

**Service Appeal No.07/2022**

1. Mr. Muhammad Zafar Tahirkheli, Advocate for appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement of today containing 09 pages, in connected Service Appeal No. 06/2022, titled "Muhammad Ashfaq Vs. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and others", the appeal in hand is allowed. Impugned order dated 08.09.2021 is set aside and the appellant is reinstated in service with all back benefits including salary and allowances and other benefits of service. Parties are left to bear their own costs. Consign.

*03. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 29<sup>th</sup> day of September, 2022.*

  
(FAREEHA PAUL)  
Member(E)

  
(ROZINA REHMAN)  
Member (J)

23<sup>rd</sup> June, 2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

Respondents have not submitted written reply/comments. Learned AAG seeks time for submission of written reply/comments. To come up for written reply/comments on 16.08.2022 before S.B.

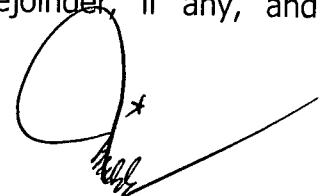


**(Kalim Arshad Khan)**  
**Chairman**

16.08.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Asif Ali Shah, Deputy Director for the respondents present.

Reply/comments on behalf of respondents submitted which are placed on file. Copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, and arguments on 29.09.2022 before D.B.



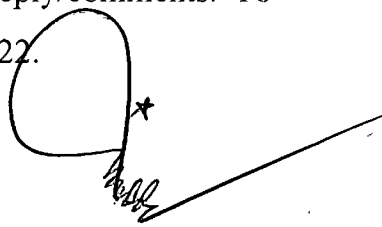
**(Mian Muhammad)**  
**Member (E)**

17.05.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contended that the appellant was working as Assistant Food Controller (BS-16) since 07.08.2015. He was proceeded against departmentally under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and awarded major penalty of removal from service vide impugned order dated 08.09.2021. The appellant preferred departmental appeal against the impugned order on 04.10.2021 which was not responded/decided within the stipulated statutory period whereafter the Service Tribunal was approached through the instant service appeal on 05.01.2022. It was further argued that certain observations had been raised on the report of inquiry committee therefore fresh Show Cause Notice should have been issued to the appellant to which he would have responded accordingly. Legally and technically the then Director Food to whom correspondence with regard to the alleged lapses, had been addressed, was made member of the inquiry committee. He was therefore, not appropriate to have been made as judge in his own cause. Additionally, it was a joint inquiry but the appropriate and responsible officials like Mr. Ibrahim Assistant Director Food and Nazir Ali Assistant STO Section who had been assigned the duty to check, weight, quality of dispatched to wheat as per standard in the allocation order and MOU, were not proceeded against and only the appellant was made an easy scapegoat negating fair chance of trial/proceedings to him.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 23.06.2022.

  
(Mian Muhammad)  
Member(E)

*Rs 500/-  
Appellant Deposited  
Security & Process Fee  
A. J. J. J.  
17/5/22*

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 07 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/01/2022	<p>The appeal of Mr. Muhammad Azam Khan presented today by Mr. Mohammad Zafar Tahirkheli Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR 5/01/2022</p> <p>2-</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>21/02/22</u></p> <p style="text-align: right;">CHAIRMAN</p> <p>21.02.2022</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.</p> <p style="text-align: right;">Reader.</p>

**BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA**  
**PESHAWAR**

Service Appeal No. 07/2022  
ES / 2022

Muhammad Azam Khan

**V**ERSUS

Govt of Khyber Pakhtunkhwa etc.

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**I N D E X**

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S.No	Particulars	Annexure	Dates	Pages
1	Memo of Petition			1-5
2	Order	"A"	08-09-2021	6
3	Departmental Appeal	"B"	04-10-2021	7-10
3	Appointment Order	"C"	07-08-2015	11-12
4	Notification	"D"	18-03-2020	13
5	Charge Sheet	"D1"	-	14
6	Statement of Allegation	"D2"	-	15
7	Notification	"D3"	10-04-2020	16
8	Inquiry Report	"E"	-	17-19
9	Show Cause Notice	"E1"	-	20
10	Reply to Show cause	"E2"		21-22
11	Letter	"E3"	14-12-2020	23
12	Letter	"F"	08-04-2021	24-25
13	Letter	"F1"	05-07-2021	26-31
14	Letter	"G"	27-11-2019	32-34
15	Agreement	"H"	04-11-2019	35-40
16	Letters	"I" & "I1"	10-12-2019	41-42
17	Letters	"J" to "J4"	25-12-2019	43-47
			26-12-2019	
			11-12-2019	
18	Letters	"K" & "K1"	04-11-2019	48-49
			11-12-2019	
19	Letter	"L"	27-12-2019	50
20	Inquiry Report	"M"	03-02-2020	51-52
21	Letter	"N"	05-07-2021	53-58
22	Vakalatnama			59

Date:- 05-01-2022

(Muhammad Zafar Tahirkheli)  
Advocate,  
High Court Peshawar

(Ansar Ullah Khan)  
Advocate

1

**BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_/2022

Muhammad Azam Khan,  
Ex-Assistant Food Controller (BS-16) Buner,  
(Presently) House No. A-40, street No. 02, Alharam city,  
Chakri road, Rawalpindi.

..... Appellant

**Versus**

1. Chief Secretary,  
Government of Khyber Pakhtunkhwa, Peshawar.
2. Secretary Food Department, Government of KPK, Peshawar.
3. Director Food Department / Directorate, Government of KPK, near Haji Camp Adda,  
GT road Peshawar, Peshawar.

..... Respondents

=====  
**SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974,  
AGAINST THE ORDER DATED 08-09-2021 (ANNEX-A), WHEREBY THE  
PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED UPON THE  
APPELLANT AND HIS DEPARTMENTAL APPEAL DATED 04-10-2021  
(ANNEX-B) WAS NOT DECIDED WITHIN THE STATUTORY PERIOD OF  
LIMITATION**  
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**"Prayer"**

- (a) By accepting this appeal and setting aside the impugned order dated 08-09-2021 and reinstating the appellant in service with all the benefits of service due.
- (b) Any other relief deemed appropriate may also be allowed in addition to the relief claimed above.

**Respectfully Sheweth,**

1. That the appellant was selected and appointed as Assistant Food Controller (BPS-14) in the Food Department on 07<sup>th</sup> August, 2015 through KPPSC, which was later on upgraded to BPS-16. The appellant served at different places of posting during his service to the best of his abilities and satisfaction of his superiors.  
(Copies annexed marked "C")
2. That while serving as Assistant Food Controller at Buner, the appellant was suspended vide order dated 18-03-2020 and was served with charge sheet and statement of allegations, wherein the charges leveled against the appellant are as under;

**You did not report non-delivery of allocated government wheat at PRC Buner because of being in connivance with carriage contractor in with-holding the government wheat for ulterior motives.**

An inquiry Committee consisting of Mr. Zubair Ahmad Director Food Khyber Pakhtunkhwa and Mr. Shareef Hussain, Additional Secretary Home Department was constituted to enquire the matter. (Copies annexed marked "D" to "D3")

- 2
3. That the Inquiry Committee submitted its report, wherein no allegation of any sort stood proved against the appellant, however the appellant was served with show cause notice, to which he submitted his reply. The appellant was also provided with an opportunity to be heard in person, scheduled on 15-12-2020, vide letter dated 14-12-2020. **(Copies annexed marked "E" to "E3")**
  4. That in consequence of appellant's personal hearing, the worthy special Secretary remitted the case back to the Inquiry Committee with certain observations communicated vide letter dated 08-04-2021. The Inquiry Committee submitted their findings with reference to objections raised by the competent authority vide letter dated 05-07-2021. **(Copies annexed marked "F" & "F1")**
  5. The worthy authority in complete disregard to the findings of the Inquiry committee instead of recalling the disciplinary proceedings against the appellant, or serving the appellant with the 2<sup>nd</sup> show cause notice in view of the fresh findings of the Inquiry committee, passed the impugned "Removal from Service" order dated 08-09-2021. **(Annexed "A")**
  6. The appellant submitted his departmental appeal dated 04-10-2021 before the worthy authority, which was not decided till the lapse of statutory period of limitation. **(Annexed "B")**
  7. Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Services Tribunal for the redress of his grievance, inter-alia on the following:

### Grounds

- a. That the respondent department has acted in a most arbitrary manner while issuing the impugned removal from service order, in-spite of the fact that he came out clean in his departmental inquiry initiated by the respondent department, which needs to be set right by this Hon'ble tribunal.
- b. That 4000 Matric tons of PASSCO wheat was allocated to district Buner, which was to be supplied through a Government Carriage Contractor, known as Ms. Javid & Co. The contractor was directed by the Director Food Khyber Pakhtunkhwa vide letter dated 27-11-2019 to lift 4000 Matric tons of FAQ wheat from 6 dispatching centers of PASSCO from Punjab within stipulated period of 15 days and supply it to PRC district Buner. **(Copy annexed "G")**
- c. That an agreement dated 04-11-2019 for supply of wheat was also signed between Director Food and Contractor Ms. Javid & Co. Carriage Contractor Batkhela, district Malakand.  

The contractor was bound to deliver the entire allocation within the stipulated time expiring on 11-12-2019. In case of violation of terms and conditions of agreement, the procedure and penalties have been provided in clause 6.3 and 7 of the said agreement. **(Copy annexed "H")**
- d. The contractor Ms. Javid & Co. only supplied 380.088 M.Tons quantity of PASSCO wheat at Buner. The appellant being AFC Buner reported the matter about non-delivery of wheat from Bahawalnagar zone to the District Food Controller Buner vide letter dated 10-12-2019.

The DFC as a result served the Contractor with a letter dated 10-12-2019 to dispatch and deliver the remaining wheat to PRC Buner within the stipulated time. **(Copies annexed "I" & "I-1")**

- e. That vide similar letters dated 25-12-2019 and 26-12-2019 addressed to DFC Buner, the appellant duly reported the non-delivery of wheat from Ali Pur and Multan zone to Buner.

Resultantly, the DFC addressed 02 letters to Director Food Khyber Pakhtunkhwa vide No. 632 and 649 dated 11-12-2019 and 26-12-2019 respectively, where in the authority was categorically informed that the Carriage Contractor for supply of PASSCO wheat from Punjab to PRC Buner has failed to deliver the wheat within the stipulated time of 15 days expiring on 11-12-2019.

**(Copies annexed "J" to "J4")**

- f. Needless to mention that the Director Food Khyber Pakhtunkhwa also vide letter No. 3942 dated 04-12-2019 & No. 4082 dated 11-12-2019 had addressed Ms. Javid & Co. about their slow lifting and delivery of wheat and directing them to complete the supply within the stipulated period expiring on 11-12-2019.

These letters addressed to the company Ms. Javid & Co. carriage Contractor are testament to the fact that the Director Food KPK was duly informed by the DFC Buner well within time about the slow lifting and supply of the PASSCO wheat.

**(Copies annexed "K" & "K1")**

- g. That in-spite of being informed by the DFC through appellant well before time about failure of the carriage Contractor, the Director Food KPK vide office order dated 27-12-2019 appointed Mr. Muhammad Iqbal, Divisional Assistant Director Food Malakand to conduct inquiry in respect of wheat dispatches from Multan and Ali Pur zones to Provisional Reserve Center Buner and to fix responsibility viz-a-viz.

**(Copies annexed "L")**

- h. The Inquiry Officer submitted the following recommendations in view of his findings dated 03-02-2020;

- a) **The carriage contractor Ms. Javid & Co. should be proceeded against as per provision of the contract agreement. The firm Ms. Javid & Co, directors and management of the company in any other firm or Company may not be considered for future tendering process.**
- b) **The District Food Controller Buner Mr. Ashfaq and Assistant Food Controller Mr. Azam Khan have shown negligence and inefficiency in performance of their duties, therefore, they may be proceeded against as per E&D Rules 2011.**

**(Muhammad Iqbal)**  
Inquiry Officer,  
Assistant Director Food,  
Malakand Division.

**(Copy annexed "M")**

- i. That resultantly, the appellant was suspended vide order dated 18-03-2020 and was served with charge sheet and statement of allegations, as under;

**You did not report non-delivery of allocated government wheat at PRC Buner because of being in connivance with carriage contractor in with-holding the government wheat for ulterior motives.**

An inquiry Committee consisting of Mr. Zubair Ahmad Director Food Khyber Pakhtunkhwa and Mr. Shareef Hussain, Additional Secretary Home Department was constituted to enquire the matter. **(Annex "D" to "D3")**



- j. The inquiry committee submitted its report to the competent authority, wherein the committee arrived at 04 different conclusions stated in para "a" to "d". It is worth mentioning that no allegation regarding any offense was neither discussed nor proved against the Assistant Food Controller by the enquiry committee. (Annex "E")
- k. That astonishingly, in spite of the fact that no conclusion in respect of lapse on the part of the AFC Buner was drawn by the worthy committee, the appellant was served with show cause notice dated 23-07-2020. The appellant submitted his reply to the show cause and was served with letter dated 14-12-2020, wherein he was provided with an opportunity to be heard in person and directed to attend the officer Special Secretary Establishment on 15-12-2020. (Annex "E1" to "E3")
- l. That while finding the Inquiry Report inconclusive, the worthy Special Secretary remitted the case back to the inquiry committee with the observations that;

**"The assistant Director in question is the same person who was entrusted with the inquiry on 27-12-2019, and who reported "as per record, whole quantity of 4000 tons has been received at PRC, Buner and taken on stock register accordingly. No financial loss occurred to the exchequer". This aspect of the matter also needs a scrutiny by the Inquiry Committee."**  
(Annex "F" & "F1")

- m. That the enquiry Committee submitted its findings with reference to objections raised by the competent authority vide letter dated 05-07-2021.

The revised enquiry report clearly states in para "iii" column 3 that,

**"The enquiry committee has found the contents of report, submitted by AFC to DFC, correct, therefore has not disputed it. The fact that why he submitted the report on plain paper, is explained by the AFC".**

(Copy annexed "N")

- n. The worthy authority in complete disregard to the findings of the enquiry committee instead of recalling the disciplinary proceedings against the appellant or serving the appellant with the 2<sup>nd</sup> show cause notice in view of the fresh findings of the enquiry committee, passed the impugned "Removal from Service" order dated 08-09-2021. (Annex "A")
- o. The impugned order of removal from service cannot be justified under any circumstances as there is no findings or recommendations against the appellant, made by the Inquiry Committee.

In absence of any direct evidence, the appellant has been vexed without any lawful or factual justification, subject to rectification by this Hon'ble Service Tribunal.

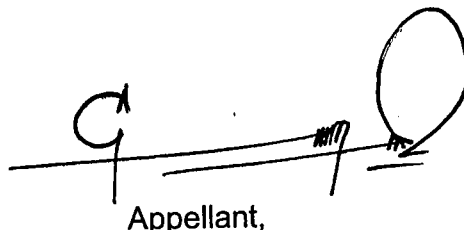
- p. That above all, no loss of any sort has been incurred upon the Government exchequer by the appellant. That the sole liability rests upon the Carriage Contractor Ms Javid and Co, wherein a huge sum is lying with government in the shape of securities and unpaid bills. The appellant has been subjected to harsh punishment for no crime committed either intentionally or inadvertently on his part.

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q. The impugned action is thus arbitrary, discriminatory, against the principles of equity, justice, law and propriety, subject to correction by this worthy appellate Service Tribunal.

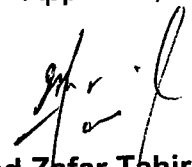
In view of the above, it is humbly requested that,

- a. By accepting this appeal the impugned order dated 08-09-2021 may kindly be set aside and the appellant may be reinstated in service with all the consequential benefits.
- b. Any other relief deemed appropriate may also be allowed in addition to the relief claimed above.



Appellant,

Through,



(Muhammad Zafar Tahirkheli)  
Advocate

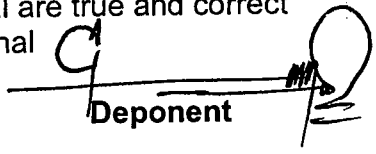


(Ansar Ullah Khan)  
Advocate

Peshawar, dated  
03-01-2022

**Affidavit:**

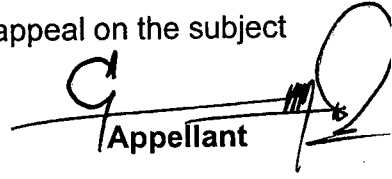
I the appellant state on oath that contents of the above appeal are true and correct and nothing has been concealed or withheld from this Hon'ble Tribunal



Deponent

**Certificate:**

Certified that no other appeal has been filed prior to instant appeal on the subject matter before.



Appellant

**ATTESTED**  
Gul Daraz Khan  
Oath Commissioner  
Peshawar  
04/01/2022

⑥

ANNEXURE A



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

Dated Peshawar, the 8<sup>th</sup> September, 2021.

091-9225373

fooddepartmentkpk@gmail.com

foodsecretari

@fooddepartmentkpk

**OFFICE ORDER**

**NO.SOG/Food Deptt /8-1/2020/19887/** Whereas, disciplinary proceedings under the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline), 2011, were initiated against Mr. Muhammad Azam, Ex-Assistant Food Controller (BS-16), Buner, on account of non-reporting of the undelivered government allocated wheat at the Provincial Reserve Center, Buner, because of being in connivance with the carriage contractor in illicit sale of the said wheat, And, whereas, upon submission of the Inquiry Report, the major penalty of "Removal from Service" was tentatively imposed upon the accused officer.

2. Now therefore, upon affording Mr. Muhammad Azam, Ex- Assistant Food Controller (BS-16), Buner, an opportunity of personal hearing, the tentatively imposed penalty of "Removal from Service" is hereby confirmed.

CHIEF SECRETARY

GOVT: OF KHYBER PAKHTUNKHWA

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

**Copy for information and necessary action to the:**

1. Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa.
3. Director Food Khyber Pakhtunkhwa, Peshawar.
4. Mr. Muhammad Azam, Ex-Assistant Food Controller (BS-16), Buner.

**TRUE COPY**

(MURAD AHMAD HOTI)  
SECTION OFFICER (GENERAL)

7

ANNEXURE B

To,

The Hon'ble Chief Secretary,  
Khyber Pakhtunkhwa, Peshawar.

**Subject: DEPARTMENTAL APPEAL / REVIEW /  
REPRESENTATION AGAINST THE IMPUGNED  
ORDER DATED 08-09-2021, WHEREBY THE  
PENALTY OF "REMOVAL FROM SERVICE" WAS  
IMPOSED UPON THE APPELLANT.**

**Respectfully Sheweth:**

Muhammad Azam Khan, Ex-Assistant Food Controller (BS-16) Buner, the appellant, submits most respectfully, the following for your kind consideration and favour of acceptance.

**On Facts:**

1. That 4000 Metric tons of PASSCO wheat was allocated to district Buner, which was to be supplied through a Government Carriage Contractor, known as Ms. Javid & Co. The contractor was directed by the Director Food Khyber Pakhtunkhwa vide letter dated 27-11-2019 to lift 4000 Metric tons of FAQ wheat from 6 dispatching centers of PASSCO from Punjab within stipulated period of 15 days and supply it to PRC district Buner.
2. An agreement dated 04-11-2019 to that effect was also signed between Director Food and Contractor Ms. Javid & Co. Carriage Contractor Batkhela, district Malakand.

The contractor was bound to deliver the entire location within the stipulated time expiring on 11-12-2019. In case of violation of terms and conditions of agreement, the procedure and penalties have been provided in clause 6.3 and 7 of the said agreement.

3. The contractor Ms. Javid & Co. only supplied 380.088 M.Tons quantity of PASSCO wheat at Buner. The appellant being AFC Buner reported the matter about non-delivery of wheat from Bahawalnagar zone to the District Food Controller Buner vide letter dated 10-12-2019.

The DFC as a result served the Contractor with a letter dated 10-12-2019 to dispatch and deliver the remaining wheat to PRC Buner within the stipulated time.

4. That Similarly, vide letter dated 25-12-2019 and 26-12-2019 addressed to DFC Buner, the appellant reported the non-delivery of wheat from Ali pur and Multan zone to Buner.

Resultantly, the DFC addressed 02 letters to Director Food Khyber Pakhtunkhwa vide No. 632 and 649 dated 11-12-2019 and 26-12-2019 respectively, where in the authority was categorically informed that the Carriage Contractor for supply of PASSCO wheat from Punjab to PRC Buner has failed to deliver the wheat within the stipulated time of 15 days expiring on 11-12-2019.

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5. Needless to mention that the Director Food Khyber Pakhtunkhwa also vide letter No. 3942 dated 04-12-2019 & No. 4082 dated 11-12-2019 had addressed Ms. Javid & Co. about their slow lifting and delivery of wheat and directing them to complete the supply within the stipulated period expiring on 11-12-2019.

These letters addressed to the company Ms. Javid & Co. carriage Contractor are testament to the fact that the Director Food KPK was duly informed by the DFC Buner well within time about the slow lifting and supply of the PASSCO wheat.

6. In spite of being informed by the DFC through appellant well before time, about failure of the carriage Contractor, the Director Food KPK vide office order dated 27-12-2019 appointed Mr. Muhammad Iqbal, Divisional Assistant Director Food Malakand to conduct inquiry in respect of wheat dispatches from Multan and Ali pur zones to Provisional Reserve Center Buner and to fix responsibility viz-a-viz.
7. The Inquiry Officer submitted the following recommendations in view of his findings dated 03-02-2020;

- a) **The carriage contractor Ms. Javid & Co. should be proceeded against as per provision of the contract agreement. The firm Ms. Javid & Co, directors and management of the company in any other firm or Company may not be considered for future tendering process.**
- b) **The District Food Controller Buner Mr. Ashfaq and Assistant Food Controller Mr. Azam Khan have shown negligence and inefficiency in performance of their duties, therefore, they may be proceeded against as per E&D Rules 2011.**


(Muhammad Iqbal)  
Inquiry Officer,  
Assistant Director Food,  
Malakand Division.

8. The appellant was suspended vide order dated 18-03-2020 and was served with charge sheet and statement of allegations, wherein the charges leveled against the appellant as under;

**You did not report non-delivery of allocated government wheat at PRC Buner because of being in connivance with carriage contractor in with-holding the government wheat for ulterior motives.**

An inquiry Committee consisting of Mr. Zubair Ahmad Director Food Khyber Pakhtunkhwa and Mr. Shareef Hussain, Additional Secretary Home Department was constituted to enquire the matter.

9. The inquiry committee submitted its report to the competent authority, wherein the committee arrived at 04 different conclusions stated in para "a" to "d". It is worth mentioning that no allegation regarding any offense was neither discussed nor proved against the Assistant Food Controller by the enquiry committee.

  
**TRUE COPY**

10. Astonishingly, in spite of the fact that no conclusion in respect of lapse on the part of the AFC Buner was drawn by the worthy committee, the appellant was served with show cause notice dated 23-07-2020. The appellant submitted his reply to the show cause and was served with letter dated 14-12-2020, wherein he was provided with an opportunity to be heard in person and directed to attend the officer Special Secretary Establishment on 15-12-2020.

11. The worthy Special Secretary remitted the case back to the inquiry committee with the observations that;

**"The assistant Director in question is the same person who was entrusted with the inquiry on 27-12-2019, and who reported "as per record, whole quantity of 4000 tons has been received at PRC, Buner and taken on stock register accordingly. No financial loss occurred to the exchequer". This aspect of the matter also needs a scrutiny by the Inquiry Committee."**

12. That the enquiry Committee submitted their findings with reference to objections raised by the competent authority vide letter dated 05-07-2021.

The revised enquiry report clearly states in para "iii" column 3 that,

**"The enquiry committee has found the contents of report, submitted by AFC to DFC, correct, therefore has not disputed it. The fact that why he submitted the report on plain paper, is explained by the AFC".**

13. The worthy authority in complete disregard to the findings of the enquiry committee instead of recalling the disciplinary proceedings against the appellant, without serving the appellant with the 2<sup>nd</sup> show cause notice in view of the fresh findings of the enquiry committee, passed the impugned "Removal from Service" order dated 08-09-2021.

14. That as discussed above the appellant not only brought the matter into the notice of the District Food Controller Buner well within time but the worthy DF KPK also acted upon the same while issuing separate letter to the carriage company.

15. The only allegation mentioned in charge sheet in statement of allegation was, "not reporting the non-delivery of allocation of government wheat at PRC Buner", which has been proved in favour of the appellant by the enquiry committee.

The communication / report about the non-delivery of government wheat at Buner by the appellant is not only indorsed by the enquiry committee but also acknowledged by the District Food Controller Buner.

The communication of letters by the appellant were however completely ignored by the worthy authority without any sound reasons. The allegation of connivance has not been proved through any solid, cogent evidence by the enquiry committee. There is absolutely nothing on record which would suggest connivance on the part of the appellant with the Carriage Company.

16. That ironically the Director Food Khyber Pakhtunkhwa who was in-fact a party to the whole proceedings was made one of the members of Inquiry Committee.

TRUE COPY

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It is well established principle of law that, no one can be a Judge in his own cause. The appointment of DF KPK as member inquiry committee had sealed the fate of the appellant before the commencement of the inquiry proceedings, which is not only illegal and unlawful but is liable to be rescinded as such.

17. Apart from what has been discussed above the matter of loading of wheat from collection points, its dispatch to different districts and delivery does not fall within the competence of Assistant Food Controller.

The DF KPK vide letters dated 29-11-2019 and 31-12-2019 addressed to GM field PASSCO Lahore had categorically mentioned that Mr. Ibrahim, Assistant Director Food (S), Food Directorate KPK No. 0333-5937759 and Niaz Ali, Assistant STO, Cell No. 0346-9711182 were responsible to report daily lifting position to the respective zones.

18. Both the officers responsible for monitoring the lifting, weight, quality of the dispatched wheat were neither charged nor proceeded against being the blue eye of the Directorate.

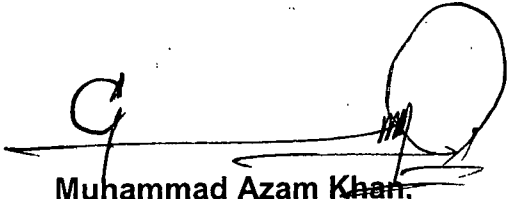
Muhammad Ibrahim had recorded his statement dated 11-03-2000 before the Anti-corruption Department, wherein he has frankly conceded to all the omissions regard to lifting carriage and delivery of PASSCO wheat. This omission on the part of the Directorate is not only arbitrary but also discriminatory, wherein the appellant has been specifically targeted.

19. The Carriage Company was responsible for supply of PASSCO wheat on or before 11-12-2019 and in the event of any failure or inability to transport and supply the wheat the Carriage Company was under liability in terms of clause 6.3 and 7 of the agreement of Food Department with the Carriage Company, wherein the mode of punishment and recovery has been specifically detailed.
20. The impugned action of removal from service is thus a very harsh action against the appellant, which is not only arbitrary, discriminatory but also against the principles of equity, law, justice, propriety and fairness, calling for interference by the august authority.

In view of the above, it is humbly submitted that by accepting this departmental appeal, the appellant humbly requests the Hon'ble competent authority may kindly be pleased to set aside the major penalty of removal from service awarded vide impugned order dated 08-09-2021, while exonerating the appellant of the charges leveled against him and reinstating him in service with all the benefits due.

04-10-  
Dated. 28-09-2021

TRUE COPY

  
Muhammad Azam Khan,  
Ex-Assistant Food  
Controller Buner,  
Cell No. 0313-9400755



(11)

**ANNEXURE C**  
**FOOD DIRECTORATE,**  
**KHYBER PAKHTUNKHWA**  
**PESHAWAR**  
 No. 3936 /AC-240-PSC-AFC-2015  
 Dated 27/08/2015

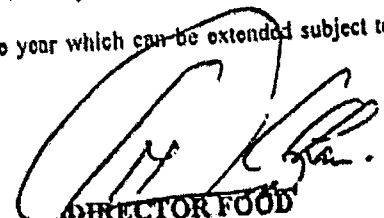
**APPOINTMENT ORDER**

Consequent upon the acceptance of appointment Offer bearing No. 3377/AC-240-PSC dated 26-06-2015, and in pursuance to the Government of Khyber Pakhtunkhwa, Establishment & Administration Department Circular letter bearing No. SOSR-III/FD/12-1/2005 dated 27-02-2013, on the recommendation of the Khyber Pakhtunkhwa Public Service Commission, the below mentioned recommendees are hereby appointed as Assistant Food Controller (BS-14) against temporary posts in Food Department Khyber Pakhtunkhwa on the terms and conditions laid down in their appointment offer referred to above..

S.No	Name with Father, Name/ Permanent Home Address newly AFCs	On appointment as AFC posted as
1.	Miss Uzma Kanwal D/O Tasnduq Hussain Shah R/O Kaghan colony, Rehman Street Al-Imran Gate, Mandian, Abbottabad	On appointment as Assistant Food Controller (BS-14), she is posted in the Office of DFC Mansehra against the vacant post of AFC with immediate effect.
2.	Mr. Zafar Alam Riza S/O Noor Gulab R/O Village Kuejinal Booni Tehsil Mastuj District Chitral.	On appointment as Assistant Food Controller (BS-14), he is posted in the office of DFC Chitral against the vacant post of AFC with immediate effect.
3.	Mr. Tusif Iqbal S/O Khurshid Iqbal R/O House No.5 Street No.1 Faisal Town Nasir Bagh Road Peshawar.	On appointment as Assistant Food Controller (BS-14), he is posted in Food Directorate, Peshawar against the vacant post of AFC with immediate effect.
4.	Mr. Muhammad Shakeel S/O Muhammad Siddique R/O C.B-56 PMA Kakul Road Abbottabad.	On appointment as Assistant Food Controller (BS-14), he is posted in the office of DFC Kohistan against the vacant post of AFC with immediate effect.
5.	Mr. Muhammad Azam Khan S/O Saeedur Rehman R/O House No.F-25 FG Colony Shami Road Peshawar.	On appointment as Assistant Food Controller (BS-14), he is posted in Food Directorate, Peshawar against the vacant post of AFC with immediate effect.
6.	Mr. Adnan Khan S/O Muhammad Yunas R/O Street No.8-B Hazrat Ali Hujra Malik Ilyas Pahari Puja Haji Camp Peshawar.	On appointment as Assistant Food Controller (BS-14), he is posted in Food Directorate, Peshawar against the vacant post of AFC with immediate effect.
7.	Mr. Hafeez ur Rehman S/O Abdul Hameed R/O Village Laghari Union Council Beshigram Tehsil Lal Qilla, District Lower Dir	On appointment as Assistant Food Controller (BS-14), he is posted in the office of Storage & Enforcement Officer PRC Peshawar against the vacant post of AFC with immediate effect.
8.	Mr. Zeshan Ali Shah S/O Mirsar Ali Shah R/O Kotka Naimat Shah Post Office Koli Sadat Surani Bannu	On appointment as Assistant Food Controller (BS-14), he is posted in Food Directorate, Peshawar against the vacant post of AFC with immediate effect.
9.	Mr. Shujaat Hussain Shah S/O Syed Zia-ud Din Shah R/O Village Bai Bala Post Office Chattar Plain Tehsil & District Mansehra.	On appointment as Assistant Food Controller (BS-14), he is posted in the office of DFC Battagram with immediate effect.
10.	Mr. Kashif ur Reman S/O Dr. Mumtaz Khan R/O House No.487/C Collage Street Bannu	On appointment as Assistant Food Controller (BS-14), he is posted in the office of DFC Bannu against the vacant post of AFC with immediate effect.

(The Serial Chronological Appointment Order will not confer any right of seniority Inter se-merit etc)

2. They shall be on probation for a period of one year which can be extended subject to their performance as per rules.

  
 DIRECTOR FOOD  
 KHYBER PAKHTUNKHWA,  
 PESHAWAR.

  
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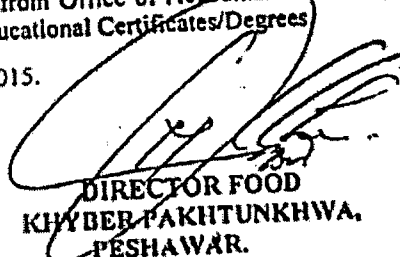
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Endorsement Even No & Dates

A copy is forwarded to:-

- 1 PS to Minister Food for information of the Minister Food Government of Khyber Pakhtunkhwa Peshawar.
- 2 PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa Peshawar.
- 3 The Accountant General Khyber Pakhtunkhwa Peshawar for information & necessary action.
- 4 The Director Recruitment Khyber Pakhtunkhwa Public Service Commission Peshawar for information with reference to his letters No. PSC/SR-I/081965, dated 04-06-2015 and No. PSC/SR-I/080729 dated 20-05-2015. He is requested to kindly furnish photo copies of Merit List of the recommendee to proceed further in the matter
- 5 The District Accounts Officers Mansehra, Battagram, Kohat, Bannu, Kohistan & Abbottabad for information & necessary action.
- 6 The Deputy Directors Food in Food Directorate, Khyber Pakhtunkhwa Peshawar.
- 7 The Section Officer Food Government of Khyber Pakhtunkhwa Food Department Peshawar for information with reference to his letters No. SOF/1-16/13/P-III/728 dated 26-05-2015 and No. SOF/1-16/13/P-II/806 dated 11-06-2015.
- 8 The concerned Assistant Directors Food at Divisional in Food Department Khyber Pakhtunkhwa.
- 9 The District Food Controllers Mansehra, Battagram, Kohat, Bannu, Kohistan & Abbottabad for information with the direction to activate the pay of newly appointed AFCs from Office of District Accounts Officer of the new appointee AFCs subject to verification of their Character/ Educational Certificates/Degrees and copies of verifications be furnished to Food Directorate Peshawar for record.
- 10 The Storage & Enforcement Officers PRC Peshawar for information with the direction to activate the pay of the new appointee AFC from Office of Accountant General Khyber Pakhtunkhwa subject to verification of their Character/ Educational Certificates/Degrees and copies of verifications be furnished to Food Directorate Peshawar for record.
- 11 The newly appointed as AFCs posted in Food Directorate Peshawar will work under supervision of Rationing Controller, Peshawar till further orders.
- 12 The Pay Bill Assistant Food Directorate, Khyber Pakhtunkhwa Peshawar for information with the direction to activate the pay of the new appointee AFCs from Office of Accountant General Khyber Pakhtunkhwa subject to verification of their Character/ Educational Certificates/Degrees
- 13 Officials concerned /Personal Files / AC-240-PSC-AFC-2015.

  
 DIRECTOR FOOD  
 KHYBER PAKHTUNKHWA,  
 PESHAWAR.

  
 TRUE COPY

(13)

ANNEXURE 1



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

Dated Peshawar the 18-03-2020

fooddepartmentkp@gmail.com @fooddepartmentkp @foodsecretariat

**NOTIFICATION**

**NO.SOG/Food/18-1/2019/ 67/10** : In order to conduct an inquiry into the embezzlement/ non delivery of wheat stock during dispatches from Multan and Ali Pur Zones to the Provincial Reserve Center, Buner and to fix responsibility, the Competent authority is pleased to place Mr. Muhammad Azam, Ex-Assistant Food Controller, Buner (now at Food Directorate, Peshawar) under suspension for a period of 90 days under Rule-06 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 with immediate effect.

Sd/-  
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

**Endst: No. and Date even.**

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. The Commissioner Malakand, Division at Saidu Sharif, Swat.
3. The Deputy Commissioner, Buner
4. Director Food Khyber Pakhtunkhwa.
5. PSO to to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Minister Food, Khyber Pakhtunkhwa.
7. PS to Secretary Food, Khyber Pakhtunkhwa.
8. Assistant Director Food, Malakand Division at Saidu Sharif, Swat.
9. District Food Controller, Buner.
10. Official concerned.
11. Personal file.

SECTION OFFICER (GENERAL)  
18/3/20

TRUE COPY

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(14)

**ANNEXURE D,**

CHARGE SHEET

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, hereby charge you, Mr. Muhammad Azam, Assistant Food Controller, Buner as follows:

2. That you, while posted as Assistant Food Controller Buner committed the following irregularities:-

**You did not report non-delivery of allocated government wheat at PRC Buner because of being in connivance with carriage contractor in with-holding the government wheat for ulterior motives.**

3. By reason of the above, you appear to be guilty of inefficiency and misconduct under rule 3 (a) (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the ibid rules.

4. Your written defense, if any, should reach the Inquiry Officer/Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

*Kazim Niaz*  
COMPETENT AUTHORITY

*A/*  
**TRUE COPY**

(15)

ANNEXURE D<sub>2</sub>

DISCIPLINARY ACTION

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Muhammad Azam, Assistant Food Controller, Buner rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

You did not report non-delivery of allocated government wheat at PRC Buner because of being in connivance with carriage contractor in with-holding the government wheat for ulterior motives.

2. For the purpose of inquiry against the said accused, with reference to the above allegations, an Inquiry Officer/Committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules.

- 3) Mr. Shadcef Hussain (PMS-19)
- 4) Mr. Zohair Ahmad Diratar Food (PMS-19)

3. The Inquiry Officer/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, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well-conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Committee.

  
COMPETENT AUTHORITY

  
**TRUE COPY**

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ANNEXURE D 3

Our faith, "Corruption free Pakistan"



GOVERNMENT OF KHYBER PAKHTUNKHWA  
DIRECTORATE OF FOOD,  
PESHAWAR

No: 1490 /PF-1249

Dated: 10<sup>th</sup> April, 2020

☎ 091-9225378 ✉ fooddirectoralekp@gmail.com 📺 @fooddirectoralekp 🐦 @fooddirectorate

To

- 1) Mr. Muhammad Ashfaq the then District Food Controller Buner (under suspension) now Food Directorate, Peshawar.
- 2) Mr. Muhammad Azam the then Assistant Food Controller Buner (under suspension) now Food Directorate, Peshawar

Subject: - JOINT DISCIPLINARY PROCEEDINGS AGAINST M/S MUHAMMAD ASHFAQ EX-DISTRICT FOOD CONTROLLER, BUNER AND MUHAMMAD AZAM ASSISTANT FOOD CONTROLLER, BUNER.

Memo:

Reference Section Officer General, Government of Khyber Pakhtunkhwa Food Department letter No. SOG/F-D/8-1/2016/6714 dated 19-03-2020 alongwith copies of Charge Sheets/ Statement of Allegations with other relevant documents are enclosed.

2 You are directed to appear before the Inquiry Officers /Enquiry Committee on 14<sup>th</sup> April, 2020 at 11:00 AM with your written statements / replies to the charge sheets/ statement of allegations for the purpose of finalization of Inquiry in due course of time.

DIRECTOR FOOD  
KHYBER PAKHTUNKHWA  
PESHAWAR

Endorsement No. & Date Even.

Copy forwarded to:-

- 1) The Commissioner Malakand Division at Saidu Sharif Swat.
- 2) Mr. Sharif Hussain, (PMS BS-19), (Member of Inquiry Committee)/ Additional Secretary, Home & Tribal Affairs Department Khyber Pakhtunkhwa Peshawar
- 3) The Deputy Commissioner, Buner
- 4) PSO to Chief Secretary Khyber Pakhtunkhwa.
- 5) The Section Officer General, Government of Khyber Pakhtunkhwa Peshawar with reference to his letter No. SOG/F-D/8-1/2016/6714 dated 19-03-2020 received to Directorate of Food on 03-04-2020.
- 6) PS to Minister Food, Khyber Pakhtunkhwa.
- 7) PS to Secretary Home, TAs Department, Khyber Pakhtunkhwa, Peshawar.
- 8) PS to Secretary Food Khyber Pakhtunkhwa.
- 9) The Assistant Director Food Malakand Division.
- 10) The District Food Controller, Buner with direction to provide all relevant record with your statements to the Inquiry Officers / Inquiry Committee as & when asked.
- 11) Concerned Personal files.

DIRECTOR FOOD  
KHYBER PAKHTUNKHWA  
PESHAWAR

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(17)

ANNEXURE E<sup>3</sup>

## ENQUIRY REPORT

Subject: JOINT DISCIPLINARY PROCEEDINGS AGAINST M/S MUHAMMAD ASHFAQ, EX-DISTRICT FOOD CONTROLLER, BUNER AND MUHAMMAD AZAM, ASSISTANT FOOD CONTROLLER, BUNER.

We both the undersigned were appointed as enquiry committee under rule 10 (1) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 vide Food Department letter No.SOG/F.D/8-1/2016/6714 dated 19-03-2020 to probe into the charges against Mr. Muhammad Ashfaq Ex-District Food Controller Buner and Mr. Muhammad Azam Ex-Assistant Food Controller Buner and submit inquiry report accordingly (**Annex-I**).

2. The following charges were leveled against the two officer/officials:-

**i. Mr. Muhammad Ashfaq DFC Buner (Annex-II)**

- a. The Carriage Contractor with his connivance with-held government wheat for ulterior motives for 38 days.
- b. He did not inform the Director Food, Khyber Pakhtunkhwa and Divisional Assistant Director Food, Malakand at Swat about non-delivery of government wheat.
- c. He issued notices to Carriage Contractor in back dates only to fulfill the formality and did not provide copies of the notices to Food Directorate, Peshawar and Divisional Assistant Director Food Malakand at Swat.

**ii. Mr. Muhammad Azam AFC Buner (Annex-III)**

"He did not report non-delivery of allocated government wheat at PRC Buner because of being in connivance with carriage contractor in with-holding the government wheat for ulterior motives."

3. In pursuance of the Food Department order both the alleged were asked to submit a written statement in their defense. Both of them submitted their statement which is available at (**Annex-IV & V**). On perusal of their statement, preliminary enquiry and other relevant documents, two questionnaires were prepared. They were called for personal hearing to office of the undersigned on 18-05-2020 and were asked to respond to each question honestly. The questionnaires alongwith their responses are available at (**Annex VI & VII**). In order to get further clarity on the issue, Mr. Muhammad Iqbal Assistant Director Food, Malakand Division (now retired) was also called for interview who did not give a written statement but stated that the preliminary enquiry report submitted by him may be considered as his statement (**Annex-VIII**). Furthermore, the enquiry report submitted by Commissioner Malakand and a joint report submitted by Director Food, Additional Deputy Commissioner Buner, Deputy Secretary Finance Department etc at (**Annex - IX & X**) was also perused.

*[Handwritten Signature]*  
TRUE COPY

(18)

**FINDINGS:**

4. From perusal of their statements, responses to their questionnaires and other relevant record we found that:-

- i. After perusal of the enquiry report of Commissioner Malakand (**Annex-IX**) and report of Director Food (**Annex-X**) it came to the fore that out of 4000 Metric Ton wheat allocated to Buner, only 1891.253 Metric Ton has been delivered to PRC Buner and the remaining 2108.747 Metric Ton has not been delivered. So there was not delay of 38 days in transportation of wheat but more than 50% of allocated wheat for District Buner has not at all reached/delivered to PRC Buner.
- ii. Although various letters of District Food Controller Buner addressed to the contractor and endorsed to Director Food Khyber Pakhtunkhwa and Assistant Director Food Malakand Division are attached to the statement of Mr. Muhammad Ashfaq District Food Controller (**Annex-II**) but its non receipt both in the offices of Director Food and Assistant Director Food in this era of modern communication is beyond understanding. When checked from the diary / dispatch section of the Directorate of Food, only three of the letters have reached the Directorate on 31-12-2019 (**Annex-XI**) quite later than the initiation of enquiry against them (which was initiated on 27-12-2019). It clearly shows that those letters were issued just to fulfill the formality and actually both the offices were not informed of the happening timely.
- iii. The Assistant Food Controller in his statement (**Annex-III**) has tried to prove that he has reported to District Food Controller the non-delivery of allocated quantity of wheat to PRC Buner and has attached few letters to his statement. But those are not proper letters, with no official letter head, Diary Dispatch No. and are just information reports on plain paper. When Assistant Food Controller was asked about the fact that why the reports were sent on plain paper instead of official letter pad, he responded that official letter pad is used under the signature and seal of District Food Controller. Therefore he submitted reports to District Food Controller on plain paper.
- iv. It seems that no proper reporting happened but to fulfill the formality and in order to substantiate their statement before the enquiry committee, these reports/letters were attached.
- v. The Assistant Food Controller at a very belated stage i.e. on 24-02-2020 reported the non delivery of 2108.747 Metric Ton of wheat to PRC Buner and the District Food Controller forwarded that report to Director Food but by then much water has flown under the bridge and it was at time when the Commissioner Malakand has submitted his enquiry report, wherein it was established that the total allocated wheat has not been delivered to PRC Buner. For understanding of the whole episode below is chronology of events.

S#	Action/letter/Notification	Date
1	Allocation of wheat quota for districts by Director Food	27-11-2019
2	The stipulated 15 days period of transportation expired	11-12-2020
3	Director Food assigned enquiry in the issue to Assistant Director Food Malakand Division	27-12-2019
4	Assistant Director Food Malakand Division submitted his report	03-02-2020
5	Commissioner Malakand submitted enquiry report	04-02-2020
6	District Food Controller was transferred from Euner	07-02-2020
7	Assistant Food Controller was transferred from Buner	14-02-2020
8	DFC and AFC reported non-delivery of 2108.747 Metric Ton of wheat to PRC Buner	24-02-2020


(19)

- vi. The above chronology shows that the non-delivery of wheat was reported at a very belated stage when it was a broad day fact and both the District Food Controller and Assistant Food Controller were posted out of District Buner.
- vii. ★ One commendable performance on the part of District Food Controller / Assistant Food Controller and officers of Food Department is the recovery of cost of major chunk of non-delivered wheat from the contractor. As their statements and report of Director Food revealed that out of the total 2108.747 Matric ton non-delivered wheat, the release price of 1866.747 Matric Ton wheat (an amount of Rs. 66,960,215) has been recovered and deposited in the government treasury. For the remaining 242 Matric Tons wheat, which amounts to Rs. 8,680,650/- security and some unpaid bills of the contractor is lying with department which can be forfeited to make up the loss to the government exchequer.

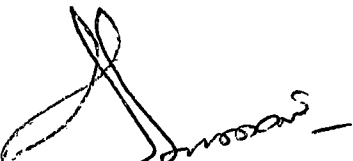
### CONCLUSION:

- a. There was no delay of 38 days as mentioned in the allegation No. "a" against the District Food Controller but more than 50% of the allocated wheat has not reached/delivered to PRC Buner. Hence charge "a" against District Food Controller is proved.
- b. District Food Controller did not inform Director Food Khyber Pakhtunkhwa and Assistant Director Food Malakand Division about the non-delivery of government wheat to PRC Buner. The letter addressed to Director Food on 11-12-2019, which is attached to his statement, has reached Directorate of Food on 31-12-2020 which seems to be issued in back date. Because enquiry in the issue was already initiated on 27-12-2020. Hence allegation No. "b" against District Food Controller is proved.
- c. The notices issued by District Food Controller to the carriage contractor were endorsed to Director Food but astonishingly only two notices issued on different dates about slow lifting of wheat has reached Directorate of Food at a very later stage on the same date as evident from the statement of diary dispatch section of Directorate of Food (**Annex-XI**). So it corroborates the fact that these notices were issued in back date only to fulfill the formality.
- d. It can safely be construed that the wheat i.e. 2108.747 Matric Ton has not been withheld by the contractor for 38 days rather it has never been delivered to PRC Buner which speaks louder about the negligence on the part of Mr. Azam Khan Ex-Assistant Food Controller Buner.

The enquiry consists of 03 pages and 11 Annexure.

  
(ZUBAIR AHMAD),  
DIRECTOR FOOD,  
KHYBER PAKHTUNKHWA,  
MEMBER ENQUIRY COMMITTEE

  
**TRUE COPY**

  
(SHARIF HUSSAIN)  
ADDITIONAL SECRETARY  
HOME DEPARTMENT,  
MEMBER ENQUIRY COMMITTEE



(20)

ANNEXURE E,

**SHOW CAUSE NOTICE**

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Azam, Assistant Food Controller, Buner 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. after going through the findings and recommendations of the inquiry officer, the material on record and other connected papers, I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the said rules:
  - a. inefficient;
  - b. guilty of misconduct.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under rule 4 of said rules;

Removal from service

3. 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.

4. If no reply to this notice is received within 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.

5. A copy of the findings of the inquiry officer is enclosed.

*Mf*

**TRUE COPY**

*Kazim Niaz*  
COMPETENT AUTHORITY

(21)

ANNEXURE E<sub>2</sub>

The Chief Secretary  
Government Of Khyber Pakhtunkhwa  
Civil Secretariat Peshawar  
Dated 07.08.2020

Dear Sir!

Your good self has tentatively decided to impose upon the undersigned a major penalty of removal from service on the grounds that the undersigned is inefficient and guilty of misconduct.

It is very humbly stated that the undersigned may be acquitted of the charges of being inefficient and guilty of misconduct on the following grounds:

1. The undersigned has always performed the duties assigned to him with utmost dedication, honesty and to the best of his ability.

2. The allegation against the undersigned that he has not reported the non delivery of PASSCO wheat is baseless. Being the then Assistant Food Controller Buner, the undersigned was required to report to his immediate Boss i.e. District Food Controller, Mr. Muhammad Ashfaq which the undersigned did in time (Annexure 1,2,3 & 4).

Consequent upon my reporting the then DFC Buner issued letters and reminders to the carriage contractor namely M/S Javed & Co and also to the then Director Food. It is evident from the dispatch register (annexure 5) that the relevant authority i.e Director Food was apprised of the matter of outstanding/non delivered wheat. It is pertinent to mention that the then DFC Buner has never denied that the undersigned has not reported to him in time about the non delivered wheat. In fact the DFC Buner made official correspondence with the then Director Food in the light of the reports submitted to him by the undersigned.

3. Being the then AFC Buner, the job description of the undersigned was to check the quality and quantity of the allocated PASSCO wheat that was physically received/delivered at PRC Buner, maintain its proper record and issue the wheat to the flour mills of Buner. As evident from the job description of AFC (Annexure 6), the undersigned was the In charge of the PRC Buner and monitoring of the wheat dispatches along the route from PASSCO Punjab to PRC Buner neither fell in the domain of the job description of the undersigned nor mentioned anywhere in the PASSCO Allocation order No 3835/FG-433/PASSCO Dated 27.11.2019 (Annexure 7). Hence the allegation of Inefficiency and misconduct is disproved.

By  
**TRUE COPY**

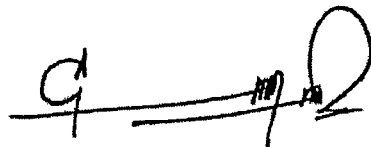
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4. The agreement of the transportation of wheat from Punjab to Khyber Pakhtunkhwa was signed between the then Director Food and Carriage Contractor (Annexure 8). The undersigned is neither a witness nor a party to this agreement. As per the agreement, the Carriage Contractor was solely responsible to deliver the entire allocated wheat from dispatching end (PASSCO) to the receiving end (PRC Buner). The agreement does not contain any single clause fixing any responsibility upon the undersigned. Hence the allegation of not informing the high ups is without any basis and it is averred that the undersigned has wrongly been implicated and made a scapegoat in the all the inquiries so formed.

5. It is pertinent to mention that the undersigned is currently on bail from the Anti Corruption Court Peshawar on the allegations of corruption, embezzlement and misuse of official power. The trial of the case is pending adjudication before the Anticorruption Court Peshawar. The court has yet to decide the genuineness of the allegations leveled against the undersigned. However the department is adamant to scapegoat and humiliate the undersigned. It is appropriate to mention that the undersigned on one hand is charged on the same grounds by the Anti corruption Establishment and on the other hand by the Food Department. Whereas it is the basic principle of the natural justice that no one should be vexed twice for the same cause. The undersigned is going through the punishment from two parallel quarters.

It is therefore stated that the undersigned has not committed any negligent act with any malafide intention. *If asked the undersigned is ready to make this statement on oath.*

Your good self is requested that the undersigned may be exonerated from the charges and show cause be withdrawn please.

  
**TRUE COPY**

Muhammad Azam Khan  
Assistant Food Controller  
Food Directorate Peshawar

(23)

ANNEXURE E<sub>3</sub>

**MOST IMMEDIATE**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT  
(REGULATION WING)**

No. SOR-III (E&AD)/9-263/2020  
Dated Peshawar the December 14<sup>th</sup>, 2020

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Food Department.

Subject: - **DISCIPLINARY PROCEEDINGS AGAINST M/S MUHAMMAD ASHFAQ,  
EX-DISTRICT FOOD CONTROLLER, BUNER AND MUHAMMAD AZAM,  
ASSISTANT FOOD CONTROLLER, BUNER.**

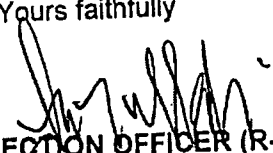
Dear Sir,

I am directed to refer to the subject noted above and to inform that the Chief Secretary, Khyber Pakhtunkhwa has empowered Special Secretary, Establishment Department to give personal hearing to the following accused, on his behalf. The Special Secretary Establishment has fixed 15.12.2020 at 11.00 AM for personal hearing in her office:-

- i. Mr. Muhammad Ashfaq, Ex-District Food Controller, Buner.
- ii. Mr. Muhammad Azam, Ex-Assistant Food Controller, Buner.

2. I am, therefore, directed to request that the accused officer may be informed to attend the office of Special Secretary Establishment on the date, time & venue mentioned above and also nominate an officer of your department well versant to the case to attend the personal hearing with complete record.

Yours faithfully

  
SECTION OFFICER (R-III)  
Phone No. 9211793

Copy for information:-

1. Director Food Department, Khyber Pakhtunkhwa.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.

  
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SECTION OFFICER (R-III)

PROVINCIAL DISASTER MANAGEMENT AUTHORITY,  
KHYBER PAKHTUNKHWA

(29)

ANNEXURE F

No.PDMA/PstoDG/Misc 2020-21

dated 08.04.2021

To

1. Mr.Muhammad Ashfaq, Ex-District Food Controller Buner.
- ✓ 2. Mr.Muhammad Azam, Ex-Assistant Food Controller, Buner.
3. Mr.Muhammad Shakeel, Deputy Director Food, Food Directorate Peshawar.
4. Mr.Abdul Jalil Deputy Director Food, Food Directorate Peshawar.
5. Mr.Muhammad Iqbal Ex-Assistant Director Food Malakand Division.

Subject:-

**DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD ASHFAQ  
EX-DISTRICT FOOD CONTROLLER, BUNER AND MUHAMMAD AZAM,  
ASSISTANT FOOD CONTROLLER, BUNER.**

Memo:

Reference letter No.PDMA/PstoDG/Misc 2020-21 dated 01.04.2021 on the subject cited above.

Enclosed find herewith observations of competent authority on the inquiry report conducted by the undersigned on the above subject. You are directed to submit your reply to the observations to proceed further in the matter.

(SHARIF HUSSAIN)  
DIRECTOR GENERAL / INQUIRY OFFICER

**Endt No. & Date Even.**

A copy is forwarded to:-

1. PSO to Chief Secretary Khyber Pakhtunkhwa.
2. PS to Special Secretary (Estt), Establishment Department Khyber Pakhtunkhwa.
3. PS to Secretary Food Khyber Pakhtunkhwa.

(SHARIF HUSSAIN)  
DIRECTOR GENERAL / INQUIRY OFFICER

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(ANNEX-I)

- i. The Inquiry Committee has concluded that the letter addressed to Director Food on 11.12.2019 reached Directorate on 31.12.2019 which seems to be issued in back date. However, while the findings state that no letter was received by the Directorate prior to 31.12.2019, the inquiry order dated 27.12.2019 indicates that it was instituted in response to a letter of the DFC dated 21-12-2019.
- ii. The report focuses on non-delivery of the wheat at Buner, but the correlative issue of lifting of wheat has been ignored. Was there any mechanism for monitoring the lifting of wheat, and if so, who was responsible? Further, record needs to be checked to confirm or deny the allegations of the accused officers that the contractor sold the wheat in Rawalpindi. That can be done through checking of record of lifting of wheat from PASSCO.
- iii. As for reporting by the AFC to DFC on plain paper, the AFC explained that there was no practice of communicating formally using letter heads with Diary/Dispatch numbers and plain papers were used for passing information within the office. The Inquiry Committee did not dispute the reports but questioned the reports being on plain paper. Besides, the DFC, during personal hearing and in his response to question No. 6 of the questionnaire, acknowledged having been informed by the AFC.
- iv. The statement of the AF in his written defence, which he reiterated during personal hearing, that *"as per the advice of the Food Directorate conveyed through the then Assistant Director Food, Malakand Division, a temporary arrangement was devised to misguide the carriage contractor in order to recover the amount/sale price of non-delivered wheat"* needs to be commented upon by the inquiry committee.
- v. The Assistant Director in question is the same person who was entrusted with the inquiry on 27-12-2019, and who reported *"as per record, whole quantity of 4000 tons has been received at PRC, Buner and taken on stock register accordingly. No financial loss occurred to the exchequer"*. This aspect of the matter also needs a scrutiny by the Inquiry Committee.

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ANNEXURE F



Provincial Disaster Management Authority  
Khyber Pakhtunkhwa (Headquarter)  
Plot 46 A, Sector B-2, Hayatabad Phase-5, Peshawar.  
Phone: (091) 9211854, 9213959 Fax: (091) 9214025  
[www.pdma.gov.pk](http://www.pdma.gov.pk)



Dated: 05.07.2021

No. PDMA/PStoDG/2020-21

To

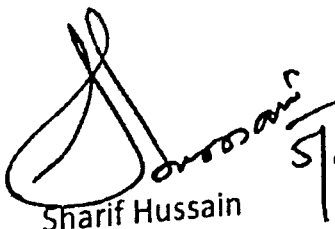
The Secretary to Government of Khyber Pakhtunkhwa,  
Food Department.

Subject:

DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD ASHFAQ,  
EX-DISTRICT FOOD CONTROLLER BUNER AND MUHAMMAD AZAM  
ASSISTANT FOOD CONTROLLER BUNER

Dear Sir,

Please refer to your letter No. SOG/Food Deptt:/8-1/2020/8846 Dated 17<sup>th</sup> March, 2021 on the subject noted above and to enclose herewith an addendum with reference to the observations raised by the Competent Authority on the enquiry report already submitted by the Enquiry Committee, is submitted for perusal and further necessary action, please.

  
Sharif Hussain  
DG PDMA  
Member Enquiry

  
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### ADDENDUM TO THE ENQUIRY ALREADY CONDUCTED

In response to the observations raised by Establishment Department vide Annex-I, the accused officer/officials were directed to appear before the committee along with all relevant record. In addition, Officers of Directorate of Food i-e Mr. Abdul Jalil, the then Deputy Director (Food & Inspection), now serving as Deputy Director (Admn and Coordination), Mr. Muhammad Shakeel, Deputy Director (Food & Inspection), the then Deputy Director (Admn & Coordination) and Mr. Muhammad Iqbal, the then Divisional Assistant Director Food, Malakand Division (now retired from service) were also called and their statements were recorded regarding observations raised by the competent authority.

2. Based on the statement, response to the questionnaires (Annexure II, III, IV, V and VI) and perusal of record, the following addendum is submitted for perusal of the competent authority.

SR. #	OBSERVATIONS	STATEMENTS	Commentary By Enquiry Committee
i.	The enquiry committee has concluded that the letter addressed to Director Food on 11-12-2019 reached Directorate on 31-12-2019 which seems to be issued in back date. However, while the finding state that no letter was received by the Directorate prior to 31-12-2019, the inquiry ordered dated 27-12-2019 indicates that it was instituted in response to a letter of the DFC dated 26-12-2019.	As per statement of Mr. Muhammad Ishfaq, the then District Food Controller (DFC) Buner, Mr. Muhammad Azam Khan, the then Assistant Food Controller (AFC) Buner and concerned officers of Directorate of Food affirmed that the letter dated 26-12-2019 issued by District Food Controller Buner has been brought and delivered by hand in Directorate of Food.	It is proved that the previous letters issued before 26-12-2019 were received at Directorate of Food on 31-12-2019 while letter dated 26-12-2019 has been delivered by the concerned District Food Controller (DFC) in Directorate of Food by hand upon which an enquiry was entrusted to Ex-Divisional Assistant Director Food Malakand. Furthermore, the enquiry report mentions about only three letters which were issued earlier and received in the Directorate on 31.12.2019. These letters are clearly mentioned in Annexure-XI of the enquiry report already submitted.
ii.	The report focuses on non-delivery of the wheat at Buner, but the correlative issues of lifting of wheat has been ignored. Was there any mechanism for monitoring the lifting of wheat, and if so, who was responsible? Further, record needs to be checked to confirm	As per statement of Mr. Muhammad Ishfaq, the then District Food Controller Buner that Directorate of Food was responsible for monitoring of wheat while Mr. Muhammad Iqbal, Ex. Divisional Assistant Director Food Malakand has informed that responsibility of	As per allocation order no. 3835/FG/433/PASSCO, dated 27-11-2019, clear responsibilities were assigned to consignee (DFC) and Divisional Assistant Director Food Malakand. Moreover, as per contract agreement, the carriage contractor was responsible for lifting

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*X*

*Mj*  
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or deny the allegation of accused officers that the contractor sold the wheat in Rawalpindi. That can be done through checking of record of lifting of wheat from Pakistan Agricultural Storage and Services Corporation (PASSCO).

monitoring of wheat from Pakistan Agricultural Storage and Services Corporation (PASSCO) to destination has been assigned to him but practically it was not possible for him to monitor each and every truck right from dispatching center to the receiving centers. As he was unable to monitor truck movements carrying wheat in eight districts of Malakand Division. Beside this, the Officers of Directorate of Food explained the monitoring mechanism was clearly indicated in allocation order no. 3835/FG/433/PASSCO, dated 27-11-2019 wherein CONSIGNEE (District Food Controller Buner) and Divisional AD Malakand were responsible for monitoring of wheat movement from PASSCO. On the other hand, Mr. Muhammad Iqbal, Ex. Divisional Assistant Director Food Malakand has categorically stated that the carriage contractor was wholly solly responsible to deliver entire allocation to the destination with Fair Average Quality (FAQ) and accurate weight of PASSCO wheat

As per statement of Mr. Muhsimmed Azam, the then AFC Buner, the said carriage contractor verbally stated that the quantity of 681 749 Metric Ton of Bahawalnager Zone (PASSCO) was sold out by him at Rawalpindi (verbal statement on 12 or 13 December, 2019) and he

of wheat from Pakistan Agricultural Storage and Services Corporation (PASSCO) and its safe transportation to the destination point i.e. Provincial Reserve Centre (PRC) Buner. It is also revealed from statements of concerned that the whole allocated quantity of wheat has been lifted from Pakistan Agricultural Storage and Services Corporation (PASSCO) for Provincial Reserve Centre (PRC) Buner and a quantity of 2108.747 MT has been sold out on way to PRC Buner.

It is pertinent to mention here that both Deputy Directors of food directorate i-e Food & Inspection (F&I) and Admn & Coordination (A&C) are silent about the lifting and monitoring of wheat from PASSCO. With regard to the query regarding lifting of wheat from Pakistan Agricultural Storage and Services Corporation (PASSCO), the then District Food Controller (DFC) and Assistant Food Controller (AFC) have stated that the allocated quantity was lifted from PASSCO by the concerned contractor. Moreover, the report of Anti-Corruption Establishment submitted to Food Department also affirms that the allocated quantity of wheat has been lifted from PASSCO (Annex-VII).

It is inferred from above discussion, that the consignee and concerned AD are responsible for monitoring of wheat transportation as per

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		immediately brought into the notice of DFC Buner about embezzlement of said quantity of wheat. The concerned DFC and AFC affirmed that all the allocated wheat has been lifted from PASSCO.	allocation order. Furthermore, the contractor is also responsible for safe transportation of wheat as per allocation order (Annex-VIII) and agreement (Annex-IX).
iii.	As for reporting by AFC to DFC on plain paper, the AFC explained that there was no practice of communication formally using letter heads with diary dispatch numbers and plain papers were used for passing information within the office. The enquiry committee did not dispute the reports but questioned the reports being on plain papers. Besides, the DFC, during personal hearing and in his response to question no.6 of the questionnaire, acknowledged having being informed by AFC	As per statements of field officers, there was no practice of maintaining diary/dispatch registers internally within the same offices for official correspondence.	The enquiry committee has found the contents of report, submitted by AFC to DFC, correct, therefore has not disputed it. The fact that why he submitted the report on plain paper, is explained by the AFC.
iv.	The statement of AFC in his written defense which he reiterated during personal hearing, that "as per advice of food directorate conveyed through the then Assistant Director Food Malakand Division a temporary arrangement was devised to misguide the carriage contractor in order to recover the amount/sale price on non-deliver wheat". Needs to be commented upon the enquiry committee.	As per statements of Deputy Directors (Admn & Coordination) and (Food & Inspection), they were unaware about any such temporary arrangements devised to misguide the carriage contractor in order to recover the amount/sale price of non-delivered wheat. On the other hand, Ex-Divisional Assistant Director Malakand, the then DFC Buner and the then AFC Buner stated affirmly that a mechanism has been devised to recover the amount of embezzled wheat from contractor. Such mechanism was devised to save huge losses to Govt. exchequer while the amount recovered and deposited into the	Both the Deputy Directors have stated that they were not aware of any temporary arrangements/mechanism devised to mislead the carriage contractor for recovery of amount of embezzled wheat. However, the Ex-AD Food Malakand Division, the then DFC Buner and the then AFC Buner have affirmed in their statement that a temporary arrangement/mechanism was devised to mislead the carriage contractor. The accused officers as well as the Ex-Divisional AD were of the view that the aim was to recover the amount of embezzled wheat first and to take action against carriage contractor later on and for that purpose.

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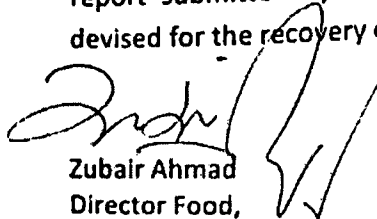
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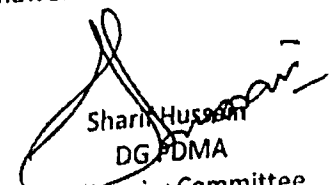
		<p>government treasury. The then AFC also narrated that the mechanism was devised to maintain a parallel record at district level to recover the amount of embezzled wheat and AD Food Malakand Division has conveyed the directions for the temporary arrangements and mechanism. The Ex-AD Food Malakand Division in his response pointed out that our priority was first to recover the amount of embezzled wheat and then to take action against the delinquent carriage contractor. Moreover, he also submitted that there are certain examples available on record that the contractors have sold out thousands of wheat bags and a single penny couldn't be recovered from the defaulters. This was for the first time in the history of Food Department in KP that such a huge amount of stolen wheat has been recovered and deposited in the govt. treasury. In his reply he also stated that a parallel record was maintained to mislead the carriage contractor or recovery of amount of embezzled wheat.</p>	<p>parallel record was maintained at district level to misguide the carriage contractor.</p> <p>It is pertinent to mention here that the mechanism/temporary arrangements have been chalked out for recovery of amount of embezzled wheat but procedural lapses were there i.e lodging of FIR and other actions against carriage contractor.</p>
v.	<p>The Assistant Director is the same person who was entrusted with the enquiry on 27-12-2019, and who reported "as per record whole quantity of 4000 MT has been received at PRC Buner and taken on stock register accordingly. No financial loss occurred to the exchequer" this aspect of matter also needs a</p>	<p>As per statement of Mr. Muhammad Iqbal, EX Divisional Assistant Director Malakand region, that the said enquiry report was also a part of the mechanism devised to mislead the carriage contractor for recovery of amount of sold out wheat. The then DFC Buner has also stated the same version.</p>	<p>As per record and statements of all concerned including dealing hands of Food Directorate, no mechanism/temporary arrangements were devised in black and white and if such a mechanism was made up, it was against the provisions of contract agreement with the carriage contractor and practice in vogue.</p>

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	scrutiny by the enquiry committee.	The enquiry committee has already questioned the enquiry report submitted by Ex-AD Food Malakand Division and has categorically recorded in the findings that a quantity of 2108.717 MT of wheat has not been delivered to PRC Buner. This finding was reiterated in the conclusion of enquiry report already submitted by the enquiry committee that 2108.747 MT has not been withheld by contractor for 38 days rather it has never been delivered to PRC Buner, which speaks louder about criminal negligence on part of the concerned.
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3. In view of the above discourse, the enquiry committee stands by the conclusion already drawn in the earlier enquiry report submitted to the Competent Authority. Additionally, The Enquiry Committee is of the considered opinion that the enquiry report submitted by Ex-AD Malakand was not based on facts and the mechanism devised for the recovery of amount of embezzled wheat was flawed and illegal.

  
 Zubair Ahmad  
 Director Food,  
 Member Enquiry Committee

  
 Shariq Hussain  
 DG PDMA  
 Member Enquiry Committee

  
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ANNEXURE 9



FOOD DIRECTORATE  
KHYBER PAKHTUNKHWA,  
PESHAWAR

No. 3835/FC-433/PASSCO

Dated 27/11/2019

Col (Retd) Fawaz Hussain,  
General Manager (Field),  
11-Kashmir Road, PASSCO,  
Lahore.

Subject: 2<sup>nd</sup> ALLOCATION OF 100,000 M. TONS OF PASSCO WHEAT FOR THE YEAR 2019-20.

Message: Reference MOU signed between PASSCO and Food Department Khyber Pakhtunkhwa for supply of 150,000 M. Tons FAQ wheat in three phases to various destination stations of Khyber Pakhtunkhwa.

2. A quantity of 100,000 (One Lac only) M.Tons Indigenous wheat may kindly be released to the approved carriage contractors of Food Department Khyber Pakhtunkhwa for transportation to various destination stations of Khyber Pakhtunkhwa as per detail given below:

S.No	Destination stations in KPK.	Name of Carriage Contractors.	Name of Despatching Zones/Centres.	Qty: of wheat to be lifted (M.T).	Stipulated period.
1.	Peshawar	Hamayun & Co	Burewala	1867	15 days.
			Vehrai	2100	
			Khanewall	1447	
			Multan	2240	
			Bahawalnagar	3593	
			Alipur	2753	
			Total	14000	
2.	Buner	Javed & Co	Burewala	533	15 days
			Vehrai	600	
			Khanewall	413	
			Multan	640	
			Bahawalnagar	1027	
			Alipur	787	
			Total	4000	
3.	Bannu	Haji Banoor	Burewala	533	15 days
			Vehrai	600	
			Khanewall	413	
			Multan	640	
			Bahawalnagar	1027	
			Alipur	787	
			Total	4000	
4.	Kohat	Haji Banoor	Burewala	800	15 days
			Vehrai	900	
			Khanewall	620	
			Multan	960	
			Bahawalnagar	1540	
			Alipur	1180	
			Total	6000	
5.	Hangu	Haji Banoor	Burewala	400	15 days
			Vehrai	450	
			Khanewall	310	
			Multan	450	
			Bahawalnagar	770	
			Alipur	590	
			Total	3000	
6.	Charsadda	Muhammad Zahir Khan	Burewala	800	15 days
			Vehrai	900	
			Khanewall	620	
			Total	2320	

Attested

Assistant Director  
Food Directorate  
Khyber Pakhtun Khwa  
Peshawar

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			Multan	960	
7.	Mardan	Ayaz & Brothers	Bahawalnagar	1540	15 days
			Alipur	1180	
			Total	6000	
			Burewala	1067	
			Vehrai	1200	
			Khanewall	827	
			Multan	1280	
			Bahawalnagar	2053	
			Alipur	1573	
			Total	8000	
8.	Swabi	Ayaz & Brothers	Burewala	667	15 days
			Vehrai	750	
			Khanewall	517	
			Multan	800	
			Bahawalnagar	1283	
			Alipur	983	
			Total	5000	
9.	Nowshera	Evergreen Trading Co	Burewala	667	15 days
			Vehrai	750	
			Khanewall	517	
			Multan	800	
			Bahawalnagar	1283	
			Alipur	983	
			Total	5000	
10.	Dargai	Muzaffar Khan & Co	Burewala	667	15 days
			Vehrai	750	
			Khanewall	517	
			Multan	800	
			Bahawalnagar	1283	
			Alipur	983	
			Total	5000	
11.	Dir Lower	Muzaffar Khan & Co	Burewala	800	15 days
			Vehrai	900	
			Khanewall	620	
			Multan	960	
			Bahawalnagar	1540	
			Alipur	1180	
			Total	6000	
11.	Dir Upper	Muzaffar Khan & Co (1000+1000 each for both PRCs i.e. Dir Upper & Wari)	Burewala	267	15 Days
			Vehrai	300	
			Khanewall	207	
			Multan	320	
			Bahawalnagar	513	
			Alipur	393	
			Total	2000	
12.	Shaogla	Ghaus Ud Din & Sons	Burewala	267	15 days
			Vehrai	300	
			Khanewall	207	
			Multan	320	
			Bahawalnagar	513	
			Alipur	393	
			Total	2000	
13.	Swat	Muzaffar Khan & Co	Burewala	1067	15 days
			Vehrai	1200	
			Khanewall	827	
			Multan	1280	
			Bahawalnagar	2053	
			Alipur	1573	
			Total	8000	
14.	Haripur	Sardar Wali	Burewala	533	15 days
			Vehrai	600	
			Khanewall	413	
			Multan	640	
			Bahawalnagar	1027	
			Alipur	787	
15.	Havelian	Pak Carriage	Burewala	800	15 days
			Vehrai	900	
			Khanewall	620	
			Multan	960	
			Bahawalnagar	1540	

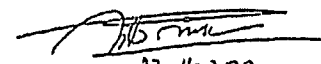
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*[Signature]*

Assistant Director  
Food Directorate,  
Khyber Pakhtunkhwa,  
Peshawar

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			Alipur	1100	
			Total	8000	
16.	Manshera	Border Wall	Durewalla	1067	15 days
			Vehral	1200	
			Khanewall	827	
			Mulhan	1200	
			Dahrawalnagar	2033	
			Alipur	1373	
			Total	8000	
17.	Battagram	Pak Corings	Durewalla	400	15 days
			Vehral	430	
			Khanewall	310	
			Mulhan	480	
			Dahrawalnagar	770	
			Alipur	590	
			Total	3000	
18.	Srai Naurang	Haji Banour	Durewalla	133	15 days
			Vehral	150	
			Khanewall	103	
			Mulhan	160	
			Dahrawalnagar	237	
			Alipur	197	
			Total	1000	
			G.Total:-	100000	

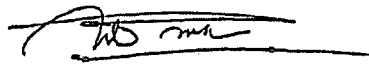
  
 27-11-2019  
 DIRECTOR FOOD  
 KHYBER PAKHTUNKHWA,  
 PESHAWAR.

**Encls: No. & Date even**

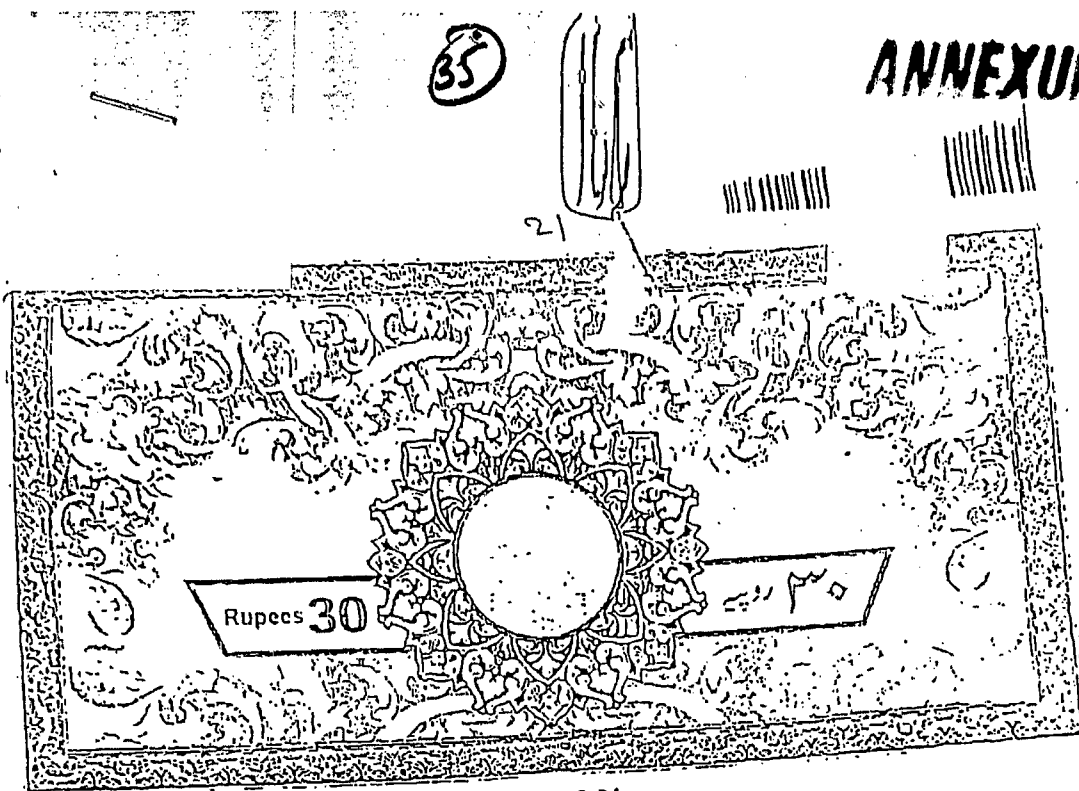
A copy is forwarded to:-

1. The PS to Minister Food, Khyber Pakhtunkhwa, Peshawar.
2. The PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Director Accounts, Food Directorate, Khyber Pakhtunkhwa, Peshawar. He is directed to send attested specimen signatures of the contractors to PASSCO Head Office, Lahore immediately.
4. All Divisional Assistant Directors Food in Khyber Pakhtunkhwa for information and necessary action. They are directed to keep constant monitoring on movement of wheat right from despatches till arrival at the destination stations of their respective jurisdiction.
5. All Consignees in Khyber Pakhtunkhwa for information and necessary action. They are directed to depute their authorized representative/approved carriage contractor or his authorized representatives for lifting and transportation of the allocated quantity from PASSCO to the destination stations after full satisfaction in respect of weight and quality and ensure that only standard quality wheat (FAQ) packed in new/sound jute bags is despatched and the entire allocation is completed within the stipulated period, three days are included in the stipulated period for documentation. They are further directed to reconcile despatches of wheat made during the year 2019-20 from PASSCO Punjab to their respective centres without fail and send the report to the Accounts branch of this Directorate for further action on their part.
6. The Regional Audit Officer, Food Directorate, Khyber Pakhtunkhwa, Peshawar.
7. The Statistical Officer, Food Directorate, Khyber Pakhtunkhwa, Peshawar. He will keep close watch on the daily lifting and its receipt at the destination station.
8. All Carriage Contractors in Khyber Pakhtunkhwa with the direction to report to PASSCO Head Office, Lahore immediately for lifting of allocated wheat stock. Authorized carriage contractor may detail their own representative for different wheat lifting locations of PASSCO on their letter head with intimation to Food Directorate Khyber Pakhtunkhwa. They are further directed to ensure that only good quality wheat (FAQ) packed in new/sound jute bags of correct weight of as per ratio in MOU of the 2019/2017 crop shall be lifted and delivered at destination stations within stipulated period.

Attested  
  
 Assistant Director  
 Food Directorate,  
 Khyber Pakhtunkhwa,  
 Peshawar

  
 DIRECTOR FOOD  
 KHYBER PAKHTUNKHWA,  
 PESHAWAR.

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AN AGREEMENT

This Agreement made on this day of 04 / 11 /2019 between the Governor of the Khyber Pakhtunkhwa through the Secretary to Government of Khyber Pakhtunkhwa Food Department (hereinafter referred to as the "Employer"), which expression shall include his successor in office and assign of the first party and M/S Javed & Co, Carriage Contractor Bulkhela District Malakand (hereinafter referred to as the "Contractor"), which expression shall include his successors, legal representative and assign of the second party;

ATTESTED

WHEREAS the Employer requires the services in connection with the handling and transportation of wheat for the Khyber Pakhtunkhwa (hereinafter referred to as the Province) from Punjab to Provincial Reserve Centre. Including all connected services and staking upto eighteen layers and whereas the Contractor has agreed to render the requisite services on the terms and conditions mentioned hereinafter;

Assistant Accounts Officer PW, THEREFORE, both the parties hereby mutually agree as follows:

for Food Directorate  
Khyber Pakhtunkhwa

VALIDITY

1.1 The validity of this Agreement will be from the date of signing of this Agreement till 30.06.2020. However, the period of this Agreement will be extendable for a maximum period of thirty days in case of non finalization of tender for the next financial year.

2. SECURITY

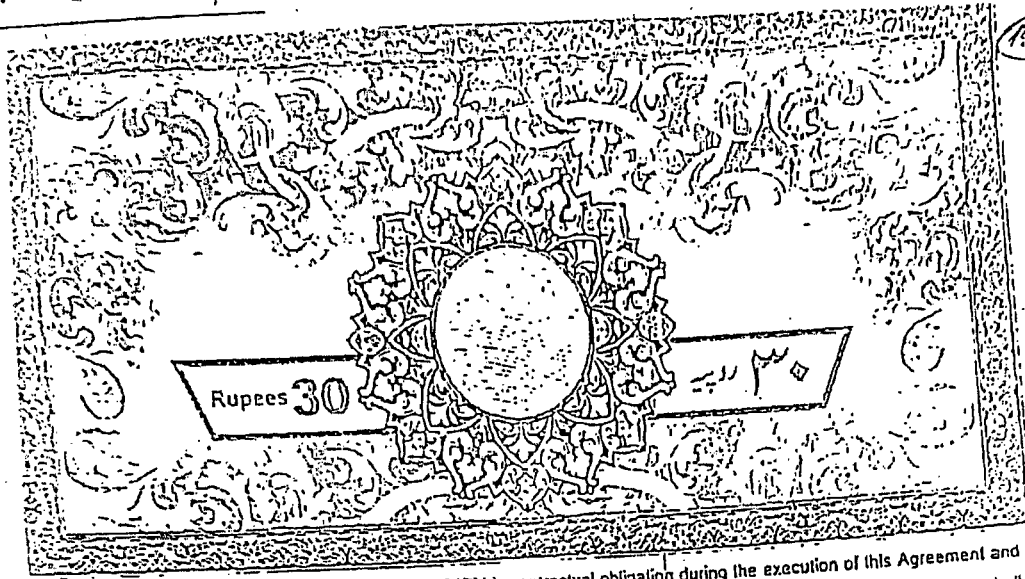
2.1 The Contractor will produce security amounting to Rs.1,000,000/- (Rupees One Million) in the shape of Term Deposit Receipt (TDR) / Security Deposit Receipt (SDR) Issued by any Scheduled Bank in the account of the Director Food Khyber Pakhtunkhwa No.BOK 229600-4SDA as a token and in case of non satisfactory fulfillment of the terms and conditions of this Agreement, the earnest money shall stand forfeited in favour of the Government of Khyber Pakhtunkhwa.

2.2 The Contractor should have to provide ten percent amount of transportation charges of wheat on freight value at the time of quantity allocated will be deposited in the account of the Director Food Khyber Pakhtunkhwa No.BOK 229600-4SDA, in the shape of Term Deposit Receipt Security Deposit Receipt which will be refunded to the Contractor after the delivery of allocated quantity of wheat at destination station.

2.3 The deposits under clauses 2.1 and 2.2 or any part thereof may be forfeited/confiscated by the Employer or an Officer authorized by him for any breach of the terms and conditions of this Agreement by the Contractor or any person acting on his behalf, including making good of any damage or loss caused to the Employer in any manner in the performance of his obligations under this Agreement.

TRUE COPY





2.4 If the Contractor fails to fulfil his contractual obligation during the execution of this Agreement and resultantly the Employer decides to call fresh tender, the security deposited by the Contractor shall automatically stand forfeited in favour of the Employer.

2.5 Subject to the conditions referred to in clauses 2.2 and 2.3, the security deposits will be refunded to the Contractor after expiry of a period of one month from the date of expiry, or date of termination, as the case may be, of this Agreement, subject to an undertaking to be furnished on stamp paper to the effect that any outstanding dues if dug out at a later stage, the Contractor would be bound for its repayment without any litigation.

APPROVED 3.

RATES/PAYMENTS

3.1 Transportation charges shall be allowed on per ton per kilometer (Net Weight) basis as per following rates:-

Assistant Accounts Officer  
for Food Directorate  
Khyber Pakhtunkhwa

Nature of Services	Approved Rate (PTPK) (Net weight) (Rs)
From Punjab to Provincial Reserve Centre, Buner	5.2300 ✓

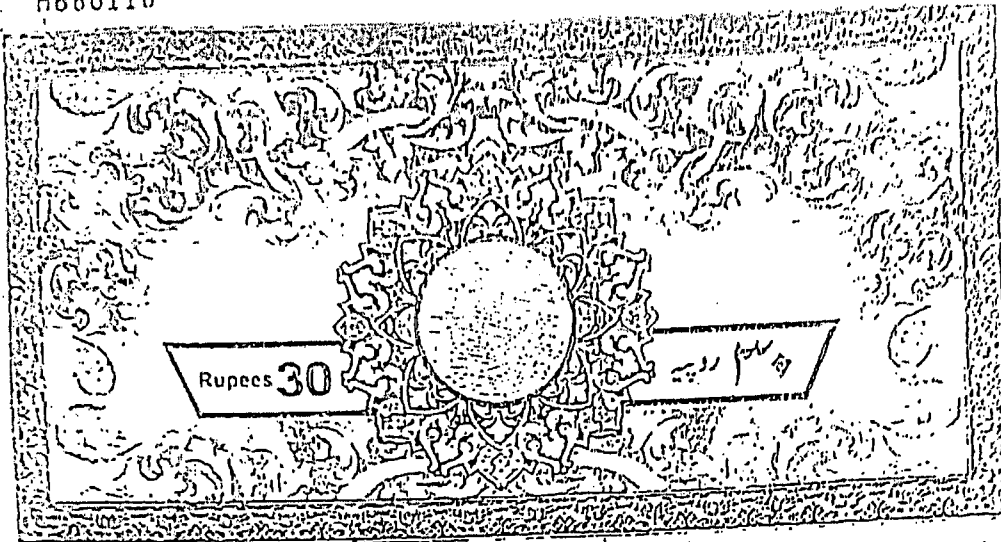
3.2 The effect of change in the POL will be reconsidered on quarterly basis. The increase or decrease in the POL rates will be calculated at the rate of fifty per cent (50%) for the POL. However, the impact below ten per cent (10%), will not be considered.

3.3 The Contractor will be bound to pay the Khyber Pakhtunkhwa Revenue Authority Taxes on services, Income Tax, Professional Tax, Stamp Duty and Disable Person Rehabilitation Funds.

4. TRANSPORTATION

4.1 Transportation of wheat by road shall include all connected services and other means including sewing out, stitching of cut or torn bags with Contractor own new suli after putting spilled wheat therein so as to bring the bags to standard weight, unloading of trucks at destination station and stacking in countable form upto eighteen layers in godowns after ten per cent to hundred per cent weight and at the discretion of the respective consignee with all connected services from any destination or point in the Province of Punjab to the any destination in the Khyber Pakhtunkhwa.

**TRUE COPY**



4.2 If reasons for slow lifting are beyond the control of the Contractor and there are viable reasons, the stipulated period may be extended by the Employer for a period not exceeding thirty days at a time provided that in case the period is required to be extended further, the Employer may extend the period for another thirty days.

4.3 The Contractor shall transport wheat allocated to the Provincial Reserve Centre as specified above and shall also provide cartage or labour facilities at such places as may be required by the Employer or an officer authorized by the Employer in this behalf.

4.4 The Contractor shall clear the stock in time from the designated centre in Punjab and shall lift the quantity allocated to him during the period specified work orders for delivery of wheat to the required receiving station in the Province and shall stack it in eighteen layers in countable form. The specified period shall commence on the day following the day on which the work order is delivered to the Contractor.

If on the close of the period specified in the work order the Contractor has failed to deliver at the receiving station the quantity of wheat allocated to him for that work order, the Employer or any Officer authorized by the Employer may make alternate arrangements for the lifting and delivery of the remaining quantity at the cost and risk of the Contractor through National Logistic Cell or through the respective Carriage Contractor of the Provincial Reserve Centre to other nearest Provincial Reserve Centre at the approved rate. The extra charges, if any, will be recoverable from the defaulting Contractor from the pending transportation bill or security of the defaulting Contractor.

4.5 The Contractor shall have no right to question or challenge the alternate arrangements, if any, applied by the Employer under the preceding clause 4.4, nor shall he have any right to object any recovery there under.

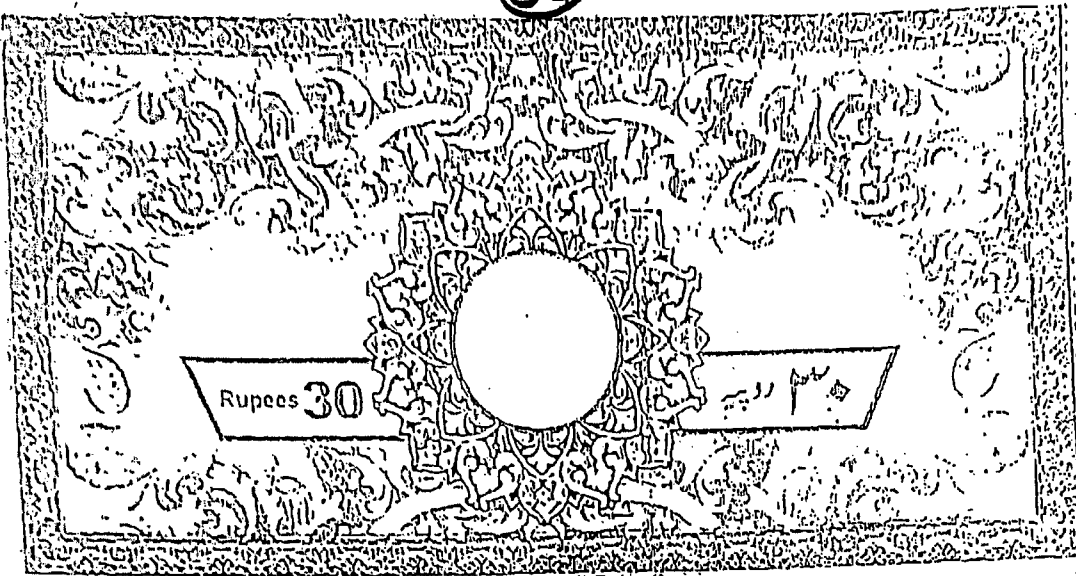
4.6 In addition, if the Contractor or his nominee or handling agent fails to lift the required quantity allocated for the specific destination in specified period of time, the Employer shall have a right to blacklist the Contractor permanently or otherwise.

4.7 If the security of the Contractor forfeited under clause 2.2 is not adequate to cater for transportation charges of the short lifted quantity, the Employer will have right to stop payment to the extent from the pending transportation bills of the Contractor.

ATFS/ED  
Assistant Accounts Officer  
Food Directorate  
Khyber Pakhtunkhwa

Approved by the Director of Food, Khyber Pakhtunkhwa

TRUE COPY



4.8 The Contractor shall be bound to transport wheat to the Provincial Reserve Contro to which it is allocated. In case of wrong delivery to any other stations the Contractor shall be bound to deliver the wheat to the proper place mentioned in the work order, for which he shall not be paid any additional charges.

4.9 Financial charges if any imposed or charged by the Punjab Food Department or Pakistan Agriculture Storage and Services Cooperation due to the slow filling by the Carriage Contractor, shall be born by the Contractor, without any hesitation.

4.10. The Contractor shall maintain truck-wise detail and furnish it to the concerned District Food Controllers along with demand bill. In case of transshipment of long trucks into small body the detail of both the trucks will be maintained and shall keep the record for any subsequent inspection.

ATTESTED

*[Handwritten Signature]*

Assistant Accounts Officer  
Food Directorate  
Khyber Pakhtunkhwa 5.1

**TERMINATION OF AGREEMENT**

Notwithstanding anything to the contrary in clause 1.1, or without prejudice to the provisions contained in clause 2.2, the Employer may terminate this Agreement at any time, if the Contractor fails to fulfill any of his obligations under this Agreement or violates or disregards any of the terms and conditions of this Agreement. The damage or loss, if any, caused to the Employer as a result of such termination shall be recoverable from the Contractor, and the Contractor shall have no right to claim any compensation as a result of such termination.

5.2 The Employer may terminate this Agreement without any compensation to the Contractor if the Contractor offers any commission, gift or other illegal gratification to any officer, servant or any person acting on behalf of the Employer in relation to operation of this Agreement.

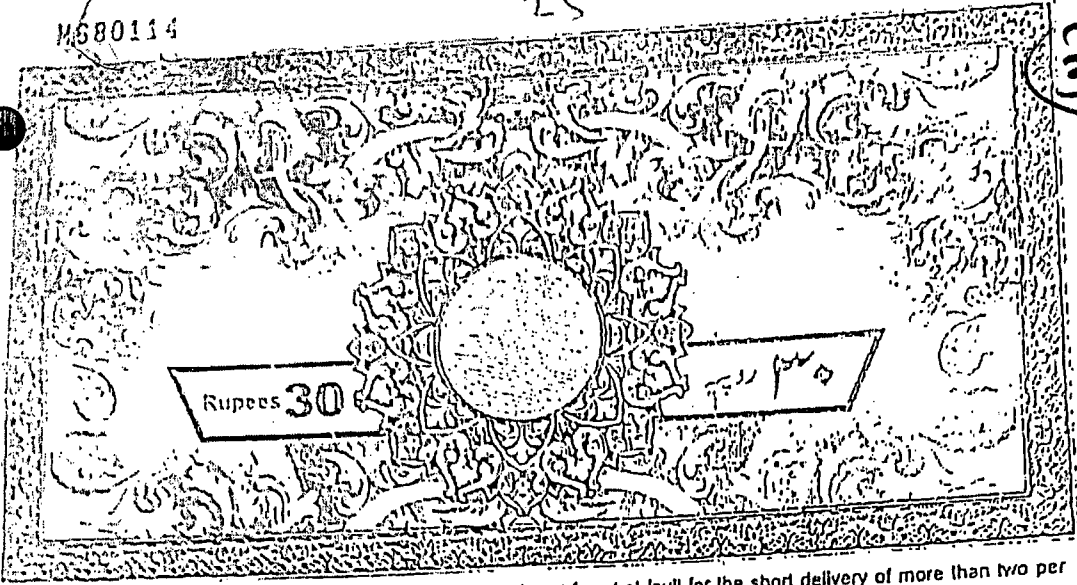
**6. TRANSIT SHORTAGES**

6.1 The Contractor shall ensure filling of the wheat from the dispatching station and its delivery to the receiving station in such quantity, in such manner and within such times as may be determined by the Employer.

6.2 In the process of filling and delivery of wheat, the shortage of wheat upto two per cent of the total weight of wheat loaded on a truck will be temporarily acceptable to the Employer, provided that the shortage is made good within fifteen days after the delivery filling which the Contractor will make good the loss at the rate of the Landed Cost. In case the shortage is more than two per cent, and the Contractor has no justified or cogent reason, he shall be liable to pay to the Employer compensation of a rate double than the Landed Cost of the wheat delivered short of the

*[Handwritten Signature]*  
**TRUE COPY**

*[Handwritten Signature]*



destination. In case the Contractor is not found at fault for the short delivery of more than two per cent and that rather it was beyond his control, the short delivered quantity will be made good at the rate of landed cost.

Note:- landed cost will be calculated as

Landed Cost:-  $\frac{\text{the sum of cost of wheat (+) Punjab Incidental (+) Khyber Pakhtunkhwa Food Department incidental}}{\text{}}$

ATTESTED

6.3 The Contractor will arrange to deliver the wheat at the recipient station within the stipulated period. In case the truck loaded with wheat is lost while on the way to its destination, the Contractor will ensure its delivery within fifteen days of its loading, failing which the Contractor will make good the loss in kind within one month from the date of loading. In case, the quantity is not delivered within one month, double than the landed cost will be recoverable from the Contractor, for which no excuse will be acceptable to the Employer.

Assistant Accounts Officer  
Food Directorate  
Khyber Pakhtunkhwa

6.4 The Employer or an Officer authorized by the Employer may recover from the Contractor, as compensation, such sum as he may consider reasonable, or deduct the sum from his security deposits or the payments to be made to the Contractor under this Agreement, in case of damage or loss caused to the Employer under this Agreement.

7. PENALTY

- 7.1 If the Contractor does not lift the quantity specified in the work order within the stipulated time, the Director Food Khyber Pakhtunkhwa (Contract Operating Officer) may impose a penalty of one per cent of the freight value per day of the quantity, which has not been transported. In case the transportation of remaining quantity is not resumed within twenty days of the last date, the Agreement shall be cancelled and the remaining quantity will be transported at the risk and cost of the Contractor.
- 7.2 The Contractor, on whom penalty is imposed under clause 7.1 may prefer an appeal to the Chief Secretary Government of the Khyber Pakhtunkhwa within fifteen days of the order, whose decision shall be final.

B. FORCE MAJEURE

Both the Parties shall not be responsible for any delay in fulfillment of the obligations under this Agreement due to circumstances of Force Majeure; such as acts of God, war, riots, civil commotion, strike, lock outs and other circumstances and disturbances, which are beyond the

Agree-12-2019-25-11-11-2019.doc

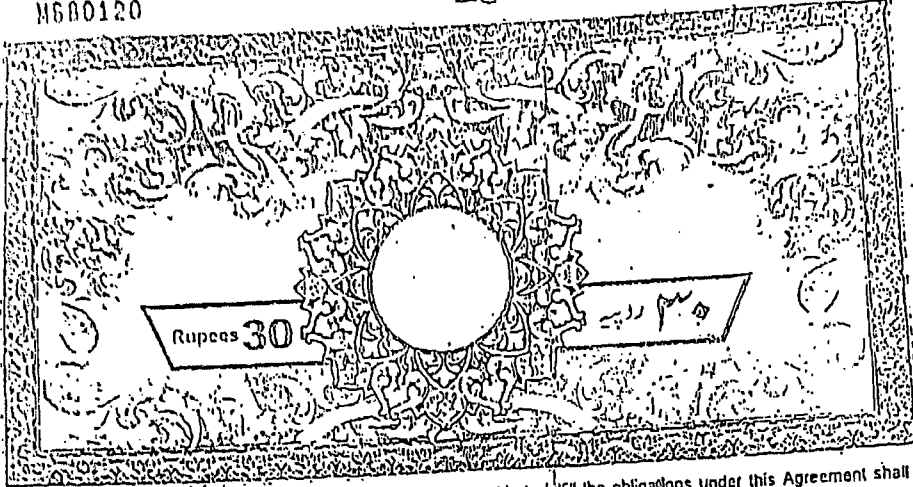
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control of both the Parties. Any Party unable to fulfil the obligations under this Agreement shall immediately within one week inform other Party of the beginning and discontinuation of such circumstances. In the case of fulfillment of the obligations, the time of limit shall be extended for a corresponding period of time.

9. RESOLUTION OF DISPUTE

All disputes between the parties hereto arising out of this Agreement or in relation thereto or regarding the interpretation of any clause of this Agreement shall be referred to the Chief Secretary for decision. The parties have agreed that the decision of the Chief Secretary shall be final and binding upon both the parties.

IN WITNESS THEREOF, the parties to this Agreement have here to set their hands on the day and the year written above.

ATTESTED

Assistant Accounts Officer  
Food Directorate  
Khyber Pakhtunkhwa

For and on behalf of the Employer

*[Signature]*

Director Food  
Khyber Pakhtunkhwa,  
Peshawar

For and on behalf of the Contractor

Signature *[Signature]*

Name *Javeed Khan*

NIC No. *42501-7580482*

PH # *0345-6004564*

Signature *[Signature]*

Witness Name *Shokat Ali*

NIC No. *17/01-8581701-8*

Signature *[Signature]*

Witness Name *QOHAD ZAMAN*

NIC No. *17301-1553919-9*

Agree-1/11/2019-30-Dueset 1 11 2019 doc

**TRUE COPY**

(4)

**ANNEXURE I**

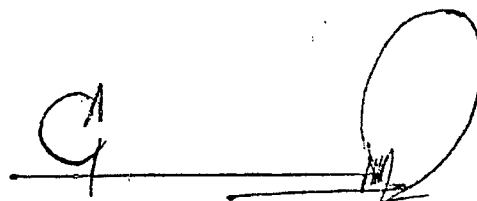
District Food Controller  
Buner.

Subject: PASSCO WHEAT RECEIPT AT PRC BUNER FROM BAHAWALNAGAR ZONE

Dear sir,

Reference to the subject noted above, it is stated that a total quantity of 345.251 M.Tons of PASSCO Bahawalnagar zone wheat has been received at PRC Buner upto 09.12.2019 against the target of 1027.000 M.Tons. The outstanding quantity of 681.749 M.Tons of Bahawalnagar zone wheat requires to be delivered to this PRC as soon as possible so as to avoid wheat Break Down and future complications please.

Report is submitted for your perusal and further necessary action please.



Assistant Food Controller  
PRC Buner

18/12/2019.

  
**TRUE COPY**



OFFICE OF THE DISTRICT FOOD CONTROLLER BUNER

Fax#0939530165

No: 624 /Allocation/DFC-BNR

Dated 10 / 12 /2019

M dfcbuner@gmail.com

@dfcbuner

@dfcbuner

## ANNEXURE I,

To

Ms. Javed & Co

Government Carriage Contractor.

Subject: SLOW LIFTING OF GOVERNMENT WHEAT FROM PASSCO PUNJAB

memo:

Reference to the Food Directorate Khyber Pakhtunkhwa Peshawar official letter No 3835/FG-433/PASSCO Dated 27.11.2019 in which you were directed by the worthy Director Food Khyber Pakhtunkhwa to lift 4000.000 M.Tons of FAQ wheat from six dispatching centers of PASSCO Punjab within stipulated period of 15 days. Till date only 380.088 M.Tons quantity of PASSCO wheat has been received at PRC Buner. Your lifting from PASSCO Punjab and its delivery to the PRC Buner is at snail's pace which is highly embarrassing.

You are, therefore, directed to dispatch and deliver the remaining allocated wheat quantity from PASSCO to PRC Buner within the stipulated period.

District Food Controller Buner

Endorsement No Date Even

Copy for information is forwarded to

1. Director Food Khyber Pakhtunkhwa Peshawar please
2. Divisional Assistant Director Food Malakand Division at Swat please

District Food Controller Buner

TRUE COPY

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ANNEXURE J

To

The District Food Controller  
Buner.


Subject: PASSCO WHEAT DISPATCHES FROM MULTAN ZONE & ALIPUR ZONE TO  
PRC BUNER


Dear Sir,

Reference to the subject noted above, it is stated that as per report of our representative, a total quantity of 621.225 M.Tons of PASSCO Multan zone wheat against allocation target of 640.000 M.Tons and 787.065 M.Tons of PASSCO Alipur Zone wheat against the allocation target of 787.000 M.Tons have been dispatched from 22.12.2019 to 24.12.2019.

The aforementioned quantity of wheat from both of the zones have not been delivered/ received at this PRC till date. The said quantity should arrive at this PRC so as to avoid breakdown of wheat releases to local Flour Mills at District Buner and future complications.

Report is submitted for your perusal and further necessary action please.

  
Assistant Food Controller 25/12/2019.  
PRC Buner

  
COPY



(44)

**ANNEXURE 1**

To

The District Food Controller Buner

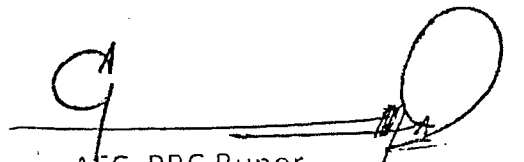
Subject: DISPATCHES OF PASSCO MULTAN ZONE WHEAT TO PRC BUNER

Dear Sir,

It is submitted for your kind information that 640.000 M.Tons of PASSCO Multan zone wheat has been dispatched by M/S Javed & Co for PRC Buner on 22.12.2019 and 23.12.2019. The said quantity of wheat has not been received at PRC Buner till date.

Mr. Javed, the owner of the firm has been contacted via cell phone but either he did not receive my call or turned off his cell phone.

Report is submitted for your information and further necessary action please.

  
AFC, PRC Buner  
26/12/2019

  
**TRUE COPY**

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ANNEXURE

2

To

The District Food Controller Buner

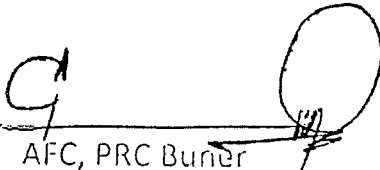
Subject: DISPATCHES OF PASSCO ALIPUR ZONE WHEAT TO PRC BUNER

Dear Sir,

It is submitted for your kind information that 787.000 M.Tons of PASSCO Alipur zone wheat has been dispatched by M/S Javed & Co for PRC Buner on 23.12.2019 and 24.12.2019.

The said carriage contractor has been contacted several times to deliver the said quantity of wheat as soon as possible but this PRC has not received the wheat of PASSCO Alipur Zone wheat till date.

Report is submitted for your information and further necessary action please.

  
AFC, PRC Buner

26/12/2019.

  
**TRUE COPY**



Our faith, "Corruption free Pakistan"  
 OFFICE OF THE DISTRICT FOOD CONTROLLER BUNER Fax#0939530165  
 NO 632 /Wheat Allocation /DFC-BNR DATED 11/12/2019

Mdfcbuner@gmail.com @dfcbuner @dfcbuner

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**ANNEXURE**

Jg

To  
 The Director Food  
 Khyber Pakhtunkhwa Peshawar

Subject: PASSCO, PUNJAB WHEAT RECEIPT AT PRC BUNER DURING 2<sup>nd</sup> ALLOCATION 2019 WITHIN THE STIPULATED PERIOD

Memo:  
 Reference to the subject noted above , it is stated that M/S Javed & Co , Government Approved Wheat Carriage Contractor from PASSCO Punjab to PRC Buner had been directed to lift 4000.000 M.Tons of PASSCO Wheat and deliver it to the PRC Buner within the stipulated time of 15 days vide Food Directorate official Letter No 3835/FG-433/PASSCO , Dated 27.11.2019.

The stipulated time period of 15 days has been expired today on 11.12.2019 and a total quantity of 452.226 M.Tons of PASSCO Wheat has been received and taken on FG3 stock register till date.

Report Submitted for your kind perusal and further necessary action please.

*M. Javed*  
 District Food Controller Buner

*Jg*  
**TRUE COPY**



Char. Act. "Corruption free Pakistan"

97

ANNEXURE 14

ہمارا ایمان، "کریشن فری پاکستان"

OFFICE OF THE DISTRICT FOOD CONTROLLER BUNER  
NO 649 /Wheat Allocation /DFC-BNR

Fax#0939530165

DATED 26/12/2019

dfcbuner@gmail.com

@dfcbuner

@dfcbuner

to

The Director Food  
Khyber Pakhtunkhwa Peshawar

Subject: WHEAT DISPATCHES FROM MULTAN ZONE AND ALIPUR ZONE TO  
PROVINCIAL RESERVE CENTER BUNER

Memo:

Reference to the subject noted above, as per report of our representative, a quantity of 621.225 M.Tons of PASSCO wheat of Multan Zone(Khudai Center Crore Pakka) and 787.065 M.Tons of PASSCO wheat of Alipur zone have been dispatched against the Allocated target of 640.000 M.tons and 787.000 M.Tons respectively. The said quantity of PASSCO Wheat has been dispatched on dated 22.12.2019, 23.12.2019 and 24.12.2019. The said quantity has not been received at PRC Buner till date.

Report submitted for your kind perusal and further necessary action please.

  
District Food Controller Buner

Endorsement No & Date Even

Copy for information is forwarded to

- 1.Divisional Assistant Director Food Malakand Division.
- 2.M/S Javed & Co Carriage Contractor for PRC Buner.

  
**TRUE COPY**

  
District Food Controller Buner

TRUE COPY

Director

Handwritten initials

Handwritten signature

A copy is forwarded to the:-  
 1. The General Manager (Field) PASSCO Headquarter office, 11, Kasmir Road, Lahore.  
 2. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.  
 3. Deputy Director Accounts, Food Director, Khyber Pakhtunkhwa, Peshawar.  
 4. All the Director's Assistants, Directors Food, Khyber Pakhtunkhwa, Peshawar.  
 5. The General Manager (Field) PASSCO, as well as concerned for information.  
 6. The Director's Assistants, Directors Food, Khyber Pakhtunkhwa, Peshawar.  
 7. The Director's Assistants, Directors Food, Khyber Pakhtunkhwa, Peshawar.  
 8. The Director's Assistants, Directors Food, Khyber Pakhtunkhwa, Peshawar.  
 9. The Director's Assistants, Directors Food, Khyber Pakhtunkhwa, Peshawar.  
 10. The Director's Assistants, Directors Food, Khyber Pakhtunkhwa, Peshawar.

Director Food, Khyber Pakhtunkhwa

Handwritten initials

Reference this Director's allocation order No. 3825/FG-237/PASSCO dated 27-11-19  
 The purpose of lifting of allocated quantity of wheat from PASSCO to various destination  
 and Khyber Pakhtunkhwa is very slow. Therefore, you are directed to ensure immediate lifting  
 and PASSCO which (balance quantity) and its further transportation to the destination stations  
 where stipulated period 11-12-2019 on war footing basis so that apprehension of break down  
 is provided. In case of break down in any District, you will be held personally responsible and  
 under the clauses of contract agreement, executed with you, shall be initiated.

LIST OF ALLOCATED WHEAT BY TRANSPORTATION

1. M/S Hanaym & Co Carriage Contractor
2. M/S Iqbal Unnour Carriage Contractor
3. M/S Muhammad Zahir Khan Carriage Contractor
4. M/S Ayoob & Brothers Carriage Contractor
5. M/S Ewaz Khan & Co Carriage Contractor
6. M/S Khazrafi, Khail & Co Carriage Contractor
7. M/S Dhuwair-ul-Hin & Sons Carriage Contractor
8. M/S Sardar Wali Carriage Contractor
9. M/S Pak Carriage Contractor
10. M/S Pak Carriage Contractor

FOOD DIRECTORATE,  
 KHYBER PAKHTUNKHWA,  
 PESHAWAR.  
 No. 39479 (Carriage Contractor)  
 Dated 27/11/2019



ANNEXURE

(48)

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FOOD DEPT. TORVAL,  
KHYBER PAKHTUNKHWA,  
PESHAWAR.

For 1/11/19 & 2/11/19 (PASSCO)

Date 11/12/2019

ANNEXURE ←



- 1. M/S Hamayun & Co Carriage Contractor
- 2. M/S Javed & Co Carriage Contractor
- 3. M/S Haji Barani Carriage Contractor
- 4. M/S Muhammad Zahir Khan Carriage Contractor
- 5. M/S Ayyaz & Brothers Carriage Contractor
- 6. M/S Evergreen Trading Co Carriage Contractor
- 7. M/S Muzaffar Khan & Co Carriage Contractor
- 8. M/S Ghous-ud-Din & Sons Carriage Contractor
- 9. M/S Sander Wali Carriage Contractor
- 10. M/S Pak Carriage Contractor

DESPATCHES OF PASSCO WHEAT

Reference this Directorate letter No.3749/FG-433/PASSCO dated 19-11-19 and  
No.3749/FG-433/PASSCO (FC) dated 04-12-2019 on the subject.

You are once again directed to lift only FAQ wheat packed in sound burlaps from  
despatching stations/zones, the same is your prime responsibility. Moreover the pace of  
the lifting of allocated PASSCO FAQ wheat and its further transportation to the  
destinations on or before stipulated period.

*[Signature]*  
11-12-2019

Director Food,  
Khyber Pakhtunkhwa.

Date Even.

A copy is forwarded to the:-

- 1. The General Manager (Field) PASSCO Head quarter office, 11-Kashmir Road, Lahore for  
information and necessary action. He is requested to direct his field formations for the  
distribution of only FAQ wheat as per MOU.
- 2. The Secretary Food, Khyber Pakhtunkhwa, Peshawar.
- 3. The Deputy Director Accounts, Food Directorate, Khyber Pakhtunkhwa, Peshawar.
- 4. The Divisional Assistant Directors Food Khyber Pakhtunkhwa for ensuring strict  
compliance as per directions conveyed to you.
- 5. The marketing centres of PASSCO as well as concerned carriage contractors and ensure that the  
wheat dispatched is also received at the destination stations without any discrepancy.
- 6. Mr. Gulab Gul, AFC Incharge of representatives of Food Department, Khyber Pakhtunkhwa,  
for information and necessary action.

*Attended*  
*[Signature]*

*[Signature]*

Director Food,  
Khyber Pakhtunkhwa.

**TRUE COPY**



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FOOD DIRECTORATE  
KHYBER PAKHTUNKHWA  
PESHAWAR

No. 4359 / PG-133/PASSCO.

Date: 27 / 12 / 2019

**ANNEXURE**

OFFICE ORDER.

Mr. Muhammad Iqbal, Divisional Assistant Director Food, Malakand is hereby appointed inquiry officer to conduct inquiry in wheat despatches from Mullan & Ali Pur Zones to Provincial Reserve Centre Buner and fix responsibility viz-a-viz District Food Controller Buner letter No.649/Wheat Allocation/DFC viz-a-viz DFC/BNR dated 26-12-2019 (Copy enclosed). He is directed to submit report within three days positively.

*[Signature]*  
27-12-2019

DIRECTOR FOOD,  
KHYBER PAKHTUNKHWA,  
PESHAWAR.

dst:No.& date even.

A copy is forwarded to the.

- 1. The PS to Minister Food, Khyber Pakhtunkhwa.
  - 2. The PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.
  - 3. The Assistant Director Food, Malakand Division for information & n/ action.
- He is directed to submit his report on Monday dated 30-12-2019 positively without fail. He is further directed to have a look at the wheat despatches from PASSCO to his Division being the monitoring officer. No such report of any discrepancy regarding despatches of wheat from PASSCO Zones has been received from your office.
- The District Food Controller Buner with the direction to submit full details to the inquiry officer as per contents of his letter referred to above.

*[Signature]*  
Secretary,  
Khyber Pakhtunkhwa

**TRUE COPY**

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Enquiry Report

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REPORT REGARDING WHEAT DISPATCHES FROM MULTAN ZONE AND ALI PUR ZONE TO PROVINCIAL RESERVE CENTRE BUNER

The Director Food, Khyber Pakhtunkhwa vide his Office Order dated 27.12.2019 ~~numbered~~ appointed the undersigned as Inquiry Officer to conduct inquiry in wheat dispatches from Multan and Ali Pur Zones of PASSCO Punjab to PRC Buner and fix responsibility viz a viz DFC Buner letter dated 26.12.2019 Annex-II wherein he reported about the delay in dispatches of wheat from above mentioned PASSCO zones to PRC Buner.

Proceedings:

In pursuance to the Director Food order, I Muhammad Iqbal Assistant Director Food, Malakand Division (Inquiry Officer) visited PRC Buner on 28.12.2019 and found that the wheat receipt was in progress from Multan Zone. I informed the Director Food about the situation telephonically. The Director Food ordered me to monitor the wheat receipt and ensure the complete allocation to District Buner. As per stock register, 640 tones allocation of Multan zone was completed on 31.12.2019. Relevant pages of FG-3 register *Annex-III*. Allocation of 787 tones from Ali Pur zone started on 01.01.2020 and completed on 03.01.2020. Relevant pages of FG-3 *Annex-IV*.

Findings

I checked the record of DFC Office Buner and found that:-

- i- Director Food Allocated 4000 tones to District Buner from 06 different zones of PASSCO Punjab on 27.11.2019 with a stipulated completion period of 15 days *Annex-V*.
- ii- Stipulated period expired on 11.12.2019.
- iii- Allocation was completed 23 days after the stipulated period.
- iv- No application of Carriage Contractor regarding extension in stipulated period was found in the record of DFC office Buner.
- v- The Contractor at no stage approached Directorate of Food, Assistant Director Food Malakand Division or DFC Office Buner regarding any difficulty in transportation of wheat to destination station.
- vi- The Carriage Contractor in his statement has stated that the dispute among the transporters has caused delay in transporting the wheat to PRC Buner *Annex-VI*.
- vii- The DFC Buner vide his letter dated 11.12.2019 *Annex-VII* reported to Director Food that the stipulated period for the completion of subject wheat allocation has expired today and only a quantity of 452.266 tones has been received against the allocation of 4000 tones. But the letter has not been received at Food Directorate. Moreover the letter was neither endorsed to Assistant Director Food Malakand Division nor informed telephonically.

FCAD  
300  
4.2.2020

Attested  
SA \_\_\_\_\_ SA \_\_\_\_\_

Superintendent,  
Food Directorate,  
Khyber Pakhtunkhwa.

*[Handwritten Signature]*

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- viii- After the expiry of stipulated period, DFC Buner issued several notices to carriage contractor for transportation of wheat but copies of notices were not received in the Directorate of Food and ADF Office Malakand Division.
- ix- No notice was given to Carriage Contractor for acceleration of dispatches before the expiry of stipulated period which is otherwise a must practice by consignees.
- x- Assistant Food Controller PRC Buner has also not reported about slow lifting of wheat before the expiry of the stipulated period.
- xi- As per record whole quantity of 4000 tones has been received at PRC Buner and taken on stock register accordingly. No financial loss occurred to the Govt exchequer.

Conclusion

The reasons put forth by carriage contractor for delay in dispatches of wheat is not genuine. The contractor unlike other contractors neither applied for extension in the stipulated period nor informed Food Directorate about any difficulty in transportation of wheat. The other contractors transported wheat amicably from some zones and loading points to their destinations stations during the same period. The contractor in fact withheld the Govt. property for ulterior motives best known to him.

The District Food Controller Buner showed negligence in monitoring the dispatches of wheat. He did not maintain efficient liaison with his representative and PASSCO authorities at dispatch centres. He could not push the contractor for in time delivery of wheat.

Recommendations

- a) The carriage contractor M/S Javed & Co should be proceeded against as per provision of contract agreement. The firm M/S Javed & Co, directors and management of the company in any other firm or Company may not be considered for future tendering process.
- b) The District Food Controller Buner Mr. Ashfaq and Assistant Food Controller Mr. Azam Khan have shown negligence and inefficiency in performance of their duties, therefore, they may be proceeded against as per E&D Rules 2011.

3<sup>rd</sup> February 2020

Director Food  
Khyber Pakhtunkhwa

Attested  
[Signature]  
Superintendent,  
Food Directorate,  
Khyber Pakhtun Kwa,  
Peshawar

(Muhammad Iqbal)  
Inquiry Officer,  
Assistant Director Food,  
Malakand Division

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**ADDENDUM TO THE ENQUIRY ALREADY CONDUCTED**

In response to the observations raised by Establishment Department vide Annex-I, the accused officer/officials were directed to appear before the committee along with all relevant record. In addition, Officers of Directorate of Food i-e Mr. Abdul Jalil, the then Deputy Director (Food & Inspection), now serving as Deputy Director (Admn and Coordination), Mr. Muhammad Shakeel, Deputy Director (Food & Inspection), the then Deputy Director (Admn & Coordination) and Mr. Muhammad Iqbal, the then Divisional Assistant Director Food, Malakand Division (now retired from service) were also called and their statements were recorded regarding observations raised by the competent authority.

2. Based on the statement, response to the questionnaires (Annexure II, III, IV, V and VI) and perusal of record, the following addendum is submitted for perusal of the competent authority.

SR. #	OBSERVATIONS	STATEMENTS	Commentary By Enquiry Committee
i.	The enquiry committee has concluded that the letter addressed to Director Food on 11-12-2019 reached Directorate on 31-12-2019 which seems to be issued in back date. However, while the finding state that no letter was received by the Directorate prior to 31-12-2019, the inquiry ordered dated 27-12-2019 indicates that it was instituted in response to a letter of the DFC dated 26-12-2019.	As per statement of Mr. Muhammad Ishfaq, the then District Food Controller (DFC) Buner, Mr. Muhammad Azam Khan, the then Assistant Food Controller (AFC) Buner and concerned officers of Directorate of Food affirmed that the letter dated 26-12-2019 issued by District Food Controller Buner has been brought and delivered by hand in Directorate of Food.	It is proved that the previous letters issued before 26-12-2019 were received at Directorate of Food on 31-12-2019 while letter dated 26-12-2019 has been delivered by the concerned District Food Controller (DFC) in Directorate of Food by hand upon which an enquiry was entrusted to Ex-Divisional Assistant Director Food Malakand. Furthermore, the enquiry report mentions about only three letters which were issued earlier and received in the Directorate on 31.12.2019. These letters are clearly mentioned in Annexure-XI of the enquiry report already submitted.
ii.	The report focuses on non-delivery of the wheat at Buner, but the correlative issues of lifting of wheat has been ignored. Was there any mechanism for monitoring the lifting of wheat, and if so, who was responsible? Further, record needs to be checked to confirm	As per statement of Mr. Muhammad Ishfaq, the then District Food Controller Buner that Directorate of Food was responsible for monitoring of wheat while Mr. Muhammad Iqbal, Ex. Divisional Assistant Director Food Malakand has informed that responsibility of	As per allocation order no. 3835/FG/433/PASSCO, dated 27-11-2019, clear responsibilities were assigned to consignee (DFC) and Divisional Assistant Director Food Malakand. Moreover, as per contract agreement, the carriage contractor was responsible for lifting

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or deny the allegation of accused officers that the contractor sold the wheat in Rawalpindi. That can be done through checking of record of lifting of wheat from Pakistan Agricultural Storage and Services Corporation (PASSCO).

monitoring of wheat from Pakistan Agricultural Storage and Services Corporation (PASSCO) to destination has been assigned to him but practically it was not possible for him to monitor each and every truck right from dispatching center to the receiving centers. As he was unable to monitor truck movements carrying wheat in eight districts of Malakand Division. Beside this, the Officers of Directorate of Food explained the monitoring mechanism was clearly indicated in allocation order no. 3835/FG/433/PASSCO, dated 27-11-2019 wherein CONSIGNEE (District Food Controller Buner) and Divisional AD Malakand were responsible for monitoring of wheat movement from PASSCO. On the other hand, Mr. Muhammad Iqbal, Ex. Divisional Assistant Director Food Malakand has categorically stated that the carriage contractor was wholly solely responsible to deliver entire allocation to the destination with Fair Average Quality (FAQ) and accurate weight of PASSCO wheat.

As per statement of Mr. Muhammad Azam, the then AFC Buner, the said carriage contractor verbally stated that the quantity of 681.749 Metric Ton of Bahawalnagar Zone (PASSCO) was sold out by him at Rawalpindi (verbal statement on 12 or 13 December, 2019) and he

of wheat from Pakistan Agricultural Storage and Services Corporation (PASSCO) and its safe transportation to the destination point i.e. Provincial Reserve Centre (PRC) Buner. It is also revealed from statements of concerned that the whole allocated quantity of wheat has been lifted from Pakistan Agricultural Storage and Services Corporation (PASSCO) for Provincial Reserve Centre (PRC) Buner and a quantity of 2108.747 MT has been sold out on way to PRC Buner.

It is pertinent to mention here that both Deputy Directors of food directorate i.e Food & Inspection (F&I) and Admn & Coordination (A&C) are silent about the lifting and monitoring of wheat from PASSCO. With regard to the query regarding lifting of wheat from Pakistan Agricultural Storage and Services Corporation (PASSCO), the then District Food Controller (DFC) and Assistant Food Controller (AFC) have stated that the allocated quantity was lifted from PASSCO by the concerned contractor. Moreover, the report of Anti-Corruption Establishment submitted to Food Department also affirms that the allocated quantity of wheat has been lifted from PASSCO (Annex-VII).

It is inferred from above discussion, that the consignee and concerned AD are responsible for monitoring of wheat transportation as per

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		immediately brought into the notice of DFC Buner about embezzlement of said quantity of wheat. The concerned DFC and AFC affirmed that all the allocated wheat has been lifted from PASSCO.	allocation order. Furthermore, the contractor is also responsible for safe transportation of wheat as per allocation order (Annex-VIII) and agreement (Annex-IX).
iii.	As for reporting by AFC to DFC on plain paper, the AFC explained that there was no practice of communication formally using letter heads with diary dispatch numbers and plain papers were used for passing information within the office. The enquiry committee did not dispute the reports but questioned the reports being on plain papers. Besides, the DFC, during personal hearing and in his response to question no.6 of the questionnaire, acknowledged having being informed by AFC	As per statements of field officers, there was no practice of maintaining diary/dispatch registers internally within the same offices for official correspondence.	The enquiry committee has found the contents of report, submitted by AFC to DFC, correct, therefore has not disputed it. The fact that why he submitted the report on plain paper, is explained by the AFC.
iv.	The statement of AFC in his written defense which he reiterated during personal hearing, that "as per advice of food directorate conveyed through the then Assistant Director Food Malakand Division a temporary arrangement was devised to misguide the carriage contractor in order to recover the amount/sale price on non-deliver wheat". Needs to be commented upon the enquiry committee.	As per statements of Deputy Directors (Admn & Coordination) and (Food & Inspection), they were unaware about any such temporary arrangements devised to misguide the carriage contractor in order to recover the amount/sale price of non-delivered wheat. On the other hand, Ex-Divisional Assistant Director Malakand, the then DFC Buner and the then AFC Buner stated affirmly that a mechanism has been devised to recover the amount of embezzled wheat from contractor. Such mechanism was devised to save huge losses to Govt. exchequer while the amount recovered and deposited into the	Both the Deputy Directors have stated that they were not aware of any temporary arrangements/mechanism devised to mislead the carriage contractor for recovery of amount of embezzled wheat. However, the Ex-AD Food Malakand Division, the then DFC Buner and the then AFC Buner have affirmed in their statement that a temporary arrangement/mechanism was devised to mislead the carriage contractor. The accused officers as well as the Ex-Divisional AD were of the view that the aim was to recover the amount of embezzled wheat first and to take action against carriage contractor later on and for that purpose.

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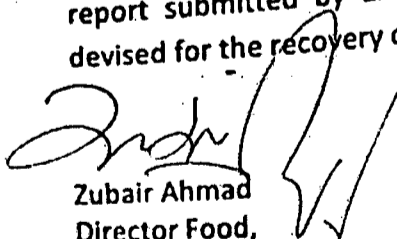
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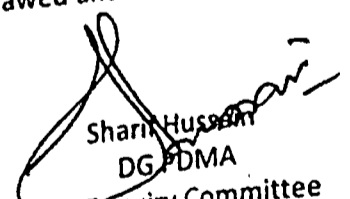
		<p>Government treasury. The then AFC also narrated that the mechanism was devised to maintain a parallel record at district level to recover the amount of embezzled wheat and AD Food Malakand Division has conveyed the directions for the temporary arrangements and mechanism. The Ex-AD Food Malakand Division in his response pointed out that our priority was first to recover the amount of embezzled wheat and then to take action against the delinquent carriage contractor. Moreover, he also submitted that there are certain examples available on record that the contractors have sold out thousands of wheat bags and a single penny couldn't be recovered from the defaulters. This was for the first time in the history of Food Department in KP that such a huge amount of stolen wheat has been recovered and deposited in the govt. treasury. In his reply he also stated that a parallel record was maintained to mislead the carriage contractor or recovery of amount of embezzled wheat.</p>	<p>parallel record was maintained at district level to misguide the carriage contractor.</p> <p>It is pertinent to mention here that the mechanism/temporary arrangements have been chalked out for recovery of amount of embezzled wheat but procedural lapses were there i.e lodging of FIR and other actions against carriage contractor.</p>
<p>v.</p>	<p>The Assistant Director is the same person who was entrusted with the enquiry on 27-12-2019, and who reported "as per record whole quantity of 4000 MT has been received at PRC Buner and taken on stock register accordingly. No financial loss occurred to the exchequer" this aspect of matter also needs a</p>	<p>As per statement of Mr. Muhammad Iqbal, EX Divisional Assistant Director Malakand region, that the said enquiry report was also a part of the mechanism devised to mislead the carriage contractor for recovery of amount of sold out wheat. The then DFC Buner has also stated the same version.</p>	<p>As per record and statements of all concerned including dealing hands of Food Directorate, no mechanism/temporary arrangements were devised in black and white and if such a mechanism was made up, it was against the provisions of contract agreement with the carriage contractor and practice in vogue.</p>


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	scrutiny by the enquiry committee.	The enquiry committee has already questioned the enquiry report submitted by Ex-AD Food Malakand Division and has categorically recorded in the findings that a quantity of 2108.717 MT of wheat has not been delivered to PRC Buner. This finding was reiterated in the conclusion of enquiry report already submitted by the enquiry committee that 2108.747 MT has not been withheld by contractor for 38 days rather it has never been delivered to PRC Buner, which speaks louder about criminal negligence on part of the concerned.
--	------------------------------------	--

3. In view of the above discourse, the enquiry committee stands by the conclusion already drawn in the earlier enquiry report submitted to the Competent Authority. Additionally, The Enquiry Committee is of the considered opinion that the enquiry report submitted by Ex-AD Malakand was not based on facts and the mechanism devised for the recovery of amount of embezzled wheat was flawed and illegal.

  
Zubair Ahmad  
Director Food,  
Member Enquiry Committee

  
Sharif Hussain  
DG PDMA  
Member Enquiry Committee

  
**TRIP - ADY**

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number	07/2022			
Case Title	Mohammed Azam Khan			
Date of Institution	05-01-2022			
Bench	SB	<input checked="" type="checkbox"/>	DB	
Case Status	Fresh	<input checked="" type="checkbox"/>	Pending	
Stage	Notice		Reply	Argument
Urgency to clearly stated.	The first date for preliminary hearing not yet fixed			
Nature of the relief sought.	Reinstatement.			
Next date of hearing	17-05-2022			
Alleged Target Date	25-04-2022			
Counsel for	Petitioner	<input checked="" type="checkbox"/>	Respondent	In person

Signature of counsel/party

*M. P. -*  
 Mohammed Azam  
 (Att.)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 476  
07 -p/2022

In case No. 07 -p/2022

Mohammad Azam Khan Vs Govt.

Presented by Mohammad Zaheer on behalf of Appellant. Entered in the relevant register.

Put up alongwith main case \_\_\_\_\_

REGISTRAR

Last date fixed	<u>21-2-2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Tribunal Non functional</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>NFA</u>
Available dates Readers/Assistant Registrar branch	<u>NFA</u>

Assistant Registrar

REGISTRAR



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ANNEXURE N



**Provincial Disaster Management Authority  
Khyber Pakhtunkhwa (Headquarter)**

Plot 46 A, Sector B-2, Hayatabad Phase-5, Peshawar.  
Phone: (091) 9211854, 9213959 Fax: (091) 9214025  
[www.pdma.gov.pk](http://www.pdma.gov.pk)



Dated: 05.07.2021

No. PDMA/PStoDG/2020-21

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Food Department.

Subject:

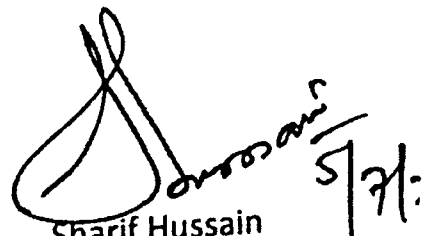
**DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD ASHFAQ,  
EX-DISTRICT FOOD CONTROLLER BUNER AND MUHAMMAD AZAM  
ASSISTANT FOOD CONTROLLER BUNER**

Dear Sir,

Please refer to your letter No. SOG/Food Deptt:/8-1/2020/8846 Dated 17<sup>th</sup> March, 2021 on the subject noted above and to enclose herewith an addendum with reference to the observations raised by the Competent Authority on the enquiry report already submitted by the Enquiry Committee, is submitted for perusal and further necessary action, please.

W

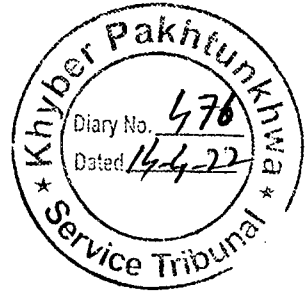
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Sharif Hussain  
DG PDMA  
Member Enquiry

**BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA**  
**PESHAWAR**

Service Appeal No. 07 /2022

Muhammad Azam Khan,



**Versus**

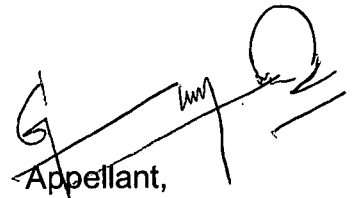
Government of K. P and others.

=====  
**APPLICATION FOR EARLY DATE OF HEARING**  
=====

**Respectfully Sheweth:**

1. That the above titled appeal is pending before this Hon'ble Tribunal and is fixed for preliminary hearing on 17-05-2022.
2. That the appellant filed the instant appeal on 05-01-2022 before this Hon'ble Tribunal, but due to being non-functional and non availability of Chairman, the appellant case was fixed for 17-05-2022 for preliminary hearing.
3. That the appellant has been removed from service and seeks his reinstatement and has a strong prima facie case on merits requests the leave of this Hon'ble Tribunal to fix his case for preliminary hearing for an early date in the month of April.

It is therefore, requested that by accepting this application an early date of hearing may kindly be fixed for preliminary arguments for the just conclusion of the appeal on merits.

  
Appellant,

Through,

Peshawar, dated 13-04-2022

  
(Muhammad Zafar Zahirkheli)  
Advocate

**Affidavit:**

I the appellant, state on oath that the contents of the above application are true and correct and nothing has been concealed from this Hon'ble Tribunal.

  
Deponent

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR**  
**Appeal No. 07/2022**

Muhammad Azam Khan,  
Ex-Assistant Food Controller (BS-16)  
Buner (Presently) House No. A-40,  
street No.02 Alharm City, Chakri Road,  
Rawalpindi.....**Petitioner**

Versus

1. The Chief Secretary of Government  
Of Khyber Pakhtunkhwa, Peshawar
2. The Secretary Food, Khyber Pakhtunkhwa,  
Peshawar
3. The Director Food,  
Khyber Pakhtunkhwa, near Haji Camp Adda,  
G.T. Road Peshawar..... **Respondents**

**INDEX**

<b>S.No.</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Pages</b>
1	Affidavit		1
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4	Suspension Notification	II	13
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7	Letter of Director General/ Inquiry Officer	V	19
8	The inquiry committee submitted addendum dated 05-07-2021	VI	20
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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.**  
**Appeal No. 07/2022**

Muhammad Azam Khan, Ex-Assistant Food Controller (BS-16) Buner (Presently) House No.A-40, street No.02, Alharam City, Chakri Road, Rawalpindi.

**APPELLANT**

**Versus**

1. The Chief Secretary Government of Khyber Pakhtunkhwa, Peshawar
2. The Secretary Food Khyber Pakhtunkhwa Peshawar **RESPONDENTS**
3. The Director Food Khyber Pakhtunkhwa, near Haji Camp Adda, GT Road Peshawar, Peshawar.

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS**  
**NO. 01 TO 03**

**Respectfully Sheweth**

**Preliminary objections.**

1. That the appeal is not maintainable as it is not in proper form.
2. That the appellant is estopped to file the present Appeal.
3. That the appellant has got no cause of action against the respondents.
4. That the issue invoked in present appeal is purely administrative and needs to be dealt with as such.
5. That the appellant has not come to the Tribunal with clean hands. Material facts have been concealed from this Honourable Tribunal. Thus, the appellant is not entitled any relief.
6. That the appellant has got no locus standi to prefer the appeal against respondents.
7. That the appellant is neither aggrieved person nor does he has locus standi to file the instant Appeal.
8. That the appeal of the appellant is badly time barred.
9. That the appeal is bad for miss joinder and non joinder of necessary parties.

**ON FACTS:**

- 1) On the recommendations of the Khyber Pakhtunkhwa, Public Service Commission, Mr. Muhammad Azam Khan with others were appointed as Assistant Food Controller (BS-14) and posted in Directorate of Food vide appointment Order No. 3936/AC-240-PSC-AFC-2015 dated 07-08-2015 later on the recommendation of Up-gradation Committee of Finance Department Khyber Pakhtunkhwa, the post of District Food Controller (BS-14) up-graded as BS-16 ( Annex-I)
- 2) As per record of Directorate of Food Khyber Pakhtunkhwa, Peshawar, during the year-2020 total 4000 M. Tons wheat allocated to Buner, by Directorate of Food Khyber Pakhtunkhwa Peshawar out of which only 1891.263 M. Tons was delivered to PRC Buner and the remaining 2108.747 M. Tons was not delivered. In order to conduct Inquiry into the embezzlement/ non delivery of wheat stock during the dispatches from Multan and Ali Pur Zones to the Provincial Reserve Centre, Buner to fix responsibility, the appellant Mr. Muhammad Azam AFC Incharge PRC Buner was placed under suspension

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vide Government of Khyber Pakhtunkhwa, Food Department Notification No. SOG/Food/8-1/2019/6710 dated 18-03-2020 (Annex-II). Formal Inquiry Committee was constituted including Mr. Zubair Ahmad Director Food Khyber Pakhtunkhwa and Mr. Shareef Hussain Additional Secretary Home Department were ordered to conduct inquiry against the appellant, on the following allegations:-

- a) The Carriage Contract with his connivance with-held government wheat for ulterior motives for 38 days.
  - b) He did not inform the Director Food, Khyber Pakhtunkhwa and Divisional Assistant Director Food, Malakand at Swat about non delivery of government wheat.
  - c) He issued notices to Carriage Contractor in back dates only to fulfil the formality and did not provide copies of notices to Food Directorate, Peshawar and Divisional Assistant Director Food Malakand at Swat.
- 3) The Inquiry Committee in its Inquiry Report / conclusion say that:
- a) There was no delay of 38 days as mentioned in the allegation No."a" against the District Food Controller but more than 50% of the allocated wheat has not reached / delivered to PRC Buner. Hence charge "a" against District Food Controller is proved.
  - b) The District Food Controller did not inform Director Food Khyber Pakhtunkhwa and Assistant Director Malakand Division about the non-delivery of government wheat to PRC Buner. The letter addressed to Director Food on 11-12-2019, which is attached to his statement, has reached Directorate of Food on 31-12-2020 which seems to be issued in back date. Because Inquiry in the issue was already initiated on 27-12-2020. Hence allegation No. "b" against District Food Controller is proved.
  - c) The Notices issued by the District Food Controller to the Carriage Contractor were endorsed to Director Food, but astonishingly only two notices issued on different date about slow lifting of wheat has reached Directorate of Food at a very later stage on the same date as evident from the statement of dairy dispatch section of Directorate of Food (Anne-). So it corroborates the fact that these notices were issued in back date only to fulfil the formality.
  - d) It can safely be construed that the wheat i.e. 2019.747 Metric Tons has not been withheld by the Contractor for 38 days rather it has never been delivered to PRC Buner which speaks louder about the negligence on the part of Mr. Azam Khan Ex-Assistant Food Controller, Buner (Annex-III).

As per above report the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) issued Show Cause Notice tentatively imposing a major penalty of Removal from Service vide letter No. SOG/Food/8-1/2019/7191 dated 23-07-2020. The Special Secretary Establishment Department empowered for personal hearing of the appellant vide letter No. SOR-III (E&AD)/9-263/2020 dated 14-12-2020 to attend the Office of Special Secretary Establishment on 15-12-2020 (Annex-IV) Further added that the Competent authority also made observation on the Inquiry Committee which was communicated to the appellant

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with others vide letter No. PDMA/PSTO DG/Misc 2020-21 dated 08-04-2021 (Annex-V). In response to the observations raised by Establishment Department, the Inquiry Committee submitted addendum vide letter No. PDMA/PS to DG/2020-21 dated 05-07-2021 that the Inquiry Committee stands by the conclusion already drawn in the earlier Inquiry report submitted to the Competent Authority. Additionally, the Inquiry Committee is of the considered opinion that the Inquiry Report submitted by the Ex-Assistant Director Food Malakand Division was not based on fact and the mechanism devised for the recovery of amount of embezzled wheat was flawed and illegal (Annex-VI)

After completion of all codal formalities on account of non-reporting of the undelivered government allocated wheat at the Provincial Reserved Centre, Buner, because of being in connivance with the Carriage Contractor in illicit sale of the said whereas, upon submission of the Inquiry Report, the major Penalty of "Removal from Service" was tentatively imposed upon the appellant vide Government of Khyber Food Department Office Order No. SOG/Food Deptt/8-1/2020/9887 dated 08-09-2021 (Annex-VII).

- 4) As per reply given in Para-03 above
- 5) As per reply given in Para-03 above.
- 6) The appellant filed an appeal before the appellate authority against the punishment of removal from service. The appellate authority examined his appeal under Rule-17(2) of Khyber Pakhtunkhwa government Servant (E&D) Rules, 2011 and up-held the already confirmed major penalty i.e. removal from service and rejected his appeal vide Office Order No. SO (G) / Food Deptt:/ 8-1/ 2020/ 10625 dated 20-01-2022 (Annex-VIII).
- 7) Incorrect.

#### GROUND.

- A. Incorrect, the appellant has been treated in accordance with law and rules.
- B. Incorrect and denied. The agreement was signed on 04-11-2019 between M/s. Javed & Co Carriage Contractor Batkhela, District Malakand and Director Food Khyber Pakhtunkhwa for transportation of 4000 MT wheat from PASSCO to PRC Buner on 27-11-2019. The Carriage Contractors transported 1891.253 M. Tons of wheat while quantity of 2108.747 was not received at PRC Buner.

Anti-Corruption Establishment took cognizance of the case and lodged FIR against the petitioner on 18-03-2022. The Carriage Contractor was directed to make the loss good and deposit the amount of Rs. 112,567,938 but he failed to deposit the same. Therefore Director Food

as per clause 4.6 of the Contract Agreement black listed the firm of M/s. Javed & Co Carriage Contractor (Annex-IX)

- C. Incorrect. He has not reported the case and malafidely in connivance with the Carriage Contractor. Being Government Servant he has shown criminal negligence in the performance of his duty.
- D. The report of the appellant dated 10-12-2019 to the then DFC Buner for non-delivery of wheat from Punjab Bahawal Nagar zone to PRC Buner quoted in this para is incorrect and baseless. Resultantly disciplinary proceedings were initiated against the appellant on account of non-reporting of the undelivered government allocated wheat at PRC Buner, because of being in connivance with the Carriage Contractor. Therefore major penalty of Removal from Service was imposed upon to the appellant.
- E. Incorrect. As per reply given in Paras B to D of the grounds.
- F. Incorrect. As per reply given in Paras-2 to 3 of the facts.
- G. Incorrect. As per reply given in Paras-2 to 3 of the facts. Mr. Muhammad Iqbal Assistant Director Food Malakand Division was directed to conduct fact findings Inquiry and submit report to the authorities. The Inquiry Officer submitted his report that the Carriage contractor Ms. Javid & Co should be proceeded against as per provision of the contract agreement. The firm Ms Javid & Co not be considered for future tendering process, while the appellant Mr. Muhammad Ashfaq ex-DFC Buner and Muhammad Azam ex-AFC Buner have shown negligence and inefficiency in the performance of their duties, therefore, they may be proceeded against as per E&D Rules, 2011. As per report of the inquiry Officer the appellant should be served charge sheet / statement of allegations under E&D Rules, 2011 as explained in Paras-02 to 03 of the fact.
- H. Incorrect. As per reply given in Paras-2 to 3 of the facts
- I. Incorrect. As per reply given in Paras-2 to 3 of the facts.
- J. Incorrect. As per reply given in Paras-2 to 3 of the facts.
- K. Incorrect. As per reply given in Paras-2 to 3 of the facts
- L. The Competent authority made observations on the report of Inquiry Committee which was communicated to the appellant with others vide letter No. PDMA/PSTO DG/Misc 2020-21 dated 08-04-2021 In response to the observations raised by Establishment Department, the Inquiry Committee submitted addendum vide letter No. PDMA/PS to DG/2020-21 dated 05-07-2021 that the Inquiry Committee stands by the conclusion

already drawn in the earlier Inquiry report submitted to the Competent Authority. Additionally, the Inquiry Committee is of the considered opinion that the Report submitted by the Ex-Assistant Director Food Malakand Division was not based on fact and the mechanism devised for the recovery of amount of embezzled wheat was flawed and illegal.

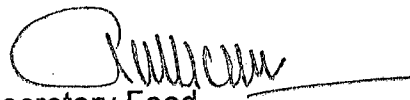
- M. As per reply given in Para-L above
- N. Incorrect. After completion of all codal formalities on account of non-reporting of the undelivered government allocated wheat at the Provincial Reserved Centre, Buner, the appellant was in connivance with the Carriage Contractor in illicit sale of the wheat, and whereas, upon submission of the Inquiry Report the major Penalty of "Removal from Service" was tentatively imposed upon the appellant was confirmed vide Government of Khyber Food Department Office Order No. SOG/Food Deptt/8-1/2020/9886 dated 08-09-2021
- O. Incorrect. As per reply given in Paras-2 to 3 of the facts.
- P. Incorrect. As per reply given in Paras-2 to 3 of the facts.
- Q. Incorrect, the appellant has tread in accordance with law and rules, as explained at paras-02-03 of the facts.

It is therefore, most respectfully prayed that on acceptance of the Para-wise comments, appeal of the appellant may kindly be dismissed.

**RESPONDANTS**



Chief Secretary through Secretary Food,  
Government of Khyber Pakhtunkhwa,  
Food Department, Peshawar  
Respondent No.1



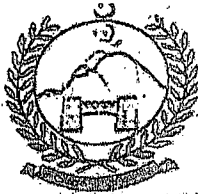
Secretary Food,  
Government of Khyber Pakhtunkhwa,  
Food Department, Peshawar  
Respondent No.2



Director Food Khyber Pakhtunkhwa,  
Peshawar  
Respondent No.3







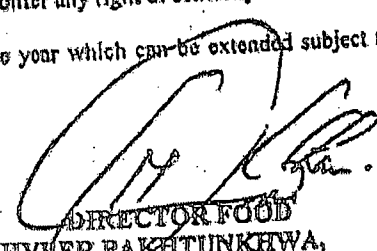
### APPOINTMENT ORDER

Consequent upon the acceptance of appointment Offer bearing No. 3377/AC-240-PSC dated 26-06-2015, and in pursuance to the Government of Khyber Pakhtunkhwa, Establishment & Administration Department Circular letter bearing No. SOSR-III/FD/12-1/2005 dated 27-02-2013, on the recommendation of the Khyber Pakhtunkhwa Public Service Commission, the below mentioned recommendees are hereby appointed as Assistant Food Controller (BS-14) against temporary posts in Food Department Khyber Pakhtunkhwa on the terms and conditions laid down in their appointment offer referred to above.

S.No	Name with Father, Name/ Permanent Home Address newly AFCs	On appointment as AFC posted as
1.	Miss Uzma Kanwal D/O Tasadduq Hussain Shah R/O Kaghan colony, Rehman Street Al-Imran Gate, Mandian, Abbottabad	On appointment as Assistant Food Controller (BS-14), she is posted in the Office of DFC Manshara against the vacant post of AFC with immediate effect.
2.	Mr. Zafar Alam Riza S/O Noer Gulab R/O Village Kuejinali Booni Tehsil Mastuj District Chitral.	On appointment as Assistant Food Controller (BS-14), he is posted in the office of DFC Chitral against the vacant post of AFC with immediate effect.
3.	Mr. Tufiq Iqbal S/O Khurshid Iqbal R/O House No.5 Street No.1 Faisal Town Nasir Bagh Road Peshawar.	On appointment as Assistant Food Controller (BS-14), he is posted in Food Directorate, Peshawar against the vacant post of AFC with immediate effect.
4.	Mr. Muhammad Shakeel S/O Muhammad Siddique R/O C.B-56 PMA Kakul Road Abbottabad.	On appointment as Assistant Food Controller (BS-14), he is posted in the office of DFC Kohistan against the vacant post of AFC with immediate effect.
5.	Mr. Muhammad Azam Khan S/O Saeedar Rehman R/O House No.F-25 FG Colony Shami Road Peshawar.	On appointment as Assistant Food Controller (BS-14), he is posted in Food Directorate, Peshawar against the vacant post of AFC with immediate effect.
6.	Mr. Adnan Khan S/O Muhammad Yunas R/O Street No.8-B Hazrat Ali Hujra Malik Ilyas Pahari Pupa Haji Camp Peshawar.	On appointment as Assistant Food Controller (BS-14), he is posted in Food Directorate, Peshawar against the vacant post of AFC with immediate effect.
7.	Mr. Hafeez ur Rehman S/O Abdul Hameed R/O Village Laghari Union Council Beshigram Tehsil Lal Qilla, District Lower Dir	On appointment as Assistant Food Controller (BS-14), he is posted in the office of Storage & Enforcement Officer PRC Peshawar against the vacant post of AFC with immediate effect.
8.	Mr. Zeshan Ali Shah S/O Mirsar Ali Shah R/O Kotka Naimat Shah Post Office Kati Sadat Surani Bannu	On appointment as Assistant Food Controller (BS-14), he is posted in Food Directorate, Peshawar against the vacant post of AFC with immediate effect.
9.	Mr. Shujaat Hussain Shah S/O Syed Zia-ud Din Shah R/O Village Bai Balu Post Office Chattar Main Tehsil & District Manshara.	On appointment as Assistant Food Controller (BS-14), he is posted in the office of DFC Battagram with immediate effect.
10.	Mr. Kashif ur Reman S/O Dr. Mumtaz Khan R/O House No.487/C Collage Street Bannu	On appointment as Assistant Food Controller (BS-14), he is posted in the office of DFC Bannu against the vacant post of AFC with immediate effect.

(The Serial Chronological Appointment Order will not confer any right of seniority Inter se-merit etc)

2. They shall be on probation for a period of one year which can be extended subject to their performance as per rules.

  
DIRECTOR FOOD  
KHYBER PAKHTUNKHWA,  
PESHAWAR.

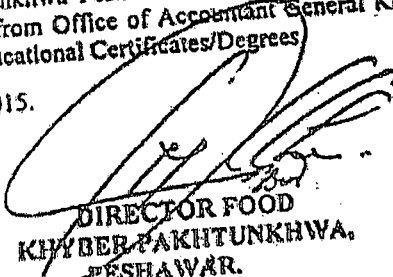
33/01/2022

(12)

Endorsement Even No & Dates

A copy is forwarded to:-

- 1 PS to Minister Food for information of the Minister Food Government of Khyber Pakhtunkhwa Peshawar.
- 2 PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa Peshawar.
- 3 The Accountant General Khyber Pakhtunkhwa Peshawar for information & necessary action.
- 4 The Director Recruitment Khyber Pakhtunkhwa Public Service Commission Peshawar for information with reference to his letters No. PSC/SR-1/081965, dated 04-06-2015 and No. PSC/SR-1/080729 dated 20-05-2015. He is requested to kindly furnished photo copies of Merit List of the recommendee to proceed further in the matter
- 5 The District Accounts Officers Mansohra, Battagram, Kohat, Bannu, Kohistan & Abbottabad for information & necessary action.
- 6 The Deputy Directors Food in Food Directorate, Khyber Pakhtunkhwa Peshawar.
- 7 The Section Officer Food Government of Khyber Pakhtunkhwa Food Department Peshawar for information with reference to his letters No. SOF/1-16/13/P-III/728 dated 26-05-2015 and No. SOF/1-16/13/P-III/806 dated 11-06-2015.
- 8 The concerned Assistant Directors Food at Divisional in Food Department Khyber Pakhtunkhwa.
- 9 The District Food Controllers Mansohra, Battagram, Kohat, Bannu, Kohistan & Abbottabad for information with the direction to activate the pay of newly appointed AFCs from Office of District Accounts Officer of the new appointee AFCs subject to verification of their Character/ Educational Certificates/Degrees and copies of verifications be furnished to Food Directorate Peshawar for record.
- 10 The Storage & Enforcement Officers PRC Peshawar for information with the direction to activate the pay of the new appointee AFC from Office of Accountant General Khyber Pakhtunkhwa subject to verification of their Character/ Educational Certificates/Degrees and copies of verifications be furnished to Food Directorate Peshawar for record.
- 11 The newly appointed as AFCs posted in Food Directorate Peshawar will work under supervision of Rationing Controller, Peshawar till further orders.
- 12 The Pay Bill Assistant Food Directorate, Khyber Pakhtunkhwa Peshawar for information with the direction to activate the pay of the new appointee AFCs from Office of Accountant General Khyber Pakhtunkhwa subject to verification of their Character/ Educational Certificates/Degrees
- 13 Officials concerned / Personal Files / AC-240-PSC-AFC-2015.

  
 DIRECTOR FOOD  
 KHYBER PAKHTUNKHWA,  
 PESHAWAR.

  
 TRUE COPY

(13)

ANNEXURE 1



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

Dated Peshawar the 18-03-2020

051-9225373 | fooddepartmentkp@gmail.com | @fooddepartmentkp | @foodsecretariat

**NOTIFICATION**

**NO.SOG/Food/18-1/2019/ 67/10** : In order to conduct an inquiry into the embezzlement/ non delivery of wheat stock during dispatches from Multan and Ali Pur Zones to the Provincial Reserve Center, Buner and to fix responsibility, the Competent authority is pleased to place Mr. Muhammad Azam, Ex-Assistant Food Controller, Buner (now at Food Directorate, Peshawar) under suspension for a period of 90 days under Rule-06 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 with immediate effect.

Sd/-  
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

**Endst: No. and Date even.**

Copy forwarded for information to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. The Commissioner Malakand, Division at Saidu Sharif, Swat.
3. The Deputy Commissioner, Buner
4. Director Food Khyber Pakhtunkhwa.
5. PSO to to Chief Secretary, Khyber Pakhtunkhwa.
6. PS to Minister Food, Khyber Pakhtunkhwa.
7. PS to Secretary Food, Khyber Pakhtunkhwa.
8. Assistant Director Food, Malakand Division at Saidu Sharif, Swat.
9. District Food Controller, Buner.
10. Official concerned.
11. Personal file.

SECTION OFFICER GENERAL  
18/3/20

TRUE COPY

15

ANNEXURE D<sub>2</sub>

DISCIPLINARY ACTION

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, am of the opinion that Mr. Muhammad Azam, Assistant Food Controller, Buner rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

You did not report non-delivery of allocated government wheat at PRC Buner because of being in connivance with carriage contractor in with-holding the government wheat for ulterior motives.

2. For the purpose of inquiry against the said accused, with reference to the above allegations, an Inquiry Officer/Committee, consisting of the following, is constituted under rule 10 (1) (a) of the ibid rules.

- 3) Mr. Sharif Husain (PMS-19)
- 4) Mr. Zubair Ahmad Director Food (PMS-19)

3. The Inquiry Officer/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, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well-conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Committee.

*Kazim Niaz*  
COMPETENT AUTHORITY

*[Handwritten mark]*

TRUE COPY

(17)

Amir Khan E

ENQUIRY REPORT

Subject: JOINT DISCIPLINARY PROCEEDINGS AGAINST M/S MUHAMMAD ASHFAQ, EX-DISTRICT FOOD CONTROLLER, BUNER AND MUHAMMAD AZAM, ASSISTANT FOOD CONTROLLER, BUNER.

We both the undersigned were appointed as enquiry committee under rule 10 (1) (a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 vide Food Department letter No.SOG/F.D/8-1/2016/6714 dated 19-03-2020 to probe into the charges against Mr. Muhammad Ashfaq Ex-District Food Controller Buner and Mr. Muhammad Azam Ex-Assistant Food Controller Buner and submit inquiry report accordingly (Annex-I).

2. The following charges were leveled against the two officer/officials:-

i. Mr. Muhammad Ashfaq DFC Buner (Annex-II)

- The Carriage Contractor with his connivance with-held government wheat for ulterior motives for 38 days.
- He did not inform the Director Food, Khyber Pakhtunkhwa and Divisional Assistant Director Food, Malakand at Swat about non-delivery of government wheat.
- He issued notices to Carriage Contractor in back dates only to fulfill the formality and did not provide copies of the notices to Food Directorate, Peshawar and Divisional Assistant Director Food Malakand at Swat.

ii. Mr. Muhammad Azam AFC Buner (Annex-III)

"He did not report non-delivery of allocated government wheat at PRC Buner because of being in connivance with carriage contractor in with-holding the government wheat for ulterior motives."

3. In pursuance of the Food Department order both the alleged were asked to submit a written statement in their defense. Both of them submitted their statement which is available at (Annex-IV & V). On perusal of their statement, preliminary enquiry and other relevant documents, two questionnaires were prepared. They were called for personal hearing to office of the undersigned on 18-05-2020 and were asked to respond to each question honestly. The questionnaires alongwith their responses are available at (Annex VI & VII). In order to get further clarity on the issue, Mr. Muhammad Iqbal Assistant Director Food, Malakand Division (now retired) was also called for interview who did not give a written statement but stated that the preliminary enquiry report submitted by him may be considered as his statement (Annex-VIII). Furthermore, the enquiry report submitted by Commissioner Malakand and a joint report submitted by Director Food, Additional Deputy Commissioner Buner, Deputy Secretary Finance Department etc at (Annex - IX & X ) was also perused.

TRUE COPY

FINDINGS

4. From perusal of their statements, responses to their questionnaires and other relevant record we found that:-

- i. After perusal of the enquiry report of Commissioner Malakand (Annex-IX) and report of Director Food (Annex-X) it came to the fore that out of 4000 Metric Ton wheat allocated to Buner, only 1891.253 Metric Ton has been delivered to PRC Buner and the remaining 2108.747 Metric Ton has not been delivered. So there was not delay of 38 days in transportation of wheat but more than 50% of allocated wheat for District Buner has not at all reached/delivered to PRC Buner.
- ii. Although various letters of District Food Controller Buner addressed to the contractor and endorsed to Director Food Khyber Pakhtunkhwa and Assistant Director Food Malakand Division are attached to the statement of Mr. Muhammad Ashfaq District Food Controller (Annex-II) but its non receipt both in the offices of Director Food and Assistant Director Food in this era of modern communication is beyond understanding. When checked from the diary / dispatch section of the Directorate of Food, only three of the letters have reached the Directorate on 31-12-2019 (Annex-XI) quite later than the initiation of enquiry against them (which was initiated on 27-12-2019). It clearly shows that those letters were issued just to fulfill the formality and actually both the offices were not informed of the happening timely.
- iii. The Assistant Food Controller in his statement (Annex-III) has tried to prove that he has reported to District Food Controller the non-delivery of allocated quantity of wheat to PRC Buner and has attached few letters to his statement. But those are not proper letters, with no official letter head, Diary Dispatch No. and are just information reports on plain paper. When Assistant Food Controller was asked about the fact that why the reports were sent on plain paper instead of official letter pad, he responded that official letter pad is used under the signature and seal of District Food Controller. Therefore he submitted reports to District Food Controller on plain paper.
- iv. It seems that no proper reporting happened but to fulfill the formality and in order to substantiate their statement before the enquiry committee, these reports/letters were attached.
- v. The Assistant Food Controller at a very belated stage i.e. on 24-02-2020 reported the non delivery of 2108.747 Metric Ton of wheat to PRC Buner and the District Food Controller forwarded that report to Director Food but by then much water has flown under the bridge and it was at time when the Commissioner Malakand has submitted his enquiry report, wherein it was established that the total allocated wheat has not been delivered to PRC Buner. For understanding of the whole episode below is chronology of events.

S#	Action/letter/Notification	Date
1	Allocation of wheat quota for districts by Director Food	27-11-2019
2	The stipulated 15 days period of transportation expired	11-12-2020
3	Director Food assigned enquiry in the issue to Assistant Director Food Malakand Division	27-12-2019
4	Assistant Director Food Malakand Division submitted his report	03-02-2020
5	Commissioner Malakand submitted enquiry report	04-02-2020
6	District Food Controller was transferred from Buner	07-02-2020
7	Assistant Food Controller was transferred from Buner	14-02-2020
8	DFC and AFC reported non-delivery of 2108.747 Metric Ton of wheat to PRC Buner	24-02-2020

(19)

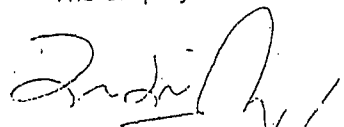
vi. The above chronology shows that the non-delivery of wheat was recovered at a very belated stage when it was a broad day fact and both the District Food Controller and Assistant Food Controller were posted out of District Buner.


vii. \* One commendable performance on the part of District Food Controller / Assistant Food Controller and officers of Food Department is the recovery of cost of major chunk of non-delivered wheat from the contractor. As their statements and report of Director Food revealed that out of the total 2108.747 Metric ton non-delivered wheat, the release price of 1886.747 Metric Ton wheat (an amount of Rs. 66,960,215) has been recovered and deposited in the government treasury. For the remaining 242 Metric Tons wheat which amounts to Rs. 8,680,650/- security and some unpaid bills of the contractor is lying with department which can be forfeited to make up the loss to the government exchequer.

CONCLUSION:

- a. There was no delay of 38 days as mentioned in the allegation No. "a" against the District Food Controller but more than 50% of the allocated wheat has not reached/delivered to PRC Buner. Hence charge "a" against District Food Controller is proved.
- b. District Food Controller did not inform Director Food Khyber Pakhtunkhwa and Assistant Director Food Malakand Division about the non-delivery of government wheat to PRC Buner. The letter addressed to Director Food on 11-12-2019, which is attached to his statement, has reached Directorate of Food on 31-12-2020 which seems to be issued in back date. Because enquiry in the issue was already initiated on 27-12-2020 Hence allegation No. "b" against District Food Controller is proved.
- c. The notices issued by District Food Controller to the carriage contractor were endorsed to Director Food but astonishingly only two notices issued on different dates about slow lifting of wheat has reached Directorate of Food at a very later stage on the same date as evident from the statement of diary dispatch section of Directorate of Food (Annex-XI). So it corroborates the fact that these notices were issued in back date only to fulfill the formality.
- d. It can safely be construed that the wheat i.e. 2108.747 Metric Ton has not been withheld by the contractor for 38 days rather it has never been delivered to PRC Buner which speaks louder about the negligence on the part of Mr. Azam Khan Ex-Assistant Food Controller Buner.

The enquiry consists of 03 pages and 11 Annexure.

  
 (ZUBAIR AHMAD)  
 DIRECTOR FOOD,  
 KHYBER PAKHTUNKHWA,  
 MEMBER ENQUIRY COMMITTEE

**TRUE COPY**  
  
 (SHARIF HUSSAIN)  
 ADDITIONAL SECRETARY  
 HOME DEPARTMENT,  
 MEMBER ENQUIRY COMMITTEE

(23)

ANNEXURE E<sub>3</sub>

**MOST IMMEDIATE**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMN: DEPARTMENT  
(REGULATION WING)**

No. SOR-III (E&AD)/9-263/2020  
Dated Peshawar the December 14<sup>th</sup>, 2020

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Food Department.

Subject: -

**DISCIPLINARY PROCEEDINGS AGAINST M/S MUHAMMAD ASHFAQ,  
EX-DISTRICT FOOD CONTROLLER, BUNER AND MUHAMMAD AZAM,  
ASSISTANT FOOD CONTROLLER, BUNER.**

Dear Sir,

I am directed to refer to the subject noted above and to inform that the Chief Secretary, Khyber Pakhtunkhwa has empowered Special Secretary, Establishment Department to give personal hearing to the following accused, on his behalf. The Special Secretary Establishment has fixed 15.12.2020 at 11.00 AM for personal hearing in her office:-

- i. Mr. Muhammad Ashfaq, Ex-District Food Controller, Buner.
- ii. Mr. Muhammad Azam, Ex-Assistant Food Controller, Buner.

2. I am, therefore, directed to request that the accused officer may be informed to attend the office of Special Secretary Establishment on the date, time & venue mentioned above and also nominate an officer of your department well versant to the case to attend the personal hearing with complete record.

Yours faithfully

SECTION OFFICER (R-III)  
Phone No. 9211793

Copy for information:-

- 1. Director Food Department, Khyber Pakhtunkhwa.
- 2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 3. PS to Secretary Establishment Department, Khyber Pakhtunkhwa.

SECTION OFFICER (R-III)

**TRUE COPY**





PROVINCIAL DISASTER MANAGEMENT AUTHORITY,  
KHYBER PAKHTUNKHWA

(29)

ANNEXURE F

No.PDMA/PstoDG/Misc 2020-21

dated 08.04.2021

To

1. Mr.Muhammad Ashfaq, Ex-District Food Controller Buner.
- ✓ 2. Mr.Muhammad Azam, Ex-Assistant Food Controller, Buner.
3. Mr.Muhammad Shakeel, Deputy Director Food, Food Directorate Peshawar.
4. Mr.Abdul Jalil Deputy Director Food, Food Directorate Peshawar.
5. Mr.Muhammad Iqbal Ex-Assistant Director Food Malakand Division.

Subject:- DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD ASHFAQ  
EX-DISTRICT FOOD CONTROLLER, BUNER AND MUHAMMAD AZAM,  
ASSISTANT FOOD CONTROLLER, BUNER.

Memo:

Reference letter No.PDMA/PstoDG/Misc 2020-21 dated 01.04.2021 on the subject cited above.

Enclosed find herewith observations of competent authority on the inquiry report conducted by the undersigned on the above subject. You are directed to submit your reply to the observations to proceed further in the matter.

(SHARIF HUSSAIN)  
DIRECTOR GENERAL / INQUIRY OFFICER

Endt No. & Date Even.

A copy is forwarded to:-

1. PSO to Chief Secretary Khyber Pakhtunkhwa.
2. PS to Special Secretary (Estt), Establishment Department Khyber Pakhtunkhwa.
3. PS to Secretary Food Khyber Pakhtunkhwa.

(SHARIF HUSSAIN)  
DIRECTOR GENERAL / INQUIRY OFFICER

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ANNEXURE F



Provincial Disaster Management Authority  
Khyber Pakhtunkhwa (Headquarter)  
Plot 46 A, Sector B-2, Hayatabad Phase-5, Peshawar.  
Phone: (091) 9211854, 9213959 Fax: (091) 9214025  
[www.pdma.gov.pk](http://www.pdma.gov.pk)



Dated: 05.07.2021

No. PDMA/PStoDG/2020-21

To

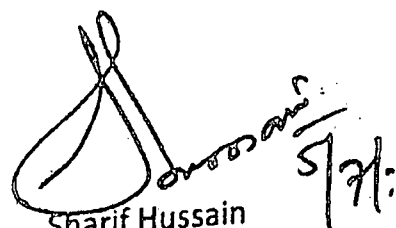
The Secretary to Government of Khyber Pakhtunkhwa,  
Food Department.

Subject:

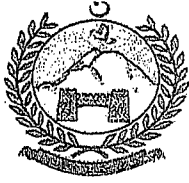
DISCIPLINARY PROCEEDINGS AGAINST MR. MUHAMMAD ASHFAQ,  
EX-DISTRICT FOOD CONTROLLER BUNER AND MUHAMMAD AZAM,  
ASSISTANT FOOD CONTROLLER BUNER

Dear Sir,

Please refer to your letter No. SOG/Food Deptt:/8-1/2020/8846 Dated 17<sup>th</sup> March, 2021 on the subject noted above and to enclose herewith an addendum with reference to the observations raised by the Competent Authority on the enquiry report already submitted by the Enquiry Committee, is submitted for perusal and further necessary action, please.

  
Sharif Hussain  
DG PDMA  
Member Enquiry

TRUE COPY



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

Dated Peshawar, the 8<sup>th</sup> September, 2021.

☎091-9225373



fooddepartmentkpk@gmail.com

foodsecretari

@fooddepartmentkp

OFFICE ORDER

NO.SOG/Food Deptt /8-1/2020/ 9887/ Whereas, disciplinary proceedings under the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) 2011, were initiated against Mr. Muhammad Azam, Ex-Assistant Food Controller (BS-16) Buner, on account of non-reporting of the undelivered government allocated wheat at the Provincial Reserve Center, Buner, because of being in connivance with the carriage contractor in illicit sale of the said wheat, And, whereas, upon submission of the Inquiry Report, the major penalty of "Removal from Service" was tentatively imposed upon the accused officer.

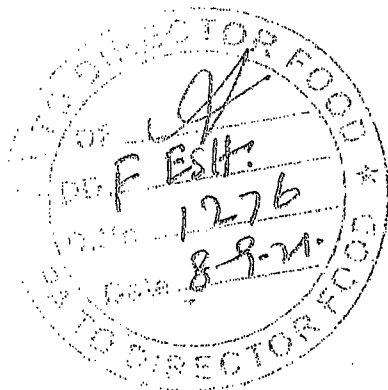
2. Now therefore, upon affording Mr. Muhammad Azam, Ex-Assistant Food Controller (BS-16), Buner, an opportunity of personal hearing, the tentatively imposed penalty of "Removal from Service" is hereby confirmed.

CHIEF SECRETARY  
GOVT: OF KHYBER PAKHTUNKHWA

Endst: No. & date even.

Copy for information and necessary action to the:

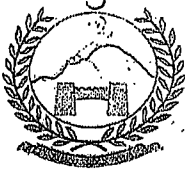
1. Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa.
3. Director Food Khyber Pakhtunkhwa, Peshawar.
4. Mr. Muhammad Azam, Ex-Assistant Food Controller (BS-16), Buner.



(MURAD AHMAD HOTI)  
SECTION OFFICER (GENERAL)

10/9

*Closed*  
12/2



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT

Peshawar dated, the 20-01-2022

☎ 091-9225373 ✉ fooddepartmentkpk@gmail.com 📧 foodsecretariat @fooddepartmentkpk

OFFICE ORDER

No.SO(G)/Food Deptt:8-1/2020/10625: Whereas, disciplinary proceedings under the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, were initiated against Mr. Muhammad Ashfaq, Ex. District Food Controller (BS-17) Buner, on account of non-reporting of the undelivered government allocated wheat at the Provincial Reserve Centre, Buner, because of being in connivance with the carriage contractor in illicit sale of the said wheat.

2. And, whereas, upon affording Mr. Muhammad Ashfaq, Ex. District Food Controller (BS-17) Buner an opportunity of personal hearing, the tentatively major penalty of "Removal of Service" was imposed and the same was hereby confirmed by the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa).

3. Now, therefore, in exercise of powers conferred upon Chief Minister, Khyber Pakhtunkhwa being Appellate Authority under Rule-17(2) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 upheld the already confirmed major penalty i.e "Removal from Service" and reject the appeal.

~~CHIEF MINISTER~~

GOVT: OF KHYBER PAKHTUNKHWA

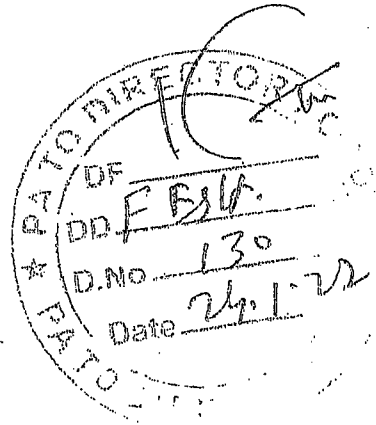
Endst. No. & Date Even.

Copy for information/necessary action to the:

1. Director Food Khyber Pakhtunkhwa, Peshawar.
2. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. PS to Secretary Establishment Department Khyber Pakhtunkhwa, Peshawar.
4. Muhammad Ashfaq, Ex. District Food Controller (BS-17) Buner

(MURAD AHMAD HOTI)  
SECTION OFFICER (GENERAL)

482  
25/01/2022



*(Handwritten initials)*

RK  
25/1

**BEFORE PESHAWAR HIGH COURT, MINCORA BENCH  
(DARUL QAZA) SWAT**

**Writ Petition No. 669-M/2021**

M/S Javed & Co through its Director, Javed s/o Ehsanur Rehman,  
Tehsil and District Batakela, Malakand Division, present address  
Hayatabad Phase-3, street No. 10, House No. 5, Peshawar.

..... *Petitioner*

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Food.
2. Director Food, Khyber pakhtunkhwa, Peshawar.
3. Government of Khyber Pakhtunkhwa through Chief Secretary of  
KPK Peshawar.
4. District Food Controller, Buner
5. Director Accounts Food Directorate, KPK Peshawar

..... *Respondents*

**PARAWISE COMMENTS ON BEHALF OF DEFENDANTS NO. 1-5.**

**PRELIMINARY OBJECTIONS**

1. That the petitioner has no cause of action/locus standi to file this writ petition.
  2. This writ petition is bad for non-joinder and misjoinder of necessary parties.
  3. That the petitioner is estopped by his own conduct to file this writ petition.
  4. That no vested rights or accrued rights of the plaintiff have been infringed to warrant interference.
  5. That the petitioner has not come to this Hon'ble Court with clean hands. The petitioner has suppressed the material facts from this Hon'ble Court and tried to mislead, hence this writ petition deserves dismissal on this score alone.
- ..... the writ petition is neither competent nor maintainable to be ..... policy decision of the

RESPECTFULLY SHEWETH

ON FACTS

1. No comments.
2. No comments
3. No comments
4. No comments
5. Incorrect and denied. It is submitted that petitioner was carriage contractor for PRC Buner from PASSCO Punjab for the year 2019-2020 and executed agreement with Director Food on 04.11.2019 for transportation of wheat from PASSCO to PRC Buner. On 27.11.2019 allocation of 4000 M.Ton wheat was made to the petitioner from various zones of PASSCO. The petitioner transported 1891.253 M.Tons of wheat while quantity of 2108.747 was not received at PRC Buner. Anti Corruption Establishment took cognizance of the case and lodged FIR against the petitioner on 18.03.2020. The petitioner was directed to make the loss good and deposit the amount of Rs.112,567,938 but he failed to deposit the same. Therefore Director Food as per clause 4.6 of the contract agreement black listed the petitioner firm. **(Copy of 2<sup>nd</sup> allocation of PASSCO wheat for the year 2019-2020 dated 27.11.2019, copy of FIR dated 06.07.2020, copy of letter dated 04.01.2021 is attached as annexure A,B,C).**
6. Incorrect and denied. The explanation given by AFC Bunerto District Food Controller Buner with reference to the letter quoted in this para is incorrect and baseless. Resultantly disciplinary proceedings were initiated against the official concerned on account of non-reporting of the undelivered government allocated wheat at PRC Buner, because of being in connivance with the petitioner. Therefore major penalty of Removal from Service was imposed upon the accused officer (AFC Buner). **(Copy office order dated 08.09.2021 regarding removal of AFC from service is attached as annexure D).**

7. Incorrect and denied. It is pertinent to clarify here that stipulated period for lifting wheat from PASSCO was extended on the PRC Buner. Although the period was extended

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Government Servants (Efficiency & Disciplinary rules) 2011 were initiated against DFC Buner on account of non-reporting of the undelivered government allocated wheat at the Provincial Reserve Center Buner, because of being in connivance with the petitioner in illicit sale of said wheat. Therefore major penalty of Removal from Service was imposed on the accused officer. **(Copy of office order dated 08.09.2021 regarding removal of DFC from Service is attached as annexure E ).**

8. No comments.

9. No comments.

10. In reply to para-10, it is submitted that on 04.07.2020 notice under clause 6.2 & 6.3 of the contract agreement was issued to the petitioner for delivery of the whole missing quantity of 2108.747 M.Ton wheat or to deposit its double the landed cost worth Rs.112,567,939 in govt Treasury in 07 (Seven) days positively otherwise legal action under clause 4.6 of the contract agreement, will be taken against the Firm. Similarly on 07.10.2020, notice was issued to the petitioner to deliver the missing quantity of wheat or deposit the double landed cost. Since the petitioner failed to deposit the cost of 2108 M. tons wheat i.e Rs.112,567,938 as per clause 6.2 and 6.3 of the contract agreement, therefore, in exercise of powers conferred under clause 4.6 of the contract agreement the petitioner firm i.e "M/S Javed & Co" was black listed. **(Copy of notice dated 04.07.2020 & 07.10.2020 is attached as annexure F&G and office order dated 04.01.2020 is already attached as annexure C).**

11. As already explained in para-10 above.

12. Incorrect and denied. The appeal of the petitioner being devoid of merit was regretted on 26.8.2021. **(copy of letter dated 26.8.2021 is attached as H)**

1. Incorrect and denied. The petitioner was blacklisted by Director Food under clause 4.6 of the contract agreement after serving notices to the petitioner of embezzlement and causing loss to government Treasury in transportation of government wheat from PASSCO to PRC Buner.
2. Incorrect & denied.
3. Incorrect & denied. The position has been explained in para-6&7 above.
4. No comments.
5. Incorrect and denied. The position has been explained in para-6&7 of facts above.
6. Incorrect and denied. It is submitted that in the enquiry report it was found that by the date of filing of the enquiry report, the total quantity of wheat supplied by M/S Javed & Co, the approved carriage contractor, was 1891.253 M.Ton against allocated quota of 4000 M.tons. The remaining quantity of wheat against the allotted quota was actually lifted from wheat stores of PASSCO by M/S Javed& Co, the approved carriage contractor and disposed off for personal gains. **(Copy of enquiry report is attached as annexure-I)**
7. No comments.
8. In reply to para-8, it is submitted that on 27.11.2019 allocation of 4000 M.Ton wheat was made to the petitioner from various zones of PASSCO. The petitioner transported 1891.253 M.Tons of wheat while a quantity of 2108.747 was not received at PRC Buner. Anti Corruption Establishment took cognizance of the case and lodged FIR against the petitioner on 18.03.2020. The petitioner was directed to make the loss good and deposit the amount of Rs.112,567,938 but he failed to deposit the same. Therefore, Director Food KP as per clause 4.6 of the contract agreement black listed the petitioner firm. **(Copy of contract agreement is attached as Annexure J).**



10. In reply to para-10, it is submitted that Department has taken disciplinary action against AFC and DFC Buner on account of non-reporting of the undelivered government allocated wheat at PRC Buner, being in connivance with the petitioner. Both the officials have been removed from service. Regarding the delivery of allocated 4000 M.tonwheat it is submitted that on 04.07.2020 notice under clause 6.2 & 6.3 of the contract agreement was issued to the petitioner for delivery of the whole missing quantity of 2108.747 M.Ton wheat or deposit its double landed cost worth Rs.112,567,939 in govt Treasury in 07 (Seven) days positively otherwise legal action under clause 4.6 of the contract agreement, legal action will be taken against you. Similarly on 07.10.2020 notice was issued to the petitioner to deliver the missing quantity of wheat or deposit the double landed cost. Since the petitioner failed to deposit the cost of 2108 M. ton i.e Rs.112,567,938 as per clause 6.2 and 6.3 of the contract agreement therefore in exercise of powers conferred under clause 4.6 of the contract agreement the petitioner firm i.e "M/S Javed & Co" was black listed.
11. Incorrect and denied.
12. Incorrect and denied. The petitioner has violated the terms of contract agreement and action against the petitioner has been taken under the relevant laws.
13. Incorrect and denied.
14. No comments.

It is, therefore, most respectfully prayed that on acceptance of the parawise comments filled by Respondents No.1-5, this Hon'ble Court may graciously be pleased to dismiss with cost the instant writ petition, being non maintainable, frivolous, vexatious and bereft of merit.

Controller


Director Food

**(B) TENDER NOTICE FOR LOCAL TRANSPORTATION OF WHEAT ON PR TO PR BASIS INCLUDING CHITRAL UPPER & LOWER IN THE YEAR 2022-23**

14. Sealed Tenders are invited for transportation of wheat on PR to PR basis for PRCs of Districts Peshawar, Nowshera, Azakhel, Charsadda, Mardan, Swabi, Dargai, Dir Upper, Dir Lower, Swat, Buner, Shangla, Haripur, Havelian, Mansehra, Battagram, Kohistan, Kohat, Hangu, Kurram, Bannu, S. Nurang, Karak, D.I. Khan, South Waziristan, North Waziristan, Chitral Lower and Chitral Upper (Main & Local). Tenders forms shall be obtained at tender form fee of Rs.2,000/- (non refundable) from Food Directorate, Peshawar one day before tender opening date.
15. Each tender form shall be accompanied with earnest money amounting to Rs.1.00 Million (One million) in shape of call deposit from Khyber Bank or any schedule Bank in the name of Director Food, Khyber Pakhtunkhwa, for all stations in Khyber Pakhtunkhwa and Rs.5,000,000/- (Rupees Five Million) each for Chitral Lower/Upper (Main) (Direct from down districts)
16. Tender forms shall be issued to registered carriage contractors /firms of Food Department who have renewed their registration for the year 2022-23 and are registered with KPRA.
17. No tender form will be issued on the tender opening day.
18. Flat rate per ton (Net weight) shall be quoted.
19. Incomplete tender form shall not be accepted.
20. Proof of NTN/KPRA registration will be attached with the tender form.
21. The contractor is bound to pay Income Tax, KPRA Sales Tax on services, Stamp Duty, DPR Funds and Professional Tax according to the prescribed rates fixed by the Government.
22. On approval of rates, the successful bidders shall have to execute contract agreement with Food Department within 15 (Fifteen) days, the earnest money will be adjusted as security, failing to execute contract agreement within the stipulated period, the same will be forfeited in favour of the Government
23. Tenders will be received at 10:30 AM and will be opened on the same day at 12:00 PM in the presence of Tender Opening Committee and Carriage Contractors or their authorized representatives in Food Directorate, Haji Camp Adda, G.T.Road Peshawar as per following scheduled:-

S.No.	Name of service	Date of tenders/ Last date
1	Transportation of wheat on PR to PR basis.	16.06.2022
2	Transportation of wheat from down districts to Chitral Upper and Chitral Lower and within Chitral Upper and Chitral Lower.	17.06.2022

24. The competent authority may reject the tenders in part or in full on the basis of cogent ground/reasons.
25. Any other information, if required, may be obtained from Food Directorate, Khyber Pakhtunkhwa, Haji Camp Adda, G T Road, Peshawar till one day before tender opening date during working hours.
26. The proceedings during the tender opening shall be video recorded for transparency. Copy of the video can be obtained on payment of cost.

  
 Director Food

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**MOST IMMEDIATE  
COURT MATTER**

**TIME LIMITE CASE**

**OUT TODAY**

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FOOD DEPARTMENT**



No. SO(Lit)/FOOD/7-4/2021 **11520**  
Dated Pesh: The 28-07-2022

☎ 091-9225373

✉ fooddepartmentkpk@gmail.com

🌐 @FoodKPGovt

📧 @foodkpgovt

To

✓ The Secretary Establishment,  
Government of, Khyber Pakhtunkhwa  
Peshawar

**Subject:- PARA WISE COMMENTS ON BEHALF OF RESPONDENTS  
NO. 01 TO 03**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith joint para wise comments duly prepared and signed by the Secretary Food, Govt of Khyber Pakhtunkhwa, in Writ Petition No. 669-M/2021 Titled "Muhammad Azam Khan VS Secretary Food Govt of Khyber Pakhtunkhwa & others".

It is therefore requested that joint para wise comments may kindly be placed for the perusal and signature of the Worthy Chief Secretary Establishment, & Administration Department, Peshawar (**Respondent No. 1**), please.

**Encl: as above.**

*Original received  
MP  
01/08/2022*

Yours faithfully,

**SECTION OFFICER (LITIGATION)**

**Copy to:-**

1. PS to Secretary Food, Khyber Pakhtunkhwa
2. PA to Director Food, Khyber Pakhtunkhwa

**SECTION OFFICER (LITIGATION)**