ou on ej & Z-or oljan 2 6 6 مى مواسط مراعات عن من ما شرود في ADA المرسمة ك وعرف من رک سی تو دی مرتب مهی سیال 11 Fin of 5 3 - for my with the preside to go 20 Comentitions Eve Simme is Even P/8/50~ @ 0/3m (Mo 56 6-ac, 1) b. - 6 (feb. -2 m/2/20 moles 120/m2-Col Me Zood's Sporter Gier -1 16/- July 6/ wing of ce 10 6/6/ my U/ 5m (Mo 4 6 - Gr 6 03/1/ 829 -18-4-151-006 Jelo/2 mm 2000 1 id -21/90 06-10-10-00

00/1/2/2-3/- you en 2/y 0,000 (MD 900) 2000 (Ca) LOU 10 4 W 60 200 So ey Sie ge asin tim 125 200 000 000 mg (201) 8-00 p=/4-y -80/4-4602 Lugue y 2 EU shingeve Big has of dough spen- Class sen ed 0° e en sup sup ja suched (15) 15 64 4 50 0 00 00 W. J. 2 20 (July 2 8 - W) 2/6 1/42 - 20 m d/om - p-/2 120 26 14 sid (4 2 2 Ear) 21/3 Mes? he in of 100 of 100 M. 200 M. 9 20 0/20 0 () 20 cg/2 60 m) 21- 13 210 & 10 mg 2000 2/2/ mg 20 3/A mon 20 00 8 DE ONE 1000 John de (5) -80 jg

نائی سے با رسوں کے بات کا رکھ ان سے را نہاں 19/1 (2) ow of 3 & 2/2/2/2012 8- 53/16/2 vi- 1/20/2 /6/AV Will Fair up. Eightime 10 10/5/2/2/14 the ما دود و را می نارانه فایدن نجو سے وا م فان زری سے - سر سری کا می راف فوق میں دیرے فارکتی - اور سی ری کا کانے سخان اور While the cost of the form - 40 W/ Cim com 265 Gra di 3 : 60 Ein is 15 N/ Colo 2 i Live Chop is of or 1/d/ Soo & con (i) cu. Ju tup (- 07 10 100 100 - 00 100 min es 25/09/016 11/2 C را تق فرد رسال می الم

Anna (131)



OFFICE OF THE ASSISTANT DIRECTOR FOOD, MALAKAND DIVISION SWAT

No.370/

Dated 19th August 2016

Τo

The Director Food, Khyber Felkhtunkhwa Peshawar.

Subject:-

INQUIRY REPORT REGARDING THE CHARGE SHEET SERVED ON MR. SHER ALI EX-INCHARGE PRC TURKOH, YARKHOON AND BROGHIL.

I have the honour to refer to the subject noted above and to enclose herewith inquiry report along with its enclosures from page No.1 to 26 for further necessary action please.

(Abdul Jalil)
Assistant Director Food
Malakand Division



INOUIRY REPORT REGARDING THE CHARGE SHEET SERVED ON MR. SHER ALI EX-INCHARGE PRC TURKOH, YARKHOON AND BROGHIL



Preamble

The DFC Chitral reported vide his letter NO.1615 /2/1-FG dated 30.05.2016 and No.1620/ Sher Ali FGI dated 30.05.2016 that during physical verification of PRC Yarkhoon and Turkoh carried out by Mr.Zafar Alam Riaz AFC and Mr.Riaz Ahmed FGI, a quantity of 12,971 (Jute & PP Bags) = 1.173.363 m.tons valuing Rs.39,583,055/- has been short detected against Mr. Sher Ali FGI Yarkhoon and Turkoh. To probe the matter. an inquiry committee was constituted vide Director Food letter No.3265/PF-1037 dated 10.06.2016. However later on vide letter No.3711/PF Sher Ali FGI dated 01.07.2016, Mr. Askar Khan Deputy Secretary Food was appointed as inquiry officer to submit his report viz a viz the above allegations against Mr. Sher Ali FGI. The above referred letter was withdrawn and vides letter No.3872-73/PF-557 date 19.07.2016, the committee was asked to finalize his report within 30 days. However as per DFC Chitral letter No.1821/Sher Ali dated 13.06.2016 a further quantity of 712 bags, allegedly misappropriated by Mr. Sher Ali FGI in PRC Broghil in addition to the above stated allegation at PRC Yarkhoon unit Turkoh, was also included in the charge sheet.

Proceedings:

The committee immediately called Mr. Sher Ali FGI through DFC Chitra! on 22nd July 2016 along with the relevant record. The DFC Chitral, Head Clerk office of the DFC Chitral and Mr. Sher Ali FGI visited Food Directorate on 25.07.2016 and met the committee members. The DFC Chitral presented physical verification report, handing over and taking over charge report of Mr. Sher Ali, Mr. Hadi Shah FGS and Mr. Sher Ayub FGS duly verified by Mr. Zafar Alam AFC and DFC Chitral Mr. Fazle Bari photocopies of the charge reports are filed at page No.24 to 26 of the file. Mr. Sher Ali FGI appeared before the committee and submitted a lengthy statement which is filed at page No.1 to 11. The statement was thoroughly examined by the committee which was not supported by any documentary evidence. On inquiry the same, he stated that he has material proofs in respect of his statement with him and will hand over the same to the committee on its visit to Chitral. The DFC Chitral submitted an alfidavit taken from Mr. Sher Ali on judicial stamp paper wherein he admitted the wheat shortage 1178,362 m.tons wheat along with 12.971 (Jute & PP Bags) and has pledged that he will deposit the cost Rs.39,583,055/ in to the Govt treasury till 31st December 2016. The photocopy of the undertaking is placed on page No. 12 of the file. The DFC Chitral also submitted the handing and taking over charge report and physical verification report of PRCs Turkoh, Yarkhoon and Broghal duly signed by Mr. Shor Ali and countersigned by DFC and AFC sub division Mastuj.

Keeping in view the admittance viz a viz the under taking on judicial stamp. paper by Mr. Sher Ali, the committee submitted an interim report vide No. Nil dated





INOUIRY REPORT REGARDING THE CHARGE SHEET SERVED ON MR. SHER ALI EX-INCHARGE PRC TURKOH, YARKHOON AND BROGHE.

<u>Preamble</u>

The DFC Chitral reported vide his letter NO.1615 /2/1-FG dated 30.05.2016 and No.1620/ Sher Ali FGI dated 30.05.2016 that during physical verification of PRC Yarkhoon and Turkoh carried out by Mr.Zafar Alam Riaz AFC and Mr.Riaz Ahmed FGI, a quantity of 12,971 (Jute & PP Bags) = 1.173.363 m.tons valuing Rs.39,583,055/- has been short detected against Mr. Sher Ali FGI Yarkhoon and Turkoh. To probe the matter, an inquiry committee was constituted vide Director Food letter No.3265/PF-1037 dated 10.08.2016. However later on vide letter No.3711/PF Sher Ali FGI dated 01.07.2016, Mr. Askar Khan Deputy Secretary Food was appointed as inquiry officer to submit his report viz a viz the above allegations against Mr. Sher Ali FGI. The above referred letter was withdrawn and vides letter No.3872-73/PF-557 date 19.07.2016, the committee was asked to finalize his report within 30 days. However as per DFC Chitral letter No.1821/Sher Ali dated 13.06.2016 a further quantity of 712 bags, allegedly misappropriated by Mr. Sher Ali FGI in PRC Broghil in addition to the above stated allegation at PRC Yarkhoon and Turkoh, was also included in the charge sheet.

Proceedings:

The committee immediately called Mr. Sher Ali FGI through DFC Chitral on 22nd July 2016 along with the relevant record. The DFC Chitral, Head Clerk office of the DFC Chitral and Mr. Sher Ali FGI visited Food Directorate on 25.07,2016 and met the committee members. The DFC Chitral presented physical verification report, handing over and taking over charge report of Mr. Sher Ali, Mr. Hadi Shah FGS and Mr. Sher Ayub FGS duly verified by Mr. Zafar Alam AFC and DFC Chitral Mr. Fazle Bari photocopies of the charge reports are filed at page No.24 to 26 of the file. Mr. Sher Ali FGI appeared before the committee and submitted a lengthy statement which is filed at page No.1 to 11. The statement was thoroughly examined by the committee which was not supported by any documentary evidence. On inquiry the same, he stated that he has material proofs in respect of his statement with him and will hand over the same to the committee on its visit to Chitral. The DFC Chitral submitted an affidavit taken from Mr. Sher Ali on judicial stamp paper wherein he admitted the wheat shortage 1173.362 m tons wheat along with 12,971 (Jute & PP Bags) and has pledged that he will deposit the cost Rs.39,583,055/- in to the Govt treasury till 31st December 2016. The photocopy of the undertaking is placed on page No. 12 of the file. The DFC Chitral also submitted the handing and taking over charge report and physical verification report of PRCs Turkoh, Yarkhoon and Broghal duly signed by Mr. Sher Ali and countersigned by DFC and AFC sub division Mastuj.

Keeping in view the admittance viz a viz the under taking on judicial stamp paper by Mr. Sher Ali, the committee submitted an interim report vide No. Nil dated

41.534





25th fuly 3016 to Director Food. A schedule of physical verification of all the PRCs above with connected sale points was finalized and the committee members were part and parcel of physical verification team.

To finalize the inquiry report an opportunity was at hand to visit PRC: Turko, Yarkhoon and Broghil. The committee visited Chitral from 31th July to 12th August 2016 and visited PRC Turko, Yarkhoon along with its sale points and physically checked the record of the godown and the wheat stocks. Keeping in view the statement or Mr. Sher Ali FGI, the committee members studied the environment, the terrain, the condition of godowns were examined viz a viz the claims / allegations of Mr. Sher Air. Mr. Sher Ali was called to the office of DFC Chitral and a questionnaire was served upon him to which he replied. However most of his answer to the questionnaire were found baseless and time barred. No such complaint of Sher Ali was found in the record of DFC Office Chitral. He had neither written to the DFC regarding the work load upon his shoulders nor he ever refused the charge of one PRC over another but he has taken ever the same when he was ordered to do so. As far as his claim regarding the Kacha Godowns, eating of wheat by rats and ants and other insects, far-flung areas and its visit by him without official vehicle, TA, DA's, special hard areas allowance etc. and other petty nature complaints regarding sale points and its owners, shortage of Chowkidars, the same are justified. No official vehicle has been provided to either Mr. Sher Ali or AFC Sub Division Mastooj or any monetary provision in this regard. Regular inspections of an area approximately 4,000 Sq kilometres over kacha narrow roads and non availability of public transport is a cumber some job. The concept of public transport, as available in the down districts, has nowhere in his jurisdiction. It is not humanly possible to supervise 3 PRCs and 26 sale points simultaneously on daily basis. To collect and deposit the sale proceed in a bank or treasury, as no such facility is available in his jurisdiction, is also very difficult. That is why the FGS keeps the sale proceeds in shape of cash with themselves and often misappropriate the same on one pretext or the other.

Mr. Arshid Hussain AFC Headquarter Chitral was asked to submit hir statement as he remained AFC sub division Mastooj during the maximum period of posting of Mr. Sher Ali Incharge PRC Turko, Yarkhoon and Broghal. He submitted his statement which is filed at page No.13 of the file. Accordingly he was served upon a questionnaire which is also filed at page No.14 to 15. His answers narrate the same stories referred to in the above paragraphs and the statement of Mr. Sher Ali FGI. His statement and questionnaire is self-explanatory.

viz the shortage detected against Mr. Sher Ali FGI. He submitted his written statement winto which is filed at Page No.15 to 21 of the file. Accordingly a questionnaire was served upon him to which he replied the same are filed at page No.22 to 23 of the file. His statement and replies to the questionnaire are attached.





Findings



From the foregoing discussion and handing / taking over charge reports, physical verification and visits to the area and facts in hand, it is crystal clear that a quantity of 326.354 M.tons wheat in 3,816 bags are short as evident from the charge report between Sher Ayub and Mr. Sher Ali in PRC Turkoh / Shagram on 20.07.2016. A quantity of 922.269 m.tons in 9,633 bags are short as is evident from handing and taking over charge between Hadi Shah and Sher Ali on 19th July 2016 in respect of PRC Yarkhoon and a further quantity of 340.670 m.tons in 337 bags is short in PRC Broghal as is evident from the charge report between Hadi Shah and Sher Ali on 19th July 2016.

Therefore, a total quantity of 1,282,690 m, tons wheat in 13,786 bags is found short for which Mr. Sher Ali is responsible. Therefore departmental action under E&D Rules 2011 may be initiated against the accused Mr. Sher Ali FGI.

Detail is given below:-

S.No	Name of PRC	Quantity found short				Total	
		Jute Bags	Weight in M.tons	pp bags	Weight in M.tons	Jute + PP Bags	Weight in M.tons
[Torkoh	2,704	269.272	1,112	57.082	3,816	326,354
2	Yarkhoon	7,866	833.343	1,767	88.926	9.633 ເ	922.269
. 3	Broghil	337	34.067			3,37	34.067
1	Total.	10,907	1,136.682	2,879	146.008	13,786	1,282.690

Note:- Charge reports of the above PRCs are enclosed on pages 23 to 25 for ready reference.

Recommendations

The case of shortage of the above mentioned quantity of wheat to recovery from Mr. Sher Ali FGI may be forwarded to Anticorruption Establishment of any other agency. Besides, departmental action as required under the E&D Rules 2011 may also be initiated against him as he is guilty within the meaning of Rule-3 of the ibid Rules please.

(Muhammad Jehangir)

Assistant Director Food, Kohat Division. (Abdul jalil)
Assistant Director Food,
Malakand Division.

<u>Director Food</u> Khyber Pakhtunkhwa



FOOD DIRECTORATE KHYBER PAKHTUN KHWA PESHAWAR

5291 /PF-1037

Dated /0 /10/2016

OFFICE ORDER

Consequent upon the proceedings under Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules, 2011 and order of the competent authority dated 10th October 2016, Mr. Sher Ali Foodgrain Inspector Office of District Food Controller Chitral is hereby dismissed from Service with immediate effect.

> DIRECTOR FOOD 10.10.16. KHYBER PAKHTUN KHWA PESHAWAR.

Endorsement No & Date Even

A copy is forwarded to:-

- 1. PS to Minister Food Government of Khyber Pakhtunkhwa.
- 2. PS to Secretary Food Government of Khyber Pakhtunkhwa.
- 3. The District Accounts Officer, Chitral for necessary action.
- 4. The Deputy Director Accounts Food Directorate, Peshawar.
- 5. The Deputy Director Food (F&I) Food Directorate, Peshawar.
- 6. The Assistant Director Food Malakand Division at Saidu Sharif Swat
- 7. The District Food Controller Chitral with the direction to prepare comprehensive report for Khyber Pakhtunkhwa Ehtesab Commission against Mr. Sher Ali Ex-Foodgrain Inspector (Incharge Provincial Reserve Centres Torkho, Yarkhoon & Broghal, District Chitral regarding his indulging in corruption and corrupt practice; thereby causing huge losses to the government exchequer as decided by the Provincial Food Committee in its meeting dated 28-09-2016.

8. Ex-official concerned / Personal File.

DIRECTOR FOOD KHYBER PAKHTUN-KHWA PESHAWAR.

10.10.16





PROCEEDINGS UNDER KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS EFFICIENCY & DISCIPLINE RULES, 2011 AGAINST Mr. SHER ALI, FOOD-GRAINS INSPECTOR, CHITRAL.

ORDER.

Facts forming background of the case in hand are that during his field visit to Chitral District in April 2016, Secretary Food Khyber Pakhtunkhwa detected certain anomalies in the Provincial Reserve Center Torkho, which is under the supervision of Mr. Sher Ali Food-grains Inspector (FGI), the accused herein. Resultantly, the District Food Controller Chitral was directed to undertake, *inter alia*, a detailed physical verification of all the Ware-houses (Torkho, Yarkhoon & Baroghal) under the custodianship of Mr. Sher Ali FGI. The DFC Chitral deputed his lower formation to these areas and apart from physical verification of the godowns, handing / taking of charge was also arranged, which transpired that more than 13,000 bags of wheat were misappropriated by the accused-official herein the cost of which runs into millions.

Consequently, the delinquent official concerned was charge-sheeted under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 & an inquiry committee consisting of M/s Abdul Jalil Assistant Director Food Malakand Division & Muhammad Jehangir, Assistant Director Food Malakand Division was appointed. The aforesaid Inquiry Committee visited Chitral twice and pin-pointed short-fall of 13,786 bags (10,907 Jute bags & 2,879 plastic bags) containing 1,282.690 metric tons of wheat in the PRCs Torkho, Yarkhoon & Baroghal and fixed responsibility upon the Incharge of these Centers - Mr. Sher Ali Food-grains Inspector Chitral. The Committee propounded the following recommendations:

"The case of shortage of the above mentioned quantity of wheat for recovery from Mr. Sher Ali FGI may be forwarded to Anti-Corruption Establishment or other agencies. Besides, departmental action as required under the E&D Rules 2011 may also be initiated against him as he is guilty within the meaning of Rule-3 of ibid rules."

Thereupon, the accused-official concerned was served with a final Show Cause Notice, tentatively imposing upon him the major penalty of 'dismissal from service' as well as recovery of the cost of wheat. He was also extended an exhaustive opportunity of personal hearing. The crux of the plea taken by the accused-official is: that he held the charge of 3 PRCs spread over remote localities; he incurred expenditures on handling of the wheat coupled with his shuttling; & that there are outstanding dues against various Sale Points in his area of jurisdiction. Notwithstanding the fact that Chitral District is deficient in human resources, however, contention of the accused official is frivolous as his other colleagues are confronted with a similar situation. Although his earlier suspension order was withdrawn with the ambitious hope that he could manage recoveries, but he remained complacent in delivering the goods. Similarly, he cannot justify whimsical incurring of expenditures out of the sale proceeds of government.

(33)

wheat on account of deducting his travelling expenses or other allied liabilities for which separate heads of account constant and Carriage Contractors stood nominated.

The fact of the matter is that owing to its peculiar geographical / environmental conditions and non-existence of any Flour Mill there, the Provincial Government has made special arrangements of food security for the District including establishment of 32 Provincial Reserve Centers & 100 Sale Points. In the absence of banking facilities in the valleys, sale proceed of wheat is generally retained and deposited into government kitty by the Incharge of these Centers at their discretion and convenience. This phenomenon has engendered exploitative mal-practices by the locals in general and the government officials in particular. Numerous cases of embezzlement have been pointed out by the Audit and inquiry teams from time to time. The Department has sacked some employees found guilty of misconduct, while some are facing judicial proceedings including recoveries of government dues as arrears of land revenue. Interestingly, at the time of devolution, most of the erstwhile Clerical staff at Chitral managed their inductions as Food-grains Supervisors because of obvious reasons.

In the instant case, the accused official, who admitted pilferages, was urged upon time and again to clear his account, but in vain. Covert and overt probes revealed that he has invested the withheld amount in some business at Islamabad, so he prefers to sacrifice his government service vis-à-vis giving over millions of rupees he has accumulated by unfair means. Reportedly, he even encouraged Mr. Samiullah Food-grains Supervisor Chitral, facing similar disciplinary proceedings for misappropriation of approximately 10,000 bags of wheat, not to deposit the outstanding amount. Certainly, this is a sad commentary on the criminal breach of trust.

For what has been dwelt upon above, it is abundantly clear that Mr. Sher Ali Food-grains Inspector (Incharge Provincial Reserve Centers Torkho, Yarkhoon & Baroghal, District Chitral) is found guilty of misconduct coupled with indulging in corruption and corrupt practices; thereby causing huge losses to the government exchequer. Therefore, in exercise of the powers conferred upon me under Rule-4 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011, I, Mr. Asmatullah Khan Gandapur, Director Food-cum-Secretary Food Department Khyber Pakhtukhwa, hereby impose the major penalty of dismissal from service upon Mr. Sher Ali Food-grains Inspector (BPS-9) Chitral with immediate effect. As far as financial losses caused by him to the Government are concerned, his case might be reported to the Khyber Pakhtunkhwa *Ehiesah* Commission for his prosecution under the Criminal Laws, as decided by the Provincial Food Committee in its meeting dated 28.09.2016.

ANNOUNCED 10th October 2016

> Director Food-cum-Secretary Food Department Khyber Pakhtunkhwa / Competent Authority

> > The same of the sa

To,

The Director/ Secretory,

Food Directerate KPK,

Peshawar.

Departmental Appeal against the Office Order No. 5221/PF-1037, Date: 10/10/2016, Dismissal from service.

Dear Sir:

Respectfully Submitted that appellant received the above mentioned office Order, appellant aggrieved from the subject office Order which is against Law and Facts and ineffective upon the rights of the appellant on the following Facts and circumstances.

- 1. The allegations against the appellant is based on the inquiry report, the shortage of bags of wheat, the appellant produced the cogent reason for the shortage of bags of wheat along with evidence, but the concerned authority passed the impugned office Order for dismissal of service which is illegal against Law and facts and material available on record.
- 2. it is evident from the record that the charge of three PRC's spread over remote localities, there are outstanding dues against various sale points in the area and time to time the appellant informed the competent authority from the difficulties, all the relevant complaint are available on record.
- 3. That show cause notice dated: 5th September 2016 was issued to the appellant, wherein appellant submitted a detailed reply to the competent authority, though the show case notice was issued during Exparty proceedings against the appellant. (Copy of reply of show cause notice is attached)

- 4. That appellant produced the relevant record to the members of the inquiry committee, so time to time different resolutions had already been passed regarding the shortage of wheat and appellant had informed the competent authority from the difficulties of recovery from sale point
- 5. That it is evident from the previous inquiry reports that the wheat grains is laying in storage for long time and as a result has lost its fitness for human consumptions. That extremely bad storage conditions also aggravated the situation which was beyond the control of Food Department. That under warmer climatic conditions where the temperatures are melt and environment humid and dump coupled with long storage period, wheat grain losses making it even unfit for animal consumptions.
- 6. That the storage facilities are in worst conditions and need immediate attention. All the sale points owners were held responsible for the losses if any, since the sale points are run by the representative of local populations and no employee of the Food Department were appointed.
- 7. During previous inquiry committees had recommended that empty gunny bags must not be stored with the new wheat stocks, while most of the Godowns are "KACHA" made upon to climate exposers such as rain water pours into the Godowns due to the leakage of roofs, thereby affecting the sounds stock coupled with moisture gaining through snow-fall.
- 8. That one reason of the damages stock/ shortage of wheat bags is based on the different sale points, wherein it is crystal clear that chitral is spreading over 56 hundreds square mile covered with hard hilly track and in winter due to heavy snow fall the Food Directorate had not managing the wheat properly.
- 9. That the sale points are mostly private houses of one room which was totally unfit for long storage. The previous committee randomly checked the reported infested in poor quality wheat on the spot, the committee also met with the delegations of local



(41

population and received resolutions from the local populations. The resolution received and forwarded to the competent authority but the competent authority had thrown away the complaints and resolutions without proper any necessary action against the said cause. (All the relevant resolutions/ complaints and recommendations are attached)

- 10. That the inquiry officer had not considered the available material on record, the recommendation of inquiry committee in utter disregard and misapplication of Law has all together ignored the principles of natural justice and major penalty for dismissal from service was announced to the appellant, which is totally illegal against Law and facts and material available on record.
- 11. That the inquiry committee have not recorded the statement of the witnesses, who are signed the complaint and resolutions regarding the same issue while the competent authority have passed the impugned Order which is based on self-made presumptions, which is not sufficient to connect the accused with the commission of an offence.
- 12. That it is mentioned in the Inquiry report that no such complaint of the accused official is available in the record of DFC Office Chitral, though the complainants forwarded those complaints through registered post and personally in the presence of witnesses all the documents were forwarded to the DFC concerned and all the complaints/ Resolutions are witness of the several persons but the inquiry committee have not recorded the statement of impartial witnesses.
 - 13. That the "KACHA" Godown, eating of wheat's by rats and ants and other insects were found but it was not considered by the inquiry committee and further far-flung area and its visits by the appellant without official vehicles, TA/DA's specially in hard areas and allowance was not paid to the appellant, which has already been justified in the inquiry report.
 - 14. That further complaints regarding the sale points and its owners, shortage of Chowkidar no official

vehicle has been provided and regular inspection of the area approximately Four thousand Square Kilometers, over "Kacha" narrow roads and nonavailability of the public transport is the main causes.

15. It is not humanly possible to supervise three PRC's and 26 sale points simultaneously on daily basis, to collect and deposit the sale proceed in a bank on treasury, as no such facilities are available in the jurisdiction of the appellant. (All the relevant documents in defense are attached with the appeal)

So, it is therefore humbly prayed that impugned office Order of dismissal from service date: 10/10/2016 may please be set-aside; and appellant may please be reinstated in service with full back benefits, any other relief deemed fit may also be granted in favour of the appellant.

Date: 07/11/2016

Thanks,

Appellant,

Sher Ali,

Ex-Foodgrain inspector,

Office District Food Controller,

Chitral.





GOVERNMENT OF KHYBER PAKHTUNKHWA FOOD DEPARTMENT

NO.SOF/8-1/2016/ 3543 Dated Pesh: the 20-12-2016

The Director Food,

Khyber Pakhtunkhwa, Peshawar.

Subject:-

APPEAL OF MR. SHER ALI EX-FOODGRAIN INSPECTOR, OFFICE OF THE DISTRICT FOOD CONTROLLER CHITRAL.

Dear Sir,

I am directed to refer to the subject noted above and to forward herewith a copy of approved Note for Chief Secretary, Khyber Pakhtunkhwa, with the request to inform the ex-Official accordingly.

Encl: As above.

Yours faithfully,

SECTION OFFICER (GENERAL)

GOVERNMENT OF KHYBER PAKHTUNKHWA, DIRECTORATE OF FOOD, PESHAWAR

7080 /PF-1 Dated 28/12/2016

A copy of letter of Section Officer General Government of Khyber Pakhtunkhwa on subject appeal of Mr. Sher Ali Ex-Foodgrain Inspector office of DFC Chitral vide No.SOF/8-1/2016/3583 dated 20-12-2016 along with its enclosures is forwarded to

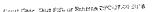
The Assistant Director Food, Malakand Division at Saidu Sharif Swat.

The District Food Controller, Chitral

2) Mr. Sher Ali Ex-Foodgrain Inspector Office of DFC Chitral with reference to his appeal dated 07-11-2016.

Personal file.

DEPTY DIRECTOR FOOD (A&C) KHYBER PAKHUINKHWA, PESHAWAR.







FOOD DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR



NOTE FOR CHIEF SECRETARY KHYBER PAKHTUNKWHA

Sabject:

APPEAL BY MR. SHER ALL EX-FOODGRAIN INSPECTOR OFFICE OF DISTRICT FOOD CONTROLLER CHITRAL AGINST THE ORDER OF THE COMPETENT AUTHORITY/ SECRETARY FOOD UNDER KHYBER PAKHTUNKHWA GOVERMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011-COMMENTS BY THE FOOD DEPARTMENT.

Mr. Sher Ali Ex-Foodgrain Inspector Office of District Food Comroller, Chitral has preferred an appeal dated 07-11-2016 (Annex-A) against an order dated 10-10-2016 passed by the Secretary Food /Competent Authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, whereby he has been awarded major penalty of 'dismissal from service' with immediate effect (Annex-B) Since Secretary Food Department Khyber Pakhtunkhwa has passed the impugned order in his capacity as Director Food, so in term of Rule-2 (h) of the Rules ibid (Annex-C), the instant appeal to be heard by the Chief Secretary Khyber Pakhtunkhwa being the next higher authority.

- Provincial Reserve Courre (PRC) Torkho, which was under supervision of Mr. Sher Ali Food Grain Inspector(FGI), the appellant herein. Resultantly, the District Food Controller Chitral was directed to undertake, inter alia, a detailed physical verification of all the Where-houses (Torkho, Yarkoon & Broghal) under the custodianship of Mr. Sher Ali FGI. The DFC Chitral deputed his lower formation to these areas and apart from physical verification of godowns, handing / taking of charge was also arranged, which transpired that more than 13,000 bags of wheat were misappropriated by the accused-official herein, the cost of which runs into millions.
- Consequently, the delinquent official concerned was charge-sheeted under Khyher Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 & an inquiry committee consisting of M/s Abdul Jalil Assistant Director Food Malakand Division & Muhammad Jehangir, Assistant Director Food Malakand Division was appointed (Annex-D). The aforesaid inquiry Committee visited Chitral twice and pin-poin short-fall of 13,786 bags (10,907 juie bags & 2,879 plastic bags) reorigining 1,282,690 metric tons of wheat in PRCs Torkho, Yarkoon & Broghal and fixed responsibility upon the Incharge of these Centres, Mr. Sher Ali Foodgrains Inspector Chitral. The Committee propounded the following recommendations.



"The case of shortage of the above mention quantity of wheat for recovery from Mr Sher All FGI may be forwarded to the Anticorruption Establishment or any other agency. Besides, departmental action as per E&D Rules 2011 may also be taken against the accused as the official is guilty within the meaning of Rules-3 of the ibid rules." (Annex-E)

Thereupon, the accused-official concerned was served with a final Show Cause Notice (Annex-F), tentatively imposing upon him the major penalty of 'dismissal from service' as well as recovery of the cost of wheat. He was also extended an exhaustive opportunity of personal hearing (Annex-G). The crux of plea taken by the accused-official is: that he held the charge of 3 PRCs spread over remote localities; he incurred expenditure on handling of the wheat coupled with he canading & that there are outstanding dues against various Sale points in his area of jurisdiction. Notwithstanding the fact that Chitral District is deficient in human resources, however, contention of accused official is frivolous as his other colleagues are confronted with a similar situation. Although his earlier suspension order was withdrawn with the ambitious hope that he could manage recoveries, but he remained complacent in delivering the goods. Similarly, he could not justify incurring of expenditure out of sale proceed of government wheat on account of deducting his travelling or other allied liabilities for which separate heads of account existed and Carriage Contractors stood nominated.

The fact of the matter is that owing to its peculiar geographical / environmental condition and non-existence of any Flour Mill there, the Provincial Government has made special arrangement of food security for District Chitral including establishment of 32 Provincial Reserve Centres & 100 Sale Points. In the absence of banking facilities in the valleys, sale proceed of wheat is generally retained and deposited into government kitty by the Incharge of the Centre(s) at their discretion and convenience. This phenomenon has engendered exploitative mal-practices by the locals in general and the government officials in particular. Numerous cases of embezzlement have been pointed out by the Audit and inquiry teams constituted from time to time. The Department has sacked some employees found guilty of misconduct, while others are facing judicial proceedings meluding recoveries of government dues as arrears of land revenue. Interestingly, at the time of devolution, most of the erstwhile Clerical staff at Chital managed their inductions as Food-grains Supervisors because of obvious reasons.

In the instant case, the accused official, who admitted pilferages, was urged upon time and again to clear his account, but in vain. Covert and overt probes revealed that he has invested the withheld amount in his private business at Islamabad, so he prefers to sacrifice his government service visidavis giving over millions of rupees he has accumulated by unfair means. Reportedly, he even encouraged Mr. Samillah Food-grain Supervisor Chitral, facing similar disciplinary proceedings for misappropriation of approximately 10,000 bags of wheat, not to deposit the outstanding amount. Certainly, this is sad-commentary on the criminal breach of trust.



For what has been dwelt upon above, it is abundantly clear that Mr. Sher Ali, foodgrains Inspector (Incharge Provincial Reserve Centres, Torkho. Yarkoon & Broghal District Chitral) was found guilty of misconduct coupled with indulging in corruption and corrupt practices; thereby causing huge losses to government exchequer. Therefore, in exercise of the powers under Rule-4 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 Mr. Asmatullah Khan Gandapur, Director Food-cum-Secretary Food Department Khyber Pakhtunkhwa, imposed the major penalty of dismissal from service upon Mr. Sher Ali Food-grain Inspector (BPS 9) Chitral with immediate effect. As far as financial losses caused by him to the government exchequer are concerned, his case has already been reported to the Khyber Pakhtunkhwa Ehiesab Commission for his prosecution under the Criminal Laws (Annex-H), as decided by the Provincial Food Committee in its meeting dated 28.09,2016.

The appeal in hand being devoid of any plausible stand-point may therefore, graciously be dismissed.

SECRETARY FOOD / COMBETENT AUTHORITY.

35.11.16

CHIEF SECRETARY APPELLATE ANTHORITY

Secretary Establishment

4 -28/x1

7. V. S.

766

- Note for Chief Secretary submitted by Food Department regarding appeal submitted by Mr. Sher Ali, Ex-Food Grain Inspector office of District Food Controller Chitral against the order of competent authority "dismissal from service" under Khyber Pakhtunkhwa Government Servants (Efficiency & Disciptine) Rules, 2011 has been €×amined.
- 10. Director Food being appointing authority under Pule-4 of Khyber Pashtunkhwa Civil Servants (Appointment, Promotion & Transfert Rules, 1989 is competent authority to initiate disciplinary action under Rule-5 of Khybi r Pakhturkhwa Government Servents (Efficiency & Discipline) Rules, 2011 against the incumbent holding the post of Food Grain Inspector. The appellate authority in the in Lit case is Secretary Food under Rule 17 of Khyber Pakhtunkhwa Govi. Servants (E&D) wates, 2011. However, Secretary Fixed has been entrusted additional tharge of the post of Director Food as reflected in para 1 of the note, therefore, the position has changed and the same person cannot be the competent authority as well as appellate authority except in case of Chief Minister.

Establishment Department, in the light of fricts mentioned in para 5 to 7 of the note, endorses the proposal contained in para-8 of the note for approval of Chief Secretary Khyber Pakhlunkhwa.

> (Dr. Syed Akhtaratussain Shah) Secretary Establishment December /6 , 2016

SURETING FOOD

inform the infratable, as por the decision, p/3

though the show case notice was issued during Exparty proceedings against the appellant reply of show cause notice is attached)

Annea I 186 Vie 5/13 (2) 14/00 milion سخن! - محمل بوعل إيار في لسن العر توريون من تنولو قاسا « دا ه 2/ الله قامت المور رسکوری سے آسعلف داد رتی! الم الم عارج ربورط کی اربیراز بروغلی یا رفول 1 2016 EN 20 00 300 En 08/20 20 limit -10,7362,890 5/95 July 6 - 10, 5/95 July 6 - 10, 5/1995 July 6 - 1 (in the contractions of his or the first west of the contractions of his or the first of the contractions Wife wo of 520th 2/1/2/2/5/5/5/6/2/ 12/200 () Ceal W En Ushed Offin ce & or Julie place is W 216 smal 6000 Ch - 20 2 3/ - 15/ (2-2 whost leve a oglow/ fee USIS M Abel orges Topse of Gold of ones

Jus - Ede Just - 206 012/- 156 je bous 2/8/1 four Established To The Tile on we will the contraction of contractions of contract gringel Comme and find Isolay July on 300 60 Cm Mis Dec Tres L'an per (interfling), conser et en a kand o cir sin 2 porton tue l'as en noiste en visso propositions (while for 20 Gos RESERY . Ight (wi Style ENCERTURE un co 30622 mobleville pre the CUS applification our tole of mind 1/20 2 mg 20 20 1/2 / 1/2 willso du si el 7 en es Eili post This And in Been the on Of one or Chast RESERVII. Gren en le século

(no W) 60 les 2 21 Clip 6 = 3 is 5/4 in a cover of some to and party see the see of the see 4 Chen E 616 6 60 95 95 00 00 00 00 20-62-10/12/10/2012-12-12/16c Columbia or allando and con con con life 1 50 60 60 61 6 0 mg c 3 m in colo de de de de de conson cholie - 200 1 600 1 600 10 10 39 ph corposition of the confirma sens Not be en el - D'élé lu par éle Or Charallities to w Lie e Comblidion of 50 11-8 Loudwester 21 che Sous Sons Sons Constant 5" = 200 (ne) 198 der 15/2/2/ Ere / 10 ou or certification of the plant of the bein cité é actif de l'éléver. -6 0 0 0 0 0 5 0 0 5 0 E 50×3009/20/230-50/80 Cil milio -3

UND-Gr fred Coll 63 hr with Son man 2/ 1/ is/ ille = /12/09/62 [Bei 3 wing of the elphise Tours 230 WC 6 1/2 (00 6 2 2 30 Civily L We give - 9/2 (00 2) - 01 - 6 60 2; Con the ties on the les Con War - Consider of the Consideration of the Consi وکھ 01/06/Nh 6/2 in Old Jen 02 30 61/1/-0-20m 63-6 60 161 מקא if solices flight on the cot beat into a 1200/ 1600 of the busines of the constant of the consta pluiseld il asseld ce les mit fue 718 /3 en on rje of. مدع مرکز مرکز Lister of the Civil of the Civi

CADIÓ/ (ECOSE 63) the solfins -8 Smojoilul 400-00 2/3 25 5/6 262 tues of 560 dos 456 Ope of all all of as of will the land of the series ho ch, Logarof Me colo en to id sois 9 2 10 2 16 9 6 5 6 P. is ist KPK of his less well tip - eth 2014 313 Pen FD(SOSR-1(2-2/2010 vigeri es Es Attached & Con Econs es Epc LE 89074/3-ET is des si Molo De - 60 7/8/3/4-RT-16-8-1/2014 P30 3 EN Conver Z 63 50 115 - 66 85 2016 216 2016 Specien/2 (10) 3906 Dellin - eles 2 CCOCIG 20 - 2 16 60 - 2 16 60 - 2 16 60

The se was clear Curus May and -8 on to see die to mile to Ling of find on the Cinto the succession of the succession درك The Suppose on roll by fire colly con موسارع petis of fun wile = = 21 01, 6 = 9 mg of cape of other a Chief on omile - we las wid- but dump in to 1/60 1/ ce vais Eles Eles dump الني في يوسى ما مج كم اورنا قام واست مال بو لا سا / معراس مر میں ساکم کو کوں دارہ کرانے کھی دمامی P bow for of Ogyalb/ (welles Elste (6) N (4) le = 2 612 1 Per Ent (3 = 2 Gr cieffe () es/colo () of the of when Conson of the 2 miles 15/2018 of 200 200 1 Jest Colm 2 Jest (16) This is a saight from soil do - 2 th Ò - gr 20 of company March 100 - son

ر فساده علاق سى- جان توتون كودا لون سى زار مولا خرو مها جروار کم و فی گونی م دی با دی ا 505,03) es buls & fortil 10/05. - (apple - Stople - ille with in a 2pm) 9 20/20 21 20/10 10 per/03/4 Gioro الله وفي سي- في كو له لا وفي در المرس مع على 11-11 10 00 50 in in of film of in the interior Tiestie Whier or isologie & Zes Gr. Fyeric/-00/2003 to civily 1 100 - 12 56524 NO123/510/07 ENG NES EXPENSE - 20 N/S voltopi es me l'3 a tant. 9 2 5-6-6- ho ell éstrociones 52 -3 60-60 6 6 9 3 PL 060-8 2 10/~ 2 10 6in 06,-2-1- Edio Wiell Grielle (33 63 2 the 20' cus door The les sto

(vo) and 2 (ve) DRC (3)! 100 40 69 61 2) Upep 6 1 6 m of APR- NOS or Unla jost 1 20 20 2 m of color of the color o casili de la como 2-2 Sildi Joseph de 1 46 CU د as sincy of Eight (o' it es Elien Ost Cogul by Scu as son Gri 2025 C18 (35-200 po. Co - 50 E (35 G SNES COLL THE GISTY (5) (1) New 3 - (4) - (4) (1) (1) (1) (1) of fire en les while les de les est Turgi ste of La Consider in the Hold

1106 21 July. والعانبير- كيا أب ال موزوره بالدوراول وراي دا چارج ره وك مواب الم الله المراكال المياري والمول و المراق المول و المراق المول الميال الميال و المول المول المول المول الم 2006 m 2002 (Ling of 1) Look me 2006 me 2006 10 les cel 10 2014 - 2012 - 12 (2) (2) (2) (2) جبكه كوطام بروغل مي الحاق بي الحاق بي الحاق بي الحاق مي الحاق مي الحاق مي الحاق مي الحاق الله وها الم اور کورام لفرایوس سس و یا دره و کول در یا میا صول. مران في المان في عبيل كما الأول مان في جوام الواب، - جي بان - ايک وجيم سرهي که ميرا بطور اسکام عراوش ميرا افر مونکہ ویزال یہ اسکاری آسامی خاتی نہیں ہی میں سے عید ما نبرہ نیرانسفر کی اگی /ور میں) بکہ ڈاؤں دیمرکت ہے اللك آدى كو جَمْراك شرانسفر كيا المراون الله مرهدي معرال بني كمرا اورف جمال آيا وه ريخه اوراقور اولي المانزو- ماسروس وُيول ك ما قرار المان عن وُلول ك عَلَىٰ كُولَ عَامِ عِلَا رَقِهِ لَوْ كِيارِس بِسُومِ مِلْ كَالْ كَامُونُ - if we direction (letter) is es /5 جواب: - زمان مهور شرمار مار در فواست که و تحسد جواب مول کرفیالل كام ولك رهويم إسك كوي على نكا ليش بين- لوب مين عین کا بنده دن ما نهره اور بزیره ودن مترال از گوایی ع المران کو العارض المراف کا المران کی و e poils low paid s/ of how to est les المان المان مع المان على المان الما اللامراس ببت دراده في اوران مكران مران مران 4- Lega 3/0/2019 واب: من مان . بهت رشوار مان آق می کنونکه اما کمام

س کیس گیولی کے رہائی ۔ حسان برگ ما المرسى سال بوائنىل بوغى جارى و مين ساسى كوراي در اوراس طرح گورای تورای در این این این این این این این این این در این د ميرتاها بيان براكول) الرسيل ولينت ما ساب كمان رقيم وصولی، فیکاروں کا قرساب کیا یہ سرفان کے بنیالنا /وروا الكرسركارى فرانيي في (نارنته) في مقال او فرود كام عام ويونو عے۔ اور فالت بیل کافرچ اور ایک سیائٹ کا کرنا جانا اور والم مر الموري اور موزيد تر رها صف من مار يخوالون ك مكراك اور مسا كتاب كر المام وي) عن كم ازم 21 عد 18 حرار وقط فرجم رحاف - فبكر وور اضراحات اس ما الموه ها - فا برات مع سائل الله منا فود منا کرد می اور احمال کی سے مرحمال میں الم ارزان موں مناب فود منا کرد ہے۔ اس طرح سائل کفو ، ریکھ اور بنریج میں میں 1/25 10 - 1/6 - 1/4 - 1/6 - 1/ اور ساند رسیل بوائنٹ کا کام سنبالنا یا مکن ہے کیونکہ دوران سنم بهت بری تعیاد میں افتای کری سے منیالنا ہوتا ہا /وران موزگوره مملاتون می کوف مرکاری بینک تب بین این مین کوف سلم فقا / ور رَمَا تَنْف كَيْنَ مِن كُورِامُون كَرْبَا هَ كُولُ سِرِكَارِي رَمَا تُحْفِي كَانَ 1/1,38 in - /or of wild 18 10/18/10/19/- Cur Salvy Well as I'll as I'll of in to Soly Wells of control of whether رفرامات می دور بی پوت AFC:-13 ellis de Ving De Spira Stille Solo Whetect is will on who as by LI bos to بممراه موجور ظ اور دم کس جاراح دستے وقت معلی مورات

١٠- جيمال - مي موجورت سال ورال کی کا بوصاملہ سے کے مورے کاروں میں تعنیالے ک COLUTION SELECTION LA LE CONTOUNE الم ملازمت ورفيه وما نا داستان في سي بونل ال ارون اورات سے بھے جہاں جہاں سائل کا ہوشتا ہوا ہے وال ا بین ، کیونک در در ای مرتب می ای واج کیون سے تحد کرواج رفتار عراسند کیا گیا ہو آس و تبت محر کرنے سیم ملان کی ہو گئیا۔ 1000 Michael Spice of its Colonial راؤف آمان (علم کویتا دیا فا) که گوطی اید تیکاور فراب راور end con sign solle lot I wild with come pind كو تما ه برماد كرت بط بلك نتيس كلا /ورمش آلود زمس /ور /وريري محن نیکن کی وجربہ سے گری اری وزرے محلک دالغہ، ریگ عود كالقال بورك من زسي ما ها كارتماه سرار سورسے ہیں /ورمتی آرسنے میں سے ضروع کا سی جورا 20 2 11/2 Co in 2 i/ bige of in 500 c 1/2 (b) le 16 le sale proceed de ال المراح من موزكوره مى الواجب فران ال شينون كورامون مِن Might 10/ (AFC) (456) ENE JUNE JUNE -: CO 136 1/2 I Physical Verification 3. i (July) 12971 Led Sie 2 10 10 1 10 1 12971 49,39583055 Chi Chi Chi 1173362 20 Cin ستى بىل اسى مى سى سىل جوائنىڭ كا عماره گودا مول يو 9- Cade ouris Elist on long on how all in Jelo I

le spe my fee - 6 6-2-00/ com cols a Je 26 4 40 46 6 6 6 20 6 301 326 2 100 colo / 2 - 16/2 2 6/10/2 2 Christing in in 10,000 1 2 02 3 3,66 6-10 0 of which elected in the comme oubstru/NCWETERDECOST Mary Sing of how of how of world English Elegiste (id) 60 5-0456 C/Mel) 3 de DEC Aby I do ce f (m ou à los cir Und binde of 60 61 6 6 5 0 5 5 Harmen for Airbury McGow 2168 co Wells Entle Frykia a des and Cubble as (Co) me NL 21 60 Mc Co) ! N/2 60 Wind of our Carbo Ty of Olios Jyb 250000 (bi) & Eji L'ELO - 5-27 IN 2/94/ Egrésie 16 Cris (pin6

57/1/2/2/5/1/2/2/2010 V21 /3-12/2 C (5, 5,6/2) venne ou soon de jul les Jest Sier zu Sie Zugen 22, 600 m 103 i) A. Ja Chample 67 140213 122 gard of Chil Critical GON ik Sald 10 in million in if he will so we as the WibiTor Le Gres All Ste (6 30355C my le Destation 60 Me Col 12 23 Ch. Co July 513 Well Cowe of Cone of End to 1 280 LE 2 LAND MIN

13 millio 0:6 v oue de 1 مرا ما ما مرا دوف کم دو دوفی Cese for Mgo CGY (13 2/3 2/3 2/1 667 / 3/4 ENGEL TADAG, STOLLING WEST Mo 2-2016 16 2 200 600 6,26,66,66,00 mm 015/2 No 266 6 29 0 1 25 M. Cu corpere wolf 09 JA 6 30 CAL. (224) They be dive this to City Spark Com on Photos plosessing the fire 3 Liet I top je eguler by ch AND PH WIT SAISTH

ِ بَحْدِمت مضمون

بإدداشت

(90)

شیرعلی خان FGS بی اد سینرز شاگرام اینڈ ریج، تورکھو جناب ڈسٹرکٹ فوڈ کنٹرولر صاحب چڑال نیکام شدہ گندم کی کامیاب بولی وہندہ کو حوالگی

اب كا ليزنمبر 3857/2/3-FG محرره ٢٦ جولا كي ٢٠٠٥ مندرجه بالا عنوان موسول بوكروايسي وضاحتي جواب عرض ي-

بیرکراپ کے خط میں الزام لگایا عملے کہ باربار ہدایات کے باوجود میں (زیر و کفی) نے 50.143 اور 50.143 میٹرک ٹن نیلام شدہ گندم کوجوک بیات کے باوجود میں (زیر و کفی) نے 6.601 اور نوائل کے باو اور ن گلات الزام ہے کہ بیات بین اور اسٹول کے بائل ہے باور اور نوائل کا تابل استعال کر جو گلات الزام ہے کہ کہ بین اور خواب اور بائل نا تابل استعال کر جو گلات الله الله باہت ہوئے کہ کہ اور کرا کے صاف گلات استعال کر کا میں اور خواب اور بائل نا تابل استعال کر جو گلات اور کہ کہ میں اور خواب اور بائل نا تابل استعال کر میں کا جو گلات کہ میں ہے تابدار 65.300 میٹرک ٹن گلام معاف کر ہوشیوں کے استعال کر تابل کر اور خواب اور بائل ان تابل استعال کر اور خواب اور بائل نا تابل استعال کر اور کو کا میاب بولی و بیدو کر کے بار کر کو کہ میں اور اسٹان موری 89.200 میٹرک ٹن گلام موری 89.200 موری 89.200 میٹرک ٹن گلام موری 89.200 میٹرک ٹن گلام کر کر گلام اور کر کر گلام کر کر کر کر معلق ناظم اور کو گلام کر گلام کر گلام کر گلام کر کر گلام کر کر گلام کر کر کر معلق ناظم اور کو گلام کر کر کر معلق ناظم اور کو گلام کر کر معلق ناظم اور کو گلام کر کر کر معلق ناظم اور کو گلام کر گلام کر گلام کر کر کر معلق ناظم اور کو گلام کر کر معلق ناظم اور کر کر معلق ناظم اور کر کر معلق ناظم اور کر گلام کر کر کر معلق ناظم اور کر گلام کر کر کر معلق ناظم اور کر گلام کر کر

یک جہاں تک پی ارسٹر شاگرام اوراس کے ساتھ attached sale points میں موجود خراب گذم کا تعلق ہے تو اس سلیط میں عرض یہ ہے کہ یہاں کل رپورٹ شدہ خراب گذم مقدار 129.000 میزک ٹن تھا اور بہاں بھی چیف منیسز انہائش ٹیم کے اراکین میں وہی غالم اندازہ لگایا ہے جو میشر ریج میں لگائے تھے۔ ای طرح یہاں بھی کل رپورٹ شدہ 129.000 میزک ٹن خراب کندم میں سے کامیاب بولی دمیندہ کے بہائی کیا معمدار 61.500 میزک ٹن (مویشیوں کے استعمال کے تابل) گذم ذکل ائے اور جس کی غیام شدہ تیت بھی بذر بیہ خزانہ چان نمبر ا مورند 16/04 میر مورد یہ استعمال کے تابل) گذم ذکل ائے اور جس کی غیام شدہ تیت بھی بذر بیہ خزانہ چان نمبر ا مورند 11/7/2006 میرک ٹن (موجود یہ ہوری سے مقدار 63.300 میرک ٹن کردم کریں گودام چڑال میں قادر کردائ ان بوکر وہاں بی دریا ہے جرال میں گرام کے اغر پورے کے پورے موجود یہ کہران اور دیا جبر ان میں گرام کے اغر پورے کے پورے موجود کے حرال میں گرام کے اغر بورے کے پورے موجود کیا مائل مائل داخل دان وہ کہران اور کورے کوران کا سابقہ کے جمران شاگرام کے اغر موجود کی میں گودام ہے باہرنکال کر گذف در بابرد کردیا۔ اور متعلقہ کمیٹی ہے وہور کے مائل ماکس جو جود کہ موجود ہے۔ بقایا جو کہ 19.000 میرک ٹن خراب گدم جو ہے کو ام میکن کے دریاج کردیا ہورد کیا کردہ ہے۔ اور متعلقہ کمیٹی کے دریاج کا خوار میں کردیا ہورد کے گونا کی متعلقہ کمیٹی کے دریاج کا دریاج دوری میں گودام کی کے جس کے میں۔ خوام الناس شاک رجش ہے ہودہ کراے کے گودام ورکوپ، نیکوہ اور بداک میں متعلقہ کمیٹی کے دریاج کا دوئن میں اشاک رجش ہے۔ خوام دورود کیا کہ کہ جس۔

۔ یدکہ نجمائی کرکے صاف گذم کامیاب بولی ویندہ اٹھا کر جالان جمع شدہ ہیں جبکہ فراب گذم جوبتایا رہ میمے شے حسب اہم جناب MPA صاحب کی طرف سے مقرر کروہ کمیٹی کے ذریعے تلف رویا پروکر کے اسٹاک رضووں سے بھی منہا کیے جاچکے ہیں پھر مجلا مزید گذم (خیلام شدہ) کہاں سے ایک اور رقم ام low paid comployeds کہاں ۔ ااگر بی کرائیں کہ اورکس لیے۔

سے سیکہ کندم کی ٹیلای بزریعہ اختہار بیسا ہے جہاں ہے کی بیاد پرہوئی ہے۔ اور ای روے معالے ہے اسب اٹلم نمنا بھی باپیکا ہے۔ ووسری سب ساام بات یہ ہے کرسب ڈویژان چرال کے مقالبے میں سب ڈویژان مستوج کے تمام محمودام sale points پی ساخت کے لخاظ سے تک وتاریک کے اور خواب جبکوں مِشتل میں کمیں اصطبل میں اور کمیں مورثی خانوں اور کمیں بوسہ خانوں میں عرصہ ۲۵۰ سالوں سے اسٹورشدہ تھے کہ ٹور چیف منیسر آپیکن

My San Land

میم کر بورٹ سے دائنج ہے۔ اور یہاں چیف منیسز آسپیکش تیم کے معزز اراکین نے ماری طرف سے باربار سمجھائے اور وشایح کر آئے کہ باہر و انسین اور ساحت بندر کھر حقیقت کو چھپاکر تابل استعال کا percentage بہت کم لیا ہے۔ جو کہ حقیقت کے بالکل اور ساحت بندر کھر حقیقت کو چھپاکر تابل استعال کا معنوز میں میں جو کہ حقیقت کے بالکل میں ہے۔ اس کے مقابلے بی سب و ویون چر ال کے تام گودام وار اراکین بیف میں موجود خراب گندم کوزیادہ تر 100% ناتا بل استعال تر اردے کر رائٹ اف کی سفارش کیے میں جوکہ ایک کھی فلریداور سوالیہ نشان ہے۔ ہمارے اور چیف میسر اُنہیلیوں نیم کے ادالین نے انامیس بندگر کے جو اللم کیا ہے اس کی افراکس کوندا میں موجود انہوں نے ماری ایک شندی سابقہ OFC صاحب سیت آسپیکش میم کے ازاکین کوندا کے ایک جواب ویا ہوگا۔ خدا کی لافی ہے اواز ہوتی ہے۔

جناب والا

مندرجہ بالا حقائق کی روشن میں انجناب سے درخواست ہے کہ زیر تحقی کے خلاف لگائے میں الزامات کو واپس لیاجائے اور نزانہ چالان اور تفی سیفیکیٹس کی روشی م میں حساب کتاب کو بے باق کیاجا کر سائل کے نام سر فیفیکیٹ بیباتی جاری فر ہایاجائے۔

ئین نوازش ہوگی<u>۔</u>

My He Word FAS 7905 2,500 2/15//FI -10 - لمني فريب تهم سعمون ١٠-かい 3/2 0ノナ ベルンシャン・こかしょい عندرن موصول موکر موامی دمورث مرصن ع:۰ 1- 22 Decrit 13/20/20 -2 -2 (20/20) الم المرسرين محدة الما الما عن علط تابية تعیامدار رس سا - بول دهنده) مع دی نی 150 m/ 6 6 8 1.6 6 VEN 2000 الكواب شم وي يك ريد وزن عا و سی - دیادن نکم رع- و کم بورون وعود كرك مراء سرس مدوط ركفته ريدي بارين ل تندي المرين وي مه سوب بوا د عنده نے ندر مد کا مدن کر مدر فران دامهروك ع را ما ما ما منهم من و من عما مل الما الما (1) Le 1/4/6 -1 1 - 10 - 100 افتر بیان بان عوما بدن می دار مارسان ナインがしはりまじい こというかつかいがい Menos police in a commentation والمارر الراد سافط التي ناسته ورعيه فا الني في البي عادمي / إلى

لعدالت عمد مرسر فرسر فل

مورخه 2 مورخه 2 مورخه 2 مورخه المورخ المورخ

باعث تحريراً نكه

مقدمه مندرج عنوان بالامیں اپنی طرف ہے واسطے پیردی وجواب دہی وکل کاروائی متعلقہ

آن مقام کے میں اور کریے اور اور کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا۔ نیز وکیل صاحب کوراضی نامہ کرنے وتقر رفالث و فیصلہ پر حلف دیئے جواب دہی اورا قبال دعوی اور بیار عرضی دعوی اور درخواست ہر تم کی تصدیق بصورت و گری کرنے اجراءاور وصولی چیک وروپیار عرضی دعوی اور درخواست ہر تم کی تصدیق زراین پرد شخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا وگری کی طرفہ یا اپیل کی برامد گیا اور منسوخی نیز دائر کرنے اپیل گرانی ونظر فانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت کھندمہ ندکور کے کل یا جزوی کا روائی کے واسطے اور وکیل یا مختار قانونی کواپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ ندکورہ بااختیارات عاصل ہوں گے اور اس کا ساختہ پر داختہ منظور و تبول ہوگا دور ان مقدمہ میں جوٹر چہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہو یا حدے باہر ہوتو و کیل صاحب پا بند ہوں سبب سے وہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہو یا حدے باہر ہوتو و کیل صاحب پا بند ہوں

الرق 2 ا م حرام الاق

گے۔ کہ پیروی مذکور کریں۔ لہٰذاو کالت نامہ کھھدیا کے سندرے۔

عدنان ستيشنرى مارت چى مشترى پياورتى نون 2220193 Mob: 0345-9223239

Before the Server Tribund KPK peh sher Ali Vs Gortiell Appeal. Applelation for Adjumment. That above titled cone is fixed for Today. 2. That coursel for appellant is sick and weather The Hornrable Tribund attended This Hornrable Tribund dde to fever. So, it is therefore proped That the case my pless be adjorned. consel for appellant. Df 21/2017 S-M-lyas Adr. & Submittel. Mrugh clerk:

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR. APPEAL NO177/2017

Mr. Sher Ali Ex-Foodgrain Inspector Office of DFC Chitral.

Appellant

Versus

- 1 The Government of Khyber Pakhtunkhwa, through Chief Secretary Civil Secretariat Peshawar,
- 2 The Secretary Food, Government of Khyber Pakhtunkhwa Peshawar.

Respondents

- The Director Food, Khyber Pakhtunkhwa, Peshawar
- The Deputy Director Food (A&C) Khyber Pakhtunkhwa, Peshawar
- The District Food Controller, Chitral
- 6 The Assistant Director Food Malakand Division at Saidu Sharif Swat.

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS. Preliminary Objections

- 1. The appellant being a civil servant is subject to certain rules / regulations and necessary proceedings under the Khyber Pakhtunkhwa Government servants (Efficiency and discipline) Rules, 2011 have been justly and fairly undertaken against him.
- 2. The appellant has twisted the facts with an ambitious attempt to mislead this Hon'able Court and pre-empt / avert the clutches of law.
- 3. The appellant has neither got locus-standi nor he has come to this Hon'able Court with clean hands.
- 4. The instant appeal is not maintainable in its present form.
- 5. The appellant is estopped by his own conduct to file this appeal.
- 6. The appeal is based on malafide and ulterior motive.

RESPECTFULLY SHEWETH: ON FACTS:

1. Facts forming background of the case in hand are that during field visit to Chitral District in April 2016, Secretary Food Khyber Pakhtunkhwa detected certain anomalies in the Provincial Reserve Centre (PRC) Torkho, which was under supervision of Mr. Sher Ali Food-Grain Inspector (FGI), the appellant herein. Resultantly, the District Food Controller Chitral was directed to undertake, inter alia, a detailed physical verification of all the Warehouses (Torkho, Yarkoon & Broghal) under the custodianship of Mr. Sher Ali FGI. The DFC Chitral deputed his lower formation to these areas and apart from physical verification of godowns, handing / taking of charge was also arranged, which transpired that more than 13,000 bags of wheat were misappropriated by the appellant herein, the cost of which run into millions.

Consequently, the delinquent ex-official concerned was charge-sheeted under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 & an Inquiry Committee was appointed to probe into the allegations vis-a-vis the appellant herein



(Annex-A). The aforesaid Inquiry Committee pin-pointed short-fall of 13,786 bags (10,907 jute bags & 2,879 plastic bags) containing 1,282.690 metric tons of wheat in PRCs Torkho, Yarkoon & Broghal and fixed responsibility upon the appellant herein, the then Incharge of these centres. The Inquiry Committee propounded following recommendations:-

"The case of shortage of the above mention quantity of wheat for recovery from Mr. Sher Ali FGI may be forwarded to the Anticorruption Establishment or any other agency. Besides, departmental action as per E&D Rules 2011 may also be taken against the accused as the official is guilty within the meaning of Rules-3 of the ibid rules." (Annex-B)

Thereupon, the appellant herein was served with a final Show Cause Notice tentatively imposing upon him the major penalty of 'dismissal from service' as well as recovery of the cost of wheat (Annex-C). He was also extended an exhaustive opportunity of personal hearing (Annex-D). The crux of his plea is that he held the charge of 3 PRCs spread over remote localities; he incurred expenditure on handling of the wheat coupled with his shuttling & that there were outstanding dues against various Sale points in his area of jurisdiction. Notwithstanding the fact that Chitral District is deficient in human resources, however, contention of accused official was frivolous as his other colleagues were confronted with a similar situation. In pursuance of the Provincial Food Committee's decision dated 21-07-2016, his earlier suspension order was withdrawn with the ambitious hope that he could manage recoveries (para 3-C of the minutes placed at Annex-E), but he remained complacent in delivering the goods. Similarly, he could not justify incurring of expenditure out of sale proceed of government wheat on account of deducting his travelling or other allied liabilities for which separate heads of account existed and Carriage Contractors stood nominated.

The appellant herein, who admitted pilferages, was urged upon time and again to clear his account, but in vain, therefore, the competent authority under Rule-4 of Khyber Pakhtunkhwa, Government Servants (E&D) Rules, 2011, imposed the major penalty of dismissal from service upon him with immediate effect. As far as financial losses caused by him to the public exchequer are concerned, his case was reported to the Khyber Pakhtunkhwa Ehtesab Commission for his prosecution under the Criminal Laws (Annex-F), as decided by the Provincial Food Committee in its meeting dated 28.09.2016.

- 2. As explained in Para-01 above.
- 3. Correct. As explained at Para-01 above.
- 4. As explained in Para-01 above that in pursuance to the decision of the Provincial Food Committee taken is its meeting held on 21-07-2016 (Para-3-C of the Minutes placed at Annex-G, suspension of Mr. Sher Ali Ex-FGI office of District Food Controller, Chitral was reviewed and withdrawn enabling him to assist the District Food Controller Chitral in the recovery of outstanding dues against him being Ex-Incharge of PRCs Yarkhoon & Turkoh vide office order No. 4394/PF-1037 dated 01-08-2016
- 5. As per reply given at Para-01 above.
- 6. As per reply given at Para-01 above.
- 7. Incorrect. As explained in Para-01 above that under E&D Rules, 2011, the appellant herein was served with a final Show Cause Notice tentatively imposing upon him the major penalty of 'dismissal from service' with recovery of the cost of wheat so misappropriations.
- 8. Incorrect. As per replies given at Paras-01 & 07 above that major penalty of dismissal from service was imposed upon the appellant herein in accordance with law & rules.
- 9. Correct.

25

10. Incorrect. The appellate authority examined appeal of the appellant herein, contention of the appellant was found frivolous and devoid of plausible stand–point, hence, his appeal was dismissed confirming his dismissal from service.

ON GROUNDS

- A. As per reply given at Para-01 of the facts. Moreover, notwithstanding the fact that Chital spreads over a large area & deficient in human resources, contention / plea of the appellant herein is frivolous & sounds not more than a lame excuse as his other colleagues are/ were confronted with a similar situation.
- B. As per reply given at Para-01 of the facts.
- C. Incorrect. As explained in para-01 of the facts that a short-fall of 13,786 bags was detected by the Inquiry Committee against the appellant herein. The instant case was about misappropriation / short-fall rather than damaged wheat.
- D. Fact of the matter is that owing to Chitral's peculiar geographical / environmental condition coupled with deficiency in human resources & non-existence of any flour mills in the area, the Provincial Government has made special arrangement of food security including establishment of 32 PRCs & 25 sale points in District Chitral. To bridge human resource deficiency for effective monitoring of the wheat stock in various PRCs of District Chitral, Food Department has recently recruited local 30 Foodgrain Supervisors by obtaining special approval of the Chief Minister Khyber Pakhtunkhwa.
- E. As per replies given at Para-01 of the facts & Para-C above.
- F. As per reply given at Para-D above. Besides, the number of sale points has been reduced from 102 to 25 in consultation with the stakeholders for effective and better supervision.
- G. As per replies given at Paras-C, D & F above.
- H. Incorrect. As per replies given at Paras-01 & 08 of the facts.
- I. Incorrect. As per reply given at Para-01 of the facts.
- J. Incorrect. As per reply given at Para-01 of the facts.
- K. As per replies given at Para-01 of the facts & Para-A above.
- L. Incorrect. As per replies given at Paras-D & F above.
- M. In the absence of banking facilities in the valley, sale proceed of wheat is generally retained & deposited into Government kitty by the Incharge of these PRCs at their discretion & convenience. This phenomenon has engendered exploitative mal-practices by the locals in general & the Government officials in particular. Numerous cases of embezzlement have been pointed out by the Audit & Inquiry teams from time to time. Food Department has sacked some employees found guilty of misconduct, while others are facing judicial proceedings including recoveries of government dues as arrears of land revenue.
- N. Incorrect. As explained in Para-01 of the facts that major penalty dismissal from service has been imposed upon the appellant herein in accordance with law & after following due procedure under E&D Rules, 2011.
- O. Incorrect. As per reply given at Para-01 of the facts.

- P. Incorrect. As per replies given at Paras-01 & 08 of the facts.
- Q. Incorrect. As per replies given at Paras-01 & 08of the facts.
- R. As per reply given at Para-01 of the facts.
- S. Incorrect. As per replies given at Paras-01 & 08 of the facts.
- T. Incorrect. As per replies given at Paras-01 & 08 of the facts.
- U. No comments as it pertains to record.
- V. Incorrect. As per reply given at Para-01 of the fact.

The appellant has very astutely misrepresented the facts and depicted a scenario to create an impression of being subjected to vindictiveness. It is therefore, humbly prayed that this august Court may graciously dismiss the instant Appeal with cost being devoid of cogent & convincing stand-point. Ali hear

> Chief Secretary, Khyber Pakhtunkhwa (Respondent No.01) .

Secretary Food/ Director Food, Khyber Pakhtunkhwa 20 64.17.

(Respondents No.02 & 03)

Deputy Director Food (A&C) Khyber Pakhtunkhwa

(Respondent No.04)

Assistant Director Food **Malakand Division** (Respondent No.05)

'ood Controller Chitral

(Respondent No.06)

10



FOOD DIRECTORATE KHYBER PAKHTUN KHWA PESHAWAR

No ろうくら /PF-1037

Dated /o /06/2016

STATEMENT OF ALLEGATIONS

I Muhammad Anwar Khan Director Food Khyber Pakhtunkhwa, being competent authority, am of the opinion that (Mr. Sher Ali Foodgrain Inspector incharge PRCs Yarkhoon & Turkoh Office of District Food Controller Chitral has rendered himself liable to be proceeded against, as he committed the following acts/omissions, with in the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:-

The District Food Controller Chitral reported vide letters No.1615/2/1-FG dated 30-05-2016 and No.1620/Sher Ali FGI dated 30-05-2016 that during Physical verification of PRCs Yarkhoon & Turkoh carried out by Mr. Zafar Alam Riaz AFC & Riaz Ahmad FGI a quantity of 12971 (Jute & plastic) Bags = 1173.362 M. Tons wheat valuing Rs.3,95,83,055/- have been short detected against Mr. Sher Ali FGI incharge PRCs Yarkhoon & Turkoh

- For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer /inquiry committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules. The following enquiry committees are hereby constituted:-
 - 1) Mr. Abdul Jalil Assistant Director Food Malakand Division at Saidu Sharif Swat.
 - 2) Mr. Muhammad Jehangir Assistant Director Food Bannu Division Bannu
- The Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, put forth its findings so that appropriate action could be taken against the accused

The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry committee.

DIRECTOR FOOD, KHYBER PAKHTUN KHWA, PESHAWAR.

Endorsement No & date Even A copy of the above is forwarded to:-

- Mr. Abdul Jalil Assistant Director Food Malakand Division at Saidu Sharif Swat. for initiating proceeding against the accused under the provisions of the Khyber Pakhtunkhwa E&D Rules.2011 (Copy of Charge Sheet along with Statement of Allegation is enclosed)
- 2) Mr. Mr. Muhammad Jehangir Assistant Director Food Bannu Division Bannu for initiating proceeding against the accused under the provisions of the Khyber Pakhtunkhwa E&D Rules.2011 (Copy of Charge Sheet along with Statement of Allegation is enclosed)
- 3) The District Food Controller, Chitral for information with the direction to submit complete record to the enquiry committee for the purpose of the enquiry proceedings.
- 4) Mr. Sher Ali FGI incharge PRCs Yarkhoon & Turkoh Chitral for information with the direction to appear before the Enquiry Committee on the date/time place fixed by the committee for the purpose of the enquiry proceedings.

DIRECTOR FOOD, KHYBER PAKHTUN KHWA, PESHAWAR.

Charge Sheet in Rule Sher Ali FG1 dated 09-06-2016.dog





FOOD DIRECTORATE KHYBER PAKHTUN KHWA PESHAWAR

CHARGE SHEET

I, Muhammad Anwar Khan Director Food Khyber Pakhtunkhwa, as competent authority hereby charge you (Mr. Sher Ali FGI incharge PRCs Yarkhoon & Turkoh Chitral) as follows:-

2. That you, while posted as incharge PRCs Yarkhoon & Turkoh Chitral committed the following irregularities:-.

The District Food Controller Chitral reported vide letters No.1615/2/1-FG dated 30-05-2016 and No.1620/Sher Ali FGI dated 30-05-2016 that during Physical verification of PRCs Yarkhoon & Turkoh carried out by Mr. Zafar Alam Riaz AFC & Riaz Ahmad FGI a quantity of 12971 (Jute & plastic) Bags 1173.362 M. Tons wheat valuing Rs.3,95,83,055/- have been short detected against Mr. Sher Ali FGI incharge PRCs Yarkhoon & Turkoh

- 3. By reasons of the above, you appear to be guilty of misconduct under rule-3 of the Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules 2011 which rendered you liable to all or any of the penalties specified in rule-4 of the rules ibid. The following enquiry committees are hereby constituted:-
 - 1) Mr. Abdul Jalil Assistant Director Food Malakand Division at Saidu Sharif Swat.
 - 2) Mr. Mr. Muhammad Jehangir Assistant Director Food Bannu Division Bannu.
- 4. Your written defence if any should reach the inquiry committee within the specified period, failing which it shall be presumed that you have no material in your defence and in that case exparte action shall be taken against you.

5 Please also intimate whether you desired to be heard in person.

A statement of allegation is enclosed.

DIRECTOR FOOD, KHYBER PAKHTUN KHWA, PESHAWAR



OFFICE OF THE ASSISTANT DIRECTOR FOOD, MALAKAND DIVISION SWAT

No.370/

Dated 19th August 2016

To

The Director Food, Khyber Pakhtunkhwa Peshawar.

Subject:-

INQUIRY REPORT REGARDING THE CHARGE SHEET SERVED ON MR.SHER ALI EX-INCHARGE PRC TURKOH, YARKHOON AND BROGHIL.

I have the honour to refer to the subject noted above and to enclose herewith inquiry report along with its enclosures from page No.1 to 26 for further necessary action please.

(Abdul Jalil)
Assistant Director Food
Malakand Division

Pe proans

19 - 0

22-08-16

FAZ 846

- 1511/

INQUIRY REPORT REGARDING THE CHARGE SHEET SERVED ON MR.SHER ALI EX-INCHARGE PRC TURKOH, YARKHOON AND BROGHIL

Preamble

The DFC Chitral reported vide his letter NO.1615 /2/1-FG dated 30.05.2016 and No.1620/ Sher Ali FGI dated 30.05.2016 that during physical verification of PRC Yarkhoon and Turkoh carried out by Mr.Zafar Alam Riaz AFC and Mr.Riaz Ahmed FGI, a quantity of 12,971 (Jute & PP Bags) = 1,173.363 m.tons valuing Rs.39,583,055/- has been short detected against Mr. Sher Ali FGI Yarkhoon and Turkoh. To probe the matter, an inquiry committee was constituted vide Director Food letter No.3265/PF-1037 dated 10.06.2016. However later on vide letter No.3711/PF Sher Ali FGI dated 01.07.2016, Mr. Askar Khan Deputy Secretary Food was appointed as inquiry officer to submit his report viz a viz the above allegations against Mr. Sher Ali FGI. The above referred letter was withdrawn and vides letter No.3872-73/PF-557 date 19.07.2016, the committee was asked to finalize his report within 30 days. However as per DFC Chitral letter No.1821/Sher Ali dated 13.06.2016 a further quantity of 712 bags, allegedly misappropriated by Mr. Sher Ali FGI in PRC Broghil in addition to the above stated allegation at PRC Yarkhoon and Turkoh, was also included in the charge sheet.

Proceedings:

The committee immediately called Mr. Sher Ali FGI through DFC Chitral on 22nd July 2016 along with the relevant record. The DFC Chitral, Head Clerk office of the DFC Chitral and Mr. Sher Ali FGI visited Food Directorate on 25.07.2016 and met the committee members. The DFC Chitral presented physical verification report, handing over and taking over charge report of Mr. Sher Ali, Mr. Hadi Shah FGS and Mr. Sher Ayub FGS duly verified by Mr. Zafar Alam AFC and DFC Chitral Mr. Fazle Bari photocopies of the charge reports are filed at page No.24 to 26 of the file. Mr. Sher Ali FGI appeared before the committee and submitted a lengthy statement which is filed at page No.1 to 11. The statement was thoroughly examined by the committee which was not supported by any documentary evidence. On inquiry the same, he stated that he has material proofs in respect of his statement with him and will hand over the same to the committee on its visit to Chitral. The DFC Chitral submitted an affidavit taken from Mr. Sher Ali on judicial stamp paper wherein he admitted the wheat shortage.1173.362 m.tons wheat along with 12,971 (Jute & PP Bags) and has pledged that he will deposit the cost Rs.39,583,055/- in to the Govt treasury till 31st December 2016. The photocopy of the undertaking is placed on page No. 12 of the file. The DFC Chitral also submitted the handing and taking over charge report and physical verification report of PRCs Turkoh, Yarkhoon and Broghal duly signed by Mr. Sher Ali and countersigned by DFC and AFC sub division Mastuj.

Keeping in view the admittance viz a viz the under taking on judicial stamp paper by Mr. Sher Ali, the committee submitted an interim report vide No. Nil dated 25th July 2016 to Director Food. A schedule of physical verification of all the PRCs along with connected sale points was finalized and the committee members were part and parcel of physical verification team.

To finalize the inquiry report an opportunity was at hand to visit PRCs Turko, Yarkhoon and Broghil. The committee visited Chitral from 31st July to 12th August 2016 and visited PRC Turko, Yarkhoon along with its sale points and physically checked the record of the godown and the wheat stocks. Keeping in view the statement of Mr. Sher Ali FGI, the committee members studied the environment, the terrain, the condition of godowns were examined viz a viz the claims / allegations of Mr. Sher Ali. Mr. Sher Ali was called to the office of DFC Chitral and a questionnaire was served upon him to which he replied. However most of his answer to the questionnaire were found baseless and time barred. No such complaint of Sher Ali was found in the record of DFC Office Chitral. He had neither written to the DFC regarding the work load upon his shoulders nor he ever refused the charge of one PRC over another but he has taken over the same when he was ordered to do so. As far as his claim regarding the Kacha Godowns, eating of wheat by rats and ants and other insects, far-flung areas and its visit by him without official vehicle, TA, DA's, special hard areas allowance etc. and other petty nature complaints regarding sale points and its owners, shortage of Chowkidars, the same are justified. No official vehicle has been provided to either Mr. Sher Ali or AFC Sub Division Mastooj or any monetary provision in this regard. Regular inspections of an area approximately 4,000 Sq kilometres over kacha narrow roads and non availability of public transport is a cumber some job. The concept of public transport, as available in the down districts, has nowhere in his jurisdiction. It is not humanly possible to supervise 3 PRCs and 26 sale points simultaneously on daily basis. To collect and deposit the sale proceed in a bank or treasury, as no such facility is available in his jurisdiction, is also very difficult. That is why the FGS keeps the sale proceeds in shape of cash with themselves and often misappropriate the same on one pretext or the other.

Mr. Arshid Hussain AFC Headquarter Chitral was asked to submit his statement as he remained AFC sub division Mastooj during the maximum period of posting of Mr. Sher Ali Incharge PRC Turko, Yarkhoon and Broghal. He submitted his statement which is filed at page No.13 of the file. Accordingly he was served upon a questionnaire which is also filed at page No.14 to 15. His answers narrate the same stories referred to in the above paragraphs and the statement of Mr. Sher Ali FGI. His statement and questionnaire is self explanatory.

Mr.Sher Fayyaz DFC Chitral was asked to submit a written statement viz a viz the shortage detected against Mr. Sher Ali FGI. He submitted his written statement which is filed at Page No.15 to 21 of the file. Accordingly a questionnaire was served upon him to which he replied the same are filed at page No.22 to 23 of the file. His statement and replies to the questionnaire are attached.

Findings

From the foregoing discussion and handing / taking over charge reports, physical verification and visits to the area and facts in hand, it is crystal clear that a quantity of 326.354 M.tons wheat in 3,816 bags are short as evident from the charge report between Sher Ayub and Mr. Sher Ali in PRC Turkoh / Shagram on 20.07.2016. A quantity of 922.269 m.tons in 9,633 bags are short as is evident from handing and taking over charge between Hadi Shah and Sher Ali on 19th July 2016 in respect of PRC Yarkhoon and a further quantity of 340.670 m.tons in 337 bags is short in PRC Broghal as is evident from the charge report between Hadi Shah and Sher Ali on 19th July 2016.

Therefore, a total quantity of 1,282.690 m.tons wheat in 13,786 bags is found short for which Mr. Sher Ali is responsible. Therefore departmental action under E&D Rules 2011 may be initiated against the accused Mr. Sher Ali FGI.

Detail is given below:-

S.No	Name of PRC	Quantity found short				Total	
		Jute Bags	Weight in M.tons	PP bags	Weight in M.tons	Jute + PP Bags	Weight in M.tons
1	Torkoh	2,704	269.272	1,112	57.082	3,816	326.354
2	Yarkhoon	7,866	833.343	1,767	88.926	9,633	922.269
3	Broghil	337	34.067	-	-	337	34.067
	Total	10,907	1,136.682	2,879	146.008	13,786	1,282.690

Note:- Charge reports of the above PRCs are enclosed on pages 23 to 25 for ready reference.

Recommendations

The case of shortage of the above mentioned quantity of wheat for recovery from Mr. Sher Ali FGI may be forwarded to Anticorruption Establishment or any other agency. Besides, departmental action as required under the E&D Rules 2011 may also be initiated against him as he is guilty within the meaning of Rule-3 of the ibid Rules please.

(Muhammad Jehangir)

Assistant Director Food, Kohat Division. (Abdul Jalil)
Assistant Director Food,

Malakand Division.

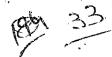
<u>Director Food</u> Khyber Pakhtunkhwa

taquiry Pepon (Chimi)-18 08,2016 (ADF Kolen)



FOOD DIRECTORATE KHYBER PAKHTUNKHWA,,

No 16/14 PF-1037 Dated Peshawar the 26/8/2016



SHOW CAUSE NOTICE

I, Mr. Asmatullah Khan Gandapur Director Food Khyber Pakhtunkhwa, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve Mr. Sher Ali Foodgrain Inspector Office of District Food Controller, Chitral as follows:

- i) That consequent upon the completion of inquiry conducted against you by the inquiry officer, for which you were given an opportunity of hearing, and
- ii) On going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer;
- 2 I am satisfied that you have committed the following acts/ omissions liable under Rule-3 of the said rules
 - a. The Enquiry Committee has pointed out that total 13499 (Jute+ PP) bags containing 1,250.730 M. Tons of wheat were short detected at PRCs Turkoh, Yarkhoon & Broghal which were under your possession/supervision for which you are responsible:
- As a result thereof, I, as competent authority, have tentatively decided to impose upon you the **penalty of Dismissal from Service** under Rule-4 of said rules, as well as recovery of the cost of wheat from you.
- You are, therefore, required through this Show Cause Notice to explain as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- If no reply to this notice is received with in seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

A copy of the findings of the Inquiry Officer is enclosed.

DIRECTOR FOOD

KHYBER PAKHTUNKHWA,

PESHAWAR

26 -08-16.

Endorsement No. & Date Even

Copy is forwarded to ,

- 1) The Assistant Director Food Malakand Division at Saidu Sharif Swat.
- 2) The District Food Controller Chitral.
- 3) Mr. Sher Ali FGI Chitral.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, __EESHAWAR

26-08-16

Show Cause Notice 1:80 Rules Sher Ali FGF dated 24-08-2016 due

Ammer-D

FOOD DIRECTORATE KHYBER PAKHTUNKHWA, PESHAWAR

No <u>4891</u> /PF-1037 Dated <u>15</u> /09/2016



To,

Mr. Sher Ali FGI, Office of DFC Chitral

Subject:-Memo

SHOW CAUSE NOTICE / PERSONAL HEARING

Reference this Directorate letter No. 4614 / PF-1037 dated 26-08-2016, on the subject noted above.

- You were directed to appear before the competent authority for personal hearing on 09/09/2016 and submit reply to the Show Cause Notice vide Food Directorate letter No. 4800/PF-1037 dated 06-09-2016 as well as verbal information conveyed in this respect through Mr. Maqsud Ahmad Head Clerk Chitral, but you have failed to appear on the same date and time.
- You are therefore again directed to appear before the competent authority for personal hearing on 26/09/2016 and submit your reply to the Show Cause Notice to proceed further in the matter, failing which it shall be presumed that your have nothing to produce in your defense and as such the case will be decided in accordance with the Khyber Pakhtunkhwa Government Servants E&D Rules, 2011.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR

Endorsement No. & Date Even

Copy for information to:

- 1) The Assistant Director Food Malakand Division
- 2) The District Food Controller, Chitral.
- 3) Personal Files.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR. 15-09-16

use Notice -Personal Hearing Dinar Wali FGI dated 20-11-2014



FOOD DIRECTORATE KHYBER PAKHTUNKHWA,, PESHAWAR

No <u>4800</u>/PF-1037 Dated <u>06</u>/09/2016

To,

Mr. Sher Ali FGI, Office of DFC Chitral

Subject:-

SHOW CAUSE NOTICE / PERSONAL HEARING

Memo

Reference this Directorate letter No. 4614 / PF-1037 dated 26-08-2016, on the subject noted above.

You are directed to appear before the competent authority for personal hearing on 09/09/2016 along with reply to the Show Cause Notice to proceed further in the matter.

DIRECTOR FOOD

KHYBER PAKHTUNKHWA,

PESHAWAR. 05/09

Endorsement No. & Date Even

Copy for information to:

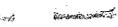
- 1) The Assistant Director Food Malakand Division
- 2) The District Food Controller, Chitral.
- 3) Personal Files.

DIRECTOR FOOD

KHYBER PAKHTUNKHWA

PESHAWAR OS OR





GOVERNMENT OF KHYBER PAKHTUNKHWA FOOD DEPARTMENT

No.SOF/F.D/2-26/Vol.VI/ 387/ Dated Pesh: the 26-07-2016

To

- 1. Secretary Finance Department, Khyber Pakhtunkhwa.
- 2. Secretary Law Department, Khyber Pakhtunkhwa.
- 3. Director Food, Khyber Pakhtunkhwa.
- 4. Assistant Director Food Malakand Division.
- 5. District Food Controller Dargai.
- 6. District Food Controller Chitral.

Subject:-

MINUTES OF PROVINCIAL FOOD COMMITTEE MEETING.

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of minutes of the subject meeting held on 21st July, 2016 under the chairmanship of Minister for Food Khyber Pakhtunkhwa, for information/necessary action, please.

Encl: as above

61

Your's faithfully,

SECTION OFFICER (FOOD)

Endst: No & date even.

Copy of the above is forwarded for information to the:-

- 1. P.S to Minister for Food, Khyber Pakhtunkhwa.
- 2. P.S to Secretary Food Khyber Pakhtunkhwa.
- 3. P.A to Deputy Secretary Food Department.
- 4. Deputy Director (F&I), Food Directorate, Peshawar.
 - 5. Deputy Director (Accounts), Food Directorate, Peshawar.

DF (S) more much concernation.

17 A



FOOD DEPARTMENT, KHYBER PAKHTUNKHWA, PESHAWAR

MINUTES OF THE MEETING DATED 21.07.2016

In order to deliberate upon the agenda points: Outstanding dues of PASSCO; Procurement Issues, 2016; Shortages in wheat storages at Malakand / Chitral Districts, Appointment of locals against the vacant posts of Food-grains Supervisors at Chitral & Reduction in transportation charges in lieu of decrease in the POL prices, a meeting of the Provincial Food Committee was held on 21st July 2016 at 11:00 a.m under the chairmanship of Minister for Food Khyber Pakhtunkhwa in his office. List of the participants is attached overleaf (Annex-I). After due deliberations, the following decisions were taken:-

1. Outstanding dues of PASSCO:

The meeting was told that during the period 2009-10, Food Department Khyber Pakhtunkhwa purchased wheat from PASSCO. However, outstanding dues of the latter on this account to the tune of Rs.142, 831,570 were withheld due to an audit objection of alleged overpayments amounting to Rs.364.867 millions made to PASSCO by the Food Department KPK; followed by the PAC's decision duly adopted by the Provincial Assembly. Conversely, due to non-payment of its dues, notwithstanding no provision in the MOU so inked, PASSCO, *inter alia*, claimed mark up of Rs.617.639 million on the plea of being borrowing loans from the banks for running its affairs.

The Chair recalled that he coupled with his team made individual as well as collective hectic efforts, which ultimately resulted in the unprecedented review by PAC of its earlier decision. Accordingly, PASSCO's actual outstanding dues (Rs.142, 831,570) could now be liquidated by the Food Department Khyber Pakhtunkhwa and that the issue between the parities might stand settled without any further mutual dissention.

DG PASSCO expressed that, in the first instance, Food Department Khyber Pakhtunkhwa may pay the principal outstanding amount as the issue of mark up was subject to approval of the BODs of the PASSCO / competent authority. He, however, manifested his principle agreement for settlement of the instant issue once and for all, after the actual outstanding dues are paid by the Food Department Khyber Pakhtunkhwa.

Decision:

Food Department Khyber Pakhtunkhwa shall pay Rs. 142,831,570 to PASSCO as per reconciled statement & DG PASSCO shall get the issue of mark up settled at his own level.

2. Procurement Issues, 2016:

It was elaborated that the Federal Government had set a target of 350,000 metric tons of wheat for Khyber Pakhtunkhwa for the year 2016 out of which only 73,000 metric tons of wheat could be procured till date. The total existing wheat stock in the Province is 135,000 metric ton and that the shortfall of 215,000 metric tons shall have to be met as yet. It was due to escalation of rate of wheat in the open market that the procurement drive in the province has come to a standstill, which could be attributed to various factors: reduction in the wheat crop yield; transportation of wheat from Punjab to Karachi, its reported onwards smuggling to India due to wheat shortage there & hoardings by the dealers from Punjab etc.

In a recent meeting at the Directorate level, the Divisional Assistant Directors Food suggested grant of incentives in the shape subsidy to the growers in transportation charges on the analogy of the year 2014, otherwise, purchases from PASSCO shall have to be made to stabilize the rates of wheat atta in the market during the lean period (September 2016 to April 2017) and to maintain strategic reserves for the rainy days.

It was also pointed out that rates of wheat are fixed by the Federal Government as such subsidy cannot be extended to this effect. Alternately, the growers could be compensated / subsidized for the transportation charges they bear, which will be economical as compared to the incidental charges (Rs.1,000 approximately) to be paid to PASSCO per 100 KG bag.

Decision:

Food Department shall exercise all available options for ensuring stability in the market rates of wheat atta and food security in the province, particularly during the lean period (September 2016 to April 2017). The Committee proposed as under:

- a) In the first instance, on the analogy of 2014, the Competent Authority may allow the Food Department to compensate the growers in lieu of transportation charges as follows:
 - i. A flat subsidy of Rs.40 per 100 KG bag of wheat for D.I.Khan Division (in 2014 it was Rs. 50)
 - ii. A flat subsidy of Rs.100 per 100 KG bag of wheat for the rest of Khyber Pakhtunkhwa (in 2014 it was Rs. 125).
- Department may purchase remaining quantity of wheat from PASSCO for replenishing its godowns up to total required quantity of wheat reserves of 350,000 metric tons, as last year about 300,000 metric tons of wheat was issued to the Flour Mills during the lean period for grinding, while 50,000 metric tons of wheat shall be kept as strategic reserves for meeting un-foreseen emergencies.

ADF (S).