

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD

Service Appeal No. 749/2019

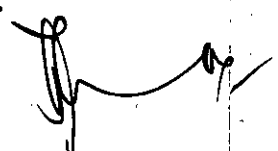
BEFORE: **MR. KALIM ARSHAD KHAN ... CHAIRMAN**
MISS. FAREEHA PAUL ... MEMBER(E)

Ejaz Ahmad, Assistant Office of District Food Controller, Manshara

.... (Appellant)

Versus

1. **Government of Khyber Pakhtunkhwa, through Secretary Food, Khyber Pakhtunkhwa, Peshawar.**
2. **Director Food, Khyber Pakhtunkhwa, Peshawar.**
3. **Divisional Assistant Director Food Hazara Division, Abbottabad.**
4. **District Food Controller, Manshara.**
5. **Abdul Wali Khan, Assistant, Khyber Pakhtunkhwa, Peshawar.**
6. **Bashir Ahmad, Assistant, Khyber Pakhtunkhwa, Manshara.**
7. **Shehreyar Khan, Assistant, Khyber Pakhtunkhwa, Mardan.**
8. **Syed Zakir Shah, Assistant, Khyber Pakhtunkhwa, M. Agency.**
9. **Asif Khan, Assistant, Khyber Pakhtunkhwa, FR Kohat.**
10. **Naseer Ahmed, Assistant, Khyber Pakhtunkhwa, Dir Lower.**
11. **Hazrat ullah, Assistant, Khyber Pakhtunkhwa, Peshawar.**
12. **Zaheer Abbas, Assistant, Khyber Pakhtunkhwa, Karak.**
13. **Muhammad Ayaz, Assistant, Khyber Pakhtunkhwa, M. Agency.**
14. **Zahir Ali, Assistant, Khyber Pakhtunkhwa, Peshawar.**
15. **Syed Faridoon, Assistant, Khyber Pakhtunkhwa, Charsadda.**
16. **Muhammad Ibrahim, Assistant, Khyber Pakhtunkhwa, Charsadda.**
17. **Arshad Farooq, Assistant, Khyber Pakhtunkhwa, Abbottabad.**
18. **Gohar Ali, Assistant, Khyber Pakhtunkhwa, Mardan.**
19. **Muhammad Iqbal, Assistant, Khyber Pakhtunkhwa, M. Agency.**
20. **Furrukh Sair, Assistant, Khyber Pakhtunkhwa, Peshawar.**



21. Amjad Hussain Shah, Assistant, Khyber Pakhtunkhwa, Mansehra.
22. Shakeel Ur Rehman, Assistant, Khyber Pakhtunkhwa, Charsadda.
23. Muhammad Rashid, Assistant, Khyber Pakhtunkhwa, Peshawar.
24. Gul Nawaz, Assistant, Khyber Pakhtunkhwa, Lakki Marwat.
25. Sajjad Ali, Assistant, Khyber Pakhtunkhwa, Swat.
26. Abdul Ghafar, Assistant, Khyber Pakhtunkhwa, Newshehra.
27. Akhtar Zaman, Assistant, Khyber Pakhtunkhwa, Lakkir Marwat.
28. Fahmid, Assistant, Khyber Pakhtunkhwa, Charsadda.
29. Rashid Mehmood Malik, Assistant, Khyber Pakhtunkhwa, Mansehra.
30. Khursheed Ahmed, Assistant, Khyber Pakhtunkhwa, Charsadda.
31. Hanceef Khan, Assistant, Khyber Pakhtunkhwa, Mardan.
32. Amir Nawaz, Assistant, Khyber Pakhtunkhwa, S.W Agency.

.... (Respondents)

Mr. Muhammad Arshad Khan Tanoli
Advocate

...

For appellant

Mr. Kabir Ullah Khattak
Addl. Advocate General

...

For respondents

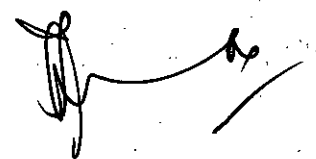
Date of Institution.....19.06.2019

Date of Hearing.....22.09.2022

Date of Decision.....22.09.2022

JUDGEMENT

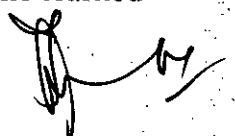
FAREEHA PAUL MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the impugned seniority list dated 16.04.2019 wherein name of the appellant is appearing at serial no. 36. The appeal is with the prayer that the impugned seniority list may be ordered to be revised and name of the appellant may be placed at serial no. 8 of the



seniority list of Assistants after taking into account the turn of the appellant for promotion to Senior Clerk in 2004 with all back benefits.

2. Brief facts of the case, as per memorandum of appeal, are that the appellant was appointed in Food Department as Junior Clerk in the year 1993. He was promoted to the post of Senior Clerk vide order dated 07.07.2000 on the basis of seniority-cum-fitness and posted at DFC office Kohistan. The appellant did not assume the charge of the post of Senior Clerk and forewent the promotion due to dependent parents, having ailments and other unavoidable domestic problems. Thereafter, Respondent No. 2 (Director Food Khyber Pakhtunkhwa) asked the appellant to give undertaking to the effect that in case of foregoing promotion to Senior Clerk he would have no objection to be placed at the bottom of the seniority list of Junior Clerks vide letter dated 18.07.2000. Availing that, the appellant submitted undertaking which read, "I have no objection if my seniority will be fixed at the bottom of the seniority list", vide application dated 27.07.2000. Thereafter, Respondent No. 2, instead of issuing withdrawal of promotion order of the appellant, issued reversion letter dated 14.09.2000. The appellant started shuttling from one office to another for redressal of his grievances and submitted representations to the department. Ultimately, in pursuance of a representation, the respondents placed the name of the appellant at the top of seniority list of Senior Clerks vide seniority list dated 08.10.2017. On the basis of that seniority list he was promoted from the post of Senior Clerk to the post of Office Assistant vide order dated 31.05.2018 and his name was placed at serial No. 36 of the seniority list of the Office Assistants, which was issued on 16.04.2019. The appellant filed Departmental Appeal against that on 09.05.2019 with the request to place him at serial No. 8, which was rejected on 21.05.2019; hence, the instant service appeal.

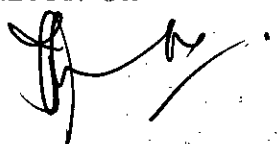
3. Respondents were put on notice who submitted written replies/ comments on the appeal. We have heard the learned counsel for the appellant as well as the learned



Additional Advocate General and perused the case file with connected documents in detail.

4. Learned counsel for the appellant presented his case and contended that he had foregone his promotion in the year 2000 and after lapse of four years he was to be promoted in the year 2004 but contrary to the rules he was promoted to the post of Senior Clerk in 2013. He argued that had the appellant been promoted to the post of Senior Clerk in 2004 he would have been placed at serial No. 8 instead of serial No. 36 in the seniority list dated 16.04.2019 which had been impugned by him. He further contended that ^{it} was an accepted principle of law that once an employee forwent his promotion, his seniority was to remain intact in his cadre. According to him, when Respondent No. 2 obtained an undertaking for fixing his seniority at the bottom of seniority list of Junior Clerks, he transgressed his authority and obtained it from the appellant as a result of coercion and undue pressure, hence, the letters dated 18.07.2000 and 14.09.2000, being illegal, were to be set aside. He invited the attention to a writ petition filed before the Hon'ble Peshawar High Court, Abbottabad Bench, which was decided on 07.04.2015 and contended that the respondent did not give any heed to that. The hon'ble court in that judgement had treated the petition as representation with the directions to Respondent No.2 to consider the case of petitioner on merit and strictly in accordance with law through a speaking order within a period of 15 days.

5. The learned Additional Advocate General contended that in the light of Appointment, Promotion & Transfer Rules 1989, and as per advice of the Establishment Department, the appellant was placed at the top of the revised seniority list of the Senior Clerks as that stood on 31.10.2013. His case for promotion to the post of Assistant was also placed before the Departmental Promotion Committee, which recommended him for promotion to the post of Office Assistant and he was posted in the office of DFC Manshra vide order dated 31.05.2018. On



the question of placing the name of the appellant at the bottom of seniority list of Junior Clerks the learned Additional Advocate General informed that on promotion as Senior Clerk and posting at the office of DFC Kohistan, the appellant submitted an application to the Director Food Khyber Pakhtunkhwa, with the request that he would have no objection if his seniority slid down in the seniority list of junior clerks and it was on the receipt of that application that the Director properly informed the appellant that in case he was not willing for promotion, he would be placed at the bottom of the seniority list of junior clerks. In response to that the appellant informed that he did not want to avail promotion and subsequent posting to Kohistan and it was on his own request that he was reverted on the post of Junior Clerk.

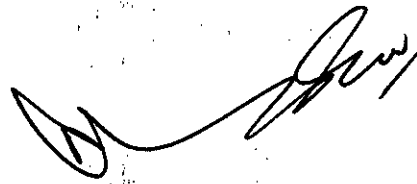
6. In the light of record and arguments presented before us, it is clear that the appellant was promoted from the post of Junior Clerk to the post of Senior Clerk and subsequently posted in the office of DFC Kohistan vide order dated 07.07.2000. Record further indicates that the appellant requested to forego his promotion because of domestic issues and he himself submitted no objection if his seniority was fixed at the bottom of the seniority list of Junior Clerks. He raised no objection at the time when the Director Food issued order dated 14.09.2000 wherein it was clearly mentioned that seniority of the official was fixed at the bottom of junior clerks on his own option and that he would not claim seniority as right in future. Later on he was promoted to the post of Senior Clerk and was placed at top of seniority list. Based on that seniority of the Senior Clerks dated 08.10.2017, he was promoted as Office Assistant vide promotion order dated 31.05.2018. The contention of the appellant that he should be at serial No. 8 instead of serial No. 36 is not comprehensible. Record indicates that all the Assistants from serial No. 1 to 35, have been appointed on that position from the year 2011 to 2017; four of them have been appointed by initial recruitment whereas the rest of them had been



appointed by promotion. The appellant has been placed at serial no. 36 after being promoted in 2018. The point of the appellant has no strong ground as to why he should be placed at serial No. 8 and not at serial No. 36. He was unable to cite any law or rule under which the desired relief could be extended to him. It is understandable that he was placed at serial no.36 of the seniority list dated 16.04.2019 as he was promoted on 31.05.2018 alongwith seven others who were appointed at later stage than the appellant. Rule 17 of the APT Rules, 1989 is the relevant provision for determining the seniority under which the case of the appellant is not covered.

7. In view of above discussion, the appeal in hand is dismissed. Parties are left to bear their own costs.

8. *Pronounced in open court in Abbotabad and given under our hands and seal of the Tribunal on this 22nd day of September, 2022.*



(KALIM ARSHAD KHAN)
Chairman



(FAREEHA PAUL)
Member (E)

Service Appeal No. 749/2019

1. Mr. Muhammad Arshad Khan Tanoli, Advocate for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 06 pages, we have arrived at the conclusion that the appellant was promoted from the post of Junior Clerk to the post of Senior Clerk and subsequently posted in the office of DFC Kohistan vide order dated 07.07.2000. Record further indicates that the appellant requested to forego his promotion because of domestic issues and he himself submitted no objection if his seniority was fixed at the bottom of the seniority list of Junior Clerks. He raised no objection at the time when the Director Food issued order dated 14.09.2000 wherein it was clearly mentioned that seniority of the official was fixed at the bottom of junior clerks on his own option and that he would not claim seniority as right in future. Later on he was promoted to the post of Senior Clerk and was placed at top of seniority list. Based on that seniority of the Senior Clerks dated 08.10.2017, he was promoted as Office Assistant vide promotion order dated 31.05.2018. The contention of the appellant that he should be at serial No. 8 instead of serial No. 36 is not comprehensible. Record indicates that all the Assistants from serial No. 1 to 35, have been appointed on that position from the year 2011 to 2017; four of them have been appointed by initial recruitment whereas the rest of them had been appointed by promotion. The appellant has been placed at serial no. 36 after being promoted in 2018. The point of the appellant has no strong ground as to why he should be placed at serial No. 8 and not at serial No. 36. He was unable to cite any law or rule under which the desired relief could be extended to him. It is understandable that he was placed at serial no.36 of the seniority list dated 16.04.2019 as he was promoted on 31.05.2018 alongwith seven others who were appointed at later stage than the appellant. Rule 17 of the APT Rules, 1989 is the relevant provision for determining the seniority under which the case of the appellant is not covered. In view of above discussion, the appeal in hand is dismissed. Parties are left to bear their own costs.

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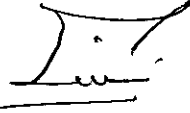

(FARLEHA PAUL)
Member (E)


(KALIM ARSHAD KHAN)
Chairman

18th July 2022

Learned counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

After placing on file the desired documents, learned counsel for the appellant seeks time to argue the case on the next date. To come up for arguments on 21.07.2022 before D.B at camp court Abbottabad.



(Salah Ud Din)
Member (Judicial)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

21th July 2022

Learned counsel for the appellant present. Kabiruallah Khttak, Addl: AG and Mr. Noor Zaman Khattak, District Attorney for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Adjourned. To come up for arguments on 22.09.2022 before D.B at camp court Abbottabad.



(Salah Ud Din)
Member (Judicial)

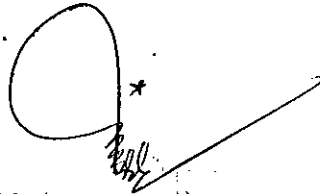


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

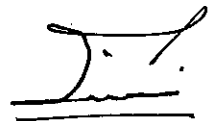
21.12.2021

Appellant in person present. Mr. Arshed Farooq, Assistant alongwith Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant sought adjournment on the ground that his counsel is not available today due to strike of Lawyers. Adjourned. To come up for rejoinder, if any, as well as arguments on 17.02.2022 before the D.B at Camp Court Abbottabad.



(Mian Muhammad)
Member (E)
Camp Court A/Abad



(Salah-ud-Din)
Member (J)
Camp Court A/Abad

17.05 2022

Appellant alongwith his learned counsel present. Mr. Muhamad Riaz Khan Painsdakhel, Assistant Advocate General along with Shad Muhammad, District Food Controller for the respondents present.

Counsel for the appellant wants to place on file certain documents. He may do so in a week subject to any objection raised by other side. To come up for arguments before D.B on 18.07.2022 at camp court Abbottabad.




(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

20.1.2021.

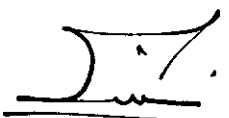
Due to covid-19, The case is adjourned to 20-9-2021 for the same.


Reader

20.09.2021

Appellant in person present. Mr. Arshed Farooq, Assistant alongwith Mr. Usman Ghani, District Attorney for official respondents No. 1 to 4 present and submitted reply on behalf of the said respondents, copy of which is handed over to the appellant. Appellant sought adjournment on the ground that his counsel is not available today due to strike of lawyers.

None present on behalf of private respondents. Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the private respondents for submission of reply/comments within 10 days. In case private respondents failed to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons. Otherwise, their right for submission of reply/comments shall stand ceased. To come up for rejoinder, if any, as well as arguments before the D.B on 21.12.2021 at Camp Court Abbottabad.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

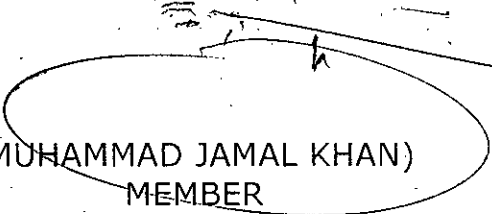
Due to summer vacation case to come up for the same on 1/5
9/20 at camp court abbottabad.


Reader

15.09.2020

Appellant has not forth come at the moment 12:20 P.M
Mr. Usman Ghani, District Attorney is present.

Neither written reply on behalf of official respondents as
well as private respondents submitted nor anyone on their
behalf are present, therefore, notices be issued to them for
submission of written reply/comments. File to come up for
written reply/comments on 16.11.2020 before S.B at
Camp Court, Abbottabad.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

16.11.2020

Neither appellant nor his counsel is present. Mr. Usman
Ghani, District Attorney for the respondents is present.

Notice be issued to appellant and his respective counsel for
attendance for 20.01.2021 before S.B at Camp Court,
Abbottabad.


(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

Service Appeal No. 749/2019

20.12.2019

Counsel for the appellant Ejaz Ahmad present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Junior Clerk in the Food Department. He was promoted from the post of Junior Clerk to the post of Senior Clerk vide order dated 07.07.2000. It was further contended that the appellant has forgo the aforesaid promotion on the basis of application dated 27.07.2000, therefore, the appellant was again reverted to the post of Junior Clerk form the post of Senior Clerk. It was further contended that when the appellant was promoted from the post of Junior Clerk to the post of Senior Clerk which means that the appellant was senior of Junior Clerks. It was further contended that after reverting from the post of Senior Clerk to the post of Junior Clerk on his forgoing said promotion, the respondent-department was required to place his name on the top of seniority list of Junior Clerks but the respondent-department has illegally placed his name at serial No. 67 in the seniority list of Junior Clerks as it stood on 29.02.2004, therefore, the said seniority list is illegal and liable to be rectified. It was further contended that the appellant also filed departmental appeal but the same was not responded.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 17.02.2020 before S.B at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee

MA

(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

25.10.2019

Learned counsel for the appellant present. Heard.

The appellant himself opted to forgo his promotion as Senior Clerk in the year 2004 and then subsequently he accepted promotion as Senior Clerk in the year 2014. The appellant was promoted as Assistant in the year 2018. Through the present service appeal, the appellant seeks the restoration of his original seniority.

By opting to forgo his promotion as Senior Clerk at one point of time, it was understood that the appellant also sacrificed his seniority in that all the Junior Clerks promoted in the year 2004, would rank senior to the appellant.

It is settled legal proposition that seniority of a promotee is determined from the date of his regular promotion. At this stage, learned counsel for the appellant could not convince this Tribunal that the claim of appellant in the present service appeal is genuine. Learned counsel for the appellant seeks adjournment for further preliminary arguments. Adjourn. To come up for preliminary arguments on 20.12.2019 before S.B at Camp Court, A/Abad.




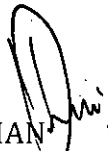

Member
Camp Court, A/Abad.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 749/2019

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 19/06/2019 | <p>The appeal of Mr. Ejaz Ahmad resubmitted today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> |
| 2- | 18-7-19 | <p style="text-align: right;">  REGISTRAR 19/6/19. </p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>23-08-2019</u></p> <p style="text-align: right;">  CHAIRMAN </p> |
| | 23.08.2019 | <p>Clerk to counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is busy before Hon'ble Peshawar High Court Peshawar. Adjourn. To come up for preliminary hearing on 25.10.2019 before S.B at Camp Court, Abbottabad.</p> <p style="text-align: right;">  Member Camp Court, A/Abad </p> |



OFFICE OF THE
DIVISIONAL ASSISTANT DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD
Phone & Fax No.0992-9310296
No. 205 /ET-54(ADFH)
Dated 19 /01/2021

OFFICE ORDER:-

Mr. Arshad Khan Astt is hereby authorized to attend the court of service tribunal Bench Abbottabad in the case filed by Ejaz Ahmed Astt Govt Servant of the DFC office Shangla V/S Secretary Food ,Director Food KPK and others on behalf of the undersigned. He is directed to produce the required documents to the court in this behalf. The officer shall attend the court regularly on each date of hearing till the final decision in the case.


DIVISIONAL ASSISTANT DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD



**FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR**

No. 404 /C-06 Ejaz Ahmad

Dated 28 /01/2020

OFFICE ORDER

Divisional Assistant Director Food Hazara Division at Abbottabad is hereby authorised to attend the Court of Service Tribunal Peshawar, Camp Court Abbottabad in the case titled Appeal No. 749/2019, filed by Mr. Ejaz Ahmad V/S Government of Khyber Pakhtunkhwa Secretary Food and others. He is also directed to produce the required documents to the Court in this regard. The officer shall attend the Court regularly on each date of hearing till the final decision in the case.


**DEPUTY DIRECTOR FOOD,
KHYBER PAKHTUNKHWA**

Endst No. & date Even.

Copy forwarded to:-

1. The Government Pleader Service Tribunal Peshawar for information and necessary action.
2. The section Officer (Lit) Government of Khyber Pakhtunkhwa Food Department Peshawar for favour of information. He is requested to kindly approach Law Department Khyber Pakhtunkhwa Peshawar to authorise the Government Pleader Government of Khyber Pakhtunkhwa Service Tribunal for defending the case in the Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad, on behalf of Food Department Khyber Pakhtunkhwa.
3. The Divisional Assistant Director Food Hazara Division at Abbottabad for information & necessary action. He is directed to attend the Court of Service Tribunal Peshawar Camp Court Abbottabad in the above case till the final decision and produce relevant record to the Court. He is also directed to prepare Para Wise Comments with the consultation of Government pleader and submit to the Court on proper Affidavit before 17-02-2020.


**DEPUTY DIRECTOR FOOD,
KHYBER PAKHTUNKHWA**

The appeal of Mr. Ejaz Ahmad Assistant Office of the District Food Controller, Mansehra received today i.e. on 19.06.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondent no. 5 to 32 are incomplete which may be completed according to Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Annexures of the appeal may be flagged.

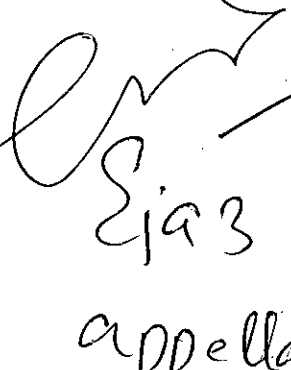
No. 1103 /S.T.

Dt. 19-6- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Arshad Tanoli Adv. A. Abad.

Resubmitted after doing the needful with the request that complete addresses of respondent no. 5 to 32 will be provided after admission of Appeal.


19/6/2019
Ejaz Ahmad
appellant

15

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

Service Appeal No. 749 /2019

Ejaz Ahmad Assistant Office of District Food Controller, Mansehra.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Food, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

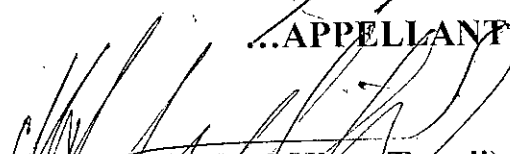
SERVICE APPEAL

INDEX

| S.# | Description | Page No. | Annexure |
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| 1. | Service appeal along with affidavit | 1 to 14 | |
| 2. | Copy of appointment order | 15-16 | "A" |
| 3. | Copy of the promotion order dated 31/05/2018 | 17-18 | "B" |
| 4. | Copy of promotion order dated 07/07/2000 | 19-20 | "C" |
| 5. | Copy of the letter dated 18/07/2000 | 21 | "D" |
| 6. | Copy of application dated 27/07/2000 having undertaking | 22 | "E" |
| 7. | Copy of reversion order No.19685/PF-880 dated 14/09/2000 | 23 | "F" |
| 8. | Copy of representations/ applications submitted by the appellant | 24-42 | "G" |
| 9. | Copy of seniority list dated 08/10/2017, and Seniority 16/19 | 43-45-45-A-B | "H" |
| 10. | Copies of departmental appeal and rejection order | 46-52 | "I" & "J" |
| 11. | Copy of newly incorporated rules 22 nd October, 2011 | 53-54 | "K" |
| 12. | Copies of writ petition and order dated 07/04/2015 of the Honourable High Court | 55-60 | "L" & "M" |

Dated: 15/06 /2019

Through

...APPELLANT

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

1

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 749 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 835

Ejaz Ahmad Assistant Office of District Food Controller, Mansehra.

Dated 19/6/2019

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Food, Khyber Pakhtunkhwa, Peshawar.
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3. Divisional Assistant Director Food Hazara Division, Abbottabad.
4. District Food Controller, Mansehra.
5. Abdul Wali Khan Assistant, KPK Food Department, Peshawar.
6. Bashir Muhammad, Assistant, KPK Food Department, Mansehra.
7. Shehreyar Khan, Assistant, KPK Food Department, Mardan.
8. Syed Zakir Shah, Assistant, KPK Food Department, M. Agency.
9. Asif Khan, Assistant, KPK Food Department, FR Kohat.
10. Naseer Ahmed, Assistant, KPK Food Department, Deer Lower.
11. Hazaratullah, Assistant, KPK Food Department, Karak.
12. Zaheer Abbas, Assistant, KPK Food Department, Mansehra.
13. Muhammad Ayaz, Assistant, KPK Food Department, M. Agency.
14. Zahir Ali, Assistant, KPK Food Department, Peshawar.
15. Syed Faridoon, Assistant, KPK Food Department, Charsadda.

Filed to-day

Registrar

19/6/19

Re-submitted to-day
and filed.
Registrar 19/6/19.

16. Muhammad Ibrahim, Assistant, KPK Food Department, Charsadda.
17. Arshad Farooq, Assistant, KPK Food Department, Abbottabad.
18. Gohar Ali, Assistant, KPK Food Department, Mardan.
19. Muhammad Iqbal, Assistant, KPK Food Department, M. Agency.
20. Furrkh Sair, Assistant, KPK Food Department, Peshawar.
21. Amjad Hussain Shah, Assistant, KPK Food Department, Mansehra.
22. Shakeel ur Rehman, Assistant, KPK Food Department, Charsadda.
23. Muhammad Rashid, Assistant, KPK Food Department, Peshawar.
24. Gul Nawaz, Assistant, KPK Food Department, Lakki Marwat.
25. Sajjad Ali, Assistant, KPK Food Department, Swat.
26. Abdul Ghafar, Assistant, KPK Food Department, Nowshera.
27. Akhtar Zaman, Assistant, KPK Food Department, Lakki Marwat.
28. Fahmid, Assistant, KPK Food Department, Charsadda.
29. Rashid Mehmood Malik, Assistant, KPK Food Department, Mansehra.
30. Khursheed Ahmed, Assistant, KPK Food Department, Charsadda.
31. Haneef Khan, Assistant, KPK Food Department, Mardan.
32. Amir Nawaz, Assistant, KPK Food Department, SW Agency.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT WAS PROMOTED AS SENIOR

CLERK ON 07/07/2000 BUT THE APPELLANT OPTED TO FORGO HIS PROMOTION DUE TO HIS DOMESTIC ISSUES. AS RESULT, THE APPELLANT WAS TO BE PROMOTED AS SENIOR CLERK IN THE YEAR 2004 BUT HE WAS PROMOTED AS SENIOR CLERK VIDE ORDER NO.4912/G-275-DPC DATED 31/05/2014 AND THEREAFTER, THE APPELLANT HAS BEEN PROMOTED AS OFFICE ASSISTANT BPS-16 VIDE PROMOTION ORDER NO.2588/G-275-DPC-2018 DATED 31/05/2018 AND THE APPELLANT HAS BEEN PLACED AT SERIAL NO.36 OF SENIORITY LIST OF ASSISTANT, ~~HAD THE APPELLANT WAS PROMOTED AS SENIOR CLERK, THAN THE APPELLANT IS TO PLACED AT SERIAL NO.8 OF THE IMPUGNED SENIORITY LIST NO.1249/ET-716 DATED 16/04/2019 WHICH IS PERVERSE, DISCRIMINATORY, AGAINST THE LAW AND THE SAME IS TO BE REVISED AFTER PLACING THE NAME OF THE APPELLANT AT SERIAL NO.8 IN THE SAID SENIORITY LIST.~~ ^{Been} ~~was~~ ^{be}

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED SENIORITY LIST DATED ⁶ 14/04/2019 MAY GRACIOUSLY BE ORDERED TO BE REVISED AND THE NAME OF THE APPELLANT AT SERIAL NO.8 OF THE SENIORITY LIST OF ASSISTANTS AFTER TAKING INTO ACCOUNT THE TURN OF THE APPELLANT FOR PROMOTION AS SENIOR CLERK IN 2004 WITH ALL BACK BENEFITS AND RESPONDENTS MAY ALSO BE DIRECTED TO REVISE SENIORITY LIST OF ASSISTANTS ACCORDINGLY. ~~ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.~~

Respectfully Sheweth: -

That the facts forming the background of the instant service appeal are as follows:-

1. That the appellant got appointment in Food Department as Junior Clerk in the year 1993.

Copy of appointment order is attached as Annexure "A".

2. That presently, appellant is being performing duties as Assistant in the office of respondent No.4 vide promotion order No.2588/G-275-DPC-2018 dated 31/05/2018. Copy of the promotion order dated 31/05/2018 is attached as Annexure "B".
3. That the appellant served the department with complete devotion and dedication to the entire satisfaction of his superiors.
4. That the appellant was promoted as senior clerk vide order No.13/797/G-275-DFC dated 07/07/2000 on the basis of seniority cum fitness and posted to DFC Office Kohistan. Copy of promotion order dated 07/07/2000 is attached as Annexure "C".
5. That the appellant did not assume the charge of the post of Senior Clerk and forego the promotion due to dependant parents having

ailments and other unavoidable domestic problems.

6. That, thereafter, respondent No.2 forced the appellant to give undertaking to the effect that in case of forgoing promotion as Senior Clerk, he be placed at the bottom of seniority list of Junior Clerks vide order No.14765/PF-880 dated 18/07/2000. Copy of the letter dated 18/07/2000 is attached as Annexure "D".
7. That following this, the appellant submitted undertaking to respondent No.2, which reads "I have no objection if my seniority will be fixed at the bottom of seniority list" vide application dated 27/07/2000. Copy of application dated 27/07/2000 having undertaking is attached as Annexure "E".
8. That, thereafter, respondent No.2 instead of issuing withdrawal of promotion order of the appellant, issued reversion order No.19685/PF-880 dated 14/09/2000 which is attached as Annexure "F".

9. That the appellant started shuttling from one office to another for redressal of his grievances but in vain. In this regard, the appellant submitted representations to the department again and again but the respondents department turned to deaf ear to the humble request of the appellant. Copy of representations/ applications submitted by the appellant are attached as Annexure "G".

10. That ultimately, in pursuance of representations of the appellant, the respondents, placed the name of appellant at the top of the seniority list of Senior Clerk vide seniority list No.4497/Et-716 dated 08/10/2017. Copy of seniority list dated 08/10/2017 is attached as Annexure "H".

11. That on the basis of seniority list of 08/10/2017, the appellant was promoted from senior clerk to the office Assistant vide promotion order No.2588/9-275-DRC 2018 dated 31/05/2018 and the name of the

appellant was placed at serial No.36 instead of serial No.8 in the seniority list of Office Assistant vide impugned seniority list No.1249/Et-716 dated 16/04/2019 which is against the law on the subject, hence, appellant filed departmental appeal on dated 09/05/2019 which was rejected on 21/05/2019. Copies of departmental appeal and rejection order are attached as Annexure "I" & "J". Hence, the instant service appeal is filed on the following grounds;-

GROUND:-

- (a) That as per service, rules, once, an employee forego his promotion he is not considered for next four years following the orders. The said rules was incorporated on 22nd October, 2011. Prior to this rules, when an employee forego his promotion, his name was to be placed at the top of seniority list amongst the employees of his cadre. Copy of newly

incorporated rules dated 22nd October, 2011 is attached as Annexure "K".

- (b) That the appellant has foregone his promotion in the year 2000, Therefore, he was to be promoted as Senior Clerk in 2004 but contrary to the rules he was promoted to the Senior Clerk in 2013. Had the appellant been promoted as Senior Clerk in 2004 than he was to be placed at serial No.8 of seniority list of Assistant instead of serial No.31 in the impugned seniority list dated 16/04/2019.
- (c) That the conduct of the respondents towards the appellant is illegal, malafide, perverse, discriminatory, without lawful authority.
- (d) That it is accepted principle of law that once an employee forgo his promotion, his seniority remains intact in his cadre.

- (e) That no law exists where under, respondent No.2 obtained undertaking from the appellant for fixing of his seniority at the bottom of seniority of juniors clerks. Hence respondent No.2 transgressed his authority and without lawful justification, obtained undertaking from the appellant as a result of coercion and undue pressure being higher officer of the department. The letters dated 18/07/2000 & 14/09/2000 are illegal and liable to be set-aside.
- (f) That as per article 25 of the Constitution of Islamic Republic of Pakistan 1973, no discrimination can be made against any person or class on the basis of malafide intentions & no one can be deprived of his fundamental rights.
- (g) That when law prescribe something which is to be done in a particular

manner that must be done in that manner and not otherwise. The state functionaries are to deal with the employees who are at par, fairly, justly, without nepotism & Favoritism and should be strictly in accordance with law.

- (h) That this fact may not be left to fade in oblivion that the appellant has been deprived of the right of seniority and promotion on the basis of undertaking obtained by the respondents under coercion.
- (i) That the respondents have led the appellant to the place which is utterly unknown to the jurisprudence.
- (j) That the appellant filed writ petition No.508-A/2014 before the Peshawar High Court Bench Abbottabad which was decided on 07/04/2015. But the respondents did not consider the direction of Honourable Peshawar

High Court, Abbottabad Bench.

Copies of writ petition and order dated 07/04/2015 of the Honourable High Court are attached as Annexure "L" & "M".

(k) That the matter relates to the terms and conditions of service, therefore, this Honourable Tribunal has jurisdiction to entertain the instant service appeal.

(l) That other grounds shall be urged at the time of arguments.

It is, therefore, humbly prayed that, on acceptance of the instant service appeal, impugned seniority list dated 14/04/2019 may graciously be ordered to be revised and the name of the appellant at serial No.8 of the seniority list of assistants after taking into account the turn of the appellant for promotion as Senior Clerk in 2004 with all back benefits and respondents may also be directed to

revise seniority list of assistants accordingly. Any other relief which this Honourable Tribunal deem appropriate in the circumstances of the case may also be granted to the appellant.


...APPELLANT

Dated: 15/06 /2019

Through


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT

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

Service Appeal No. _____/2019

Ejaz Ahmad Assistant Office of District Food Controller, Mansehra.

...APPELLANT

VERSUS

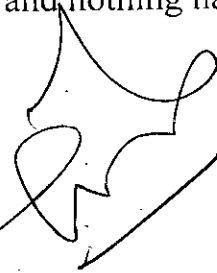
Govt. of Khyber Pakhtunkhwa, through Secretary Food, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

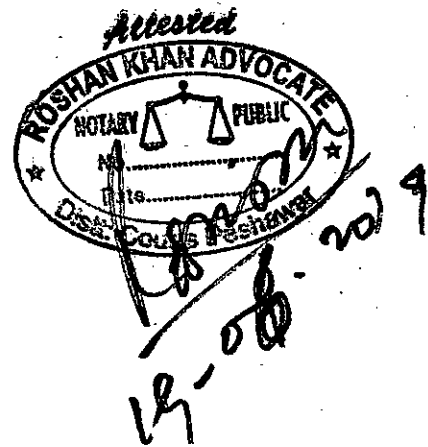
SERVICE APPEAL

AFFIDAVIT

I, Ejaz Ahmad Assistant Office of District Food Controller, Mansehra, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.



DEPONENT



APPOINTMENT ORDER

FOOD DIRECTORATE NWFP,
PESHAWAR.

18.

NO 156 /G-275- Dated Peshawar, the /05/1993.

On the recommendation of the Departmental Selection Committee and in pursuance of the acceptance of the conditions of the Appointment Offers, the following candidates are hereby appointed as Junior Clerks and posted in the offices as noted against each:-

Annex - A

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| S.No. | Name & Address of the appointee. | Posting |
|-------|--|---|
| 1. | Arshad Farooq S/O Khan Bahader Khan CO. M. Abdul Qayyum Khan Commissioners Office Abbottabad. | R.C. Office Peshawar. |
| 2. | Mohd. Shahid S/O Fazal Mohammad C/O Mukhtiar P.S. to Minister Food. | Food Directorate N.W.F.P., Peshawar. |
| 3. | S. Zakir Shah S/O Syed Rasool Shah C/O Aziz Mohammad P.I. Police Line, Peshawar. | DFC Office Abbottabad. |
| 4. | Fazal Wahab S/O Farid, Vill: & P.O. Kohistan Distt: Swat. | DFC Office Bannu. |
| 5. | Sajad Ali S/O H. Nawab, Vill: Chalegi Teh: Bari Kot, Distt: Swat. | DFC Office Bannu. |
| 6. | Mohd. Mazar Ali S/O H. Sami-ud-Din H. No. 176 Gul Bahar Colony: No. 2 Peshawar. | DFC(R) Peshawar. |
| 7. | Qadeer Ahmad S/O Fazal Elahi Vill: & P.O. Shinkari Teh: & Distt: Mansehra. | DFC Office Mansehra. |
| 8. | Bashir Mohammad S/O Mohd. Ayub Vill: Ghora P.O. Phulra Teh: & Distt: Mansehra. | DFC Office Kohistan. |
| 9. | Mohammad Iqbal S/O Mohd. Ibrahim C/O Dy: Director A.R. Peshawar. | Food Directorate NWFP. |
| 10. | Zahid Ali S/O Abdul Latif Vill: Khadra Khel, Teh: & Distt: Pesh: | Food Directorate NWFP. |
| 11. | Aurangzeb s/o Bakht Nisar Khan, Street No. 1, H. No. 5, Gul Gasht Colony, Near Civil Quarters, Peshawar. | S&EO, Peshawar. |
| 12. | Mr. Farakh Sair s/o Nisar-ul-Haq, Moh: Akazai, Vill: Tehkal Bala, Tehsil & Distt: Peshawar. | Food Directorate. |
| 13. | Hassan Khan s/o Nazir Ullah, Vill: Badizai P.O. Nasir Bagh, Tehsil and District Peshawar. | Food Directorate. |
| 14. | Ijaz Ahmad S/O Mohammad Iqbal Vill: & P.O. Bhali Via Calander Abad Teh: & Distt: Mansehra. | DFC Office A. Abad. |
| 15. | Ijaz Ahmad S/O Murtaza Durraini Vill: Sukar P.O. Anbar Dher Teh: & District Charsadda. | R.C. Office Peshawar. |
| 16. | Amjid Hussain Shah S/O Ghazi Shah H. No. 142 Moh: Channi Distt: Mansehra. | DFC Office Mansehra. |
| 17. | Ghulam Rasool S/O H. Zarbedin Khan Vill: Sani Khel P.O. Malang Khel Dera Adam Khel F.R. Kohat. | DFC Office Karak. |
| 18. | Shahryar Khan S/O Khan Bahader Moh: peran vill - Gujjar Gari, Mardan. | DFC Office Mardan. |

Advised
Muhaimin Arshad Khan
Advocate High Court
Office No 33 Adjacent
Distt

16

- 19. Mohd. Ayaz S/O Mohd Ayub Khan
Vill: Jangi Dher P.O. Kakabad
Teh: & Distt: Mardan. DFC Office Mardan.
- 20. Abdul Wali Khan S/O Mohd. Aslam
Village & P.O. Tehkal Payyan, Pesh: Food Directorate NWFP. Peshawar.
- 21. Angoor Shah S/O Gula Khan
P.O. Therai Payan Ganni Gula Khan
Pagagi Road, Teh: & Dist. Peshawar. R.C. Office Peshawar.
- 22. Shahbud Din S/O Mohd. Sherin Khan
Village Rani P.O. Rebat Teh: Balambat
District Dir. DFC Office Swabi.
- 23. Syed Faridoon S/O Syed Mohd. Faseeh
Vill: Babra P.O. Charsadda, Teh: & Dist. Charsadda. Food Directorate NWFP. Peshawar.
- 24. Arshad Ali Khan S/O Mohd. Shoaib Khan
Vill: & P.O. Batkhela Malakand Agency. S & E.O. NRC, Azakhel.
- 25. Mohammad Ibrahim S/O Mohd Shoaib
Moh: Bara Bab Khel Shahida Bazar prang
District Charsadda. DFC(R) Peshawar.
- 26. Gohar Ali S/O Akbar Khan
C/O Gohar Ai Azeem Match Factory
100-Industrial Jamrud Road, Pesh: DFC Office Kohat.
- 27.

2)- The appointee will be on probation for a period of three months and in case his work is not found satisfactory, his services will be dispensed forth-with.

3)- They should submit their arrival reports to the concerned District Food Controllers/Storage & Enforcement Officers/Rationing Controller/Enforcement Agents by 22-5-1993.

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt. Bar Abbottabad

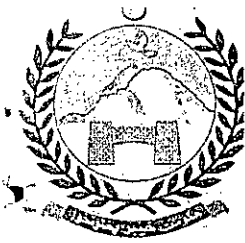
ISHTIAK AHMAD KHAN
DIRECTOR FOOD, NWFP,
PESHAWAR.

NO 157-217 /G-275- Dated Peshawar, the 10/05/1993.

Copies of the above are forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. All the District Accounts Officers in NWFP. for information
3. All District Food Controllers/Storage & Enforcement Officers/Rationing Controller in NWFP. On receipt of the arrival reports from the above candidates, they may be referred to the Civil Surgeon for Medical Examination & also intimate their arrival reports to this Directorate immediately.
4. All candidates as detailed given above for information & N/action. They should produce their original documents to their respective officers at the time of arrival reports.
5. Copies for Personal Files.

ISHTIAK
(ISHTIAK AHMAD KHAN)
DIRECTOR FOOD, NWFP,



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD,
PESHAWAR

No. 2588 / G-275-DPC-2018

Dated: 31st May, 2018

091-9225378 fooddirectoratkpk@gmail.com @fooddirectoratkpk @fooddirectoratkpk

OFFICE ORDER

On the recommendations of Departmental Promotion Committee in its meeting held on 30-05-2018, the competent authority is pleased to promote the following Senior Clerks (BS-14) to the post of Assistants (BS-16) in Food Directorate, Divisional and District Offices in Food Department Khyber Pakhtunkhwa on regular basis with immediate effect:-

1. Mr. Ijaz Ahmad
2. Mr. Muhammad Masoom
3. Mr. Muhammad Tariq
4. Mr. Gul Hakeem
5. Mr. Sultan-e-Romm
6. Mr. Shoukat Zaman
7. Mr. Nasrullah Khan
8. Mr. Shahid Shabir

Annex - B

P-17

Upon promotion, the Assistants will be on probation for a period of one year in terms of sub-rule (3) of Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 duly amended in 2012.

3 Consequent upon above, competent authority is pleased to order the following postings / transfers of Assistants and Senior Clerks with immediate effect in the public interest.

| S. No | Name of Official | From | To |
|-------|---------------------------------------|--|--|
| 1) | Mr. Ijaz Ahmad Assistant | Presently working as Assistant in his own pay & scale in DFC Office Mansehra | Posted as regular Assistant in DFC Office Mansehra. |
| 2) | Mr. Muhammad Masoom Assistant. | DFC Office Haripur | Posted as Assistant in DFC Office Haripur. |
| 3) | Mr. Muhammad Tariq Assistant. | DFC Office Buner | Posted as Assistant in DFC Office Buner |
| 4) | Mr. Gul Hakim Assistant. | Presently working as Assistant in his own pay & scale in DFC Office Malakand at Dargai | Posted as regular Assistant in DFC Office Malakand at Dargai |
| 5) | Mr. Sultan-e-Romm Assistant. | DFC Office Dir Lower | Posted as Assistant in DFC Office Dir Lower |
| 6) | Mr. Shoukat Zaman Assistant. | DFC Office Haripur | Assistant Office of ADF Hazara Division at Abbottabad |
| 7) | Mr. Nasrullah Khan Assistant. | Office of Rationing Controller Peshawar | Assistant Food Directorate, Peshawar. |
| 8) | Mr. Shahid Shabir Assistant. | DFC office Shangla | Posted as Assistant in DFC Office Shangla |
| 9) | Mr. Naseer Ahmad Assistant | DFC Office Dir Lower | DFC Office Dir Upper |
| 10) | Mr. Bashir Muhammad Assistant | DFC Office Haripur | DFC Office Kohistan |
| 11) | Mr. Arshad Farooq Assistant | Office of ADF Hazara Division at Abbottabad | DFC Office Battagram |
| 12) | Mr. Abdul Ghaffar Assistant | DFC Office Battagram | DFC Office Nowshera |
| 13) | Mr. Fahmid Khan Assistant | DFC Office Nowshera | Office of Storage & Enforcement Officer NRC Azakhel. |
| 14) | Mr. Gohar Ali Assistant | Office of Storage & Enforcement Officer NRC Azakhel. | DFC Office Mardan |
| 15) | Mr. Rashid Mehmood Malik Assistant | DFC office Shangla | DFC Office Abbottabad |
| 16) | Mr. Junaid Tahir Assistant | DFC Office Abbottabad | DFC Office Karak |
| 17) | Mr. Syed Inayat Shah Senior Clerk | Presently working as Assistant in his own pay & scale in DFC Office Kohistan | Posted as Senior Clerk in DFC Office Shangla |

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.


Endorsement No & Date Even

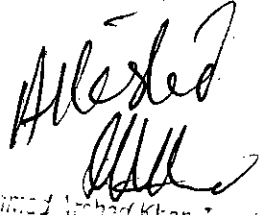
A copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. All District Accounts Officers in Khyber Pakhtunkhwa.
3. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.

P. 18

4. The Section Officer General, Government of Khyber Pakhtunkhwa Food Department Peshawar with reference to his letter No.SOG/1-3/DPC/604 dated 31-05-2018.
5. All Divisional Assistant Directors Food in Food Department Khyber Pakhtunkhwa.
6. All District Food Controllers in Khyber Pakhtunkhwa.
7. The Storage & Enforcement Officers PRC Peshawar and NRC Azakhel.
8. The Rationing Controller, Peshawar.
9. The Pay Bill Assistant, Food Directorate, Peshawar.
10. Officials concerned/ Personal File.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR


Muhammad Wajid Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

ET-69

Annex C

Annex "D"

(21)
(21)

OFFICE ORDER:

FOOD DIRECTORATE N.W.F.P.
PESHAWAR.

No. 13797 / G-275-DPC, Dated Peshawar, the 7 / 7 / 2000.

On the recommendations of the Departmental Promotion Committee/Placement Scrutiny Committee, the following promotions/postings and transfers of Ministerial staff are hereby ordered with immediate effect:-

Annex-C

Attested
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

| S.No. | Name of official | Place of posting. |
|-------|---|---|
| | M/S | |
| 1. | Khurshid Anwar, Sr.Clerk, Food Directorate, NWFP, Peshawar. | Promoted as Assistant and posted in Food Directorate as Assistant against the vacant post. |
| 2. | Mohammad Ramzan, Sr. Clerk, DFC Office, D.I. Khan. | Promoted as Assistant and posted as Accountant in DFC Office, D.I. Khan against the vacant post. |
| 3. | Manzoor Hussain Shah, Sr.Clerk, DFC Office, Kohistan. | Promoted as Assistant and posted as Head Clerk in DFC Office, Kohistan against the vacant post. |
| 4. | Mr. Halimullah, Sr. Clerk, DFC Office, Chitral. | Promoted as Assistant and posted as Accountant in DFC Office, Chitral against the Vacant post. |
| 5. | Farkh Sair, Sr. Clerk, Food Directorate, NWFP, Peshawar. | Promoted as Assistant and posted as Accountant in S&EO, NRC, Azakhel against the vacant post. |
| 6. | Attaullah, Jr. Clerk, DFC Office, Bannu. | Promoted as Senior Clerk and posted in DFC Office, DIKhan against the vacant post of Senior Clerk Vice No.2. |
| 7. | Maqsood Ahmad, Jr. Clerk, DFC Office, Chitral. | Promoted as Senior Clerk and posted in DFC Office, Chitral against the vacant post Vice No.4. |
| 8. | Abir Khan, Jr. Clerk, DFC Office, Chitral. | Promoted as Sr. Clerk and posted in Food Directorate against the vacant post of Senior Clerk. |
| 9. | Ijaz Ahmad, Jr. Clerk, DFC Office, Abbottabad. | Promoted as Senior Clerk and posted in DFC Office, Kohistan against the vacant post Vice No.3. |
| 10. | Mr. Mohammad Shahid, Jr. Clerk, DFC Office, Nowshera. | Promoted as Sr. Clerk and posted in Food Directorate, NWFP against the vacant post of Senior Clerk. |
| 11. | Ijaz Ahmad, Jr. Clerk, Food Directorate, NWFP. | Transferred and posted in DFC Office Nowshera Vice No.10. |

He
Aw 7
14/2000

Date
DP
7

DIARY NO 526
DATE 11-7-2000
D-F-C OFFICE
ABBOTTABAD

...2...

ATTESTED

Chief Food Controller
Abbottabad

- 12. Aminullah, Daftari, Food Directorate, NWFP. Promoted as Jr. Clerk and posted in Food Directorate against the vacant post.
- 13. Falak Miaz, Daftari, Food Directorate, NWFP. Promoted as Jr. Clerk and posted in Food Directorate against the vacant post.
- 14. Mohammad Ismail, Daftari, ADF Office, Karachi. Promoted as Jr. Clerk and posted in ADF Office, Karachi against the vacant post.

[Signature]
 DIRECTOR FOOD, NWFP,
 PESHAWAR. 7/17/2000

No. 13798/G-275-DPC, Dated Peshawar, the 7/17/2000.

A copy is forwarded to:-


- 1. The Accountant General, NWFP, Peshawar.
- 2. The Accountant General, Sindh, Karachi.
- 3. The District Accounts Officers, Kohistan, Abbottabad, Nowshera, D.I. Khan, Bannu, Chitral.
- 4. The Assistant Director Food, Govt. of NWFP at Karachi.
- 5. The District Food Controllers, Kohistan, Abbottabad, Nowshera, D.I. Khan, Bannu and Chitral.
- 6. The Storage & Enforcement Officer, NBC, Azakhel.
- 7. Official Concerned/P. Files.
- 8. Pay Bill Assistant, Food Directorate, NWFP, Peshawar for information and necessary action.

ATTESTED

[Signature]
 District Food Controller
 Abbottabad

[Signature]
 DIRECTOR FOOD, NWFP,
 PESHAWAR. 7/17/2000

[Signature]
 Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No. 33 Adjacent to
 Abbottabad

~~Annex~~ " ~~Annex~~
FOOD DIRECTORATE, NWFP,
PESHAWAR. 

NO. 14765 / PF-83A

Dated Peshawar, the 18 / 07 / 2000.

TO: -

~~Mr. Ijaz Ahmad, J/Clerk DEC, Office, Abbotabad.~~

Mr. Ijaz Ahmad,
J/Clerk DEC, Office,
Abbotabad.

Annex - D

SUBJECT: - PROMOTION

MEMO:

R 21

Reference your application dated 57200, on the subject noted above.

It is to inform you, that incase you are not wafling for promotion at this stage, then your Seniority will be fixed at the bottom of the Seniority List. And under-taking on the subject may also be furnished immediately.

Date _____
A.D.F _____
L.F _____
H/C _____

A. Shah
For DIRECTOR FOOD NWFP,
PESHAWAR. 18/7/00

Attested
MU

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 53 Adjacent to
Distt 3rd Abbotabad

Annex - E - 7

To

The Director Food,
NWFP, Peshawar.

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29/7 P-22

Through : Proper Channel

Subject: PROMOTION.

R/Sir,

Kindly refer to your NO.14765/PF-880
dated 18/07/2000.

As earlier I have submitted that I can not
avail Promotion at Kohistan due to acute domestic
compulsion and illness of my Parents at the moment. In
this connection I have no objection if my Seniority will
be fixed at the bottom of Seniority list.

Attested

Muhammad Arzouba Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

Yours Obediently,

[Signature]

Ejaz Ahmad
Junior Clerk
DFC Office Abbottabad.

OFFICE OF THE DISTRICT FOOD CONTROLLER ABBOTTABAD.

NO. 1999 /ET-69(AD) Dated Abbottabad the 27 /07/2000,

Forwarded in original to the Director Food
NWFP, Peshawar for favour of information and necessary
action please.

RKE
[Signature]
31/7

D. No. 2378
[Signatures]

[Signature]
District Food Controller,
Abbottabad.

[Signature]
Assistant Director Food,
Food Directorate,
Khyber Pakhtunkhwa,
Peshawar

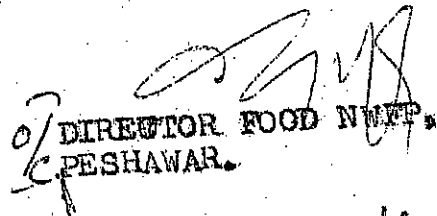
OFFICE ORDER.

NO. 19685 / PF-880,

P-23

Dated Peshawar, the 14/09/2000.

In partial modification this office order No. 13797/
19685 dated 07-07-2000. Mr. Ijaz Ahmad, Senior Clerk
is hereby reverted as Junior Clerk on his own request and
allowed to continue as Junior Clerk against the vacant
Post of Junior Clerk in District Food Controller, Abbottabad
The Seniority of the Official is also hereby fixed at the
bottom of Junior Clerks on his own Option and will not
claimed Seniority as a rights in future.

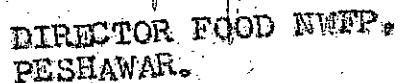

DIRECTOR FOOD NWFP,
PESHAWAR.

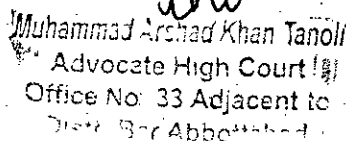
NO. 19686-90 / PF-880,

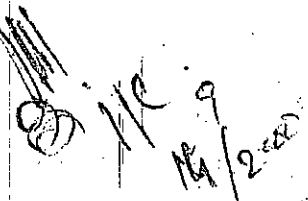
Dated Peshawar, the 14/09/2000.

A copy is forwarded to:

- 1) The District Accounts Officer Abbottabad for information.
- 2) The District Food Controller Abbottabad for information and necessary action.
- 3) Mr. Ijaz Ahmad, Junior Clerk, Office of the Exx District Food Controller Abbottabad for information and necessary action with reference to his request under taking dated 15-07-2000.
- 4) Copy for File G-275-DPC,
- 5) The Concerned Assistant for information and necessary action.


DIRECTOR FOOD NWFP,
PESHAWAR.


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Abbottabad


MC
14/2000

Annex G

24

گورنمنٹ ڈائنر ٹریڈنگ فوڈز میں سرپرست لیسٹ اور
بوساطت ڈائننگ فوڈ ٹریڈنگ اور ایسٹ آباد

24
لیسٹ ممبران کی سنیاری لیسٹ پر اعتراض

حوالہ دہی بڑی 176-49/41-5543 سنیاری لیسٹ مورخہ 17
جون 2004 تاریخ کو دفتر ڈی ایف سی ایسٹ آباد دہی اور تاریخ 28
میں ملہ خط لکھے گئے ہیں۔

اس سلسلہ میں میرے درج ذیل اعتراضات ہیں:

1) میری تعلیمی قابلیت B.A ہے جبکہ سنیاری لیسٹ میں F.A درجہ لگائی ہے۔

2) ستمبر 2000 میں جوہر کلکتہ کی سنیاری لیسٹ میں ٹاپ آف دی لیسٹ
تھا۔ اور خود ڈائننگ فوڈ ٹریڈنگ اور دہی
تاریخ 2000-9-14 کو میری سنیاری ڈاؤن ٹریڈ گئے جوہر کلکتہ
سنیاری لیسٹ سے باہر (Bottom) سروریا اور دہی لیسٹ میں
قوانین کا حوالہ نہیں دیا گیا۔ (کچھ مذکورہ کی کاپی لگا ہوا ہے)۔

3) اب جبکہ موجودہ سنیاری لیسٹ میں میرے نمبر 67 ہے رکھا گیا ہے۔ جو
میرے ساتھ نا انصافی ہے۔ اور مجھے بہت زیادہ سروس نقصان ہے۔

لہذا آپ سے التماس ہے کہ میری سنیاری کو ستمبر
سے پہلے کی پوزیشن بحال رکھا جائے تاکہ آئی اے ڈی ایل میں میرے حق کی دیکھ
قانون سے بالاتر زیادتی کا شکار نہ ہو جاؤں۔ اس سلسلے میں میرے آپ کی درازی
دعا تو رہوں گا۔
عین خواہش ہوگی

Muhammed Iqbal Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to

الحاج احمد
جوہر کلکتہ
دفتر ڈی ایف سی ایسٹ آباد

01/04/2004

NC. 1260 / ET-69(AD) Dated Abbottabad the 10/4/2006

From: The District Food Controller,
Abbottabad.

To: The Director Food,
NWFP, Peshawar.

P. 25

Subject: APPEAL.

Memo:

An appeal submitted by Mr. Ejaz Ahmed Junior Clerk of this office is enclosed for onward submission to Administrative Department please.

Encl: (One)

[Signature]
District Food Controller,
Abbottabad.

[Signature]

[Signature]
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Court

The Secretary,
To Govt of NWFP,
Food Department NWFP,
Peshawar.

51

Through:- PROPER CHANNEL.

P-26

Respected Sir,

Respectfully it is stated that I had lodged an appeal against the fixation of my seniority at the bottom of junior clerks through office order No.19685/PF-880 dated 14/9/2000 before the worthy Director Food NWFP, Peshawar. (Copy enclosed).

2. My appeal was rejected by worthy Director Food NWFP, Peshawar (Copy enclosed).

3. I, therefore submit my appeal against the orders of worthy Director Food NWFP Peshawar dated 14/9/2000 before your kind honour with following grounds of appeal:-

That I was on the top of seniority list of Junior clerks and I was promoted as Senior Clerk vide Director Food NWFP, Peshawar No-13797/G-275-DPC dated 07/07/2000, but due to illness of parents and other utmost domestic compulsions I could not avail promotion as S/Clerk in the far flung District Kohistan and worthy Director Food NWFP, Peshawar through Office order No.19685/PF-880 dated 14/9/2000 allowed me to continue work as J/Clerk against the vacant post of J/C in DFC office Abbottabad and my seniority position was also fixed at the bottom of Junior Clerks and also directed that seniority can't be claimed as rights in future, which is great injustice and not according to rules. I, therefore beg to your kind honour to consider my appeal on the basis of justice and my seniority position in this regard may kindly be ^{restored and} regularised under the service rules accordingly.

Attested
Muhammad Arshad Khan Tanoli
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

14.9.2006

Your's Obediently,
Ejaz Ahmad
(EJAZ AHMAD)
J/Clerk Office of
the District Food
Controller Abbottabad

9

محکم دلائل سے مزین و متنوع ومنفرد موضوعات پر مشتمل مفت آن لائن مکتبہ

محکم دلائل سے مزین و متنوع ومنفرد موضوعات پر مشتمل مفت آن لائن مکتبہ

P-27

Subject: Seniority list
2837/Seniority list

26-6-2003
Seniority list of
1993
Seniority list of 1993

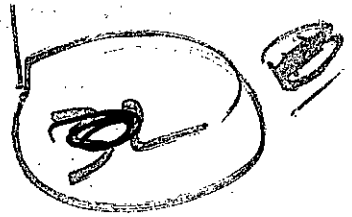
3
4
Promotion
14-9-2000
880-880
Bottom

Bottom
Seniority list

14/07/2003
الحاج احمد جوینی
ڈی۔ ایف۔ ایس۔ ایبٹ آباد

Muhammed Arshad Janoli
Advocate High Court
Office No 33 Adjacent to
Dera 33r Abbottabad

Anna - G.



No. 17 / ET-69(AD) Dated Abbottabad the 02/1/2010.

From: The District Feed Controller,
Abbottabad.

To: The Director Feed,
NWFP, Peshawar.

P. 28

Subject: APPEAL FOR RESTORATION OF SENIORITY.

Memo:

Enclose please find herewith an application of Mr. Ejaz Ahmad Junior Clerk of this office which is self explanatory for further necessary action at your end please.

Encl: (two)

~~District Feed Controller,
Abbottabad.~~

No. _____ / ET-69(AD) Dated Abbottabad the ___/1/2010.

A copy is forwarded to Mr. Ejaz Ahmad J/C of this office for information w/r to his application dated 01/01/2010.

District Feed Controller,
Abbottabad.

Accepted

[Handwritten signature]

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

| | |
|------------|---------------|
| No. | <u>02</u> |
| Date | <u>AD</u> |
| DD | <u>4/1/10</u> |
| Dist. T.S. | |

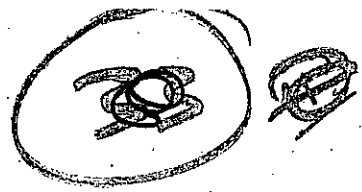
ADF B
4/1/10

AD/CE

45
4/1/10

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7.1.10

Ru
su early
lsj



محضور جناب ڈائریکٹر صاحب محکمہ خوراک صوبہ سرحد، پشاور

P-29

بوساطت: جناب ڈسٹرکٹ فوڈ کنٹرولر صاحب ضلع ایبٹ آباد

عنوان: درخواست برائے بحالی سناریٹی

جناب عالی!

گزارش ہے کہ 1993 میں محکمہ خوراک صوبہ سرحد میں میری ابتدائی تقرری بطور جونیئر کلرک ہوئی تھی۔ اس کے بعد تا حال محکمہ ہذا میں اپنی ڈیوٹی سرانجام دے رہا ہوں۔ 2000 کو میری سناریٹی جونیئر کلرکس کی سناریٹی کے ٹاپ پر ہونے کی وجہ سے میری پروموشن بطور سینئر کلرک کر دی گئی اور مجھے ایک دور افتادہ علاقہ ضلع کوہستان میں تعینات کر دیا گیا۔ لیکن چند ناگزیر وجوہات کی بناء پر میں اپنی پروموشن Avail نہ کر سکا اور مجھے بذریعہ ڈائریکٹر فوڈ صوبہ سرحد پشاور کے آفس آرڈر نمبر 19685/PF-880 بتاریخ 14-09-2000 کو Revert کر کے بطور جونیئر کلرک کام کرنے کی اجازت مل گئی۔ لیکن اس کے ساتھ ہی ماورائے قانون اور غیر منصفانہ طور پر میری سناریٹی کو جونیئر کلرکس کی سناریٹی کے Bottom پر فکس کر دیا گیا۔ جو کہ سروس رولز کی صریحاً خلاف ورزی ہے اور کوئی بھی مجاز اتھارٹی اس طرح کے کیس میں کسی بھی قانون کے تحت سناریٹی کو Bottom پر فکس نہیں کر سکتی۔ بلکہ مجوزہ قانون کے تحت ایک Step ڈاؤن کی جاسکتی ہے۔

جناب عالی! میں نے کوئی جرم نہیں کیا بلکہ اپنی چند مجبوریوں کے پیش نظر پروموشن کو اس وقت Avail نہ کر سکا۔ جس کی مجھے غیر قانونی طور پر اتنی طویل سزا دی گئی ہے اور اب بھی بھگت رہا ہوں۔ جس سے میری سناریٹی کو شدید نقصان پہنچ رہا ہے۔

Muhammed Aslam Khan
Advocate High Court
Office No. 33 Adjacent to
Distt. Court Abbottabad

لہذا استدعا ہے کہ میری سناریٹی کو جو غیر قانونی اور غیر منصفانہ طور پر Bottom پر

گیا تھا، کو اجراء کی تاریخ سے منسوخ کر کے میری سناریٹی کو اصلی شکل میں بحال کیا جاوے۔ میں اس سے استفادہ کر سکوں۔ عین نوازش ہوگی۔

العارض

اعجاز احمد

جونیئر کلرک دفتر ڈسٹرکٹ فوڈ کنٹرولر ایبٹ آباد۔

01-01-2010

P. 30

No. /ET-69 (AD)

Dated Abbottabad the /12 /2011



From:- The District Food Controller
Abbottabad

To:- The Director Food,
Khyber Pakhtoon Khawa
Peshawar.

Subject;- APPEAL FOR RESTORATION OF SENIORITY
Memo:

Enclosed please find herewith an application of Mr. Ejaz Ahmad
Junior Clerk of this office which is self-explanatory for further necessary at your end
please.

Encl: (17)

DISTRICT FOOD CONTROLLER
ABBOTTABAD

No. 4219- /ET-69 (AD)

Dated Abbottabad the 25/12 /2011

A copy is forwarded to Mr. [redacted] for
information w/ to his application dated 25/12/2011.

DISTRICT FOOD CONTROLLER
ABBOTTABAD

Alleged
[Handwritten signature]

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

36

P-31

To:- The Director Food,
Khyber Pakhtoon Khawa,
Peshawar.

Through PROPER CHANNEL.

Subject; APPLICATION FOR RESTORATION OF SENIORITY.

R/Sir,

Respectfully it is submitted that I was appointed in Food Department as Junior Clerk in 1993. I was promoted to the post of Senior Clerk through your Office Order No.13797/G-275-DPC dated 7/7/2000 and posted at Kohistan. Due to my some domestic compulsions I could not avail promotion.

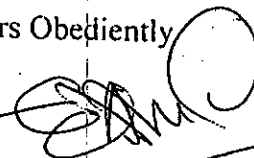
According to the rule the subject seniority of officials refusing promotion is reverted to one step back. Instead I was placed at the bottom of the seniority list of junior clerk.

Now it has been learnt that Mr. Mohammad Haroon was also placed at the bottom of the seniority list on the same ground has been provided seniority and restored to his original position. and he has been appointed as Assistant /Accountant /Head Clerk (BS-14) vide your office order No.33042/G-275-DPC dated 28/11/2011.(Copy attached for ready reference).

It is therefore humbly requested that my seniority as stood on 2000 may kindly be restored and promoted accordingly. Attested copies of all the relevant documents are enclosed with my application please.

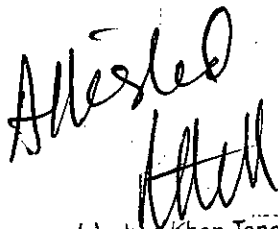
Thanking you.

Yours Obediently



(EJAZ AHMAD)
J/C Office of the District
Food Controller Abbottabad.

Dated 25/12/2011



Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

P. 32



OFFICE OF THE
DISTRICT FOOD CONTROLLER
ABBOTTABAD
No. 1786-87/ET-69(AD)
Dated 04/06/2012.

To:

The Director Food,
Khyber Pakhtun Khwa,
Peshawar.

Subject:-

APPEAL FOR RESTORATION OF SENIORITY.

Memo:

Enclosed please find herewith an application of Mr. Ejaz Ahmad Junior Clerk of this office which is self-explanatory for further necessary action please.

Encl: (One)

(SYED NAZAKAT HUSSAIN SHAH)
DISTRICT FOOD CONTROLLER
ABBOTTABAD

A copy is forwarded to Mr. Ejaz Ahmad Junior Clerk of this office for information w/r to his application dated 31/5/2012.

DISTRICT FOOD CONTROLLER
ABBOTTABAD

Attested

Muhammed Arshad Khan Tanoli
Advocate High Court
Office No. 23 Adjacent to
Distt. Bar Abbottabad



P-33

The Director Food,
Khyber Pakhtun Khwa
Peshawar.

Through PROPER CHANNEL.

Subject: APPLICATION FOR RESTORATION OF SENIORITY.
Memo:

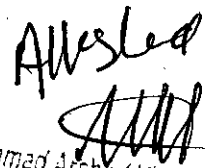
Respectfully it is submitted that I was appointed in Food Department as Junior Clerk in 1993. I was promoted to the post of Senior Clerk through your office order No.13797/G-275-DPC dated 7/7/2000 and posted at Kohistan. Due to my some domestic compulsions and illness of my parents I could not avail promotion.

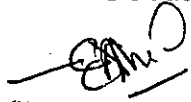
According to the rules the subject seniority of officials refusing promotion is reverted to one step back. Instead I was placed at the bottom of the seniority list of Junior Clerks.

Now it has been learnt that seniority of some other officials of the Food Department were also placed at the bottom of the seniority list on the same ground have been provided seniority and restored to their original position.

It is therefore humbly requested that my seniority as stood on 2000 may kindly be restored restrorespectively and promoted accordingly.

Thanking you,


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt. Office Abbottabad

Yours Obediently,

(EJAZ AHMAD)
Junior Clerk office of the
District Food Controller
Abbottabad.

Dated 31/5/2012

P-34



OFFICE OF THE
DISTRICT FOOD CONTROLLER
ABBOTTABAD.

No. 3068-69/ET-69(AD)
Dated 12/10/2012

To:-

The Director Food,
Khyber Pakhtun Khwa,
Peshawar.

Subject:

APPEAL FOR RESTORATION OF SENIORITY.

Memo:

Enclosed please find herewith an application of Mr. Ejaz Ahmad Junior Clerk of this office which is self-explanatory for further necessary action please.

Encl: (2/2/12)

Sd/-

(SYED NAZAKAT HUSSAIN SHAH)
DISTRICT FOOD CONTROLLER
ABBOTTABAD.

A copy is forwarded to Mr. Ejaz Ahmad Junior Clerk of this office for information w/r to his application dated 12/10/2012.

Sd/-

(SYED NAZAKAT HUSSAIN SHAH)
DISTRICT FOOD CONTROLLER
ABBOTTABAD.

Arshad

Muhammed Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

P-35



To

The Director,
Khyber Pakhtunkhwa,
Peshawar

Through: PROPER CHANNEL.

Subject: - RESTORATION OF SENIORITY.

R/Sir,

It is submitted that I was at the top of seniority list of junior Clerks during the year 2000 and promoted to the post of Senior Clerk but due to unavoidable domestic compulsions I could not avail promotion. Due to my non availing the promotion I was placed at the bottom of the seniority list.

Sir, it was great injustice with me that I was placed at the bottom of seniority list because according to rule "in case of non availing the promotion I could be reverted one step back".

It is therefore requested that my seniority case may please be reviewed and according to the rules may kindly be placed at rightful place of seniority list for redresses of my grievances.

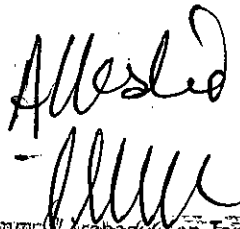
Thanking you,

Yours Obediently,


(EJAZ AHMAD)

J/C office of the
District Food Controller,
Abbottabad.

Dated 12/10/2012



Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

60

OFFICE OF THE
ASSISTANT DIRECTOR FOOD
HAZARA DIVISION
ABBOTTABAD
NO. 1065-66 / ET-02(ADFH)
Dated 30 /08/ 2013

To The Director Food ,
Khyber Pakhtun Khwa,
Peshawar.

P-36

Subject: APPEAL FOR RESTORATION OF SENIRITY.

Memo:

Enclosed please find herewith an application of Mr.Ejaz Ahmad Assistant of this office which is self-explanatory for further necessary action please.

Encl: (One)

[Signature]
ASSISTANT DIRECTOR FOOD
HAZARA DIVISION
ABBOTTABAD

A copy is forwarded to Mr.Ejaz Ahmad Assistant of this office for information

[Signature]
ASSISTANT DIRECTOR FOOD
HAZARA DIVISION
ABBOTTABAD

[Signature]
[Signature]
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

P-37



To:-

The Director Food
Khyber Pakhtun Khwa,
Peshawar.

Through:

PROPER CHANNAEL.

Subject:

RESTORATION OF SENIORITY.

R/Sir,

It is submitted that I was at the top of seniority list of junior Clerks during the year 2000 and promoted to the post of Senior Clerk but due to some unavoidable domestic compulsions I could not avail promotion .Due to my non availing the promotion I was placed at the bottom of the seniority list.

Sir,It was great injustice with me that I was placed at the bottom of the seniority list because according to rule " in case of non availing the promotion I could be reverted one step back".

It is therefore requested that my seniority case may please be reviewed and according to the rules may be placed at rightful place of seniority list for redresses of my grievances.

Thanking you,

Yours Obediently,



(EJAZ AHMAD)
Senior Clerk/Assistant
Office of the ADF Hazara Div:
Abbottabad.

Attested
Attt
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

OFFICE OF THE
ASSISTANT DIRECTOR FOOD
HAZARA DIVISION
ABBOTTABAD

No. 297 /ET-02(ADFH)
Dated: 05/05/2014



P-38

To:-

The Director Food,
Khyber Pakhtun Khwa,
Peshawar.

Subject:-

APPEAL FOR RESTORATION OF SENIORITY.

Memo:-

Enclosed please find herewith a self-explanatory application submitted by Mr. Ejaz Ahmad Assistant of this office for further necessary action at your end please.

Encl: (As above)

ASSISTANT DIRECTOR FOOD
HAZARA DIVISION
ABBOTTABAD

A copy is forwarded to Mr. Ejaz Ahmad Assistant of this office for information w/r to his application dated 29/4/2014.

ASSISTANT DIRECTOR FOOD
HAZARA DIVISION
ABBOTTABAD

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

To:-

The Director Food
Khyber Pakhtun Khwa
Peshawar.

P-39

(Signature)

Through :- PROPER CHANNEL.

Subject: - RESTORATION OF SENIORITY.

Respected Sir,

Reference your No:1645/ET-716 dated 14/3/2014 and No.1646/ET-716 dated 14/3/2014.

Respectfully it is submitted that I have repeatedly been requesting for restoration of my seniority since 2003 onward but unfortunately no reply from Food Directorate KPK received so far. It is once again requested that I was appointed in Food Department as Junior Clerk in 1993 and was at the top of seniority list of junior clerks during the year 2000 and promoted to the post of senior clerk through your office order No13797/G-275-DPC dated 7/7/2000 and posted at Kohistan. Due to illness of my parents and some unavoidable domestic compulsions I could not avail promotion. Due to my non availing the promotion I was placed at the bottom of the seniority list of junior Clerks.

It is to mention here that there is no provisions in the rules that the subject seniority of the officials refusing promotion is fixed at the bottom of seniority list in case of 1st time refusal/decline.

However there is precedents on record that in similar nature case seniority of Mr. Mohammad Haroon was also placed at the bottom of the seniority list on the same grounds has been provided seniority and restored to his original position and he has been appointed as Assistant /Accountant /Head Clerk(BPS-14) vide your office Order No.33042/G-275-DPC dated 28/11/2011(Copy attached for ready reference.) whereas my request was stepped down.

It is therefore humbly requested that my seniority as stood on 2000 may kindly be reviewed , restored and promoted accordingly.(Attested copies of all the relevant documents are hereby sent of ready reference please.

Thanking you in anticipation.

Date 29⁴/₂₀₁₄

Attested
H.M.

Muhammad Arshad Khan Tancil
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

Yours Obediently,

(EJAZ AHMAD)
Senior Clerk/Assistant,
Office of ADF Hazara Division
Abbottabad.

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OFFICE OF THE
DISTRICT FOOD CONTROLLER
HARIPUR.

Phone & Fax No. 0995-611749.

NO. 396-97 /ET-113 (HR)

Dated. Haripur the 15/05/2017.

To;

The Director Food
Khyber Pakhtunkhwa,
Peshawar

Subject

REVIEW FOR RESTORATION OF SENIORITY.

Memo;

Enclosed please find herewith a self-explanatory Review for Restoration of Seniority submitted by Mr. Ejaz Ahmad Senior Clerk of this office further necessary action at your end please.

Enc (As above)

**District Food Controller
Haripur.**

C.C :-

Mr. Ejaz Ahmad Senior Clerk of this office for information w/r to his application.

Allesed

HMM

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist Bar Abbottabad

[Signature]
**District Food Controller
Haripur.**

To: - The Director Food,
Khyber Pakhtunkhwa,
Peshawar.

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Through: Proper Channel.

Subject: - REVIEW FOR RESTORATION OF SENIORITY.

R/Sir,

Respectfully, it is stated that I have made repeated requests for restoration of my seniority but unfortunately having no positive response from Food Directorate, Khyber Pakhtunkhwa, Peshawar received so far. It is once again requested that I was appointed in Food Department as Junior Clerk in 1993 and was promoted Senior Clerk through your Office order No.13797/G-275 dated 07-07-2000 and posted at Kohistan. During those days my deceased father was suffering multifarious diseases and was lying on death bed. There was no one else to look after him except me who has passed away (may his soul rest in peace) and I could not avail my promotion. Due to my nonavailing the promotion 1st time I was placed at the bottom of the seniority list.

It is to mention here that there is no provisions in Rules that the subject seniority of the Officials refusing promotion is fixed at the bottom of seniority list **in case of 1st time refusal/decline.**

Since then I have made repeated requests for restoration of my seniority but in vain. At last in 2014 my appeal was placed before seniority Committee meeting held on 27-11-2013 at 11:00 AM in the Office of the Deputy Director Food, Food Directorate, Khyber Pakhtunkhwa, Peshawar where considered and turned down due to time barred and regretted. (Copy of minutes of meeting along with letter No.4166-70/ET-216 dated 10-07-2014 is enclosed for ready reference.)

Sir, there are precedents on record that the Officials were allowed restoration of seniority in Food Department KPK having similar nature cases specially Mr. Muhammad Haroon, Junior Clerk now Assistant who also foregone his promotion in 1993 and his seniority was also placed at the bottom of seniority list but on same grounds has been provided / allowed seniority and restored to his original position after a period of more than 17 (Seventeen) years in DPC

Advised
Muhammad Arshad Khan Tanoli
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Association

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meeting held on 09-02-2011 at 11:00 AM in the Office of the Deputy Director Food, (Food Directorate, Khyber Pakhtunkhwa, Peshawar) (Copy of minutes of meeting along with letter No.3056-58/ET-216 dated 08-03-2011 are enclosed for ready reference.) **Now amendment in relevant Rules has also been introduced vide Notification No.SOR-VI(E&AD)}1-3/2009/Vol:VIII: dated 22nd October, 2011 that (if on an order of promotion or before promotion any civil servants decline in writing to accept promotion such civil servant shall not be considered for such promotion for next four years following the orders.)**

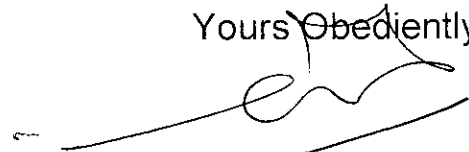
While dismissing my request a novel procedure has been mentioned that soon thereafter Mr. Muhammad Haroon was transferred outside his home District and so his case was found to be distinguishable from my case where as I am a bonafide resident of District Mansehra and always remained posted outside my home District throughout my more than 23 years carrier in Food Department, KPK and never given chance of posting in my home District.

Sir, there is a sheer discrimination displaced by the Department as the relief which I am seeking was extended to Mr. Muhammad Haroon where the same relief is being denied to me.

It is, therefore humbly requested that my seniority may kindly be reviewed / restored, for promotion accordingly for which I shall be highly grateful. (Copy of all relevant documents are attached herewith for ready reference.)

Thanking you in anticipation,

Yours Obediently,



(EJAZ AHMAD)

Senior Clerk DFC Office

Haripur

Attested


Muhammad Arshad Khan Janohi
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD
PESHAWAR

No. 4497 /ET-716

Dated 08/10/2017

Annex -

TO:-


1. All Assistant Directors Food at Divisional level in Food Department Khyber Pakhtunkhwa
2. All District Food Controllers in Khyber Pakhtunkhwa
3. The Storage & Enforcement Officers, NRC Azakhel & PRC Peshawar
4. The Rationing Controller Peshawar.
5. All Senior Clerks in Food Directorate, Peshawar.

Subject:-
Memo:-

REVISED SENIORITY LIST OF SENIOR CLERK AS IT STOOD ON 31-10-2017.

In compliance of Judgement of Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad announced on 22-08-2017 in case of Appeal No.357/2013 regarding sit a side the impugned order 3727/PF dated 11-09-2012 of Mr. Muhammad Masoom Senior Clerk Office of DFC Haripur and as per advice received from Establishment Department Khyber Pakhtunkhwa, in case of appeal for seniority in respect of Mr. Ijaz Ahmad Senior Clerk Office of DFC Mansehra as per advice of , the Seniority List of Senior Clerk as it stood on 31-10-2017, is revised and enclosed herewith for circulation amongst your concerned staff. Please acknowledge receipt.


2 Variation if any, in the list be pointed out within stipulated period of one week of the receipt of the Seniority list, otherwise it will be presumed that you have no objection to the seniority position as contained in the list and it shall be treated as final and undisputed.



DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

Endorsement No and Even date

Copy for information to

1. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to Appeal No.357/2013
2. The Section Officer General Government of Khyber Pakhtunkhwa Food Department Peshawar with reference to his letter No.SOF/Food/7-4/14-15/P.X/6172 dated 26-10-2017.
3. The District Food Controller Mansehra with reference to his appeal dated 25-01-2017.
4. The District Food Controller Haripur with reference to his letter No. 90-91/PF-Ijaz Ahmed dated 25-01-2017.
- ✓ 5. Mr. Ijaz Ahmad, Senior Clerk Office of DFC Haripur now Mansehra.
6. Mr. Muhammad Masoom, Senior Clerk Office of District Food Controller, Haripur.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.


Muhammad Snad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

REVISED SENIORITY LIST OF SENIOR CLERKS (BS-14) AS IT STOOD 31-10-2017.


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| S.No | Name of Govt: Servant | Qualification | Date of Birth | Domicile | Date of entry into Govt: Service | Date of appointment to the present post | Method of recruitment/appointment | Date of superannuation Viz. 60 years |
|------|-----------------------|---------------|---------------|--------------|----------------------------------|---|-----------------------------------|--------------------------------------|
| 1. | Ijaz Ahmad | M.A | 20.03.1973 | Mansehra | 13.05.1993 | 31-05-2013 | By promotion | 19.03.2033 |
| 2. | Muhammad Masoom | D.Com | 09.07.1969 | Abbottabad | 31.07.1993 | 02-03-2010 | By promotion | 08.07.2029 |
| 3. | Raheem Gul | F.A | 10.10.1972 | Abbottabad | 21.10.1993 | 01-04-2010 | By promotion | 09-10-2032 |
| 4. | Muhammad Arif | F.A | 28.03.1961 | D.I.Khan | 06.06.1978 | 28-05-2010 | By promotion | 27-03-2021 |
| 5. | Muhammad Tariq | Matric | 13.05.1976 | Malakand | 23.05.1995 | 08-12-2011 | By promotion | 12.05.2036 |
| 6. | Gul Hakim | F.A | 04.05.1961 | Malakand | 23.05.1995 | 08-12-2011 | By promotion | 03.05.2021 |
| 7. | Sultan-e-Room | F.A | 20.10.1966 | Dir | 23.05.1995 | 08-12-2011 | By promotion | 19.10.2026 |
| 8. | Shaukat Zaman | F.A | 12.04.1976 | Abbottabad | 31.05.1995 | 08-12-2011 | By promotion | 11.04.2036 |
| 9. | Nasrullah Khan | F.A | 15.08.1972 | F.R.Peshawar | 24.05.1995 | 08-12-2011 | By promotion | 14.08.2032 |
| 10. | Shahid Shabi | F.A | 28.04.1974 | Mansehra | 05.06.1995 | 08-12-2011 | By promotion | 27.04.2034 |
| 11. | Muhammad Mahir | F.A | 02.04.1969 | S.Waz.Agency | 01.06.1995 | 08-12-2011 | By promotion | 01.04.2029 |
| 12. | Iftikhar Ahamd | Matric | 16.10.1976 | Mohmnd Agen | 25.05.1995 | 08-12-2011 | By promotion | 15.10.2036 |
| 13. | Tahir Raza | F.A | 20.04.1974 | D.I.khan | 23.05.1995 | 08-12-2011 | By promotion | 19.04.2034 |
| 14. | Inayat Shah | Matric | 02.10.1962 | Mansehra | 06.08.1995 | 08-12-2011 | By promotion | 01.10.2022 |
| 15. | Muhammad Ali | F.A | 15.09.1970 | Mardan | 02.08.1995 | 08-12-2011 | By promotion | 14.09.2030 |
| 16. | Kamran Shah | M.A | 25.12.1972 | D.I.Khan | 28.05.1995 | 31-05-2013 | By promotion | 24.12.2032 |
| 17. | Hidayatullah | Matric | 11.03.1971 | Nowshera | 20.09.1995 | 31-05-2013 | By promotion | 10.03.2031 |
| 18. | Niaz Ali | Matric | 10.03.1970 | Peshawar | 15.10.1995 | 31-05-2013 | By promotion | 09.03.2030 |
| 19. | Gohar Ali | Matric | 30.03.1959 | Peshawar | 06.10.1979 | 31-05-2013 | By promotion | 29.03.2019 |
| 20. | Sohail Anjum | Matric | 15.08.1964 | Peshawar | 25.04.1984 | 31-05-2013 | By promotion | 14.08.2024 |
| 21. | Hidayatullah | B.A | 13.04.1972 | D.I.Khan | 11.08.1993 | 31-05-2013 | By promotion | 10.03.2031 |
| 22. | Jaffar Hussain | F.A | 14.09.1963 | Peshawar | 01.08.1990 | 31-05-2013 | By promotion | 13.09.2023 |
| 23. | Ashraf Ali | Matric | 05.04.1964 | Nowshera | 13.02.1982 | 31-05-2013 | By promotion | 04.04.2024 |
| 24. | Gohar Zaman | Matric | 03.10.1966 | Peshawar | 03.10.1984 | 31-05-2013 | By promotion | 02.10.2026 |
| 25. | Muhammad Ismail | B.A | 10.02.1964 | Mardan | 01.04.1987 | 31-05-2013 | By promotion | 09.02.2024 |
| 26. | Aminullah | Matric | 17.10.1968 | Charsadda | 12.02.1987 | 31-05-2013 | By promotion | 16.10.2028 |
| 27. | Falak Niaz | B.A | 08.11.1970 | Peshawar | 01.07.1993 | 31-05-2013 | By promotion | 07.11.2030 |
| 28. | Abdul Wali Khan | F.A | 03.04.1963 | Chitral | 14.02.1983 | 09-08-2016 | By promotion | 02.04.2023 |
| 29. | Muhammad Ayaz | D.Com | 15-05-1972 | D.I.Khan | 01-08-1995 | 09-08-2016 | By promotion | 14-05-2032 |
| 30. | Ismail | F.A | 06.06.1974 | Buner | 29.05.1995 | 09-08-2016 | By promotion | 05.06.2034 |
| 31. | Atif Shah | Matric | 10.05.1972 | Kohat | 31.03.1992 | 09-08-2016 | By promotion | 09.05.2032 |
| 32. | Aminullah | D.Com | 02.01.1971 | Chitral | 26.08.1996 | 09-08-2016 | By promotion | 01.01.2031 |

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Advt. No. 18
Advt. No. 19

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| | | | | | | | | |
|-----|----------------------|--------|------------|------------|------------|------------|--------------|------------|
| 33. | Shahid Khan | Matric | 28.02.1983 | Malakand | 29.04.2004 | 09-08-2016 | By promotion | 27.02.2043 |
| 34. | Gul Nawaz | B.A | 06.04.1978 | Peshawar | 29.04.2004 | 09-08-2016 | By promotion | 05.04.2038 |
| 35. | Muhammad Jamil | Matric | 01.01.1982 | Mansehra | 29.04.2004 | 09-08-2016 | By promotion | 31.12.2041 |
| 36. | Samad Nasir | F.A | 02.03.1981 | Malakand | 29.04.2004 | 09-08-2016 | By promotion | 01.03.2041 |
| 37. | Jaffar Khan | Matric | 15.03.1975 | Peshawar | 29.04.2004 | 09-08-2016 | By promotion | 14.03.2035 |
| 38. | Muhammad Ishaq Nawaz | F.A | 30.03.1967 | Mansehra | 15.09.1993 | 09-08-2016 | By promotion | 29.03.2027 |
| 39. | Tila Muhammad | Matric | 15.04.1963 | Mardan | 07.07.1980 | 09-08-2016 | By promotion | 14.04.2023 |
| 40. | Mazzullah Khan | F.A | 01.01.1962 | Charsadda | 01.06.1981 | 09-08-2016 | By promotion | 31.12.2021 |
| 41. | Khan Muhammad | Matric | 07.01.1964 | Mardan | 09.12.1981 | 23-05-2017 | By promotion | 06.01.2024 |
| 42. | Abdul Hameed | Matric | 13.05.1962 | Peshawar | 17.09.1982 | 23-05-2017 | By promotion | 12.05.2022 |
| 43. | Fazl Wadood | Matric | 01.03.1962 | Malakand | 10.06.1980 | 23-05-2017 | By promotion | 28.02.2022 |
| 44. | Aziz ur Rehman | Matric | 25.05.1966 | Karak | 30.01.1985 | 23-05-2017 | By promotion | 24.05.2026 |
| 45. | Muhammad Ijaz | F.A | 16.02.1967 | Charsadda | 11.04.1985 | 13-06-2017 | By promotion | 15.02.2027 |
| 46. | Anwar Shah | Matric | 01.01.1966 | Nowshera | 03.09.1985 | 13-06-2017 | By promotion | 31.12.2025 |
| 47. | Hidayat ur Rehman | Matric | 07.02.1968 | Charsadda | 24.02.1987 | 13-06-2017 | By promotion | 06.02.2028 |
| 48. | Aurangzeb | F.A | 07.09.1962 | Mardan | 07.01.1989 | 13-06-2017 | By promotion | 06.09.2022 |
| 49. | Ashraf Hussain | B.Com | 19.06.1967 | D.I.Khan | 19.10.1993 | 13-06-2017 | By promotion | 18.06.2027 |
| 50. | Habib-ur-Rehman | Matric | 13.01.1970 | Mansehra | 10.10.1993 | 13-06-2017 | By promotion | 12.01.2030 |
| 51. | Umaid Khan | Matric | 01.07.1979 | Peshawar | 01.01.1996 | 13-06-2017 | By promotion | 30.06.2036 |
| 52. | Asad Khan | D.Com | 02.04.1976 | Abbottabad | 12.03.1996 | 25-09-2017 | By promotion | 01.04.2036 |
| 53. | Muhammad Arif | B.A | 09.09.1977 | Peshawar | 01.07.1996 | 25-09-2017 | By promotion | 08.09.2037 |
| 54. | Akhtar Munir | Matric | 24.03.1959 | Charsadda | 06.04.1983 | 25-09-2017 | By promotion | 23.03.2019 |
| 55. | Sartaj Khan | Matric | 09.02.1978 | Charsadda | 19.12.2007 | 25-09-2017 | By promotion | 08.02.2038 |


 Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No. 33 Adjacent to
 Distt Bar Abbottabad


 ASSISTANT DIRECTOR FOOD (E)



Attested
HUK
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

GOVERNMENT OF KHYBER PAKHTUNKHWA,
DIRECTORATE OF FOOD
PESHAWAR

No. 1249/ET-716

Dated 16/04/2019

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NOTIFICATION

In pursuance to Rule-17 of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion and Transfer) Rules 1989, the competent authority has been pleased to notify the final Seniority List of Assistants (BS-16) in Directorate of Food, Divisional and District Offices of Food Department Khyber Pakhtunkhwa, as it stood on 08-04-2019.

| S.No. | Name of Government Servant | Designation | Qualific: | Date of Birth | Domicile | Date of entry into Government service | Date of appointment to the present post | Method of Recruitment/ Appointment | Date of Superannu Viz: 60 Years |
|-------|----------------------------|-------------|------------|---------------|------------|---------------------------------------|---|------------------------------------|---------------------------------|
| 1. | Muhammad Abbas | Assistant | Matric | 23.04.1963 | Malakand | 24.06.1982 | 29-11-2011 | By Promotion | 22.04.2023 |
| 2. | Hashim Khan | Assistant | Matric | 10.02.1963 | Kohat | 24.06.1982 | 29-11-2011 | By Promotion | 09.02.2023 |
| 3. | Ishfaq-ur-Rehman | Assistant | F.A. | 26.12.1962 | Peshawar | 21-04-1981 | 31-05-2013 | By Promotion | 25.12.2022 |
| 4. | Atiaullah | Assistant | Matric | 14.02.1961 | D.I.Khan | 07.11.1980 | 31-05-2013 | By Promotion | 13.02.2021 |
| 5. | Muhammad Shahid | Assistant | F.A. | 14.02.1973 | Peshawar | 10.05.1993 | 31-05-2013 | By Promotion | 13.02.2033 |
| 6. | Ijaz Ahmad | Assistant | D.com | 02.04.1973 | Charsadda | 10.05.1993 | 31-05-2013 | By Promotion | 01.04.2033 |
| 7. | Arshad Ali | Assistant | B.A | 06.05.1969 | Malakand | 18.05.1993 | 31-05-2013 | By Promotion | 05.05.2029 |
| 8. | Abdul Wali Khan | Assistant | F.A. | 01.02.1973 | Peshawar | 10.05.1993 | 31-05-2013 | By Promotion | 30.01.2033 |
| 9. | Bashir Muhammad | Assistant | Matric | 18.03.1972 | Mansehra | 10.05.1993 | 31-05-2013 | By Promotion | 17.03.2032 |
| 10. | Shehreyar Khan | Assistant | Matric | 03.02.1973 | Mardan | 10.05.1993 | 31-05-2013 | By Promotion | 02.02.2033 |
| 11. | Syed Zakir Shah | Assistant | D.com | 27.02.1968 | M. Agency | 10.05.1993 | 31-05-2013 | By Promotion | 26.02.2028 |
| 12. | Asif Khan | Assistant | MA English | 01-11-1961 | FR Kohat | 04.02.2014 | 04.02.2014 | By Initial recruitment | 31-10-2041 |
| 13. | Naseer Ahmed | Assistant | B.A | 25-02-1985 | Dir Lower | 04.02.2014 | 04.02.2014 | By Initial recruitment | 24-02-2045 |
| 14. | Hazrat Ullah | Assistant | MA/B.ED | 02-04-1983 | Karak | 04.02.2014 | 04.02.2014 | By Initial recruitment | 01-04-2043 |
| 15. | Zaheer Abbas | Assistant | EBA Hons | 03-03-1985 | Mansehra | 04.02.2014 | 04.02.2014 | By Initial recruitment | 02-03-2045 |
| 16. | Muhammad Ayaz | Assistant | B.A. | 15.02.1971 | M.Agency | 10.05.1993 | 27-06-2014 | By Promotion | 14.02.2031 |
| 17. | Zahid Ali | Assistant | Matric | 25.11.1970 | Peshawar | 10.05.1993 | 27-06-2014 | By Promotion | 14.11.2030 |
| 18. | Syed Faridoon | Assistant | M.A | 09.11.1968 | Charsadda | 10.05.1993 | 27-06-2014 | By Promotion | 08.11.2028 |
| 19. | Muhammad Ibrahim | Assistant | B.A | 03.03.1973 | Charsadda | 10.05.1993 | 27-06-2014 | By Promotion | 02.03.2033 |
| 20. | Arshad Farooq | Assistant | Matric | 06.04.1968 | Abbottabad | 10.05.1993 | 22-07-2016 | By Promotion | 05.04.2028 |
| 21. | Gohar Ali | Assistant | M.A | 01.04.1965 | Mardan | 10.05.1993 | 22-07-2016 | By Promotion | 31.03.2026 |
| 22. | Muhammad Iqbal | Assistant | Matric | 14.04.1968 | M.Agency | 10.05.1993 | 22-07-2016 | By Promotion | 13.04.2026 |

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| | | | | | | | | | |
|-----|-------------------------------------|-----------|---------------------------|-------------|--------------|------------|------------|---------------------------------------|-------------|
| | Farrukh Sair | Assistant | Matric | 15.04.1969 | Peshawar | 10.05.1993 | 22-07-2016 | By Promotion | 14.04.2029 |
| 24. | Amjad Hussain Shah | Assistant | F.A | 01.04.1971 | Mansehra | 11.05.1993 | 22-07-2016 | By Promotion | 31.03.2031 |
| 25. | Shakeel Ur Rehman | Assistant | F.A. | 30.01.1969 | Charsadda | 12.05.1993 | 04-01-2017 | By Promotion | 29.01.2029 |
| 26. | Muhammad Rashid | Assistant | Matric | 15.12.1966 | Peshawar | 01.11.1990 | 04-01-2017 | By Promotion | 14.12.2026 |
| 27. | Gul Nawaz | Assistant | F.A | 12.08.1960 | Lakki Marwat | 29.06.1982 | 09-06-2017 | By Promotion | 11.08.2020 |
| 28. | Sajad Ali | Assistant | F.Sc | 12.07.1970. | Swat | 11.05.1993 | 09-06-2017 | By Promotion | 11.07.2030. |
| 29. | Abdul Ghaffar | Assistant | B.A | 27.02.1969 | Nowshera | 29.06.1993 | 09-06-2017 | By Promotion | 26.02.2029 |
| 30. | Akhtar Zaman | Assistant | Matric | 19.04.1969 | Lakki Marwat | 03.07.1993 | 09-06-2017 | By Promotion | 18.04.2029 |
| 31. | Fahmid Khan | Assistant | F.A | 03.01.1975 | Charsadda | 04.07.1993 | 20-09-2017 | By Promotion | 02.01.2035 |
| 32. | Rashid Mehmood Malik | Assistant | F.A | 20.04.1974 | Mansehra | 01.08.1993 | 20-09-2017 | By Promotion | 19.04.2034 |
| 33. | Khurshid Ahmad | Assistant | Matric | 04.03.1972 | Charsadda | 11.08.1993 | 20-09-2017 | By Promotion | 03.03.2032 |
| 34. | Hanif Khan | Assistant | M.A | 08.02.1971 | Mardan | 15.08.1993 | 20-09-2017 | By promotion | 07-05-2031 |
| 35. | Amir Nawaz | Assistant | F.A | 14.06.1973 | S.W.Agency | 05.06.1995 | 20-09-2017 | By promotion | 13.06.2033 |
| 36. | Ijaz Ahmad | Assistant | M.A | 20.03.1973 | Mansehra | 13.05.1993 | 31-05-2018 | By promotion | 19.03.2033 |
| 37. | Muhammad Masoom | Assistant | D.Com | 09.07.1969 | Abbottabad | 31.07.1993 | 31-05-2018 | By promotion | 08.07.2029 |
| 38. | Muhammad Tanq | Assistant | Matric | 13.05.1976 | Malakand | 23.05.1995 | 31-05-2018 | By promotion | 12.05.2036 |
| 39. | Gul Hakim | Assistant | F.A | 04.05.1961. | Malakand | 23.05.1995 | 31-05-2018 | By promotion | 03.05.2021 |
| 40. | Sultan-e-Room | Assistant | F.A | 20.10.1966 | Dir Lower | 23.05.1995 | 31-05-2018 | By promotion | 19.10.2026 |
| 41. | Shaukat Zaman | Assistant | F.A | 12.04.1976 | Abbottabad | 31.05.1995 | 31-05-2018 | By promotion | 11.04.2036 |
| 42. | Nasrullah Khan | Assistant | F.A | 15.08.1972 | F.R.Peshawar | 24.05.1995 | 31-05-2018 | By promotion | 14.08.2032 |
| 43. | Shahid Shabir | Assistant | F.A | 28.04.1974 | Mansehra | 05.06.1995 | 31-05-2018 | By promotion | 27.04.2034 |
| 44. | Aaysha Rahim | Assistant | BS (Software Engineering) | 11-08-1993 | Haripur | 29-03-2019 | 29-03-2019 | By initial recruitment (Female Quota) | 10-08-2053 |
| 45. | One post held by FATA/ Agency staff | | | | | | | | |

[Signature]
DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

[Signature]
Attested

Muhammad Arshad Khan Tani
Advocate High Court
Office No. 33 Adjacent to
Court Bar, Abbottabad

- Endorsement No & date even**
Copy is forwarded to:-
- 1) All Officers / officials in Food Directorate Khyber Pakhtunkhwa, Peshawar.
 - 2) All Assistant Directors Food at Divisional level in Food Department Khyber Pakhtunkhwa
 - 3) All District Food Controllers in Khyber Pakhtunkhwa
 - 4) The Storage & Enforcement Officers NRC Azakhel & PRC Peshawar.
 - 5) The Rationing Controller Peshawar.
 - 6) Officials concerned.

[Signature]
DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

Annex i

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**OFFICE OF THE
DISTRICT FOOD CONTROLLER,
MANSEHRA
PHONE & FAX # 0997-920075**

No. 1058-60/ET Dated
Mansehra the 9 / 05 / 2019.

To:-

The Director Food,
Khyber Pakhtunkhwa,
Peshawar.

Subject:-

**FINAL SENIORITY LIST OF ASSISTANT (BS-16) IN DIRECTORATE
OF FOOD, DIVISIONAL AND DISTRICT OFFICES OF FOOD
DEPARTMENT KHBER PAKHTUNKHWA AS IT STOOD ON
08-04-2019.**

Memo:

Please refer to your No.1249/ET-716 dated 16-04-2019 on the subject
noted above.

In this connection it is submitted that Final seniority list of Assistant
(BS-16) in Food Directorate Khyber Pakhtunkhwa, Divisional and District Offices in Food
Department Khyber Pakhtunkhwa received in this office vide your letter under reference
has been circulated amongst concerned staff of this office.

Mr. Ejaz Ahmad Assistant of this office has raised some objections
/pointed out variation in this regard and his written appeal along with its enclosures is hereby
sent for your kind perusal and further necessary action please.

Encl: (08)

**District Food Controller,
Mansehra.**

Copy Forwarded to:-

1. The Divisional Assistant Director Food Hazara Division Abbottabad for
information please.
2. Mr. Ejaz Ahmad Assistant of this office information w/r to his application of
dated 03-05-2019.

Muhammad Aslam Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

**District Food Controller,
Mansehra.**

To:- The Director Food,
Khyber Pakhtunkhwa
Peshawar.

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Through: PROPER CHANNEL.

Subject: FINAL SENIORITY LIST OF ASSISTANT (BS-16) IN DIRECTORATE OF FOOD, DIVISIONAL AND DISTRICT OFFICES OF FOOD DEPARTMENT KHYBER PAKHTUNKHWA AS IT STOOD ON 08-04-2019.

R/Sir,

Respectfully it is stated that Final seniority list of Assistant (BS-16) in Food Department Khyber Pakhtunkhwa issued vide your letter No.1249/ET-716 dated 16-04-2019 has been examined and I beg to submit the following for your sympathetic considerations:-

1. I was appointed as junior clerk in Food Department in 1993 and promoted as senior clerk vide your office order No.13797/G-275 dated 7/7/2000. During those days my deceased father was suffering multifarious diseases and was lying on death bed, I could not avail promotion, I declined promotion for 1st time, my written forgo was forwarded to Food Directorate KPK Peshawar vide District Food Controller Abbottabad No.1999 ET-69(AD) dated 27/7/2000. (copy enclosed as Annex-A) and my seniority was fixed at the bottom of the seniority list of junior clerks at that time. Since then I have made repeated requests for restoration of my seniority with no fruitful result.
2. In 2013 my seniority again reached at the top of seniority list of junior clerks & I was promoted as senior clerk on the basis of seniority cum fitness.
3. At last on my review appeal advice sorted out from Establishment & Admin Department KPK Peshawar vide his letter No.SOR-III(E&AD) 3-2/2013(Vol:iv) dated 10/10/2017 received in Food Directorate KPK Peshawar vide Section Officer (General) Food Department (Regulation wing) KPK Peshawar No.SOF/7-4/14-15/PX/6172 dated 26/10/2017 (copy enclosed as

Attest
Advocate High Court
Office No. 33 Adj
Abbottabad

Annex-B)

Continue on Page 2.....

my seniority has been restored vide your No.4497/ET716 dated 8/10/2017 & I was placed at the top of seniority list of senior clerks & later on promoted as Assistant (BS-16) vide your office order No.2588/G-275 -DPC/2018 dated 31/5/2018 (copy enclosed as Annex- C&D) and my seniority in the present Final seniority list of Assistant has not been considered as per its real virtue & shown fixed at serial No.36 which is not correct and great injustice with me.

4. The remarks of Establishment and Admin Department KPK Peshawar in the advice pertaining to my subject seniority case are re-produced below:-

“That in the present scenario in Rule-5 of Rule—7 of APT Rules 1989 stipulates that in case of declining of promotion in respect of civil servant he will not be eligible for promotion for the next 04 years following to the orders and in case he declines for the second time then he shall stand superseded permanently for such promotion. The Administrative Department is advised to follow the above mentioned rules and dispose of the instant case accordingly.”

As per advice of Establishment and Admin Department KPK a period of four years from date of my declining the promotion i.e. 27/7/2000 completes on 27/7/2004 and my seniority requires to be fixed one step before Abdul Wali Khan Junior Clerk DFC Swat and retro respectively. In this way my seniority requires to be fixed at serial No.8 of the seniority list of Assistants.

It is therefore requested that in the light of above my seniority may kindly be reviewed, restored retro respectively and fixed at serial No.08 of seniority list of Assistant in addition to allow payment of financial back benefits to me for which I shall be highly grateful to you please.

Attested
Muhammad Arshed Khan Tanoli

Muhammad Arshed Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Association

(EJAZ AHMAD)

Assistant

Office of DFC, Mansehra.

07/5/2019

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CLEAR COPY

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMIN DEPARTMENT
(REGULATION WING)

No. SOR-III (E & AD) 3-2/2013 (Vol-IV)
Dated Peshawar the October 10, 2017.

To: -

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

Subject: -

**RESTORATION OF SENIORITY IN RESPECT OF MR. IJAZ
AHMED SENIOR CLERK IN FOOD DIRECTORATE.**

Memo:

I am directed to refer to your letter NO. SOF/FOOD/7-4/14-15/PX/5900 dated 10-09-2017 on the subject noted above and to state that In the present scenario, Rules-5 of Rule7 of APT Rules, 1989 Stipulate that in case of declining of promotion in respect of a civil servant he will not ha eligible for promotion for the next 04 Years following to the orders and in case he declines for the second time then he shall stand superseded permanently for such promotion.

The administrative Department is advised to follow the above mentioned rules and dispose of the instant case accordingly.

Yours faithfully

Sd/-

Section Officer (R-III)
Phone No. 9211763

Ahmed
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad



Annex - I
GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD,
PESHAWAR

No: 1686 /PF-880

Dated: 21/10/2019

P-50

091-9225378

fooddirectoratekpk@gmail.com

@fooddirectoratekpk

@fooddirectorate

To,

The District Food Controller,
Mansehra

Subject:-

FINAL SENIORITY LIST OF ASSISTANT AND SENIOR SCALE STENOGRAPHER (BS-16) IN FOOD DIRECTORATE, DIVISIONAL AND DISTRICT OFFICES IN FOOD DEPARTMENT KPK AS IT STOOD ON 08-04-2019.

Memo:-

Reference your letter No.1058-60/ET dated 09-05-2019, on the subject cited above.

2. This Directorate has already ~~been~~ informed the applicant on his earlier appeal against the tentative seniority list of Assistants and Senior Scale Stenographers as it stood on 10-09-2018 vide Food Directorate letter No. 5137/PF-880 dated 12-11-2018 (copy enclosed) that:-

"The Government of Khyber Pakhtunkhwa, Establishment Department was approached to advice as to whether seniority of the official already placed at the bottom on his own request can be reviewed and placed at the top of the seniority list of Junior Clerks or otherwise. The Establishment Department advised vide letter No.SOR-III (E&AD) 3-2/2013(Vol-IV) dated 10-10-2017 that:

"In the present scenario, sub-Rule 5 of Rule 7 of APT Rules,1989 stipulates that in case of declining of promotion by a civil servant he will not be eligible for promotion for the next 04 years following to the orders and in case he declines for the second time, then he shall stand superceeded permanently for such promotion".

3. As per above advice of Establishment Department, his case for seniority was considered. Therefore, the applicant may again be informed that during the period of 04 years he was not eligible for promotion; therefore, his juniors were promoted to the higher scale and will be seniors to him.

Hassan
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

Endorsement No. & Date Even

Copy is forwarded to:-

1. The Assistant Director Food Hazara Division at Abbottabad.
2. Mr. Ijaz Ahmed, Assistant office of DFC Mansehra with reference to his application dated Nil.

Hassan
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

Attested
HMU
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Abbottabad

HC
Ms for need
Q

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GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD,
PESHAWAR

No: 732 /PF-880

Dated: 12/11/2018

091-9225378

fooddirectoratepk@gmail.com

@fooddirectoratepk

@fooddirectorate

To,

The District Food Controller,
Mansehra

Subject:-

TENTATIVE SENIORITY LIST OF ASSISTANT AND SENIOR SCALE
STENOGRAPHER (BS-16) IN FOOD DIRECTORATE, DIVISIONAL AND
DISTRICT OFFICES IN FOOD DEPARTMENT KPK AS IT STOOD ON 10-09-2018.

Memo:-

Reference your letter No.4146-48/ET dated 27-10-2018, on the subject cited above.

2. On the recommendation of the Departmental Promotion Committee, Food Directorate Khyber Pakhtunkhwa Peshawar dated 07-07-2000. Mr. Ijaz Ahmed Junior Clerk (BS-07) was promoted to the post of Senior Clerk and posted in DFC office Kohistan. However, he requested that due to acute domestic compulsion and illness of his parents, he could not avail promotion as Senior Clerk vide DFC Abbottabad's letter No. 1796/ET-69(AD) dated 04-07-2000. His seniority position was therefore, placed at the bottom of the seniority list of Junior Clerk accordingly. Contrary to his afore-mentioned earlier stance, he submitted an application in the Year-2010 for restoration of his seniority, which was regretted. He again came up with another request for the restoration of his Seniority in the year-2014. His request as such could not be acceded to.

3. Therefore, the official concerned filed a Writ Petition in the Peshawar High Court Abbottabad Bench against the said decision. Later on, the petitioner withdrew his Writ Petition & the Hon'able Court took the following decision:-

"Prayers sought by the petitioner clearly falls within the terms and condition of service and accordingly the jurisdiction of this court to entertain such like petitions is specifically barred under article 212 (2) of the constitution of Islamic Republic of Pakistan, he candidly conceded such constitutional provisions and rather stated that he would like to withdraw the instant petition so as to approach the proper forum for the redressal of his grievances order accordingly".

4. Moreover, instructions regarding loss of seniority, issued by the Government of Khyber Pakhtunkhwa, Establishment Code-1 1987, vide letter No. SOXII (S&GAD)-2-110/63 dated 30-03-1964, are reproduced below:-

"The note in question clearly states that no compensation will be given for any consequence which may follow from the exercise of this option. It is for the optee to consider the effect of his postponement of promotion on his seniority and if he chooses to postpone it, he shall have to bear the consequences of such postponement on his seniority. He cannot later on claim that he should be deemed to have been promoted from an earlier date than that on which he actually took over. I am to request that these instructions may be brought to the notice of all Government Servants for guidance."

Alexander
Muhammad Ashad Khan Janjoli
Advocate High Court
Office No. 33 Adjacent
Dist. Bar Abbottabad

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OFFICE OF THE

15

5. In view of the foregoing background, the Government of Khyber Pakhtunkhwa, Establishment Department was approached to advice as to whether seniority of the official already placed at the bottom on his own request can be reviewed and placed at the top of the seniority list of Junior Clerks or otherwise. The Establishment Department advised vide letter No.SOR-III (E&AD) 3-2/2013(Vol-IV) dated 10-10-2017 that:

"In the present scenario, sub-Rule 5 of Rule 7 of APT Rules,1989 stipulates that in case of declining of promotion by a civil servant he will not be eligible for promotion for the next 04 years following to the orders and in case he declines for the second time, then he shall stand superceeded permanently for such promotion".

6. As per advice of Establishment Department, his case for seniority was considered. Therefore, the applicant may be informed that during the period of 04 years he was not eligible for promotion, therefore, his juniors were promoted to the higher scale and will be seniors to him.

[Signature]
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.

Endorsement No. & Date Even

Copy is forwarded to:-

1. The Assistant Director Food Hazara Division at Abbottabad.
2. The District Food Controller Mansehra
3. Mr. Ijaz Ahmed, Assistant office of DFC Mansehra.

[Signature]
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.

[Signature]
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 22nd October, 2011

NOTIFICATION.

ANNEX - K

No.SOR-VI (E&AD)1-3/2009/Vol-VIII: - In exercise of the powers conferred by Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa. Act No.XVIII of 1973), read with this Department's Notification No.SOR-I(S&GAD)1-206/74/Vol:V, dated 18th April 1989, the Chief Minister of the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendments shall be made, namely:

AMENDMENTS Annex - K

1. In Rule-7, after sub-rule (4), the following new sub-rule shall be added, namely:

"(5) If on an order of promotion or before promotion any civil servant declines in writing, to accept promotion, such civil servant shall not be considered for such promotion for the next four years following the order:

Provided that if he declines to avail the benefit of promotion for the second time, then he shall stand superseded permanently for such promotion."

2. In rule 9, sub-rule (2) shall be deleted.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER
PAKHTUNKHWA

Encl: No. and dated even.

Copy forwarded to:-

1. Additional Chief Secretary, Govt of Khyber Pakhtunkhwa, Planning & Development Department.
2. Additional Chief Secretary (FATA), FATA Secretariat Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
5. The Secretary to Governor, Khyber Pakhtunkhwa.
6. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
7. The Registrar, Peshawar High Court, Peshawar.
8. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
9. The Director General, Provincial Disaster Management Authority.
10. All Additional Secretaries, Deputy Secretaries and Section Officers in Establishment & Administration Department.
11. Private Secretaries to all Provincial Ministers in Khyber Pakhtunkhwa.
12. Private Secretary to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
13. Private Secretary to Secretary Establishment Department.
14. Private Secretary to Secretary Administration Department.
15. The Incharge Resource Centre, Estt:&Admn: Department.
16. The Manger, Government Printing and Stationary Department for Publication in the official Gazette and supply of 20-copies thereof at an early date.

(ASFAQ KHAN)
SECTION OFFICER (REG: VI)

Attested

Muhammad Arif Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

Angus Sheb
Circulate it amongst
all the officials

NAED

[Signature]

ACC

DS(F)
DIA(F)

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128/4

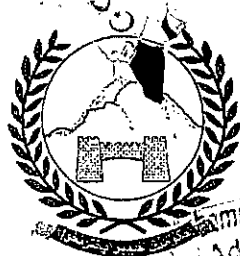
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SO(E)

3591

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Fax Message-



Muhammad Arif Khan Janolli
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Abbottabad

**FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA
PESHAWAR**

No 21940 /G-275-APT Rules-1989

Dated 31 /10/2011

A Copy of letter of Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide No. SOR-VI (E&AD) 1-3/2009/Vol-VIII dated 22-10-2011 is forwarded to

1. All Officers / Officials in Food Directorate, Peshawar
2. All District Food Controllers in Khyber Pakhtunkhwa
3. The Storage & Enforcement Officers PRC Peshawar & NRC Azakhel
4. The Rationing Controller Peshawar
5. The Superintendent Establishment Branch for information and necessary action.
6. The concerned dealing officials of Establishment Branch for information and necessary action.

For information with the request to kindly furnish the options of their subordinate officials for promotions to the next higher scale by return Fax whose are due for promotion for placing before the Departmental Promotion Committee for consideration their options for willing / Not willing under the said rules accordingly.

Handwritten notes:
21/10/11
Mr. Janolli

Signature: Shi
**ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA,
PESHAWAR**

Handwritten: 21/10/11

Annex - L

BEFORE THE PESHAWAR HIGH COURT BENCH
ABBOTTABAD

P-55
W.P No: 508 /2014

Ejaz Ahmad, Assistant, office of Assistant Director Food Hazara Division Abbottabad.

.....PETITIONER

VERSUS


1. Govt. of KPK, through, Secretary Food Department KPK Peshawar.
2. Director Food KPK Peshawar.
3. Assistant Director Food Hazara Division Banda Sapan Abbottabad.
4. District Food Controller Banda Sapan Abbottabad.

.....RESPONDENTS

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN 1973, TO THE
EFFECT THAT THE PETITIONER WAS
PROMOTED AS SENIOR CLERK VIDE
ORDER NO. 13797/G-275-DPC DATED 07-07-
2000 WHICH WAS FOREGONE BY THE
PETITIONER DUE TO ITS UNAVOIDABLE**

Muhammad Arshad Khan Janoli
Advocate High Court
Office No 33 Adjacent
Distt Bar Abbottabad

DOMESTIC PROBLEMS WHICH WAS WITHDRAWN BY RESPONDENT NO. 2 VIDE ENDST. NO. 19685/PF-880 DATED 14-09-2000. FOLLOWING THIS, RESPONDENT NO.2 AFTER EXERTING UNDUE INFLUENCE, GOT OBTAINED WILLINGNESS FROM THE PETITIONER THAT HE WOULD BE PLACED AT THE BOTTOM OF SENIORITY LIST OF JUNIOR CLERKS VIDE ORDER NO.14765/PF-880 DATED 18-07-2000, WHICH IS ILLEGAL, MALAFIDE, DISCRIMINATORY, WITHOUT LAWFUL AUTHORITY AND AGAINST THE LAW AND THE SAME IS LIABLE TO BE SET-ASIDE.

Alleged

 Muhammad Arshad Khan Tanoli
 Advocate High Court
 Office No1 33 Adjacent to
 Distt Bar Abbottabad

PRAYER:

ON ACCEPTANCE OF THE INSTANT WRIT PETITION, RESPONDENTS MAY BE DIRECTED TO RESTORE SENIORITY OF THE PETITIONER W.E.F 2000 ONWARDS AND THE PETITIONER BE PLACED AT THE TOP OF SENIORITY OF JUNIOR CLERKS AND TO REVISE ALL THE SUBSEQUENT

SENIORITY LISTS ISSUED BY THE RESPONDENTS FROM TIME TO TIME AND THE PETITIONER MAY ALSO BE PROMOTED ON THE BASIS OF REVISED SENIORITY LISTS WITH ALL BACK BENEFITS ON THE ANALOGY OF A CASE OF SIMILAR EMPLOYEE, MUHAMMAD HAROON WHOSE SENIORITY HAS BEEN RESTORED IN THE YEAR 2011 AFTER A PERIOD OF 17 YEARS.

Respectfully Sheweth:

ON FACTS

That the facts forming the back grounds of the instant Writ Petition are as under:

1. That the petitioner got appointment in Food Department as Junior Clerk in the year 1993. (Copy of appointment order is attached as Annexure "A").

Arshad
UM
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

Annex- M

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Judgment Sheet

PESHAWAR HIGH COURT, ABBOTTABAD BENCH

JUDICIAL DEPARTMENT

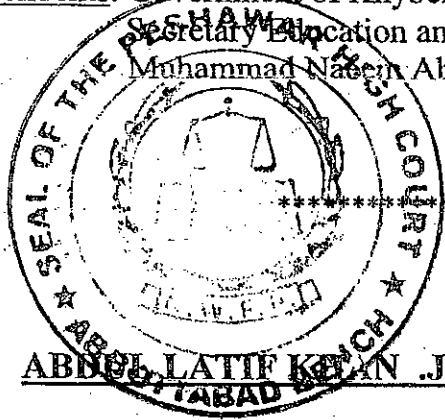
WP. No. 508-A/2014

JUDGMENT

Date of hearing.....07.4.2015.....

Petitioner. (Ijaz Ahmed) By: Muhammad Arshad Tanoli, advocate.

Respondents. Government of Khyber Pakhtunkhwa through Secretary Education and 02 others: By Mr. Muhammad Naeem Abbasi AAG for the respondents.



ABDUL LATIF KECHAN J.

Petitioner Ijaz

Ahmed seeks constitutional jurisdiction of this Court

praying that:-

“On acceptance of the instant writ petition, respondents may be directed to restore seniority of the petitioner w.e.f. 2000 onwards and the petitioner be placed at the top of seniority of junior clerks and to revise all the subsequent seniority lists issued by the respondents

Certified to be True Copy

10/4/15
Peshawar High Court
Abbottabad Bench
(Authorized Under Sec 75 Act 1973 Ord 1975)

P-59

from time to time and the petitioner may also be promoted on the basis of revised seniority lists with all back benefits on the analogy of case of similar employee, Muhammad Haroon whose seniority has been restored in the year 2011 after a period of 17 years."

2. In essence, grievance of the petitioner is that the petitioner joined the Food Department in the 1993 as Junior Clerk and at present performing his duties as Assistant being a Senior Clerk in office of respondent No. 3; that petitioner was thereafter granted selection grade BPS-7 in 1997; that on promotion as senior clerk the petitioner was transferred to Kohistan but he did not take over the charge and relinquished his seniority/promotion; that the petitioner thereafter gave an undertaking that in case of his relinquishment of seniority, he be placed at the bottom of junior clerk; that instead of withdrawal order of promotion, respondent No. 2 issued reversion order of the petitioner. The petitioner submitted representation to the High-ups department but in vain, hence the present writ

Certified to be True Copy
petition.

10.4.18
Peshawar Court
Abbottabad Bench

Authorized Under Sec 75 Act 1973

It is pertinent to note that a similarly placed namely Muhammad Haroon who had also relinquished

P. 60

his promotion/seniority and was placed at the bottom of seniority list of Junior Clerk, who had also made a representation to the department seeking seniority in accordance with law, was accepted and he was appointed as Assistant in BPS-14 by restoring his seniority after a period of 17 years vide order dated 28.11.2011 by playing severe discrimination with the petitioner which is against natural justice. The learned counsel for the petitioner submitted that he would not press the petition if representation is made to respondents to consider the case of petitioner on the same lines as that of similarly placed employee.

4. In view of the above, we deem it appropriate that instant petition be treated as representation with direction to respondent No. 2 to consider the case of the petitioner on merit and strictly in accordance with law through a speaking order within a period of 15 days and a copy thereof be sent to the learned Additional Registrar of this Court.

5. For what has been discussed above, the instant writ petition is disposed of in the above terms.

Announced.
Dated: 07.4.2015

Parvez/PS

SO JUDGE

Certified to be True Copy
10.4.15
Peshawar Court
Abbottabad Bench
Under Sec 75 Act 1973

وکالت نامہ

کورٹ فیس

Service Tribunal WPK Peshawar بعدالت

9793 Ahmad Govt KAC etc عنوان:

Appellant منجانب:

Service Apped نوعیت مقدمہ:

باعث تحریر آنکہ

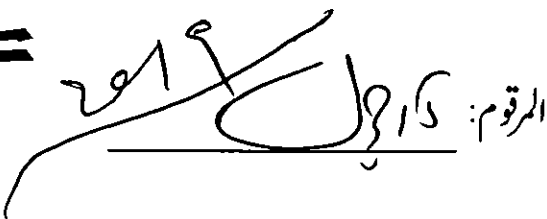
مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام

Muhammad Arshad Khan Tanoli
Advocate High Court

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برادر استجارت ناش بیضہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

Accepted

المقوم: 

ATD

Muhammad Arshad Khan Tanoli
Advocate High Court
Flat No. 33 Adjacent to
Peshawar

بمقام:

M. Arshad Khan Tanoli
HAC ATD

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 749/2019

Ejaz Ahmad, Assistant,
office of Director Food Controller
Mansehra

Petitioner

Versus

1 Govt: of Khyber Pakhtunkhwa through Secretary
Food Department Khyber Pakhtunkhwa
Peshawar & Others.

2 The Director Food Khyber Pakhtunkhwa,

Respondents

3 The Divisional Assistant Director Food Hazara
Division Abbottabad.

4 The District Food Controller Mansehra.

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| 2. | Appointment Order to the post of Junior Clerk in respect of Appellant | A | 06-07 |
| 3. | Promotion Order to the post of Assistant | B | 08-09 |
| 4. | Promotion to the post of Senior Clerk during 07-07-2000 | C | 10-11 |
| 5. | Option for not willing to avail promotion to the post of Senior Clerk | D | 12-13 |
| 6. | DFC Abbottabad forwarding letter regarding not willing option of promotion dated 27-07-2000 | E | 14-16 |
| 7. | Office Order for reversion to the post of Junior Clerk and fixation of seniority at the bottom on his own request | F | 17 |
| 8. | Appeal for restoration of seniority during 02-01-2010 and regretting of appeal of the appellant dated 16-02-2010 | G | 18-20 |
| 9. | Appeal for restoration of seniority list during the year 05-05-2014 | H | 21-24 |
| 10. | Withdraw of appeal from Peshawar High Court Abbottabad Bench dated 28-11-2016 | I | 25-27 |
| 11. | Obtaining of advice from Establishment Department regarding his placement at the top of the seniority list | J | 28-31 |
| 12. | Advice of Establishment Department letter dated 10-10-2017 | K | 32-33 |
| 13. | Revised seniority list of Senior Clerk as it stood on 31-10-2017 | L | 34-38 |
| 14. | Appeal against the seniority list dated 08-04-2019 through DFC Mansehra | M | 39-43 |
| 15. | Reply of Directorate of Food dated 21-05-2019 | N | 44-45 |
| 16. | Rules regarding loss of seniority in consequence or voluntary postponement of Promotion rules dated 30-03-1964 | O | 46 |
| 17. | Amendment in the APT Rules-7 after Sub Rule-4 dated 22-10-2011 | P | 47-48 |
| 18. | Reply of Directorate of Food in response of Writ Petition No. 508-A of 2014 treated as a representation in respect of Ejaz Ahmad Senior Clerk in light of Court Judgment Sheet dated 07-04-2015 | Q | 49-57 |
| 19. | Affidavit | - | 58 |

For respondents No.01 to 04

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No.749/2019

Ejaz Ahmad (Assistant, office of District Food
Controller Mansehra)

Appellant

Versus

- 1 Govt. Of Khyber Pakhtunkhwa through Secretary
Food Khyber Pakhtunkhwa Peshawar & others.
- 2 The Director Food Khyber Pakhtunkhwa, Peshawar
- 3 Divisional Assistant Director Food Hazara Division,
Abbottabad.
- 4 District Food Controller, Mansehra.

Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

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 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 to the relief prayed for
5. That the appellant has got no locus standi to prefer the appeal against respondents.
6. That the appellant is neither aggrieved person nor does he has locus standi to file the instant Appeal.

RESPECTFULLY SHEWETH:

ON FACTS:

1. The appellant was initially appointed to the post of Junior Clerk on 09-05-1993. **(Annex-A)**
2. As per advice / amendment in the Appointment Promotion and Transfers Rules 1989 Establishment Department, vide Notification No. SOR-VI (E&AD)1-3/2009/Vol-VIII dated 22 October-2011. the appellant was placed at the top of the revised seniority list of Senior Clerk as it stood on 31-10-2017, and circulated amongst the concerned staff vide Food Directorate letter No. 4497/ET-716 dated 08-10-2017. His case for promotion to the post of Assistant also placed before the Departmental Promotion Committee of Food Directorate Khyber Pakhtunkhwa Peshawar for consideration as per rules. The Committee recommended for promotion to the post of Assistant and posted in the Office of District Food Controller, Mansehra, Vide Food Directorate, Office Order No. 2588/G-275-DPC-2018 dated 31st May, 2018 **(Annex-B)**
3. Pertain to record.
4. As per service Rules of Food Department Khyber Pakhtunkhwa, on the basis of seniority, his case for promotion to the post of Senior Clerk was recommended by the Departmental Promotion Committee, Food Directorate Khyber Pakhtunkhwa Peshawar and accordingly he was promoted to the post of Senior Clerk and posted in DFC office Kohistan vide Food Directorate Office Order No. 13797/G-275-DPC dated 07-07-2000 **(Annex-C)**.
5. The appellant requested that due to acute domestic compulsion and illness of his parents, he can not avail the promotion as Senior Clerk vide DFC Abbottabad letter No. 1796/ET-69(AD) dated 04-07-2000 **(Annex-D)**.
6. On promotion as Senior Clerk and posting in DFC Office Kohistan, the appellant submitted another application to Director Food Khyber Pakhtunkhwa with the same request that he will have no objection if his seniority will slided down in the seniority list of Junior Clerk. On receipt of his above refer application this Directorate properly informed that in case he is not willing for promotion then his seniority will be placed at the bottom of seniority list of Junior Clerk. In reply to the letter of Food Directorate he replied vide DFC Abbottabad letter No. 1999/ET-69 (AD)

dated 27-07-2000, that he had not want to avail promotion at Kohistan and in case of non promotion and non posting at Kohistan, he will have no objection if his seniority is fixed at the bottom of seniority list of Junior Clerk. On his own request he was reverted to the post of Junior Clerk. Accordingly the appellant reverted to the post of Junior Clerk on his own request and allowed to continue in DFC Office Abbottabad and his seniority position was placed at the bottom of the seniority list of Junior Clerk on his own option and will not claimed seniority as a rights in future **(Annex-E)**.

7. As per reply given at Para-06 above.
8. The appellant was reverted to the post of Junior Clerk and allowed to continue as Junior Clerk in the DFC Office Abbottabad and his seniority position was placed at the bottom of the seniority list of Junior Clerk on his own option and will not claimed seniority as a rights in future as per Food Directorate Office Order No 19685/ PF-880 dated 14-09-2000 **(Annex-F)**
9. In correct. After lapse of 09 years 05 months and 25 days, the appellant submitted an appeal for restoration of seniority during the year-2010 through DFC Abbottabad letter No. 17/ET-69(AD) dated 02-01-210 which was regretted. **(Annex-G)**

Despite all the process mentioned above, the appellant again came up with fresh request for restoration of the Seniority during the year-2014. Accordingly a meeting of Seniority Committee of Food Directorate Khyber Pakhtunkhwa, Peshawar was held where his case was thoroughly examined and it was observed that as he gave up his right to promotion and his seniority position in the list of Junior Clerk his own sweet will and he were properly informed of his reversion to the post of Junior Clerk and his placement at the bottom of the Seniority list of Junior Clerk and as such his appeal was not considered, beside the committee also observed that the appeal was time bared **(Annex-H)**.

The appellant was informed that his request cannot be acceded to at this stage, hence regretted. On reply to the official, he filed Writ Petition in the Peshawar High Court Abbottabad Bench against the said letter. Later on, the petitioner withdraws his Writ Petition & the Hon,able Court recorded the following decision:-

"Prayers sought by the petitioner clearly falls within the terms and condition of service and accordingly the jurisdiction of this court to entertain such like petitions is specifically barred under article 212 (2) of the constitution of Islamic Republic of Pakistan, he candidly conceded such constitutional provisions and rather stated that he would like to with draw the instant petition so as to approach the proper forum for the redressal of his grievances order accordingly"**(Annex-I)**

10. As per reply given at Para-09 of the facts. Further added that Food Directorate Khyber Pakhtunkhwa also requested to the Admn Food Department vide letter No. 2658/PF-880 dated 31-07-2017 to approach, the Government of Khyber Pakhtunkhwa, Establishment Department to advice as to whether the seniority of the appellant already placed at the bottom on his own request can be placed at the top of the Junior Clerk at that time or otherwise **(Annex-J)**. In response the Section Officer General, Government of Khyber Pakhtunkhwa forwarded letter No. SOF/Food/7-4/14-15/PX/6172 dated 26-10-2017 alongwith with copy of letter of Establishment Department (Regulation Wing) vide No. SOR-III (E&AD) 3-2/2013 (Vol-IV) dated October 10, 2017 wherein advice that:

"In the present scenario, sub rule-5 of the Rule-7 of APT Rules, stipulate that in case of declining of promotion by a civil servant he will not be eligible for promotion for the next 04 years following the orders and in case he declines for the second time, then he shall stand superseded permanently for such promotion.

The Administrative Department is advised to follow the above mentioned rules and dispose of the instant case accordingly"
(Annex-K)

As per above advise of the Establishment Department, the revised seniority list of Senior Clerk as it stood on 31-10-2017, was circulated amongst the concerned staff vide Food Directorate letter No. 4497/ET-716 dated 08-10-2017 and the appellant was placed at the top of the revised seniority list of Senior Clerk **(Annex-L)**

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11. The appellant was placed at the top of the revised seniority list of Senior Clerk. His case was also placed before the Departmental Promotion Committee of Food Directorate Khyber Pakhtunkhwa Peshawar for consideration his promotion as per rules. As per recommendation of DPC, he was promoted to the post of Assistant and posted in the Office of District Food Controller, Mansehra, Vide Food Directorate, Office Order No. 2588/G-275-DPC-2018 dated 31st May, 2018. After his promotion to the post of Assistant (BS-16) and circulation of seniority list of Assistant and Senior Scale Stenographer (BS-16) in the Food Directorate, Divisional and District Offices in Food Department Khyber Pakhtunkhwa as it stood on 08-04-2019, the appellant once again submitted an appeal through DFC Mansehra vide letter No. 1058-60/ET dated 09-05-2019 for placing his seniority position before Mr. Abdul Wali Khan Junior Clerk now Assistant in the Seniority List of Assistant (**Annex-M**). On examination of appeal, Food Directorate Khyber Pakhtunkhwa informed the appellant through DFC Mansehra vide Food Directorate letter No. 1686/PF-880 dated 21-05-2019(**Annex-N**).

On grounds

- (a) Incorrect. The Instruction of Government of Khyber Pakhtunkhwa regarding loss of seniority in consequence of voluntary postponement of promotion were circulated vide letter No. SOXII (S&GAD)-2-110/63 dated 30-03-1964 **Annex-O** while the Government of Khyber Pakhtunkhwa made amendment in the Appointment Promotion and Transfers Rules 1989 during the Year-2011 vide Notification No. SOR-VI (E&AD)1-3/2009/Vol-VIII dated 22 October-2011 (**Annex-P**), whereas, the appellant was reverted to the post of Junior Clerk during the year 2000 before amendment in the rules.
- (b) Incorrect. The Government of Khyber Pakhtunkhwa made amendment in the appointment Promotion and Transfers Rules 1989 during the year 2011, whereas the appellant was reverted to the post of Junior Clerk and his placement at the bottom of the seniority list of junior Clerk in the year 2000.

In spite the fact, Food Directorate Khyber Pakhtunkhwa was also requested to the Admn Food Department vide letter No. 2658/PF-880 dated 31-07-2017 to approach, the Government of Khyber Pakhtunkhwa, Establishment Department to advice as to whether the seniority of the appellant already placed at the bottom on his own request can be placed at the top of the Junior Clerk at that time or otherwise. In response the Section Officer General, Government of Khyber Pakhtunkhwa forwarded letter No. SOF/Food/7-4/14-15/PX/6172 dated 26-10-2017 alongwith with copy of letter of Establishment Department (Regulation Wing) vide No. SOR-III (E&AD) 3-2/2013 (Vol-IV) dated October 10, 2017 wherein advice that:

"In the present scenario, sub rule-5 of the Rule-7 of APT Rules, stipulate that in case of declining of promotion by a civil servant he will not be eligible for promotion for the next 04 years following the orders and in case he declines for the second time, then he shall stand superseded permanently for such promotion.

The Administrative Department is advised to follow the above mentioned rules and dispose of the instant case accordingly"

As per advice of Establishment Department, his case for seniority was considered. Therefore, the appellant informed that during the period of 04 years he was not eligible for promotion therefore, his juniors were promoted to the higher scale and will be senior to him.

- (c) Incorrect. The respondents acted as per laws / advice / amendment in the Appointment Promotion and Transfers Rules 1989 Establishment Department, vide Notification No. SOR-VI (E&AD)1-3/2009/Vol-VIII dated 22 October-2011. The appellant was placed at the top of the revised seniority list of Senior Clerk as it stood on 31-10-2017, and circulated amongst the concerned staff vide Food Directorate letter No. 4497/ET-716 dated 08-10-2017.
- (d) Incorrect. As per reply given at Para-(b) of the grounds.
- (e) Incorrect. On promotion of the appellant as Senior Clerk and posting in DFC Office Kohistan, he submitted application to Director Food with the request that he will have no objection if his seniority will slided down in the seniority list of Junior Clerk. On receipt of his above refer application this Directorate properly informed him that in case he is not willing for promotion then his seniority will be placed at the bottom of seniority list of Junior

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Clerk. In reply to the letter of Food Directorate he replied vide DFC Abbottabad letter No. 1999/ET-69 (AD) dated 27-07-2000, that he had not want to avail promotion at Kohistan and in case of non promotion and non posting at Kohistan, he will have no objection if his seniority is fixed at the bottom of seniority list of Junior Clerk. On his own request he was reverted to the post of Junior Clerk. Accordingly the appellant reverted to the post of Junior Clerk on his own request and allowed to continue in DFC Office Abbottabad and his seniority position was placed at the bottom of the seniority list of Junior Clerk on his own option and will not claimed seniority as a rights in future.

- (f) Incorrect. As per replies given at Paras-(b), (c) and (e) of the grounds.
- (g) Incorrect. As per replies given at Paras-(b), (c) and (e) of the grounds.
- (h) Incorrect. The respondents acted as per advice / amendment in the Appointment Promotion and Transfers Rules 1989 Establishment Department, vide Notification No. SOR-VI (E&AD)1-3/2009/Vol-VIII dated 22 October-2011. the appellant was placed at the top of the revised seniority list of Senior Clerk as it stood on 31-10-2017, and circulated amongst the concerned staff vide Food Directorate letter No. 4497/ET-716 dated 08-10-2017.
- (i) Incorrect. As per reply given at Para-(h) of the grounds.
- (j) The appellant filed Writ Petition No.508-A/2014 before the Peshawar High Court Bench Abbottabad against his seniority position. The Hon,able Court in his Judgement announced dated 07-04-2015 directed to the respondents No.2 **to consider the case of the petitioner on merit and strictly in accordance with law through a speaking order within a period of 15 days**. As per Judgement, the appellant was informed through a speaking order vide Food Directorate, Peshawar letter No.2360/PF-880 dated 11-05-2015 which is reproduced below :-

"You were initially appointed to the post of Junior Clerk on 09-05-1993. On the basis of seniority, your case were promotion to the post of Senior Clerk was considered by the Departmental Promotion Committee, Food Directorate Khyber Pakhtunkhwa Peshawar and you were promoted to the post of Senior Clerk and posted in DFC office Kohistan. On posting as Senior Clerk your requested that due to acute domestic compilation and illness of your parents, you can not avail the promotion as Senior Clerk vide DFC Abbottabad letter No. 1796/ET-69(AD) dated 04-07-2000. Further you again submitted another application to Director Food with the same request where in you also stated that you will have no objection if your seniority is slided down in the seniority list of Junior Clerk. On receipt of your above refer application this Directorate properly informed you that in case you were not willing for promotion then your seniority will be placed at the bottom of seniority list of Junior Clerk. In reply to the letter of Food Directorate you replied vide DFC Abbottabad letter No. 1999/ET-69 (AD) dated 27-07-2000, that you do not want to avail promotion at Kohistan and in case of non promotion and non posting at Kohistan, you will have no objection if your seniority is fixed at the bottom of seniority list of Junior Clerk.

An appeal was submitted against the said order in the year-2010, on which the Food Directorate examined it and informed you through DFC Abbottabad vide letter No. 3031/PF-880 dated 16-02-2010

Despite all of the process mentioned above, you again came up fresh request for restoration of the Seniority in the year-2014 Accordingly a meeting of Seniority Committee of Food Directorate Khyber Pakhtunkhwa, Peshawar was held where the case was thoroughly examined and it was observed that as you gave up your right to promotion and your seniority position in the list of Junior Clerk your own sweet will and you were properly informed of your reversion to the post of Junior Clerk and your placement at the bottom of the Seniority list of Junior Clerk and as such

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your appeal was not considered, beside the committee also observed that the appeal was time bared.

It is worth to mention that as per instructions regarding loss of seniority in consequence of voluntary postponement of promotion, issued by the Government of Khyber Pakhtunkhwa, Establishment Code-1 1987, vide letter No. SOXII (S&GAD)-2-110/63 dated 30-03-1964 which is reproduced below:-

“The note in question clearly states that no compensation will be given for any consequence which may follow from the exercise of this option. It is for the optee to consider the effect of his postponement of promotion on his seniority and if he chooses to postpone it, he shall have to bear the consequences of such postponement on his seniority. He cannot later on claim that he should be deemed to have been promoted from an earlier date than that on which e actually took over. I am to request that these instructions may be brought to the notice of all Government Servants for guidance.”

(Annex-Q)

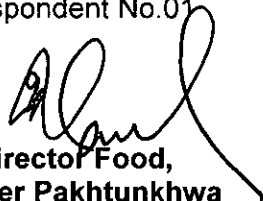
- (k) No Comments.
- (l) No Comments.

The instant appeal being devoid of merit and having no legal footings may therefore, be graciously dismissed with cost, please.

RESPONDANTS


Government of Khyber Pakhtunkhwa,
Through Secretary Food Khyber Pakhtunkhwa,
Peshawar

Respondent No.01


Director Food,
Khyber Pakhtunkhwa
Peshawar.

Respondent No.02


Divisional Assistant Director Food
Hazara Division,
Abbottabad

Respondent No.03


District Food Controller,
Mansehra.

Respondent No.04

APPOINTMENT ORDER

FOOD DIRECTORATE NWFP,
PESHAWAR.

NO 156 /G-275- Dated Peshawar, the /05/1993. *b*

On the recommendation of the Departmental Selection Committee and in pursuance of the acceptance of the conditions of the Appointment Offers, the following candidates are hereby appointed as Junior Clerks and posted in the offices as noted against each:-

Annex - A

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| S.No. | Name & Address of the appointee. | Posting |
|-------|--|---|
| 1. | Arshad Farooq S/O Khan Bahader Khan C.O.M. Abdul Qayyum Khan Commissioners Office Abbottabad. | R.C. Office Peshawar. |
| 2. | Mohd. Shahid S/O Fazal Mohammad C/O Mukhtiar P.S. to Minister Food. | Food Directorate N.W.F.P., Peshawar. |
| 3. | S. Zakir Shah S/O Syed Rasool Shah C/O Aziz Mohammad P.I. Police Line, Peshawar. | DFC Office Abbottabad. |
| 4. | Fazal Wahab S/O Farid, Vill; & P.O. Kohlarin Distt; Swat. | DFC Office Bannu. |
| 5. | Sajad Ali S/O H. Nawab, Vill: Ghalegi Teh: Bari Kot, Distt: Swat. | DFC Office Bannu. |
| 6. | Mohd. Mazar Ali S/O H. Sami-ud-Din H. No. 176 Gul Bahar Colony: No. 2 Peshawar. | DFC(R) Peshawar. |
| 7. | Qadeer Ahmad S/O Fazal Elahi Vill; & P.O. Shinkhari Teh: & Distt: Mansehra. | DFC Office Mansehra. |
| 8. | Bashir Mohammad S/O Mohd. Ayub Vill: Ghora P.O. Phulra Teh: & Distt: Mansehra. | DFC Office Kohistan. |
| 9. | Mohammad Iqbal S/O Mohd. Ibrahim C/O Dy: Director A.R. Peshawar. | Food Directorate NWFP. |
| 10. | Zahid Ali S/O Abdul Latif Vill: Khadra Khel, Teh: & Distt: Pesh: | Food Directorate NWFP. |
| 11. | Aurangzeb s/o Bakht Nisar Khan, Street No. 1, H. No. 5, Gul Gasht Colony, Near Civil Quarters, Peshawar. | S&EO, Peshawar. |
| 12. | Mr. Farakh Sair s/o Nisar-ul-Haq, Moh: Akazai, Vill: Tehkal Bala, Tehsil & Distt: Peshawar. | Food Directorate. |
| 13. | Hassan Khan s/o Nazir Ullah, Vill: Badizai P.O. Nasir Bagh, Tehsil and District Peshawar. | Food Directorate. |
| 14. | Ijaz Ahmad S/O Mohammad Iqbal Vill; & P.O. Bhali Via Calander Abad Teh: & Distt: Mansehra. | DFC Office A. Abad. |
| 15. | Ijaz Ahmad S/O Murtaza Durraini Vill: Sukar P.O. Anbar Dher Teh: & District Charsadda. | R.C. Office Peshawar. |
| 16. | Amjid Hussain Shah S/O Ghazi Shah H. No. 142 Moh: Channi Distt: Mansehra. | DFC Office Mansehra. |
| 17. | Ghulam Rasool S/O H. Zarbedin Khan Vill: Sani Khel P.O. Malang Khel Dera Adam Khel F.R. Kohat. | DFC Office Karak. |
| 18. | Shahryar Khan S/O Khan Bahader Moh: Peran Vill - Gujar Gare, Mardan. | DFC Office Mardan. |

Advised
Muhammad Farooq Khan Farooq
Advocate High Court
Office No 33 Adjacent
Distt

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- 19. Mohd. Ayaz S/O Mohd Ayub Khan
Vill: Jangi Dher P.O. Kakabad
Teh: & Distt: Mardan. DFC Office Mardan.
- 20. Abdul Wali Khan S/O Mohd. Aslam
Village & P.O. Tehkal Payyan, Pesh: Food Directorate NWFP. Peshawar.
- 21. Angoor Shah S/O Gula Khan
P.O. Therai Payan Ganni Gula Khan
Pagagi Road, Teh: & Dist. Peshawar. R.C. Office Peshawar.
- 22. Shahbud Din S/O Mohd. Sherin Khan
Village Rani P.O. Rebat Teh: Balambar
District Dir. DFC Office Swabi.
- 23. Syed Faridoon S/O Syed Mohd. Faseeh
Vill: Babra P.O. Charsadda, Teh: & Dist. Charsadda. Food Directorate NWFP. Peshawar.
- 24. Arshad Ali Khan S/O Mohd. Shoaib Khan
Vill: & P.O. Batkhela Malakand Agency. S & E.O. NRC, Azakhel.
- 25. Mohammad Ibrahim S/O Mohd Shoaib
Moh: Bara Bab Khel Shahida Bazar prang
District Charsadda. DFC(R) Peshawar.
- 26. Gohar Ali S/O Akbar Khan
C/O Gohar Ai Azeem Match Factory
100-Industrial Jamrud Road, Pesh: DFC Office Kohat.

27.

2)- The appointee will be on probation for a period of three months and in case his work is not found satisfactory, his services will be dispensed forth-with.

3)- They should submit their arrival reports to the concerned District Food Controllers/Storage & Enforcement Officers/Rationing Controller/Political Agents by 22-5-1993.

Muhammad Usaid Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt. Bar Abbottabad

ISHTIAK
(ISHTIAK AHMAD KHAN)
DIRECTOR FOOD, NWFP,
PESHAWAR.

NO 157-217 /G-275- Dated Peshawar, the 05/1993.

Copies of the above are forwarded to:-

- 1. The Accountant General, NWFP, Peshawar.
- 2. All the District Accounts Officers in NWFP. for information
- 3. All District Food Controllers/Storage & Enforcement Officers/Rationing Controller in NWFP. On receipt of the arrival reports from the above candidates, they may be referred to the Civil Surgeon for Medical Examination & also intimate their arrival reports to this Directorate immediately.
- 4. All candidates as detailed given above for information & N/action. They should produce their original documents to their respective officers at the time of arrival reports.
- 5. Copies for Personal Files.

ISHTIAK

(ISHTIAK AHMAD KHAN)



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD,
PESHAWAR

No. 2588 / G-275-DFC-2018

Dated: 31st May, 2018

091-9225378 fooddirectorategpk@gmail.com @fooddirectorategpk @fooddirectorategpk

OFFICE ORDER

On the recommendations of Departmental Promotion Committee in its meeting held on 30-05-2018, the competent authority is pleased to promote the following Senior Clerks (BS-14) to the post of Assistants (BS-16) in Food Directorate, Divisional and District Offices in Food Department Khyber Pakhtunkhwa on regular basis with immediate effect:-

1. Mr. Ijaz Ahmad
2. Mr. Muhammad Masoom
3. Mr. Muhammad Tariq
4. Mr. Gul Hakeem
5. Mr. Sultan-e-Romm
6. Mr. Shoukat Zaman
7. Mr. Nasrullah Khan
8. Mr. Shahid Shabir

Annex - B

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Upon promotion, the Assistants will be on probation for a period of one year in terms of sub-rule (3) of Rule-15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 duly amended in 2012.

Consequent upon above, competent authority is pleased to order the following postings / transfers of Assistants and Senior Clerks with immediate effect in the public interest.

| S. No | Name of Official | From | To |
|-------|---------------------------------------|--|--|
| 1) | Mr. Ijaz Ahmad Assistant | Presently working as Assistant in his own pay & scale in DFC Office Mansehra | Posted as regular Assistant in DFC Office Mansehra. |
| 2) | Mr. Muhammad Masoom Assistant. | DFC Office Haripur | Posted as Assistant in DFC Office Haripur. |
| 3) | Mr. Muhammad Tariq Assistant. | DFC Office Buner | Posted as Assistant in DFC Office Buner |
| 4) | Mr. Gul Hakim Assistant. | Presently working as Assistant in his own pay & scale in DFC Office Malakand at Dargai | Posted as regular Assistant in DFC Office Malakand at Dargai |
| 5) | Mr. Sultan-e-Room Assistant. | DFC Office Dir Lower | Posted as Assistant in DFC Office Dir Lower |
| 6) | Mr. Shaukat Zaman Assistant. | DFC Office Haripur | Assistant Office of ADF Hazara Division at Abbottabad |
| 7) | Mr. Nasrullah Khan Assistant. | Office of Rationing Controller Peshawar | Assistant Food Directorate, Peshawar |
| 8) | Mr. Shahid Shabir Assistant. | DFC office Shangla | Posted as Assistant in DFC Office Shangla |
| 9) | Mr. Naseer Ahmad Assistant | DFC Office Dir Lower | DFC Office Dir Upper |
| 10) | Mr. Bashir Muhammad Assistant | DFC Office Haripur | DFC Office Kohistan |
| 11) | Mr. Arshad Farooq Assistant | Office of ADF Hazara Division at Abbottabad | DFC Office Battagram |
| 12) | Mr. Abdul Ghaffar. Assistant | DFC Office Battagram | DFC Office Nowshera |
| 13) | Mr. Fahmid Khan Assistant | DFC Office Nowshera | Office of Storage & Enforcement Officer NRC Azakhel. |
| 14) | Mr. Gohar Ali Assistant | Office of Storage & Enforcement Officer NRC Azakhel. | DFC Office Mardan |
| 15) | Mr. Rashid Mehmood Malik Assistant | DFC office Shangla | DFC Office Abbottabad |
| 16) | Mr. Junaid Tahir Assistant | DFC Office Abbottabad | DFC Office Karak |
| 17) | Mr. Syed Inayat Shah Senior Clerk | Presently working as Assistant in his own pay & scale in DFC Office Kohistan | Posted as Senior Clerk in DFC Office Shangla |

Endorsement No & Date Even

A copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. All District Accounts Officers in Khyber Pakhtunkhwa.
3. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.


He for m/a

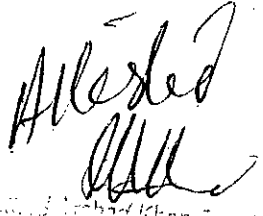
Assessed
Muhammad Ahsan Ali Tanvir
Advocate High Court
Office No. 33 Adjacent to
Distt. for Abbottabad

P. 18

4. The Section Officer General, Government of Khyber Pakhtunkhwa Food Department Peshawar with reference to his letter No. SOG/1-3/DPC/604 dated 31-05-2018.
5. All Divisional Assistant Directors Food in Food Department Khyber Pakhtunkhwa.
6. All District Food Controllers in Khyber Pakhtunkhwa.
7. The Storage & Enforcement Officers PRC Peshawar and NRC Azakhel.
8. The Rationing Controller, Peshawar.
9. The Pay Bill Assistant, Food Directorate, Peshawar.
10. Officials concerned/ Personal File.

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DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR



Muhammad Arshad Khan Tanchi
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Association

2763

Annex - 6 "Annex D" 10

21
21

OFFICE ORDER:

FOOD DIRECTORATE N.W.F.P. PESHAWAR.

No. 13797 / G-275-DPC, Dated Peshawar, the 7/7/2000.

On the recommendations of the Departmental Promotion Committee/Placement Scrutiny Committee, the following promotions/postings and transfers of Ministerial staff are hereby ordered with immediate effect:-

Annex-C

| S.No. | Name of official | Place of posting. |
|-------|--|--|
| | M/S | |
| 1. | Khurshid Anwar, Sr. Clerk, Food Directorate, NWFP, Peshawar. | Promoted as Assistant and posted in Food Directorate as Assistant against the vacant post. |
| 2. | Mohammad Ramzan, Sr. Clerk, DFC Office, D. I. Khan. | Promoted as Assistant and posted as Accountant in DFC Office, D. I. Khan against the vacant post. |
| 3. | Manzoor Hussain Shah, Sr. Clerk, DFC Office, Kohistan. | Promoted as Assistant and posted as Head Clerk in DFC Office, Kohistan against the vacant post. |
| 4. | Mr. Halimullah, Sr. Clerk, DFC Office, Chitral. | Promoted as Assistant and posted as Accountant in DFC Office, Chitral against the vacant post. |
| 5. | Farkh Sair, Sr. Clerk, Food Directorate, NWFP, Peshawar. | Promoted as Assistant and posted as Accountant in S&EO, NRC, Azakhel against the vacant post. |
| 6. | Attaullah, Jr. Clerk, DFC Office, Bannu. | Promoted as Senior Clerk and posted in DFC Office, DIKhan against the vacant post of Senior Clerk Vice No.2. |
| 7. | Magsood Ahmad, Jr. Clerk, DFC Office, Chitral. | Promoted as Senior Clerk and posted in DFC Office, Chitral against the vacant post Vice No.4. |
| 8. | Abir Khan, Jr. Clerk, DFC Office, Chitral. | Promoted as Sr. Clerk and posted in Food Directorate against the vacant post of Senior Clerk. |
| 9. | Ijaz Ahmad, Jr. Clerk, DFC Office, Abbottabad. | Promoted as Senior Clerk and posted in DFC Office, Kohistan against the vacant post Vice No.3. |
| 10. | Mr. Mohammad Shahid, Jr. Clerk, DFC Office, Nowshera. | Promoted as Sr. Clerk and posted in Food Directorate, NWFP against the vacant post of Senior Clerk. |
| 11. | Ijaz Ahmad, Jr. Clerk, Food Directorate, NWFP. | Transferred and posted in DFC Office Nowshera Vice No.10. |

P 19

Attested
Mohammad Arshad Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

He
Aw 9
14/2000

Date _____
By _____

DIARY NO 526
DATE 11-7-2000
D-F-C OFFICE
ABBOTTABAD

...2...
ATTESTED

Signature
District Food Controller
Abbottabad

12. Aminullah, Daftari,
Food Directorate, NWFP.

Promoted as Jr. Clerk and
posted in Food Directorate
against the vacant post.

13. Falak Miaz, Daftari,
Food Directorate, NWFP.

Promoted as Jr. Clerk and
posted in Food Directorate
against the vacant post.

14. Mohammad Ismail, Daftari,
ADF Office, Karachi.

Promoted as Jr. Clerk and
posted in ADF Office, Karachi
against the vacant post.

[Signature]
DIRECTOR FOOD, NWFP,
PESHAWAR.

No. 13798/G-275-DPC, Dated Peshawar, the 7/17/2000.

A copy is forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. The Accountant General, Sindh, Karachi.
3. The District Accounts Officers, Kohistan, Abbottabad,
Nowshera, D.I. Khan, Bannu, Chitral.
4. The Assistant Director Food, Govt. of NWFP at Karachi.
5. The District Food Controllers, Kohistan, Abbottabad,
Nowshera, D.I. Khan, Bannu and Chitral.
6. The Storage & Enforcement Officer, NBC, Azakhel.
7. Official Concerned/P. Files.
8. Pay Bill Assistant, Food Directorate, NWFP, Peshawar
for information and necessary action.

ATTESTED

[Signature]
District Food Controller
Abbottabad

[Signature]
DIRECTOR FOOD, NWFP,
PESHAWAR.

[Signature]

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Abbottabad

Annex-III

12
250
81
(Signature)

To

The Director Food,
NWFP, Peshawar.

Through:

PROPER CHANNEL.

Subject:

PROMOTION AS SENIOR CLERK.

R/Sir,

It is submitted that due to acute domestic compulsion i.e. illness of my parents, I can not avail promotion as Senior Clerk at the moment please.

Yours Obediently,

(Signature)
(EJAZ AHMAD.)

Junior Clerk,
Office of the District
Food Controller Abbottabad.

NO. 1796 /ET-69(AD) Dated Abbottabad the 4 /07/2000.

Forwarded in original to the Director Food NWFP, Peshawar for information and favour of necessary action please.

(Signature)
District Food Controller,
Abbottabad.

Encl (1)
07/07
17/7

| | |
|----------|------|
| D. F. NC | 26 |
| DDF | 25 |
| ADF | 20/7 |
| Supdt | 24 |

BSKE
(Signature)
2/7

13

281

(24)

82

(79)

خدمت خراب ڈائریکٹر خود مہر مہر ۱۴ لکھنؤ

مفتوح:- مہر مہر بلور سنڈیکٹ

ضابطہ کا!

گزارش کے میں، سنڈیکٹ کے ایک آپریشن دی تھی
اور DPC کی میٹنگ میں میری بلور سنڈیکٹ مہر مہر کا نہ ہوا
بھی ہو گیا ہے۔ اور میری ڈی آفیس آفس کونسل میں آفیس میں
ہو گیا ہے۔ لیکن ابھی مہر مہر آرڈر جاری نہیں ہوئے ہیں۔

ضابطہ! میں چند تاثر یہ گورو مہر مہر اور مہر مہر
کی بیاری کی وہ مہر مہر میں سے تمام نہیں رہیں گے۔ اس لئے
آپ کے پاس ہے میرا بلور سنڈیکٹ آرڈر جاری نہ کیا جا رہا ہے۔
اس سلسلہ میں آر مہر مہر (Senior) میں ڈی
(DPO) کی حالت ہے تو یہ کوئی مسئلہ نہیں ہوگا۔

میں خواہش ہوتی ہے۔

الحاضر
DORIAS
5/7/2000
الحجاز مہر مہر
دفتر ڈائریکٹر خود مہر مہر
ایک آبار
5/7/2000
5/7
5/7
5/7

5/2000

To

Annex - E 7

The Director Food,
NWFP, Peshawar.

266

14

2917 P-22

Through : Proper Channel

Subject: PROMOTION.

R/Sir,

Kindly refer to your NO. 14765/PF-880
dated 18/07/2000.

As earlier I have submitted that I can not
avail Promotion at Kohistan due to acute domestic
compulsion and illness of my Parents at the moment. In
this connection I have no objection if my Seniority will
be fixed at the bottom of Seniority list.

Attested
Attested
Abraham Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt. Office Abbottabad

Yours Obediently,

Ejaz Ahmad
Ejaz Ahmad
Junior Clerk
DFC Office Abbottabad.

OFFICE OF THE DISTRICT FOOD CONTROLLER ABBOTTABAD.

NO. 1999 /ET-69(4D) Dated Abbottabad the 27/07/2000,

Forwarded in original to the Director Food
NWFP, Peshawar for favour of information and necessary
action please.

RKE
Asst. Dir.
3/7

D. No. *2370*

D. No. *Adc*

E

E

Attested
District Food Controller,
Abbottabad.

Attested
Assistant Director Food,
Food Directorate,
Khyber Pakhtoon Khwa,
Peshawar

FOOD DIRECTORATE, NWFP,
PESHAWAR.

Annex - E

13

Annex " E - 15

NO. 14765 / PF-83 A

Dated Peshawar, the 18 / 07 / 2000.

TO: -

~~Mr. Ijaz Ahmad, J/Clerk DEC, Office, Abbottabad.~~

Mr. Ijaz Ahmad,
J/Clerk DEC, Office,
Abbottabad.

Annex - D

SUBJECT: - PROMOTION

MEMO:

R 21

Reference your application dated 57200, on the subject noted above.

It is to inform you, that incase you are not waiting for promotion at this stage, then your Seniority will be fixed at the bottom of the Seniority List. And undertaking on the subject may also be furnished immediately.

Date _____
A.D.F. _____
D.F. _____
H/C _____

A. Shah
For DIRECTOR FOOD NWFP,
PESHAWAR. 18/7/00

Attested
MU

Muhammad Afshar Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt 38r Abbottabad

بیان حلفی

84

جیسا کہ میں نے درخواست گزار ہی کے ، میں اپنے گھریلو
سائل اور مہینہ شمیر ماہرین کی بیماری کی وجہ سے

کوستیاں ہی بطور سینیئر مگرک اینڈ ڈیوٹی تھری سے انجام

میں دے سکوں گا اس لئے آپ مہربان رہے


بطور جونیئر مگرک ایڈٹ آباد میں ڈیوٹی سے انجام دینے

کی اجازت مرحمت فرمائیں ،

میں سہ ماہی میں کوئی اثر مہری سنیارٹی کو

ڈاؤن بھی کیا جاتا ہے کہ سے تو ہی اعتراض نہیں

ہوگا۔



اعجاز

اعجاز احمد جونیئر مگرک

دفتر ڈی ایف سی ایڈٹ آباد

15-7-2025

WFE

15/7/25

Annex- A

FOOD DIRECTORATE, NWFP,
PESHAWAR.

17

OFFICE ORDER.

NO. 19685 /PF-880,

P-23

Dated Peshawar, the 14/09/2000.

In partial modification this office order No. 13797/ this G-275-DPC dated 07-07-2000. Mr. Ijaz Ahmad, Senior Clerk is hereby reverted as Junior Clerk on his own request and allowed to continue as Junior Clerk against the vacant Post of Junior Clerk in District Food Controller, Abbottabad. The Seniority of the Official is also hereby fixed at the bottom of Junior Clerks on his own Option and will not claimed Seniority as a rights in future.

[Signature]
DIRECTOR FOOD NWFP,
PESHAWAR.

NO. 19686-90 /PF-880,

Dated Peshawar, the 14/09/2000.

A copy is forwarded to:

- 1) The District Accounts Officer Abbottabad for information.
- 2) The District Food Controller Abbottabad for information and necessary action.
- 3) Mr. Ijaz Ahmad, Junior Clerk, Office of the Exx District Food Controller Abbottabad for information and necessary action with reference to his request under taking dated 15-07-2000.
- 4) Copy for File G-275-DPC,
- 5) The Concerned Assistant for information and necessary action.

[Signature]
DIRECTOR FOOD NWFP,
PESHAWAR.

[Handwritten notes]
19/9/2000

[Handwritten signature]
Attended

Muhammad Arshad Khan Tanoli
Advocate High Court
Case No. 33 Adjacent to
Peshawar

Amr - G

18/

No. 17 / ET-69(AD) Dated Abbottabad the 02/1/2010.

From: The District Food Controller,
Abbottabad.

To: The Director Food,
NWFP, Peshawar.

P. 28

Subject: APPEAL FOR RESTORATION OF SENIORITY.

Memo:

Enclose please find herewith an application of Mr. Ejaz Ahmad Junior Clerk of this office which is self explanatory for further necessary action at your end please.

Encl: (two)

District Food Controller,
Abbottabad.

No. _____ / ET-69(AD) Dated Abbottabad the ___/1/2010.

A copy is forwarded to Mr. Ejaz Ahmad J/C of this office for information w/r to his application dated 01/01/2010.

District Food Controller,
Abbottabad.

Alleged
HUK

Muhammad Arshad Khan Tancil
Advocate High Court
Office No. 23 Adjacent to
Court Bar Abbottabad

| | | |
|------|--------|--------|
| No | AD | ADFE |
| Date | 4/1/10 | 4/1/10 |
| DD | | |

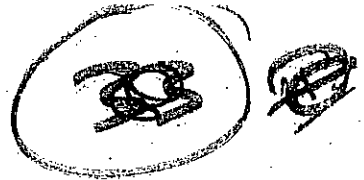
AD/CE

Ru

su esly

03/1

3
7.1.10



بھنور جناب ڈائریکٹر صاحب محکمہ خوراک صوبہ سرحد، پشاور

P-29

بوساطت: جناب ڈسٹرکٹ فوڈ کنٹرولر صاحب ضلع ایبٹ آباد

عنوان: درخواست برائے بحالی سناریائی

جناب عالی!

گزارش ہے کہ 1993 میں محکمہ خوراک صوبہ سرحد میں میری ابتدائی تقرری بطور جونیئر کلرک ہوئی تھی۔ اس کے بعد تا حال محکمہ ہذا میں اپنی ڈیوٹی سرانجام دے رہا ہوں۔ 2000 کو میری سناریائی جونیئر کلرکس کی سناریائی کے ٹاپ پر ہونے کی وجہ سے میری پرموشن بطور سینئر کلرک کر دی گئی اور مجھے ایک دور افتادہ علاقہ ضلع کوہستان میں تعینات کر دیا گیا۔ لیکن چند ناگزیر وجوہات کی بناء پر میں اپنی پرموشن Avail نہ کر سکا اور مجھے بذریعہ ڈائریکٹر فوڈ صوبہ سرحد پشاور کے آفس آرڈر نمبر 19685/PF-880 تاریخ 14-09-2000 کو Revert کر کے بطور جونیئر کلرک کام کرنے کی اجازت مل گئی۔ لیکن اس کے ساتھ ہی اورائے قانون اور غیر منصفانہ طور پر میری سناریائی کو جونیئر کلرکس کی سناریائی کے Bottom پر فکس کر دیا گیا۔ جو کہ سروس رولز کی صریحاً خلاف ورزی ہے اور کوئی بھی مجاز اتھارٹی اس طرح کے کیس میں کسی بھی قانون کے تحت سناریائی کو Bottom پر فکس نہیں کر سکتی۔ بلکہ مجوزہ قانون کے تحت ایک Step ڈاؤن کی جاسکتی ہے۔

جناب عالی! میں نے کوئی جرم نہیں کیا بلکہ اپنی چند مجبوریوں کے پیش نظر پرموشن کو اس وقت Avail نہ کر سکا۔ جس کی مجھے غیر قانونی طور پر اتنی طویل سزا دی گئی ہے اور اب بھی بھگت رہا ہوں۔ جس سے میری سناریائی کو شدید نقصان پہنچ رہا ہے۔

Muhammad Arshad Khan
Advocate High Court
Office No. 23 Adipora
Distt. Muzaffargarh

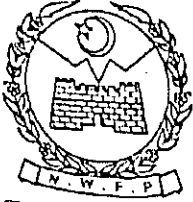
لہذا استدعا ہے کہ میری سناریائی کو جو غیر قانونی اور غیر منصفانہ طور پر Bottom پر فکس کیا تھا، کو اجراء کی تاریخ سے منسوخ کر کے میری سناریائی کو اصلی شکل میں بحال کیا جاوے تاکہ اس میں اس سے استفادہ کر سکوں۔ عین نوازش ہوگی۔

العارض

اعجاز احمد

جونیئر کلرک دفتر ڈسٹرکٹ فوڈ کنٹرولر ایبٹ آباد۔

01-01-2010



FOOD DIRECTORATE NWFP,
PESHAWAR
NO 303/ /PF-880

Dated 16/02/2010

To

The District Food Controller,
Abbottabad

Subject:- APPEAL FOR RESTORATION OF SENIORITY

Memo:-

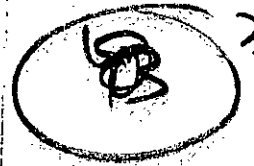
Reference your letter No.17/ET-69 (AD) dated 02-01-2010 regarding appeal to restoration of seniority of Mr. Ijaz Ahmed Junior Clerk.

2. The Official was promoted to the post of Senior Clerk but he could not avail chance of promotion due to his domestic problems, resultantly he was kept at the bottom of seniority list of ^{Junior} Senior Clerks. In this connection your letter No. 1999/ET-69(AD) dated 27-07-2000 is also crystal clear and evident in the matter. Therefore appeal of the Official at this stage can not be considered & he may be informed accordingly.

WAD
DIRECTOR FOOD, N.W.F.P,
PESHAWAR.

OFFICE OF THE
ASSISTANT DIRECTOR FOOD
HAZARA DIVISION
ABBOTTABAD

No. 297 /ET-02(ADFH)
Dated 05/05/2014



P-38

To:

The Director Food,
Khyber Pakhtun Khowa,
Peshawar.

Subject:-

APPEAL FOR RESTORATION OF SENIORITY.

Memo:-

Enclosed please find herewith a self-explanatory application submitted by Mr. Ejaz Ahmad Assistant of this office for further necessary action at your end please.

Encl: (As above)

ASSISTANT DIRECTOR FOOD
HAZARA DIVISION
ABBOTTABAD

A copy is forwarded to Mr. Ejaz Ahmad Assistant of this office for information w/r to his application dated 29/4/2014.

ASSISTANT DIRECTOR FOOD
HAZARA DIVISION
ABBOTTABAD

Attested

[Signature]

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

To:-

The Director Food
Khyber Pakhtun Khwa
Peshawar.

P-39

22/ (Signature)

Through :- PROPER CHANNEL.

Subject :- RESTORATION OF SENIORITY.

Respected Sir,

Reference your No.1645/ET-716 dated 14/3/2014 and No.1646/ET-716 dated 14/3/2014.

Respectfully it is submitted that I have repeatedly been requesting for restoration of my seniority since 2003 onward but unfortunately no reply from Food Directorate KPK received so far. It is once again requested that I was appointed in Food Department as Junior Clerk in 1993 and was at the top of seniority list of junior clerks during the year 2000 and promoted to the post of senior clerk through your office order No.13797/G-275-DPC dated 7/7/2000 and posted at Kohistan. Due to illness of my parents and some unavoidable domestic compulsions I could not avail promotion. Due to my non availing the promotion I was placed at the bottom of the seniority list of junior Clerks.

It is to mention here that there is no provisions in the rules that the subject seniority of the officials refusing promotion is fixed at the bottom of seniority list in case of 1st time refusal/decline.

However there is precedents on record that in similar nature case seniority of Mr. Mohammad Haroon was also placed at the bottom of the seniority list on the same grounds has been provided seniority and restored to his original position and he has been appointed as Assistant /Accountant /Head Clerk(BPS-14) vide your office Order No.33042/G-275-DPC dated 28/11/2011(Copy attached for ready reference.) whereas my request was stepped down.

It is therefore humbly requested that my seniority as stood on 2000 may kindly be reviewed , restored and promoted accordingly.(Attested copies of all the relevant documents are hereby sent of ready reference please.

Thanking you in anticipation.

Date 29/4/2014

Attested
Hill

Muhammad Arshad Khan Tansi
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

Yours Obediently,

(EJAZ AHMAD)
Senior Clerk/Assistant,
Office of ADF Hazara Division
Abbottabad.



FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR

No. 9163-73/ET-716

Dated 16/10/2014

23
283
KBT

TO:-

1. All Officers/ Officials in Food Directorate, Peshawar.
2. All Assistant Directors Food at Divisional level in Food Department Khyber Pakhtunkhwa
3. All District Food Controllers in Khyber Pakhtunkhwa
4. The Storage & Enforcement Officers, NRC Azakhei & PRC Peshawar
5. The Rationing Controller Peshawar.

Subject:- APPEALS FOR RESTORATION OF SENIORITY.
Memo:-

Reference appeals of M/S Fakhar Zaman FGI Office of DFC Karak, Ijaz Ahmad Junior Clerk now Senior Clerk Office of ADF Abbottabad and Hidayat ur Rehman Junior Clerk now Senior Clerk was placed before the Seniority Committee of Food Directorate, held on 27-11-2013. The Seniority Committee of Food Directorate examined the appeals of the above officials and decided as follows

APPEAL OF SENIORITY OF MR. FAKHAR ZAMAN FGI DFC OFFICE KARAK

The appeal for restoration of Seniority position with effect from the date of appointment Seniority of Mr. Fakhar Zaman Foodgrain Inspector Office of DFC Karak was examined and found that the official is initially appointed as Foodgrain Supervisor in Food Department Government of Sindh on 03-08-1992. On request to the Government of Khyber Pakhtunkhwa Food Department, his transfer was made on Inter Provincial transfer from Sindh Food Department to Khyber Pakhtunkhwa Food Department. On Internal transfer his Seniority position was placed at the bottom in the seniority list of Foodgrain Supervisor of Food Department Khyber Pakhtunkhwa in light of Inter Provincial transfer Rules of Para-02 given at Page No.18 of the present Esta-Code-2011

Therefore his appeal for restoration of Seniority position with effect from the date of appointment is registered /turned down.

APPEAL FOR SENIORITY OF MR IJAZ AHMAD JUNIOR CLERK NOW SENIOR CLERK OFFICE OF ADF ABBOTTABAD

The appeal for restoration of Seniority Position is examined and found that Mr. Ijaz Ahmad was initially appointed as Junior Clerk on 09-05-1993. On the basis of seniority his case for promotion to the post of Senior Clerk considered by the Departmental Promotion Committee and promoted, the promotion at Kohistan due to acute domestic compulsions and illness of his parents at the moment and he has no objection if his seniority is fixed at the bottom of Seniority List. On his application this Directorate properly informed that in case he is not willing for promotion then his Seniority will be placed at the bottom of the Seniority list. An under taking on the subject was

also asked by Food Directorate, vide letter No.14765/PF-880 dated 18-07-2000. The DFC Abbottabad informed this Directorate vide letter No.1999/ET-69(AD) dated 27-07-2000, that he is not willing to avail promotion at Kohistan. Therefore he had no objection if his seniority is fixed at the bottom of Seniority List. The DFC Abbottabad further informed this Directorate through an another letter No.2009/ET-69(AD) dated 28-07-2000, that Mr. Ijaz Ahmad Junior Clerk newly promoted Senior Clerk has retracted back from promotion as Senior Clerk for posting at Kohistan. After clarification /confirmation this Directorate issued an office order vide No.19685/ET880 dated 14-09-2000 regarding his reversion to the post of Junior Clerk on his own request and allowed him to continue as Junior Clerk against the vacant post of Junior Clerk in DFC Office Abbottabad and his seniority was fixed at the bottom of the Junior Clerk on his own Option that he will not claim Seniority as a right in future. On his earlier appeal to Director Food in the same line, the official has already been informed through DFC Abbottabad vide Food Directorate letter No. 3031/PF-880 dated 16-02-2010, that at this stage his appeal can not be considered. The appeal of the official is time bared and regretted

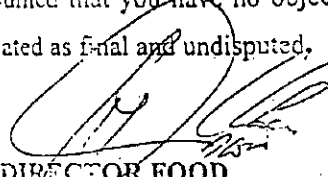
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284
185

**APPEAL FOR SENIORITY OF MR. HIDAYAT ULLAH JUNIOR CLERK
NOW SENIOR CLERK OFFICE OF DFC TANK.**

The appeal of Seniority of Mr. Hidayatullah Khan Junior Clerk Office of DFC D.I.Khan has been considered in the light of his service record by the Seniority Committee in its meeting held on 09-02-2011 and decision already intimated to the official vide letter No.3056-58/ET-716 dated 08-03-2011 therefore his appeal is regretted /turned down.

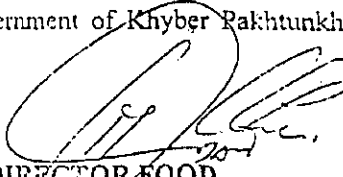
2 The Seniority List of Foodgrain Inspectors/Cane Inspectors and Senior Clerk are enclosed herewith for circulation amongst your concerned staff. Please acknowledge receipt.

3 Variation if any, in the list be pointed out within stipulated period of one week of the receipt of the Seniority list, otherwise it will be presumed that you have no objection to the seniority position as contained in the list and it shall be treated as final and undisputed.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

Endorsement No and Even date

Copy is forwarded to Section Officer Food Government of Khyber Pakhtunkhwa Food Department Peshawar.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.