

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 349/2017

Date of Institution ... 13.04.2017

Date of Decision ... 15.07.2021

Noor Khan (AFC BPS-14) son of Gulfam Khan
R/O Village Abdara, Ghari Tajik Muhammad Post Office University
of Peshawar, Tehsil and District, Peshawar.

... (Appellant)

VERSUS

Director Food, Khyber Pakhtunkhwa, Peshawar and 37 others.

... (Respondents)

Mr. TAIMUR HAIDER KHAN,
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,
Assistant Advocate General

--- For official respondents.

Mr. ABDUL HAMEED,
Advocate

--- For private respondents.

MR. SALAH-UD-DIN
MS. ROZINA REHMAN
MR. ATIQ-UR-REHMAN WAZIR


--- MEMBER (JUDICIAL)

--- MEMBER (JUDICIAL)

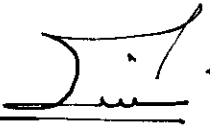
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-


Precise facts forming the background of the instant service appeal are that the appellant was serving as Mono Operator (BPS-07) in the Government Printing and Stationary Department Peshawar. In view of Government Surplus Pool Policy 2001, the appellant was adjusted as Food Grain Inspector (BPS-06) in the Food

Department in the year 2004. The appellant was then promoted as Assistant Food Controller in the year 2016. One Muhammad Naveed, who was serving as Senior Clerk (BPS-07) in the office of Deputy Commissioner Mansehra was also declared surplus and was adjusted in the Food Department in BPS-06 in the year 2006, however like the appellant, he was also placed at the bottom of the seniority list of the officials of BPS-06. The said Muhammad Naveed was also promoted as Assistant Food Controller in the year 2016. In order to gain his proper position in the seniority list, Muhammad Naveed filed Service Appeal bearing No. 831/2015 before this Tribunal, which was allowed vide judgment dated 15.08.2016 and directions were issued to the department to place him at the top of seniority list of BPS-06 in the year 2006, when he was adjusted in the Food Department. In pursuance of the aforementioned judgment, a revised seniority list was issued in the year 2016, wherein Muhammad Naveed was placed at the top of the seniority list. The appellant being adjusted in the same department in the year 2004, claimed seniority on the same yardstick, adopted for giving seniority to Muhammad Naveed, however his departmental appeal was rejected vide order dated 06.04.2017, therefore, he approached this Tribunal through filing of service appeal for redressal of his grievance.


2. It is pertinent to mention herein that the instant appeal was initially allowed by this Tribunal vide judgment dated 08.02.2018, however the same was challenged before august Supreme Court of Pakistan through filing of Civil Petitions No. 264-P and 1676 of 2018, which were allowed vide order dated 29.06.2018. The relevant portion of the order is reproduced as below:-

"Resultantly, these petitions are converted into appeals and allowed, the impugned judgment is set-aside and the matter is remanded to the learned Tribunal to implead all those who would be effected by the decision of the Tribunal and pass a fresh decision after giving them an opportunity of

hearing. As there is seemingly a conflict between two judgments of the learned Tribunal itself, therefore, the matter is referred to the Chairman of the learned Tribunal who shall constitute a Larger Bench to resolve the conflict".

3. During the post remand proceedings, the appellant submitted amended appeal by impleading private respondents No. 4 to 38, who are employees of Food Department. The official as well as private respondents contested the appeal by way of submitting respective replies.

4. Learned counsel for the appellant has argued that this Tribunal, while deciding the Service Appeal of Muhammad Naveed has held him entitled to the desired seniority position in the seniority list, in light of sub para (d) of para-6 of Surplus Pool Policy 2001; that the judgment passed by this Tribunal in favour of Muhammad Naveed has attained finality and in view of judgment of august Supreme Court of Pakistan, reported as 1999 SCMR 1, the department was required to have treated the appellant at par alongwith the said Muhammad Naveed as well as other similarly placed employees; that Muhammad Naveed was adjusted in the year 2006 while the appellant has been adjusted in the year 2004, therefore, the appellant would have ranked senior even to Muhammad Naveed, in case the department had granted due seniority to the appellant in the year 2006; that in view of numerous rulings of worthy superior courts, the appellant was not even required to file any departmental or service appeal for redressal of his grievance, as it was the duty of the department to have extended the benefits of judgment of Muhammad Naveed's case to all similarly placed employees; that the department has maliciously deprived the appellant of his due seniority for the purpose of extending benefit to its blue eyed employees.

5. Mr. Abdul Hameed, Advocate, representing the private respondents, has argued that the appellant was adjusted in the Food Department in the year 2004 and as per the prevalent Surplus Pool Policy 2001, the appellant was rightly

placed at the bottom of seniority list of officials of BPS-06; that the appellant is seeking seniority on the basis of amendment made in the Surplus Pool Policy on 15.02.2006, however the said amendment is having no retrospective effect, therefore, the appellant cannot claim seniority on the basis of the said amendment; that the case of the appellant is distinguished from that of Muhammad Naveed and is identical to the case of other employees namely Muhammad Akbar and Muhammad Saleem Iqbal, who alongwith the appellant were adjusted in the year 2004; that in its judgment rendered in the appeals of Muhammad Akbar and Muhammad Saleem Iqbal, this Tribunal has though extended the benefits of Muhammad Naveed case to the said employees, however it was held that they should be placed junior to all those AFCs, who were directly recruited prior to the promotion of Muhammad Akbar and Muhammad Saleem Iqbal; that the department while following the judgment rendered by this Tribunal in the appeals of Muhammad Akbar and Muhammad Saleem Iqbal, had issued seniority list, wherein the appellant as well as the said employees were rightly placed juniors to the direct recruits; that the amended appeal filed by the respondents is in contravention of the remand order passed by the august Supreme Court of Pakistan as the appellant has changed cause of action and has also impleaded certain employees, who are not at all necessary parties in the instant appeal; that the appellant has been treated in accordance with law by placing him at due position in the seniority list, therefore, his appeal is liable to be dismissed.

6. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General, representing the official respondents, adopted the arguments advanced by the learned counsel for private respondents.

7. Arguments heard and record perused.

8. The controversy between the parties is with regard to seniority. In order to appreciate the matter in a proper perspective, para-6 of Surplus Pool Policy issued by the Establishment and Administration Department (Regulation

Wing) vide Notification dated 08.06.2001, is reproduced as below:-

"06. FIXATION OF SENIORITY"

The interse seniority of the surplus employees after their adjustment in the various departments will be determined according to the following principles:-

- (a) *In case a surplus employee could be adjusted in the respective cadre of his parent department, he shall regain his original seniority in that cadre.*
- (b) *In case, however, he is adjusted in his respective cadre but in a department other than his parent department, he shall be placed at the bottom of the seniority list of that cadre.*
- (c) *In case of his adjustment against a post in corresponding basic pay scale with different designation/nomenclature of the post, either in his parent department or any other department, he will be placed at the bottom of the seniority list.*

NOTE:

In case the officer/official declines to be adjusted/absorbed in the above manner in accordance with the priority fixed as per his seniority in the integrated list, he shall lose the facility/right of adjustment/absorption and would be required to opt for premature retirement from Government service.

Provided that if he does not fulfill the requisite qualifying service for premature retirement he may be compulsorily retired from service by the competent Authority."

9. A perusal of the above-mentioned reproduced para-6 sub-para (c) of the policy letter dated 08.06.2001 would show that in case of adjustment of a surplus employee against a post in corresponding basic pay scale with different designation/nomenclature of the post, was to be placed at the bottom of seniority list. It is nowhere mentioned in the said para-6 that an employee is to be placed at the bottom of the

seniority list even if he is adjusted against a post lower than his original scale. It appears that it was in this backdrop that through subsequent Circular dated 15.02.2006, issued by Establishment and Administration Department (Regulation Wing), sub-para (d) was added to para-6 of the original policy issued vide Notification dated 08.06.2001. The added sub-para (d) of para-06 is reproduced as below:-

"In case of adjustment against a post lower than his original scale, he shall be placed at the top of seniority list of that cadre, so as to save him from being rendered surplus again and becoming junior to his juniors."

10. The subsequent Circular dated 15.02.2006, was actually issued with a view to remove the anomaly, therefore, the appellant could legally claim his seniority on the basis of the same. If it is presumed that the effect of subsequent circular is to be considered prospectively, then an employee otherwise junior to the appellant, if adjusted against a lower post after the issuing of the subsequent circular dated 15.02.2006, would be placed senior to the appellant.

11. An effort was made by the learned Assistant Advocate General as well as learned counsel for private respondents to distinguish the case of Muhammad Naveed from that of the appellant on the ground that Muhammad Naveed was adjusted in the year 2006, therefore, he was given the benefit of subsequent circular issued on 15.02.2006. A perusal of the record would, however, show that the said Muhammad Naveed was adjusted on 26.01.2006, while the subsequent circular was issued on 15.02.2006. It is thus clear that both the appellant as well as Muhammad Naveed were adjusted in the Food Department after the issuance of subsequent Circular dated 15.02.2006 and on this touchstone, Muhammad Naveed case was on the same footing as that of the appellant. The appellant was thus also entitled to the same benefit as granted to Muhammad Naveed by this Service Tribunal in Service Appeal bearing No. 831/2015 decided on 15.08.2016 and the department was required to have placed the appellant at the

top of seniority list pertaining to the year 2004, in which the appellant was adjusted in the Food Department. August Supreme Court of Pakistan in its judgment reported as 2009 SCMR 1 has graciously held as below:-

"We have considered the arguments of both the parties and have gone through the record and proceedings of the case in minute particulars. The matter has already been decided by this Court in the case of Mst. Naseem Akhtar (supra), and it has been held that the appointment orders of the respondents as PTC Teachers were genuine. It was held by this Court in case of Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others 1996 SCMR 1185 that if a Tribunal or this Court decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of a good governance demand that the benefit of the said decision be extended to other civil servants also, who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forum. This view were reiterated by this Court in the case of Tara Chand and others v. Karachi Water and Sewerage Board, Karachi and others 2005 SCMR 499 and it was held that according to Article 25 of the constitution of Islamic Republic of Pakistan, 1973, all citizens are equal before law and entitled to equal protection of law."


12. In the judgment delivered by this Tribunal in the case of Muhammad Naveed, no condition of placing him as junior to direct recruits was imposed, while in the later common judgment, delivered by this Tribunal in the service appeals of Muhammad Akbar and Muhammad Saleem Iqbal, the benefit of Muhammad Naveed's case was though extended to them, however it was directed that the direct recruits should be placed senior to them. It appears that the logic behind the earlier judgment was based on the principles that had Muhammad Naveed been placed at the top of the seniority list

of BPS-06 in the year 2006, then he would have been promoted prior to the direct recruits that is why the Tribunal did not put the condition of placing Muhammad Naveed as junior to the direct recruits. While going through the subsequent judgment, it appears that this Tribunal had overlooked this aspect of the matter that had the appellant Muhammad Akbar and Muhammad Saleem Iqbal were given due seniority in the year 2006, then they would have been promoted prior to the direct recruits, who were appointed through initial recruitment in the year 2015.

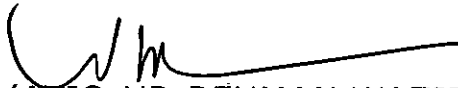
13. In its remanding order, august Supreme Court of Pakistan has held that the Tribunal shall implead all those who would be affected by the decision of the Tribunal and shall pass a fresh decision after giving them an opportunity of hearing. The contention of learned counsel for the respondents that unnecessary parties have been impleaded as respondents is, therefore, misconceived and thus not tenable.

14. In light of the above discussion, the appeal in hand is allowed and the respondents are directed to grant seniority to the appellant by considering him at the top of concerned seniority list pertaining to the year 2004, with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
15.07.2021


(ROZINA REHMAN)
MEMBER (JUDICIAL)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


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

ORDER
15.07.2021

Appellant alongwith his counsel Mr. Taimur Haider Khan, Advocate, present. Mr. Zafarullah, A.D (Food) alongwith Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for official respondents present. Mr. Abdul Hameed, Advocate, for private respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed and the respondents are directed to grant seniority to the appellant by considering him at the top of concerned seniority list pertaining to the year 2004, with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

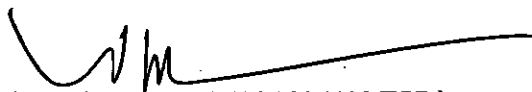
ANNOUNCED
15.07.2021



(ROZINA REHMAN)
MEMBER (JUDICIAL)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

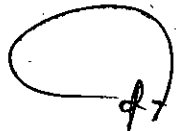


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

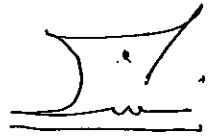
07.07.2021

Appellant in person present. Mr. Zafarullah, Assistant Director (Food) alongwith Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for official respondents No. 1 to 3 present. Junior of learned counsel for private respondents No. 4 to 24 present.

Further legal assistance on certain points is needed, therefore, to come up for re-arguments before the Larger Bench on 15.07.2021.



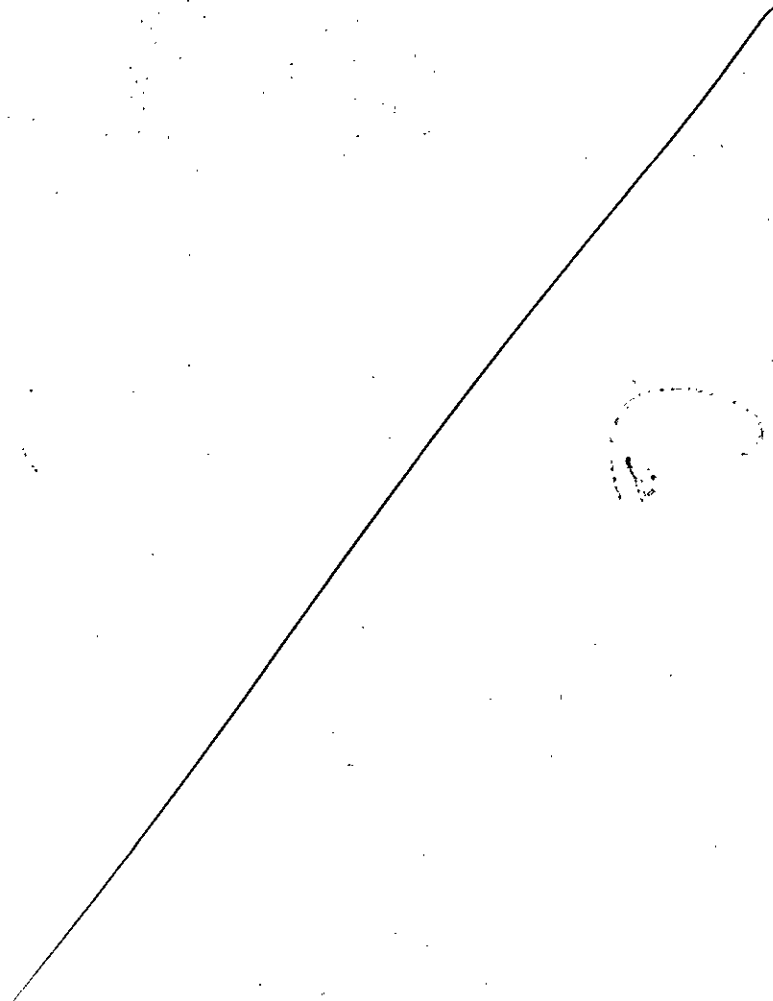
(ROZINA REHMAN)
MEMBER (JUDICIAL)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)




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



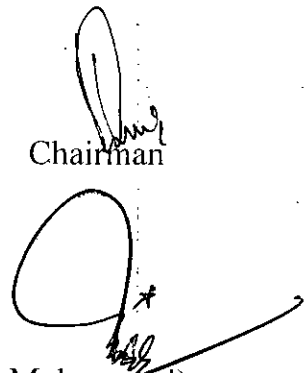
09.03.2021

Appellant with counsel and Mr. Muhammad Riaz Khan Paindakhel, Assistant AG alongwith Zafrullah, A.D for official respondents No. 1 to 3 respondents present. Counsel for private respondents No. 4 to 24 present.

It is already 03.15 P.M and arguments may not conclude once started. It is, therefore, adjourned to 29.06.2021 for arguments before the Larger Bench.



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



Chairman
(Mian Muhammad)
Member(E)

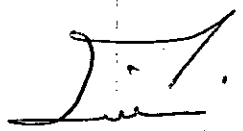
29.06.2021

Appellant alongwith his counsel Mr. Taimur Haider Khan, Advocate, present. Mr. Zafarullah, A.D (Food) alongwith Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for official respondents No. 1 to 3 present. Mr. Abdul Hameed, Advocate, for private respondents No. 4 to 24 present.


Arguments heard, however order could not be announced due to rush of work. Adjourned. To come up for order on 07.07.2021.



(ROZINA REHMAN)
MEMBER (JUDICIAL)

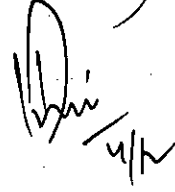


(SALAH-UD-DIN)
MEMBER (JUDICIAL)



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

The office shall append record of
Appeal No. 831/2015 decided on 15/8/2016
(titled Mohammad Naveed Vs. Government etc)




13.01.2020 Appellant in person present. Mr. Riaz Paindakheil learned
Assistant Advocate General for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa
Bar Council, instant matter is adjourned to 07.02.2020 for
arguments before Larger Bench.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member




(Chairman)

07.02.2020 Appellant in person and Addl. AG alongwith Maheer,
for the respondents present.

Due to incomplete Bench, the matter is adjourned to
12.03.2020 for arguments before the Larger Bench.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

20.11.2019

Appellant alongwith his counsel present. Mr. Riaz Ahmad Paindakheil, Assistant alongwith Mr. Muhammad Zafarullah, Assistant Director for official respondents and counsel for private respondents No. 4 to 24 present. Learned counsel for private respondents No. 4 to 24 submitted application for placing the judgments annexed with the application on record. The same is placed on record.

The present appeal was fixed for arguments for today before D.B, however, the record reveals that the judgment of this Tribunal was challenged before the apex court and after hearing arguments the august Supreme Court of Pakistan, accepted the appeal, set-aside the impugned judgment of this Tribunal and remanded the appeal to the Tribunal with the direction to implead all those who would be affected by the decision of the Tribunal and pass a fresh decision after giving them an opportunity of hearing as there is seemingly a conflict between two judgments of the learned Tribunal itself, therefore, the matter was directed to be referred to Chairman of the learned Tribunal who shall constitute a larger Bench to resolve the conflict vide judgment dated 29.06.2018. Therefore, in such circumstances the registrar of this Tribunal is directed to put up the present service appeal before the Hon'ble Chairman of this Tribunal for further orders. Parties are directed to attend the court on 13.01.2020.

(Signature)
(Hussain Shah)
Member

(Signature)
(M. Amin Khan Kundi)
Member

4-12-191-

In view of the above order this appeal is placed before the Hon'ble chair-man for his kind perusal please.

(Signature)
Registrar

4/12/2019.

Instant matter be fixed before a larger Bench on the date fixed already. The Bench shall comprise of the Chairman and two (2) Hon'ble members excluding Mr. Mohammad Amin Khan Kundi who is a signatory to the judgment

dt 8/12/19
P.F.O
(Signature)

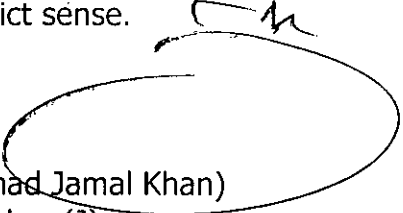
Appeal No. 349/2017
Noor Khan vs Govt

09.02.2021


Appellant with counsel present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Zafar Ullah Khan Assistant Director for respondents present.

During the arguments by learned counsel for the appellant it transpired that some private respondents were added in the appeal in pursuance to order by the Apex Court dated 29.06.2028. Notices were issued to the added respondents amongst whom the respondents No. 25, 27, 32, 36, and 37 made their representation through learned counsel. On 25.09.2019, Wakalat Nama as well as written reply was submitted on behalf of those respondents. Prior to that, reply on behalf of respondents No. 26, 28, 29, 30, 31, 33, 34, 35, was submitted which was placed on record on 28.08.2019. On the said date, respondents No. 25, 27, 32 and 37 were not represented, however, no adverse proceedings were taken against them. Similarly on 20.11.2019, an application for placing certain record was submitted on behalf of respondents No.4 to 24. Ever since, the private respondents were not represented but were not proceeded against ex-parte. In the circumstances, it is considered appropriate to issue fresh notices to respondents No. 4 to 38 as well as their learned counsel for 09.03.2021 for arguments before Larger Bench.

In accordance with the order of Apex Court ibid the office was required to constitute a Larger Bench comprising of the Chairman and two other Members through order dated 04.02.2019. Despite an unambiguous order, the matter was laid today before Larger Bench comprising Chairman and four (04) Members. The office is, therefore, warned to remain careful in compliance with the orders in strict sense.


(Muhammad Jamal Khan)
Member (J)


Chairman


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


(Rozina Rehman)
Member (J)


(Mian Muhammad)
Member (E)

20.8.2020

Due to COVID19, the case is adjourned to

10/11/2020 for the same as before.

Reader

09.11.2020

Appellant in person present. Mr. Usman Ghani,
District Attorney for respondents present.

The Bar is observing general strike, therefore, the
matter is adjourned to 09.02.2021 for hearing before the
Larger Bench.

(Muhammad Jamal)
Member (J)

Chairman

(Atiq-ur-Rehman)
Member(E)

(Rozina Rehman)
Member(J)

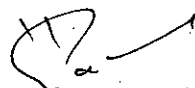
(Mian Muhammad)
Member(E)

12.03.2020

Appellant in person present. Mr. Kabirullah Khattak,
Addl. AG for the respondents present.

The Worthy Chairman is on leave, therefore, the
bench is incomplete. The matter is adjourned to 11.06.2020
for arguments before the Larger Bench.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

11.06.2020

Counsel for the appellant and Mr. Kabirullah Khattak Addl. AG
for the respondents present.


Due to incomplete Bench, the matter is adjourned to
20.08.2020 for arguments before the Larger Bench.


Chairman

28.08.2019

Appellant alongwith counsel and Addl. AG alongwith Zafrullah, A.D for the respondents present.

Reply/comments on behalf of respondents No. 2 to 24 have already been submitted. Today reply on behalf of respondents No. 26, 28, 29, 30, 31, 33, 34, 35 and 38 submitted which are placed on record. Nemo for respondents No. 25, 27, 32 and 37. Appellant is required to produce their correct/fresh addresses. Thereafter, notices be issued to them for submission of written reply/comments on 25.09.2019 before S.B.


Chairman

25.09.2019

Appellant in person and Addl. AG alongwith Muhammad Zafrullah, AD for the official respondents present. Counsel for private respondents No. 25, 27, 32, 36 & 37 present and submitted Wakalatnama in his favour. He also submitted written reply on behalf of the said respondents. //

The appeal is assigned to D.B for arguments on 20.11.2019. The appellant may submit rejoinder, within a fortnight, if so advised.


Chairman

21.05.2019

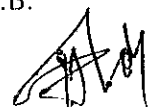
Appellant with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Zafar Ullah AD for official respondents present. Learned counsel for private respondents No.4 to 24 present. Written reply on behalf of official respondents and private respondents No.4 to 24 submitted. Learned counsel for the appellant stated that respondents No.25 to 38 have been retransferred. Appellant is directed to submit correct addresses of the said respondents No.25 to 38 within a week. Thereafter notices be issued to the respondents No.25 to 38 for reply/comments. Adjourn. To come up for further proceedings/reply on 02.07.2019 before S.B.



Member

02.07.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Zafar ullah ADF on behalf of the respondents No. 1 & 2. Written reply on behalf of official respondents and private respondent No. 4 to 24 already submitted. Private respondent No. 22 in person present and submitted wakalat nama in favor of Mr. Abdul Hameed Advocate of private respondent No. 26, 28, 29, 30, 31, 34, 35, 38 which is placed on file and seeks time for reply on their behalf. None present on behalf private respondent No. 25,27, 32, 36, & 37 therefore notice be issued be issued to them to submitted their written reply/comments. The office record shows that the notice could not be served upon the private respondent No.36 due to incorrect address therefore the appellant is directed to produce correct address of private respondent No. 36 within a fortnight, thereafter notice alongwith the copy of appeal be issued to the private respondent No. 36. Adjourned. To come up for written reply/comments on 28.08.2019 before S.B.



Member

20.03.2019

Appellant in person present. Mr. Kabirullah Khattak learned Addl; AG alongwith Mr. Zafrullah for the official respondents present and submitted written reply. Private respondents No. 4 & 22 also present. None present on behalf of the remaining private respondents. Adjourn. To come up for written reply/comments on behalf of private respondents on 12.04.2019 before S.B.

12.04.2019

Counsel for the appellant, Addl. AG alongwith Zafrullah, A.D for official respondents and counsel for private respondents No. 4 to 24 present. Nemo for private respondents No. 25 to 38.

Learned counsel for the appellant requests for time to furnish complete addresses of respondents No. 25 to 38. May do so before next date of hearing.

Adjourned to 21.05.2019 before S.B. The official respondents as well as contesting private respondents shall submit reply/comments on next date of hearing.


(Hussain Shah)
Member


Chairman

20.12.2018

Petitioner with counsel present. In view of order sheet dated 18.10.2018, parties are directed to appear before the learned Chairman Service Tribunal on 27.12.2018. The present case file be put up before learned Chairman Service Tribunal.



Member

27.12.2018

Counsel for the appellant, Mr. Muhammad Jan, Deputy District Attorney alongwith Muhammad Zafrullah, A.D for the official respondents and Mr. Abdul Hameed, Advocate for private respondents No. 4 to 24 present.

Learned counsel for the appellant states that an amended appeal will be submitted in order to include the respondents No. 4 to 27 and some other private respondents who have been promoted during pendency of the appeal and against whom the appellant has his grievance.


May do so within a fortnight. Adjourned to 23.01.2019 before the Chairman in Single Bench.



Chairman

23.01.2019

Learned counsel for the appellant Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Zafrullah AD representative of official respondents present. Learned counsel for private respondents except respondents No.25 to 38 also present.

Learned counsel for the appellant furnished amended appeal, copy of which is also given to the representative of official respondents and learned counsel for private respondents. Notice be issued to private respondents No.25 to 38. To come up for reply/comments on 20.03.2019 before S.B. Learned counsel for the appellant is directed to deposit security and process fee within 10 days, in relation to private respondents No.25 to 38.


Appellant Deposited
Security & Process Fee


Member

18.10.2018

Petitioner with counsel present. Learned counsel for the respondents No.4 27 present. Mr. Kabirullah Khattak learned Additional Advocate General for official respondents present. Learned counsel for petitioner showed his reservations to file amended appeal in the light of order dated 25.09.2018 of the learned Chairman of this Tribunal and requested that the present be placed before the learned Chairman. Adjourn. The present case file be sent to learned Chairman and the parties are directed to appear before the learned Chairman on 05.11.2018.


Member

05.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 20.12.2018.

READ

~~20.12.2018~~

~~Petitioner with counsel present in view of order dated 18.10.2018, parties are directed to appear before the Chairman Service Tribunal on 27.12.2018. The present case be put up before learned Chairman Service Tribunal.~~

~~Member~~

Appeal No. 349/2017
Noor Khan vs Govt

26.07.2018

Appeal received from august Supreme Court of Pakistan vide order dated 29.06.2018 in civil petition Nos. 949 and 950 of 2018. Be checked and entered against its old number.

Notice be issued to the parties for 25.09.2018 before the Larger Bench comprising of the undersigned.


Chairman

25.09.2018

Mr. Noor Khan, appellant alongwith his counsel Mr. Taimur Haidar Khan, Advocate present. Mr. Muhammad Mahir, Assistant alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Mr. Abdul Hameed Advocate for applicants present and submitted an application for impleadment of applicants as respondents. In view of the judgment of august Supreme Court the application is allowed and applicants are impleaded as respondents No. 4 to 27. After impleadment of the newly respondents, the appellant is directed to amend the appeal to the extent of newly impleaded respondents and submit the same within 15 days with further direction to the newly impleaded respondents to submit their written reply on the next date. Respondent No. 2 is directed to depute a well conversant officer not below BPS-17 to assist the Tribunal in future. To come up for written reply/comments of respondents No. 4 to 27 on 18.10.2018.


Chairman

Ph: 9220581
Fax: 9220406

REGISTERED

No. C.A.949-950/2018-SCJ (Imp)
SUPREME COURT OF PAKISTAN.

Islamabad, dated 19th 7, 2018.

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

The Registrar,
K.P.K. Service Tribunal,
Peshawar. *Go AR P*

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1472

Date: 24/7/2018

Subject: CIVIL APPEAL NOS. 949 & 950 OF 2018.

OUT OF

CIVIL PETITION NOS. 264-P & 1676 OF 2018.

1. Director Food, Khyber Pakhtunkhwa, Peshawar and others.
(App. in C.A.949/2018).
 2. Syed Wazir Shah and others. (App. in C.A.950/2018).
- Versus**
- Noor Khan and others. (Res. in both cases).

On appeal from the Judgment/Order of the K.P.K Service Tribunal, Peshawar dated 08.2.2018, in Appeal No.349/2017.

Dear Sir,

I am directed to forward herewith a certified copy of the Order of this Court dated 29.06.2018, converting into appeal the above cited civil petitions, allowing and remanding the same, in the terms stated therein, for information and necessary action.

I am also to invite your attention to the directions of the Court contained in the enclosed Order for immediate compliance.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order:

Yours faithfully

(Signature)
(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

Do the needful.

Subject:

24/7/18.

*Put up before the larger bench
after summer vacation.*

26.7.2018

63

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE FAISAL ARAB
MR. JUSTICE MUNIB AKHTAR

CIVIL PETITIONS NO.264-P AND 1676 OF 2018

(Against the judgment dated 8.2.2018 of the KPK Service Tribunal, Peshawar passed in S.A.No.349/2017)

1. Director Food K.P. Peshawar and others Vs. Noor Khan In C.P.264-P/2018
2. Syed Wazir Shah etc. Vs. Noor Khan and others In C.P.1676/2018

For the petitioner(s): Barrister Qasim Wadood, Addl.A.G. KPK
(In C.P.264-P/2018)

Mr. Abdul Hameed, ASC
(In C.P.1676/2018)

For the respondent(s): Mr. M. Ijaz Khan Sabi, ASC
(In C.P.264-P/2018)

Mir Adam Khan, AOR
(In C.P.1676/2018)

Date of hearing: 29.6.2018

ORDER

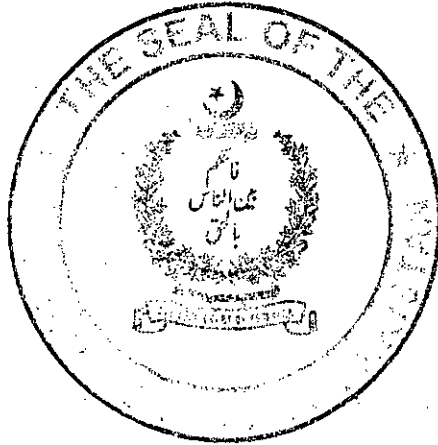
MIAN SAQIB NISAR, CJ.- The petitioners were a necessary party because they would certainly be affected by the judgment of the learned Tribunal. The learned Tribunal was apprised that they should be made a party and given an opportunity of hearing but this request was unreasonably declined. Therefore, the impugned judgment cannot be sustained as they have been condemned unheard. Resultantly, these ~~petitions are converted into appeals and allowed, the impugned judgment is set aside and the matter is remanded to the learned Tribunal to implead all those who would be affected by the decision of the Tribunal and pass a fresh decision after giving them an opportunity of hearing. As~~

ATTESTED

there is seemingly a conflict between two judgments of the learned

Tribunal itself, therefore, the matter is referred to the Chairman of the learned Tribunal who shall constitute a larger Bench to resolve the conflict.

Sd/- Mian Sajid Nisar, ACJ
Sd/- Faisal Arab, J
Sd/- Munir Akhtar, J



Certified to be True Copy

[Signature]

Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad, the
29th of June, 2018
Waqas Naseer

[Handwritten initials]
10/7/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 349/2017

Date of Institution ... 13.04.2017

Date of Decision ... 08.02.2018

Noor Khan (AFC BPS-14) son of Gulfam Khan R/O village Abdara, Ghari Tajik
Muhammad Post Office University of Peshawar, Tehsil and District, Peshawar.
... (Appellant)

VERSUS

1. Director Food, Khyber Pakhtunkhwa, Peshawar and two others.
... (Respondents)

MR. TAIMUR HAIDER KHAN,
Advocate ... For appellant

MR. MUHAMMAD JAN,
Deputy District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD AMIN KHAN KUNDI, ... MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2: The appellant was declared surplus from Government Printing & Press
Department and was adjusted in the Food Department in the year, 2004 in BPS-06.

He was appointed in his original department in BPS-07. He was then promoted as Assistant Food Controller in the year, 2016. One Muhammad Naveed who was also declared surplus from the office of Deputy Commissioner, Mansehra and was adjusted in the Food Department in the year, 2006 in BPS-06 from BPS-07, was placed at the bottom of the seniority list of BPS-06 like the appellant. The said Muhammad Naveed was also promoted as Assistant Food Controller in the year, 2016. Muhammad Naveed had knocked the door of different courts for placing him in his correct seniority position and finally this Tribunal vide judgment dated 15.08.2016 in service appeal No. 831/2015 decided the appeal in his favour directing the department to place him at the top of the seniority list of BPS-06 in the year, 2006 when he was adjusted. Thereafter a revised seniority list was issued in pursuance of the judgment of this Tribunal. The appellant then feeling himself at par with the said Muhammad Naveed, filed a departmental appeal on 27.3.2017 which was rejected on 06.04.2017 and thereafter he filed the present service appeal on 13.04.2017

ARGUMENTS.

3. The learned counsel for the appellant argued that the case of the appellant is of seniority and stood at the same footings as that of Muhammad Naveed and in view of judgment reported as 1999-SCMR-1, similarly placed employees should have been treated similarly. That if the benefit of the judgment of Naveed's case was extended to the appellant, then the appellant would rank even senior to said Muhammad Naveed as the appellant was adjusted in the year, 2004 and Muhammad Naveed was adjusted in the year, 2006. The learned counsel for the

appellant further argued that there was no need of even filing of departmental appeal by the appellant or to come to this Tribunal as it was the duty of the department to have extended the benefit of the judgment of Naveed's case to all the similarly placed employees.

4. On the other hand, the learned Deputy District Attorney argued that two other employees who were adjusted through the same order whereby the appellant was adjusted on 25.08.2004 also approached this Tribunal after the judgment of the said Naveed's case and this Tribunal vide judgment dated 24.11.2017 extended the benefit of the said Naveed's case to those two other employees (Muhammad Akbar and Muhammad Saleem Iqbal). That in the said judgment this Tribunal added that while extending the benefits of judgment of Muhammad Naveed all those direct recruits as AFCs prior to the promotion of those two persons should be placed senior to those two appellants. He next contended that as per the said judgment, the department issued a revised seniority list and placed those two persons and the present appellant at S.Nos. 22 to 24 by placing the direct recruits senior to these three persons. He next contended that the case of the appellant was more similar to those two subsequent named persons then the case of Naveed, therefore, he was rightly placed junior to direct recruits. He added that the reason for this placement of junior position to direct recruits was non-impleadment of direct recruits in the appeals filed by those two persons.

CONCLUSION.

5. It is an admitted position that the appellant was adjusted in the year, 2004 under the surplus pool policy from BPS-07 to BPS-06. He should have been placed

at the top of the seniority list of BPS-06 at that time. This aspect of the matter had already been discussed by this Tribunal in the judgment of Muhammad Naveed delivered on 15.08.2016. In that very judgment this Tribunal did not place any condition of placing the said Muhammad Naveed junior to direct recruits and as such he was placed at the due position above the direct recruits. In the later judgment of this Tribunal delivered on 24.11.2017 the same judgment was followed with alteration that the direct recruits should be placed senior to those two appellants.

6. Now this Tribunal is to follow one of the two judgments. It appears that the philosophy behind the earlier judgment was based on the principle that had Naveed been placed at the top of the seniority list of BPS-06 in the year, 2006 then he would have been promoted prior to the direct recruits that is why the Tribunal did not put this condition of placing the said Naved Junior to direct recruits. In the subsequent judgment this aspect seems to have been ignored and the direct recruits who were promoted in the year, 2015 were given seniority over the appellants who were promoted in the year, 2016. It appears that this Tribunal in subsequent judgment had overlooked this aspect of the matter that had the appellants in those appeals been given correct seniority in the year, 2006 then they would have been promoted prior to the direct recruits. Secondly when this Tribunal in the subsequent judgment was to extend the benefit of Naveed's case to those appellants then no restriction could have been imposed on those two appellants which restriction was not imposed on Muhammad Naveed. The result was that the benefit of the judgment of Naveed was not extended fully to those two appellants. The objection of the learned Deputy District Attorney regarding non-impleadment of direct recruits is

untenable because in Naveed's case none of the direct recruits was arrayed as party and the Tribunal granted the relief to said Muhammad Naveed. This Tribunal in a case entitled "*Naeem Akhtar Versus the Chief Secretary Government of Khyber Pakhtunkhwa Peshawar and others*" in service appeal No. 394/2013 decided on 11.1.2018 had elaborately discussed the issue of non-impleadment of necessary party in ante-dated promotion case and had decided that when a right of promotion accrued to a civil servant prior to the induction of direct recruits then it was not necessary to implead the direct recruits as party to the appeal. On the basis of the same principle the right of seniority accrued to the present appellant in the year, 2004 prior to the recruitment of direct recruits in the year, 2016 as such they were not necessary party in Naveed's appeal, appeals of Muhammad Akbar and Muhammad Saleem Iqbal or in the present appeal.

7. As a sequel to the above discussion, this Tribunal would follow the first judgment of Naveed and would dispose of the appeal in the terms as that of appeal of Naveed dated 15.08.2016. Parties are left to bear their own costs. File be consigned to the record room.

Muhammad Amin

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Niaz Muhammad Khan
(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
06.02.2018

29. 2017

Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 08.02.2018 before D.B.


Member


Chairman

08.02.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Latif Khan, Superintendent for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.



MEMBER


CHAIRMAN

ANNOUNCED
08.02.2018


12.07.2017

Appellant in person present. Mr. Abdul Hameed, Senior Clerk alongwith Mr. Kabirullah Khattak, Assistant AG for the respondents also present. Written reply by respondents not submitted. Learned Assistant AG requested for adjournment. Adjourned. To come up for written reply/comments on 17.08.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

17.08.2017

Counsel for the appellant and Asst: AG alongwith Mr. Abdul Hameed, Senior Clerk for respondents present. Written reply submitted. To come up for rejoinder and arguments on 29.11.2017 before S.B.


(Ahmad Hassan)
Member

29.11.2017

Counsel for the appellant and Adtl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.02.2018 before D.B.

Member

Chairman

24.04.2017

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was declared surplus and was adjusted as Food Grain Inspector (BPS-6) in the Food Directorate vide order dated 25.08.2004. Respondent no. 1 vide impugned order dated 17.11.2016 issued revised seniority list of Assistant Food Controller (BPS-14) wherein name of the appellant was not placed at the appropriate place. The appellant preferred departmental appeal on 27.03.2017 which was rejected on 06.04.2017 and hence the instant service appeal on 13.04.2017. Rules pertain to fixation of seniority of employees declared surplus have not been followed in this case and as such appellant was not treated in accordance with law and rules.

Appellant Deposited
Security Process Fee

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.05.2017 before S.B.

(Ahmad Hassan)

Member

25.05.2017


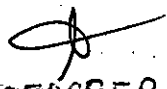
Appellant in person and Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for reply/comments on 12.07.2017 before S.B.

(AHMAD HASSAN)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 349 /2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13/04/2017	<p>The appeal of Mr. Noor Khan presented today by Mr. Taimur Haider Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	17-04-2017	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-04-2017</u></p> <p style="text-align: right;"> MEMBER</p>

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL , PESHAWAR.**

Noor Khan (AFC)

VERSUS

The Director Food Khyber Pakhtunkhwa and others

INDEX

*Amended Appeal
as per direction of
the Honorable
Service Tribunal
K.P.*

Sr#	Description	Annexure	Pages
1.	Amended Appeal		1-17
2.	Affidavit		18
3.	Copy of the employment documents	A	19-33
4.	Copy of the office order/adjusted as Inspector in Food Department	B	34-35
5.	Copy of 2001 Government Policy of Surplus and 2006 Amendment	C	36-41
6.	Copy of the impugned seniority list of DFC dated: 17.08.2018 as well as other lists of Food Grain Inspector	D	42-56
7.	Copy of the judgment of this Honorable Tribunal dated: 15.08.2016 (Appeal No.831/2015)	E	57-62
8.	Copy of the impugned revised seniority list (AFC) of the year, 2016, Departmental Appeal and impugned regretted order dated: 06.04.2017	F	63-65
9.	Copy of the judgment 2009 SCMR page-1 etc	G	66-68
10.	Copy of the Judgment dated: 08.02.2018 of this Honorable Tribunal	H	69-79
11.	Copy of the CPs and order of the apex court dated: 29.06.2018	I	80-95
12.	Copy of the Judgment dated: 24.11.2017 in appeal No.7 & 8 of this Honorable Tribunal	J	96-101
13.	Copy of the Minutes of the Meeting of DPC dated: 27.08.2018 along with relevant records	K	102-104
14.	Copy of copy of notification and Service rule of AFC along with relevant record	L	105-109
15.	Power of Attorney		110

Petitioner
Through

Taimur Haider Khan
Advocate High Court
Off: 37th, 2nd Floor, Malik
Tower, Peshawar
Cell No.0346-9192561

①

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR.**

Amended Appeal as per order dated: 27.12.2018 of this
Honorable Tribunal in **(Appeal No.349/2017)**

Noor Khan (AFC BPS-14) S/o Gulfam Khan R/o village
Abdara, Garhi Taj Muhammad, P/o Peshawar University,
Tehsil and District, Peshawar.

..... **Appellant**

VERSUS

- ✓1. The Director Food Khyber Pakhtunkhwa, Peshawar.
- ✓2. Secretary to Government of Khyber Pakhtunkhwa,
Food Department, Peshawar.
- ✓3. Secretary to Government Khyber Pakhtunkhwa,
Establishment Department, Peshawar.
- ✓4. Mr. Syed Wazir Shah, AFC, Office of District Food
Controller, District Battagram.
- ✓5. Mr. Aftab Umar Khan, AFC, Office of Rationing
Controller, District Peshawar.
- ✓6. Mr. Muhammad Tariq, AFC, Office of District Food
Controller, District Haripur.
- ✓7. Mr. Ansar Qayyum, AFC, Office of District Food
Controller, District Mansehra.
- ✓8. Mr. Abdul Hafeez, AFC, Office of District Food
Controller, District Charsadda.
- ✓9. Mr. Arshad Hussain, AFC, Office of District Food
Controller, District Chitral.

- ✓ 10. Mr. Ali Asghar Khan, AFC, Office of District Food Controller, District Nowshera.
 - ✓ 11. Mr. Shabir Ahmad Kha, AFC, Office of District Food Controller, District Nowshera.
 - ✓ 12. Mr. Said Nawaz, AFC, Office of District Food Controller, District Chitral.
 - ✓ 13. Mr. Jamshaid Khan Afridi, AFC, Office of District Food Controller, District Peshawar.
 - ✓ 14. Mr. Sohail Habib, AFC, Office of District Food Controller, District Swabi.
 - ✓ 15. Mr. Sheraz Anwar, AFC, Office of District Food Controller, District Swat.
 - ✓ 16. Mr. Muhammad Azam, AFC, Office of District Food Controller, District Buner.
 - ✓ 17. Mr. Tausif Iqbal, AFC, Office of District Food Controller, District Lakki Marwat.
 - ✓ 18. Mr. Muhammad Shakeel, AFC, Office of District Food Controller, District Kohistan.
 - ✓ 19. Miss Uzma Kanwal, AFC, Office of District Food Controller, District Abbottabad.
 - ✓ 20. Mr. Zafar Alam Riza, AFC, Office of District Food Controller, District Chitral.
 - ✓ 21. Mr. Shujaat Hussain Shah, AFC, Office of District Food Controller, District Battagram.
 - ✓ 22. Mr. Hafeez Ur Rehman, AFC, Office of District Food Controller, District Peshawar.
 - ✓ 23. Mr. Adnan Khan, AFC, Office of District Food Controller, District Mardan.
 - ✓ 24. Mr. Aman Khan, AFC, Office of District Food Controller, District Tank.
-

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25. Muhammad Zubair, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
- ✓26. Mehmood Ur Rehman, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
27. Fazli Bari, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
- ✓28. Salah ud Din, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
- ✓29. Muhammad Arshad, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
- ✓30. Kifayat Khan, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
- ✓31. Hasham Khan, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
32. Sher Fayaz Khan, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
- ✓33. Adil Badshah, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
- ✓34. Shad Muhammad, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
- ✓35. Shewaz Tariq, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
36. Muhammad Nawab, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
37. Muhammad Hayat Khan, DFC, Employee of Food Department, Khyber Pakhtunkhwa.
- ✓38. Kashif Ihsan, DFC, Employee of Food Department, Khyber Pakhtunkhwa.

.....**Respondents**

4

AMENDED APPEAL AS PER
DIRECTION OF THIS HONORABLE
TRIBUNAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AS THE
HONORABLE SERVICE TRIBUNAL HAS
RIGHTLY ALLOWED APPEAL
NO.349/2017 VIDE
JUDGMENT/ORDER DATED:
08.02.2018 IN LIGHT OF MUHAMMAD
NAVEED'S APPEAL NO.831/2015
VIDE JUDGMENT/ORDER DATED:
15.08.2016 TO PLACE THE
APPELLANT IN HIS RIGHT POSITION
OF THE 2016 AFC SENIORITY LIST
AND EVEN CONSIDERED AS SENIOR
FROM MUHAMMAD NAVEED IN LIGHT
OF THE "GOVERNMENT SURPLUS
POOL POLICY 2001" KEEPING IN
VIEW ON THE BASIS OF SAME POLICY
IN THE YEAR 2004 THE APPELLANT
ALONG WITH ONE MUHAMMAD
SALEEM IQBAL & MUHAMMAD AKBAR
WERE ADJUSTED IN THE FOOD
DEPARTMENT AS "FOOD GRAIN
INSPECTOR (FGI BPS-06)"

MOREOVER IN THE APPEAL
NO.349/2017 DATED: 08.02.2018 IN
PARA NO.6 OF THE JUDGMENT, THE
HONORABLE TRIBUNAL HAS RIGHTLY
HOLD THE APPELLANT'S RIGHT OF
SENIORITY FROM THE YEAR

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**2004/2006 AND RIGHTLY HOLD THE
NON-IMPLEADMENT ISSUE OF THE
DIRECT RECRUITEES AND
ADMITTEDLY THE DIRECT
RECRUITEES/RESPONDENTS HAD
NEVER TRIED TO IMPLEAD
THEMSELVES IN THE SAME APPEAL
NOR IN NAVEED'S APPEAL.**

For Ready Reference

“The objection of the learned Deputy district Attorney regarding non-impleadment of direct recruits is untenable because in Naveed’s case non of the direct recruits was arrayed as party and the Tribunal granted the relief to said Muhammad Naveed. **This tribunal in a case titled “Naeem Akhtar Versus the Chief Secretary Government of Khyber Pakhtunkhwa Peshawar and others” in service appeal No.349/2013 decided on 11.01.2018** had elaborately discussed the issue of non-impleadment of necessary party in **ante-dated promotion** case and had decided that when a right of promotion accrued to a civil servant prior to the induction of direct recruits then it was not necessary to implead the direct recruits as party to the appeal. **On the basis of the same principle the right of seniority accrued to the present appellant in the year, 2004** prior to the recruitment of direct recruitees in the year, 2016 as such

they were not necessary party in **Naveed's appeal, appeals of Muhammad Akbar and Muhammad Saleem Iqbal** or in the present appeal.

IN ADDITION, HAD THE APPELLANT BEEN PLACED AT THE TOP OF THE SENIORITY LIST OF 2006 AND ONWARD THEN HE WOULD HAVE BEEN PLACED AT THE TOP OF THE SENIORITY LIST OF 2016 OF AFC AND AS RIGHTLY HOLD BY THE SERVICE TRIBUNAL THAT SINCE 2004 THE APPELLANT IS HAVING THE RIGHT OF SENIORITY VIA PROMOTION IN SUCH A SCENARIO, THE PROPRIETY DEMANDS AND ALSO THE APPELLANT SEEKS HIS SENIORITY AT SERIAL NO.17 OF THE DISTRICT FOOD CONTROLLER (DFC) SENIORITY LIST VIDE NOTIFICATION NO. SO(G)/1-27/2018/273 DATED: 17.08.2018 AS A VESTED RIGHT KEEPING IN VIEW SOME OF THE RESPONDENTS WERE ENLISTED IN THE IMPUGNED SENIORITY LIST OF AFC OF THE YEAR 2016 AND DURING THE PENDENCY OF THE APPEAL, THEY HAVE BEEN ILLEGALLY AND UNLAWFULLY PROMOTED TO THE POST OF DFC, SIMILARLY THE REST OF THE RESPONDENTS (DFCS) WERE ALSO DIRECTLY RECRUITED AND IF AGAIN

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THE APPEAL MAY BE ALLOWED AND SENIORITY FROM 2004 MAY BE GIVEN THEN OBVIOUSLY THE APPELLANT MAY BE SENIOR FROM THEM EVEN IN THE DFC'S SENIORITY LIST. KEEPING IN VIEW THE SAID MUHAMMAD NAVEED HAS BEEN RETIRED AS DFC FROM THE RESPONDENT DEPARTMENT BEING ADJUSTED IN THE FOOD DEPARTMENT IN THE YEAR 2006 MUCH LATER THAN THE APPELLANT (2004) AND THE SAME IS ALSO CLEARED FROM THE RESPONDENTS MINUTES OF THE MEETING DATED: 27.08.2018 VIDE NO.SOG/1-3/DBC/VOL.XI/2018/133 AND TANTAMOUNT TO ADMIT THE STANCE OF THE APPELLANT BEING ON EQUAL FOOTING.

THE HONORABLE TRIBUNAL HAS RIGHTLY ALLOWED THE APPELLANT APPEAL AGAINST IMPUGNED ORDER DATED 06.04.2017 VIDE OFFICE ORDER NO. 1256/PF-NOOR KHAN AFC, WHEREIN THE APPELLANT WAS NOT PLACED IN THE TOP 3 OF THE REVISED SENIORITY LIST OF "ASSISTANT FOOD CONTROLLER" DATED: 31.10.2016

Prayer:

It is therefore most humbly prayed by acceptance of instant amended appeal on the basis of expounded subjects, facts and circumstances, the appeal may again be allowed for the best administration of justice.

As well as in the light of "2001 Surplus Pool Policy of the Government" the appellant may also be enlisted at serial No.17 of the impugned final seniority list of DFC of 2018 dated: 17.08.2018 via promotion with retrospective benefit/at right position of seniority, as since 2004/2006 the vested/accrued right of the appellant has been violated. Keeping in view some of the respondents have also been promoted to the post of DFC, during the pendency of appeal No.349/2017, which is against the law, procedure and apex court plethora of judgments and may be considered as illegal, unlawful promotion and the violation of the vested right of the appellant.

Respectfully Sheweth;

- 1) That as expounded in the main appeal, the appellant was appointed as Mono Operator (BPS-07) in Government of N.W.F.P/Khyber Pakhtunkhwa printing and Stationary Department. **(Copy of the**

Employment Documents is annexed as annexure "A").

- 2) That as per the government surplus pool policy, 2001, the appellant was adjusted in the food department in the year 2004 vide office order No.17500/ET-542/SPA dated: **25.08.2004** as "Food Grain Inspector" (BPS-06). **(Copy of the office order/adjusted as Inspector in Food Department is annexed as annexure "B").**
- 3) That it is also rudimentary to mention here, that as per 2006 amendment in the Surplus Pool Policy, all those employees who were adjusted on the basis of same policy have been placed at the top of the seniority list and vice versa for complete detail. **(Copy of 2001 Government Policy of Surplus and 2006 Amendment is annexed as annexure "C").**
- 4) That the respondent has violated the right of the appellant by not placing him in the top of the list of seniority lists of 2006, 2007 and onward as per 2006 amendment in the Surplus Pool Policy. **Had the appellant been placed at the top of the seniority list of 2006 and onward then he would have been placed at the top of the seniority list of 2016** and even could have been promoted as DFC and the same could have the position of one Muhammad Akbar & Muhammad Saleem Iqbal being on the same footing with the appellant (seniors from the appellant). **(Copy of the impugned final Seniority list of DFC**

dated:17.08.2018 as well as other lists of Food Grain Inspector is annexed as annexure "D").

- 5) That on the basis of Government Surplus Pool Policy, one Muhammad Naveed was also adjusted in the Food Department, even later than the appellant, in the year 2006 and has filed appeal before the Honorable Tribunal, exactly on the same footing and stances of the appellant, resultantly the Honorable Tribunal has been pleased to allow his appeal **No.831/2015 vide judgment dated: 15.08.2016** and accordingly as per the revised seniority list of the year 2016, he remained at the top of the seniority lists and vice versa for the complete detail. **(Copy of the judgment of this Honorable Tribunal dated: 15.08.2016 (Appeal No.831/2015) is annexed as annexure "E").**

- 6) That being senior from Muhammad Naveed, the appellant has also taken the same stance before the department to be placed at serial No.4th of the revised seniority list of AFC of the year, 2016 but unfortunately, the respondent vide impugned order dated: 06.04.2017, regretted the Departmental Appeal of the appellant. **(Copy of the impugned revised seniority list (AFC) of the year, 2016, Departmental Appeal and impugned regretted order dated: 06.04.2017 is annexed as annexure "F").**

- 7) That the law demands, justice may not only be done but it should manifestly be seemed to be done. Keeping in view **2009 SCMR Page-1. Ready Reference "Administration of Justice. If a tribunal or the supreme court decide a point of law relating of term and condition of a civil servant, who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictate of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may, not be parties to that litigation, instead of compelling them to approach the tribunal or any other legal forum. All citizens are equal before law and entitled to equal protection of law as per Art.25 of the constitution"**. In such a scenario, even there was no need of filing the departmental appeal by the appellant or come to this Tribunal as it was the duty of the respondents department to have extended the benefit of the judgment of Naveed's case to all the similar placed employees and even was required to have promoted to the post of DFC. **(Copy of the judgment 2009 SCMR page-1 and judgment in appeal No.394/2013 dated: 11.01.2018 etc is annexed as annexure "G")**.
- 8) That as expounded above, the appellant after having no successful destiny and after the hectic efforts even from pillar to post but filed appeal No.349/2017 and

this Honorable Tribunal has been pleased **to allow** the same vide judgment dated: 08.02.2018 and even seniority from Naveed has been discussed. **(Copy of the Judgment dated: 08.02.2018 of this Honorable Tribunal is annexed as annexure "H")**.

- 9) That some of the respondents have challenged the order/judgment dated: 08.02.2018 (Appeal No.349/2017) before the apex court on the astonish stance, that the direct recuritees have not been impleaded as necessary party and vice versa. The apex court vide consolidated order in CP No.264-P/2018 and CP No.1676/2018 has been pleased to remand the case to this Honorable Tribunal by impleading the respondents as necessary party and vice versa for ready reference

"MIAN SAQIB NISAR, CJ: The petitioners were a necessary party because they would certainly be affected by the judgment of the learned Tribunal. The learned Tribunal was apprised that they should be made a party and given an opportunity of hearing but this request was unreasonably declined. Therefore, the impugned judgment cannot be sustained as they have been condemned unheard. Resultantly, these petitioners are converted into appeals and allowed, the impugned judgment is set aside and the matter is remanded to the learned Tribunal to implead all those who would be affected by the decision of the Tribunal and pass a fresh decision after giving them an opportunity of hearing. As there is seemingly a conflict

between two judgments of the learned Tribunal itself, therefore, the matter is referred to the Chairman of the learned Tribunal who shall constitute a large Bench to resolve the conflict". **(Copy of the CPs and order of the apex court dated: 29.06.2018 is annexed as annexure "I")**.

- 10) That it is also rudimentary to mention here, that the respondents have even not challenge the Judgment of this Honorable Tribunal in Naveed case dated: 15.08.2016 and such has gained finality. As in the light of the same judgment 15.08.2016, the appeal of the present appellant along with one Muhammad Saleem Iqbal (Appeal No.08/2017) and appeal No.07/2017 of Muhammad Akbar has been allowed by this Honorable Tribunal vide judgment dated: 08.02.2018 and 24.11.2017. **(Copy of the Judgment dated: 24.11.2017 in appeal No.7 & 8 of this Honorable Tribunal is annexed as annexure "J")**.
- 11) That so much so, the mendacious approach of the respondent department/respondents is cleared from the facts that on 03.09.2018 vide office letter **No.SOG/1-3/DPC/VolXi/2018/133** dated: **03.09.2018** the respondents in the **Minutes of the Meeting of Departmental Promotion Committee** held on 27.08.2018 even has given seniority of DFC to the said Muhammad Naveed in the DFC Seniority List of 2014 and vice versa for complete detail. **(Copy of the Minutes of the Meeting of DPC dated:**

27.08.2018 along with relevant records is annexed as annexure "K").

12) That it is also pertinent to mention here, that the Naveed case was remanded by the apex court in Naveed favor and the same was allowed by the Honorable Tribunal in the year 2016. That judgment has never been challenged by any of the respondents **(fresh recruits of the year 2015, 2010)** before the apex court and conspicuously has gained finality. Being on the same footing, the propriety demands that the same benefit may again be extended to the appellant.

13) That the astonish stance of the fresh recruits (AFCs) of the year 2015 etc of having the stance that they have not been heard or not arrayed as necessary party in the appellant's appeal, doesn't hold water/legal footing as after the judgment of this Honorable tribunal dated: 15.08.2016 (Appeal No.831/2015), they remained mum even for more than 02 years and have waived their right if it was. Keeping in view this honorable tribunal in appeal No.394/2013 dated; 11.01.2018 (Case titled "Naeem Akhtar VS The Chief Secretary Khyber Pakhtunkhwa & others") had elaborate discussed the issue of non impleadment of necessary party ante-dated: promotion case and had decided that when a right of promotion accrued to a civil servant prior to the induction of direct recruit then it was not necessary to implead the direct recruits as party to the appeal. On the basis of same principle of seniority accrued to the present appellant in the year

2004/2006 prior to the recruitment of direct recruits in the year 2010, 2015 etc as such they were not necessary party in Naveed's appeal, appeal of Muhammad Akbar and Muhammad Saleem Iqbal or in the present appeal.

- 14) That the respondents have even violated (not followed) their own rules of the year 1981 and onward vide Government Notification No.SOR-II (S&GAD) 2-18/79 dated: 24.05.1981, wherein at serial **No.10 of the rules regarding the time frame of the recruitment is clearly mentioned that**

Method of Recruitment

- a. 75 % by promotion on the basis of seniority cum fitness from amongst Food Grain Inspector (FGI) and cane Inspector with at least 05 years service as such.
- b. 25 % by initial recruitment.

(Copy of the notification and service rule of AFC along with relevant record is annexed as annexure "L").

- 15) That if the mentioned rule was adopted in the year 2004 in its true letter and spirit and as expounded above, had the appellant been placed at the top of the seniority list of 2006 and onward then he would have been appointed as AFC in the top of the seniority list of 2009 and even would have been placed/appointed in the seniority list of District Food Controller, in the year 2013/2014 and the same could have also the position of one **Muhammad Akbar & Muhammad Saleem**

Iqbal being on the same footing/senior with the appellant.

- 16) That any other points may be raised at the time of arguments for the best assistance of this Honorable Tribunal.

Prayer:

It is therefore most humbly prayed by acceptance of instant amended appeal on the basis of expounded subjects, facts and circumstances, the appeal may again be allowed for the best administration of justice.

As well as in the light of "2001 Surplus Pool Policy of the Government" the appellant may also be enlisted at serial No.17 of the impugned final seniority list of DFC of 2018 dated: 17.08.2018 via promotion with retrospective benefit/at right position of seniority, as since 2004/2006 the vested/accrued right of the appellant has been violated. Keeping in view some of the respondents have also been promoted to the post of DFC, during the pendency of appeal No.349/2017, which is against the law, procedure and apex court plethora of judgments and may be considered as illegal, unlawful promotion and the violation of the vested right of the appellant.

17

**Any other remedy which this Honorable Tribunal
deems fit and proper may also be granted in
favor of the appellant.**

Appellant
Through

Taimur Haider Khan
Advocate, High Court
Taimur Law Associates

Office: Office No.37th, 2nd Floor,
Malik Tower, Pajjagi Road,
Peshawar (0346-9192561)

(18)

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL, PESHAWAR.**

Amended Appeal as per order dated: 27.12.2018 of this
Honorable Tribunal in **(Appeal No.349/2017)**

Noor Khan (AFC)

.....Appellant

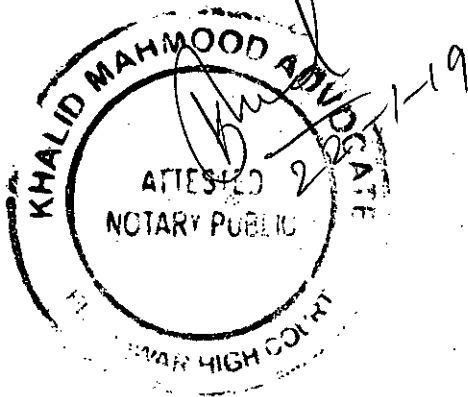
VERSUS

**The Director Food Khyber Pakhtunkhwa and
others**

.....Respondents

AFFIDAVIT

I, Noor Khan **(AFC Food Department)** son of Gulfam Khan R/o village Abdara, Garhi Taj Muhammad, Post office, Peshawar University, Tehsil and District, Peshawar, do hereby solemnly affirm and declare on oath that the contents of instant amended appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.




Deponent

CNIC#17301-2589902-1

19

A

1

IDENTITY CARD.
FOOD DEPARTMENT,
N.-W. F. P.



NAME *Noor Khan*
FATHER'S NAME *GULFAM Khan*
DESIGNATION *Assistant Food Controller*

Handwritten notes:
Noor Khan
Gulfam Khan

Handwritten notes:
Noor Khan
Gulfam Khan

Signature of
Assistant Director
Food Dept.
Office Secy
Peshawar



ATTESTED
Tamim Haidi Khan
Adviser High Court



حکومت پاکستان
قومی شناختی کارڈ
17301-2589902-1



نام: نور خان
پت: ...
پتو: ...
شناختی نمبر: ...
12/09/1968
صدر دفتر

Card No. **CTD.93243**

National Identity Card No. **17301-2589902-1**

Mark of Identification **محمد خان**

Holder's Signature **محمد خان**



S8C917 تاریخ: 17301-2589902-1

محمد خان ہوتاہی نواز پورہ
ڈکون پٹارہ پورہ، تحصیل ونگ پٹارہ

پتہ: پٹارہ

13788025080

30/09/2018 تاریخ: 12/10/2004

گھنٹہ کارڈ ہے ہر قریبی پٹرول سٹیشن میں ڈالیں



SERVICE BOOK

(20)

(10)

*Attested
Tammis Handu 10/10
Adaral High School*

Sy Syed GAD

OF

~~XXXXXXXXXXXX~~

Noor Khan

*Adjusted in the E&A Dept
as a D.E.O.*

*Tammis Handu
Adaral High School*

17/5/2017

ONLINE Form No. 00093243

ATTESTED

Sy Syed GAD

(47)

Price : Rs. 13.60

(21)

(For use in Police Department only)

Hrs.-

- 1.
- 2.
- 3.

Attest
Taimur Khan
Advocate
ATTESTED

(H)

Verification Roll No.

dated

received back.

Left Thumb-Impression

Qualifications	Date	Qualifications	Date
English		First Arts	
Pushto		B.L. or B.A.	
Urdu		Pleadership Examination	
Plan-Drawing		Training School Final Examination	
Lesson Print		Other Qualifications:—	
Drill Instructing		<i>Passed the Matric Examination from Peshawar Board and obtained 381 in the supplementary exam 1989.</i> <i>25/1/88</i>	
Court Duties			
Revenue Duties			

MANAGER
 Stationery & Printing Deptt
 Govt. of NWFP Peshawar

*Passed the F.A. Examination in supp
 Session 1987 under the qualification possessed
 out of 1100. from Peshawar Board.*

*OME
 dated 25/1/88*

MANAGER
 Stationery & Printing Deptt
 Govt. of NWFP Peshawar

22

12

Note: The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: Noor Khan

2. Race: Afghan

3. Residence: H. No. AB Mahallah Taj Mohammed Khan Badshahi Road P.O. University Tehsil



4. Father's name and residence: Gulzar Khan



5. Date of birth by Christian era as nearly as can be ascertained: 12-9-1968


6. Exact height by measurement: 5-9

7. Personal marks for Identification

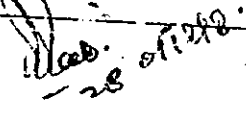
8. Left hand thumb and Finger impression of (Non-Gazetted) Officer. 

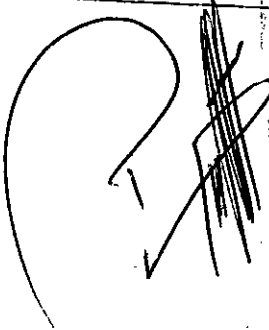
Little Finger  Ring Finger 

Middle Finger  Fore Finger 

Thumb 

9. Signature of Government Servant 

10. Signature and Designation of the Head of the Office, or other Attesting Officer. 
MANAGER
Dist. Stationery & Print. Dept.
Dist. P. P. Peshawar

 ATTESTED

Date

ion

ation
2381A

supp
236
rd.

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant	9 Signature and name of the officer in charge of the post to 8.
1486-8-2895	Temp	-	1486-w	-	-	28/4/95	[Signature]	[Signature]
do	do	-	1561-w	-	-	1/12/95	[Signature]	[Signature]
do	do	-	1642-w	-	-	1/12/96	[Signature]	[Signature]
do	do	-	1723-w	-	-	1/12/97	[Signature]	[Signature]
do	do	-	1885-w	-	-	25/1/98	[Signature]	[Signature]
do	do	-	1966-w	-	-	1/12/98	[Signature]	[Signature]
do	do	-	2112-w	-	-	1/12/99	[Signature]	[Signature]
do	do	-	2128-w	-	-	1/12/2000	[Signature]	[Signature]
do	do	-	2128-w	-	-	6/6/2000	[Signature]	[Signature]
do	do	-	2308-w	-	-	1/12/2001	[Signature]	[Signature]

~~ATTESTED~~

10	11	12	13		14	15
			Period	Government to which debitale		
28/1/98	Annual Increment	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitale to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
30/11/95	Annual Increment					
30/11/96	Annual Increment					
30/11/97	Annual Increment					
24/1/98	Two advance increments on higher qualification					
30/11/98	Annual Increment					
30/11/99	Annual Increment					
30/11/00	Annual Increment					
30/11/01	Annual Increment					
30/11/02	Annual Increment					
30/11/03	Annual Increment					
30/11/04	Annual Increment					
30/11/05	Annual Increment					
30/11/06	Annual Increment					
30/11/07	Annual Increment					
30/11/08	Annual Increment					
30/11/09	Annual Increment					
30/11/10	Annual Increment					
30/11/11	Annual Increment					
30/11/12	Annual Increment					
30/11/13	Annual Increment					
30/11/14	Annual Increment					
30/11/15	Annual Increment					
30/11/16	Annual Increment					
30/11/17	Annual Increment					
30/11/18	Annual Increment					
30/11/19	Annual Increment					
30/11/20	Annual Increment					
30/11/21	Annual Increment					
30/11/22	Annual Increment					
30/11/23	Annual Increment					
30/11/24	Annual Increment					
30/11/25	Annual Increment					
30/11/26	Annual Increment					
30/11/27	Annual Increment					
30/11/28	Annual Increment					
30/11/29	Annual Increment					
30/11/30	Annual Increment					

SERVICE VERIFIED FROM 20-4-95

SERVICE VERIFIED FROM 20-4-95

ATTESTED

SERVICE VERIFIED FROM 1-1-1995

MANAGER

SERVICE VERIFIED FROM 1-1-1996

MANAGER

See next page

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government
Monoperator (B-7) (No 222-120-580)	part	-	3300-0	-	✓	12/2001 (PN)	
- do -	do	-	3420-	-	-	12/2002 (PN)	
-	-	-	3420-	-	-	16 ⁷ / ₂₀₀₃ (PN)	
- do -	do	-	3540-	-	-	1 ¹² / ₂₀₀₃ (PN)	
3308/7							

~~Handwritten scribble~~

Handwritten notes and signatures on the right margin, including a circled '25' at the top and various initials and dates.

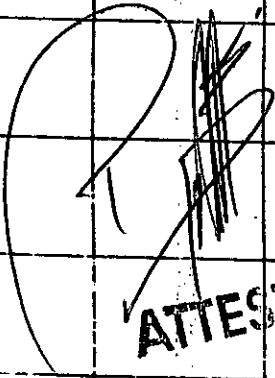
Signature of Government	Name and rank of the head or other officer in charge of 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to an recorded punishment or censure, or reward or praise of the Government Serv
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitble to another Government Period Government to which debitble		
<i>[Signature]</i>		30-11-2002	Annual	<i>[Signature]</i>				
<i>[Signature]</i>		30-11-2003	Annual	<i>[Signature]</i>				
<i>[Signature]</i>		30-11-2003	Adjusted as DEE granted for vacant post (on-time scale) BPS-7 w.e.f 29.4.2003	<i>[Signature]</i>				
			Vide o/o No. ExA/AD-3(43)/2002 dt 29.4.2003.				SERVICE VERIFIED FROM 1-12-97 TO 30-11-98	
				<i>[Signature]</i>			MANAGER	
				Stationery & Printing Department Govt. of Punjab				
		15-7-2003	Mrs. NODU Khan (M.O) declared as surplus post w.e.f 15-7-2003 vide No. ExAD (Admn) 3(43) 2003-204 dt 15-7-2003.	<i>[Signature]</i>				
		30-11-2003	Annual	<i>[Signature]</i>				

[Signature]
TESTED

SERVICE VERIFIED FROM 1-12-99 TO 30-11-99



1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Secretary


ATTESTED

27

Signature of Government Secretary

8	9	10	11	12	13		14	15
					Leave			
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Head of the office	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant	



SRM
FIN
WO
5-6-64

6-6-67
9-2-63

Stationery
Gov. of S.S.

Class Allowance ✓
1. pay → allowance for the month
of 3/03 vide T-11437/1019 ✓

Adminis Officer
313

12/9

6-7-27
from the pay bill

Section Officer (Admin)
ESA Department

The adjustment order against
higher (BS-10) vacant post of
Data Entry operator is hereby cancelled with
effect.

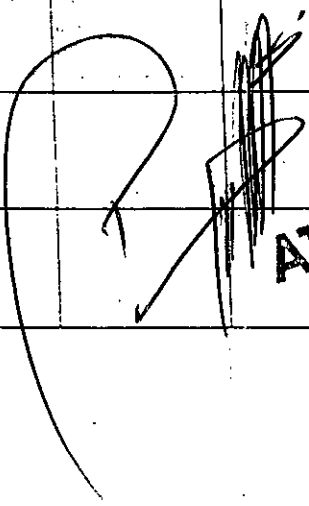
order republished to Sd/-
Pud at ITC Postoffice, P.
dept. of...
NO. 200-D (ADMIN) 3(43) 2003 2400

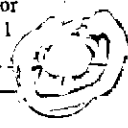
Section Officer (Admin)
ESA Department

ATTESTED

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Officer of Government	9 Signature of Officer of Government
B.P.E (216-110-566)			3590/-			19/04		
157706 (216-110-566)			3700/-			12/2004		

DEPT. GENERAL
 216-110-546
 216-110-546
 Accounts Officer
 Pay Fixation/Post NWFP, Peshawar
 11/11/2002


ATTESTED



8	9	10	11	12	13		14	15
					Signature of the head of the office or other attesting officer	Leave		
Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant	Date of termination of appointment	Reason for termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer		Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government	
					Period		Government to which debitible	

Mr. Noor Khan (Mona Desai) BPS-7 ~~Surplus Post~~
 Govt. Stationery and Printing Dept. NWFP Peshawar
 is hereby affected as Food Grain Desai (BPS-6)
 in Food Dept. and posted in Food Directorate
 NWFP Peshawar vide Office order No. 17500/ET-542/SP/PA
 dated 25-8-2004.

[Signature]
 Deputy Secretary
 Government Secretariat & Printing
 Department S.W.F.P. Peshawar

[Signature]
 Accounts Officer
 Government Secretariat & Printing
 Department S.W.F.P. Peshawar

Adjusted as FC-1 in
 BPS-6 in the Food Directorate
 NWFP Peshawar vide
 Director Food Office order
 No. 17500/ET-542/PA
 dt. 25-8-2004.

SERVICE VERIFIED
 FROM 1-7-2003
 TO 31-8-2004

[Signature]
 Assistant Director
 Food Directorate NWFP

[Signature]
 Accounts Officer
 Government Secretariat & Printing
 Department S.W.F.P. Peshawar

[Signature]
 NWFP, Peshawar

30/11/2004
 Annual Increment
 NWFP, Peshawar.

Service verified
 from 01-09-2004 to
 30-11-2004 from the
 Office Copy of the
 Pay Rules

[Signature]
 Assistant Director
 NWFP, Peshawar.

[Signature]
ATTESTED

1	2	3	4	5	6	7	8	9
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant	Signature of the officer holding office in attestation of columns 1
			Rs 4235/P.M.			12/2009		
			Rs 4360/P.M.			12/2008		
			Rs 4360/P.M.			12/2006		
			Rs 5180			7/07		
Revised pay scale (2007)								
2660-145-7210								
			Rs 5325			12/07		
Upgraded from BPS-6 to BPS-7								
2540-160-7740			Rs 5340			12/08		

TESTED

8	9 Name and rank of the head of the office or other officer in terms of items 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabte to another Government		
					Period	Government to which debitabte		
21			Pay scale revised Govt. of N.W.F.P. Finance Deptt. - 2005					
			Notification No. FD (PR) 1-1 / 2005 dt. 9-7-2005.	[Signature]				(27)
			Annual Increment.					
21		30/11/2004		[Signature]			Service verified from 1-12-2004 to 30.11.2005 from office copies of Pay Rolls.	
			Annual Increment.				[Signature]	
22		30/11/06		[Signature]			Service verified from 1-12-2005 to 30-11-2006 from office copies of Pay Rolls.	
			Annual Increment.				[Signature]	
			Approved vide H/Depn. No 50 (PR) dt. 7/12/2005 dt. 27/9/06 dt. 1-12/07/13				[Signature]	
			Approved vide H/Depn. No 50 (PR) dt. 27/9/06 dt. 1-12/07/13 dt. 17/02/08 (dt. 17/4/08)				[Signature]	
							Service verified from 1-12-06 to 8-3-2007 from office copies of Pay Rolls.	

Assistant Secretary
Food Department N.W.F.P
Peshawar.

Peshawar

Secretary
Home & Employment Office
P. & Centre, Peshawar

Secretary
Home & Employment Office
P. & Centre, Peshawar

Secretary
Home & Employment Office
P. & Centre, Peshawar

TESTED

[Signature]



FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA,
PESHAWAR.

No 4499 /PF-1055

Dated 22 /08/2016



OFFICE ORDER

In pursuance of this Directorate's Office Order No.2040/PF dated 15-04-2016, Mr. Noor Khan Assistant Food Controller Office of District Food Controller, Dargai (now Food Directorate, Peshawar) is hereby re-instated into service with effect ^{from} the date of suspension.

2 The period of suspension spent by the official is hereby considered as a period of duties.

3 The absence period of 11 days of the official concerned with effect from 15-02-2016 to 25-02-2016 is hereby sanctioned as earned leave.

Amat
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR 19-08-16

Endorsement No & date Even

Copy is forwarded to

1. The Accountant General Khyber Pakhtunkhwa Peshawar
2. The District Accounts Officer, Malakand.
3. The Assistant Director Food Malakand Division at Saidu Sharif Swat.
4. The District Food Controller, Malakand at Dargai.
5. The Pay Bill Assistant, Food Directorate, Peshawar.
6. Officials concerned / Personal File

ATTESTED

Taiman Haigh Khan
Advocate High Court

Amat
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR 19-08-16

(34)

June 13th 2004
FOOD DIRECTORATE NWFP
PESHAWAR

OFFICE ORDER

No 17500 /ET-542/SPA Dated Peshawar, the 25 /August/2004.

In pursuance to the Surplus Pool letter-No.SOS Pool (E&AD)1-14/99 dated 25.06.2004 and Government of NWFP, Printing & Stationery Department memo No.6847/dated 30.06.2004 the following staff of the Government of NWFP, Printing & Stationery Department already rendered surplus by respective Department, is here by adjusted as Food Grain Inspectors (BS-06) in the Food Department and posted in Food Directorate NWFP, Peshawar against the existing vacancies of Food Grain Inspector (BS-06) with effect from the date of reliving from their respective office.

S.No.	Name of Official	Designation /Department	Adjusted as
1	Mr. Muhammad Akbar	Senior Clerk (BS-07) Government of NWFP, Printing & Stationery Department, Peshawar	Food Grain Inspector (BS-06) in Food Directorate, against the vacant post
2	Mr. Muhammad Saleem Iqbal	Mono Operator (BS-07) Government of NWFP, Printing & Stationery Department, Peshawar	Food Grain Inspector (BS-06) in Food Directorate, against the vacant post
3	Mr. Noor Khan	Mono Operator (BS-07) Government of NWFP, Printing & Stationery Department, Peshawar	Food Grain Inspector (BS-06) in Food Directorate, against the vacant post

2. Pay of the above officials will remain protected in BS-07 according to Policy contained in Establishment and Administration, Department Circular No.SOR-1(E&AD)1-200/98, dated 8th June 2001.

[Signature]
DIRECTOR FOOD NWFP
PESHAWAR

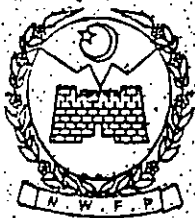
No 17501-8 /ET-542/SPA Dated Peshawar, the 25 /August/2004.

Copy forwarded to the:-

1. PS to Minister Food for information of the Minister Food, Government of NWFP, Peshawar.
2. PS to Secretary Food for information of the Secretary Food, Government of NWFP, Peshawar.
3. The Accountant General, NWFP, Peshawar.
4. The Controller, Government of NWFP, Printing & Stationery Department for information with reference to his memo: No.6847, dated 30th June 2004 with the request to provide the service bio-data/Personal Files/Services Books/Original Deceleration of Assets/ACRs, etc of the above officials.
5. The Section Officer Surplus Pool, with reference to his memo No.SOS-Pool (E&AD) 1-14/99, dated 26th June 2004.
6. The Section Officer Food, Government of NWFP, Food Department with reference to his No.SOF(Food Deptt.):1-16/2002/5747, dated 6th July 2004 & No SOF(Food Deptt.):1-16/2002/5975, dated 9th August 2004.
7. The Budget Assistant/Pay Bill Assistant/Nazir/Record Clerk, of Food Directorate NWFP, Peshawar.
8. The Officials concerned/personal file.

[Signature]
DIRECTOR FOOD NWFP
PESHAWAR

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ANN
FOOD DIRECTORATE NWFP
PESHAWAR

No. 1054 /ET-542/SPA

Dated 26 /01/2006

OFFICE ORDER

1. Mr. Muhammad Naveed Khan Ex-Senior Clerk (BS-07) of the District Coordination Officer Mansehra (Surplus Pool of DCO Mansehra) is hereby adjusted as Food grain Inspector/Cane Inspector (BS-06) in the Food Department NWFP, Peshawar.

2. Consequent upon his adjustment, Mr. Muhammad Naveed is posted in the Office of District Food Controller, Mardan against the existing vacancy of Food grain Inspector (BS-06) with effect from the date of arrival in the office of District Food Controller, Mardan.

3. Pay drawn by the above official will remain protected in (BS-07) according to Policy contained in Establishment and Administration, Department Circular No. SOR-1 (E&AD) 1-200/98, dated 8th June 2001.

SD/-
DIRECTOR FOOD, NWFP,
PESHAWAR

Dated 26 /01/2006

1055-67
No. /ET-542/SPA

Copy is forwarded to:-

1. PS to Minister for Food, NWFP, for information of Minister Food, NWFP, Peshawar.
2. PS to Secretary Food for information of Secretary Food, NWFP
3. The Section Officer Surplus Pool, E&AD, NWFP, Peshawar for information with reference to his letter No. SOS. POOL (E&AD)1-14/99 dated 24-08-2005
4. The District Coordination Officer, Mansehra.
5. The District Accounts Officer, Mansehra & Mardan.
6. The District Coordination Officer, Mansehra for information. He is requested to provide a Personal File, ACRs/Assets of Mr. Muhammad Naveed Ex-Senior Clerk (BS-07) for record please.
7. PA to Director Food, for information of the Director Food, NWFP, Peshawar.
8. The Section Officer Food, Government of NWFP, Food Department Peshawar
9. The Budget Officer/Pay Bill Assistant/Nazir, Food Directorate, NWFP, Peshawar.
10. The District Food Controller, Mardan
11. Mr. Muhammad Naveed for information and necessary action. He is directed to produce all documents related with his service from his parents Department for record of this Department.
12. ET-378/Personnel File.

ATTESTED

Attested
Sangul Adil

Mushawir Jh
ASSISTANT DIRECTOR FOOD, NWFP, (E)
PESHAWAR

(36)

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Anwar

GOVERNMENT OF N.W.F.P
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(REGULATION WING)

NO.SOR-1(E&AD)1-200/98

DATED: Peshawar, The 8TH June, 2001.

To:

1. All Administrative Secretaries in NWFP.
2. The Secretary to Governor, NWFP.
3. All Commissioners in NWFP.
4. All Heads of Attached Departments in NWFP.
5. All Heads of Autonomous/Semi Autonomous Bodies in NWFP.
6. The Registrar, Peshawar High Court, Peshawar.
7. All Districts & Sessions Judges in NWFP.
8. All Deputy Commissioners/Political Agents in NWFP.
9. The Secretary, NWFP Public Service Commission, Peshawar.
10. The Director Anti Corruption Establishment, Peshawar.
11. The Registrar, NWFP, Service Tribunal, Peshawar.

SUBJECT: POLICY FOR DECLARING GOVERNMENT SERVANTS AS SURPLUS AND THEIR SUBSEQUENT ABSORPTION/ADJUSTMENT.

I am directed to refer to the subject noted above and to say that the Provincial Government has been pleased to make the following policy for absorption/ adjustment of Government Servants declared as surplus in view of the transition of District System and resultant re-structuring of the Government organizations/ Departments etc.

1. **POWER WITH REGARD TO THE DECLARATION OF POSTS AS SURPLUS.**

The Finance Department in consultation with Department concerned and with the approval of competent authority would decide with regard to the declaration of a particular organization, set up or individual post as redundant or inessential.

2. **CREATION OF SURPLUS POOL.**

There will be a surplus pools cell in the E&AD. After abolition of such posts in the concerned department, duly notified by the Finance Department, equal number of posts in the corresponding basic pay scales would be created in the E&AD for the purpose of drawl of pay and allowances etc by the employees declared surplus as such.

3. **IMPLEMENTATION/MOITORING CELL.**

For the purpose of coordination and to ensure proper and expeditious adjustment / absorption of surplus staff, the Government of NWFP has been pleased to constitute the following committee:-

- | | | |
|---|-------|------------|
| a. Additional Secretary (Establishment) E&AD. | | Chairman. |
| b. Deputy Secretary LG&RD Department. | | Member. |
| c. Deputy Secretary Finance Department, | | Member. |
| d. Deputy Secretary (Establishment) E&AD. | | Secretary. |

4. **CRITERIA FOR DECLARING A GOVERNMENT SERVANT AS SURPLUS AS A RESULT OF ABOLITION OF POST.**

Consequent upon the abolition of a post in a particular cadre of a department, the junior most employees in that cadre would be declared as surplus. Such posts should be abolished in the respective departments and created in the surplus pool as indicated in Para 2 above for the purpose of drawl of pay and allowances and also for consideration for subsequent adjustment

Attested.

[Signature]

[Signature]

Tamim Hader

[Signature]

ATTESTED

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PROCEDURE FOR ADJUSTMENT OF SURPLUS EMPLOYEES.

Notwithstanding anything contained in any other law, rules or regulation to the contrary, for the time being in force, the following procedure for the adjustment of surplus staff would be followed:-

- a. Before transferring an employee to the surplus pool, he should be given option by concerned department.
- (i) To proceed on retirement with normal retiring benefits under the existing rules.
- OR
- ✓ (ii) To opt for readjustment/absorption against a future vacancy of his status/ BPS which may not necessarily be in his original cadre/ department.
- b. Those who opt for retirement would be entitled for usual pension and gratuity according to the existing Government Servants Pension and Gratuity Rules of Provincial Government. Those who for absorption/re-adjustment, a category-wise seniority list would be caused in the Surplus Pool for their gradual adjustment against the future vacancies as and when occurred in any of the Government Departments. These adjustment shall be on seniority cum fitness basis. For this purpose the seniority list will be caused category-wise with reference to their respective dates of appointment in the cadre. In case where dates of appointment of two or more persons are the same, the person older in age shall rank senior and shall be adjusted first.
- c. Adjustment shall be made on vacant posts pertaining to initial recruitment quota from those in the surplus pool in the following manner:-
- (i) In case of occurring of vacancies in their corresponding posts in any Government ~~Department~~ Department/ Organization, the senior most employee in the surplus pool should be adjusted first.
- (ii) In case of cross cadre adjustment, the persons with such minimum qualification as prescribed in the relevant Service Rules for the post in question shall be adjusted keeping in view their seniority position.
- (iii) If an employee possesses the basic academic qualification but lacks the professional/ technical qualification, he may be adjusted against such post subject to imparting the requisite training.
- (iv) (a) The surplus employees holding such posts which fall to promotion quota in about all the departments, he shall remain in the surplus pool till the availability of a post in the parent department.

OR

- (b) Where no equivalent post is available the civil servant may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the post immediately preceding his appointment to a lower post shall remain protected.
- (d) If no suitable person is available in the surplus pool to be adjusted against the vacant/revived post, such a post would be filled up by initial recruitment in the prescribed manner after getting clearance from the E&AD.
- (e) Surplus Staff should be adjusted preferably in their home District(s). If not possible, then within the same Division, if staff is adjusted away from their District of Domicile in the first instance then on availability of post they should be considered for adjustment near to their home station.

ATTESTED

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- (f) To facilitate the adjustment of Surplus Staff, it will be incumbent upon the Administrative Department to take up the case with Finance Department for revival of essential posts so retrenched as a result of general directive issued by Finance Department from time to time, giving cogent reasons/justification. Against the resultant revival/restoration of the post, the concerned department will place a requisition on the E&AD for transferring of a suitable surplus employee against the said post.
- (g) Unless the surplus employees in class IV are fully adjusted/absorbed against their respective graded posts in various Government Department/ Organizations, the general policy of the Finance Department regarding conversion of BPS-1 & 2 posts to posts in fixed salary, @ Rs.2000/- per month for contractual appointed should be restricted to the above extent.

6. FIXATION OF SENIORITY

The interse seniority of the surplus employees after their adjustment in the various departments will be determined according to the following principles:-

included

- (a) In case a surplus employee could be adjusted in the respective cadre of his parent department he shall regain his original seniority in that cadre.
- (b) In case, however, he is adjusted in his respective cadre but in a department other than his parent department, he shall be placed at the bottom of the seniority list of that cadre.
- (c) In case of his adjustment against a post in corresponding basic pay scale with different designation/ nomenclature of the post, either in his parent department or any other department, he will be placed at the bottom of seniority list.

NOTE:

In case the Officer/official declines to be adjusted/ absorbed in the above manner in accordance with the priority fixed as per his seniority in the integrated list, he shall lose the facility/ right of adjustment/absorption and would be required to opt for pre-mature retirement from Government Service.

Provide that if/does not fulfill the requisite qualifying service for premature retirement he may be compulsorily retired from service by the competent authority.

7. COMPETENT AUTHORITY TO NOTIFY/ ORDER ADJUSTMENT/ABSORPTION.

After the transfer of services of surplus employee to a Department for adjustment/absorption against a vacant/revived post, the Competent Authority to notify/ order his absorption/ adjustment shall be the respective appointing authority under the relevant rules for the post.

Provided that the decision of adjustment/ absorption of surplus employees by the E&AD shall be binding upon the respective appointing authorities.

Yours Obedient Servant

(MUHAMMAD HAMAYUN)
ADDITIONAL SECRETARY (REGULATION)

3. Please circulate this clarification amongst all concerned for their information and guidance.

Attested
[Signature]
Parry Adv

[Signature]

ATTESTED

Yours Faithfully,

(ABDUL JALIL)
SECTION OFFICER (O & M)

O&M)

Endst of Even No. & Date.

Copy forwarded to the:-

1. All Additional Secretaries in Estt. & Admn. Department.
2. All Deputy Secretaries in Estt. & Admn. Department.
3. All Section Officer in Estt. & Admn. Department.

SECTION OFFICER (O & M)

(O&M)

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GOVERNMENT OF NWFP
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)



NO. SOR.VI (E&AD)/5-1/2005
Dated Peshawar, the 15th February 2006.

To

1. All Administrative Secretaries to Govt. of NWFP.
2. The Secretary to Governor, NWFP.
3. The Secretary to Chief Minister, NWFP.
4. All District Coordination Officers/Political Agents in NWFP.
5. The Registrar, Peshawar High Court Peshawar.
6. The Registrar, NWFP Service Tribunal Peshawar.
7. All Head of Attached Departments.
8. The Secretary, NWFP Public Service Commission.
9. The Secretary, Board of Revenue NWFP Peshawar.
10. All Heads of Autonomous/Semi-Autonomous Bodies in NWFP.
11. The Director Anti-Corruption Establishment NWFP Peshawar.

Subject: AMENDMENT IN THE SURPLUS POOL POLICY.

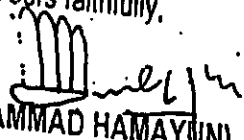
Dear Sir,

I am directed to refer to the subject cited above and to state that Surplus Pool Policy circulated vide letter No. No.SOR-1(E&AD)1-200/98, dated 8th June 2001 has been reviewed. It has been decided by the competent authority to add following sub paras to the relevant paras of the policy: -

- (i) Sub para (c) (v) added to para-5
C(v) In case an employee already adjusted against a lower post is declared surplus again, he shall regain his original pay scale.
- (ii) Sub para-(d) added to para (6)
(d) In case of adjustment against a post lower than his original scale, he shall be placed at the top of seniority list of that cadre, so as to save him from being rendered surplus again & becoming junior to his juniors.

ATTESTED

Yours faithfully,



(MUHAMMAD HAMAYUN)
SPECIAL SECRETARY (REGULATIONS)

15-2-06

Endst No. & Date even.

Copy forwarded to:

1. The Accountant General, NWFP, Peshawar.
2. Private Secretary to Governor, NWFP, Peshawar.
3. Private Secretary to Chief Minister, NWFP, Peshawar.
4. All District & Agency Account Officers.


Rang Adh

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The Director Food, NWFP,
Peshawar.

Subject: AMENDMENT IN THE SURPLUS POOL POLICY

R/Sir,

Respectfully it is submitted that I was considered surplus from Deputy Commissioner office Mansehra. Where I was posted as Senior Clerk getting my pay in BPS-7.

My posting to Food Department NWFP was ordered in BPS-06 vide office order No. 1054/ET-542/SPA dated 26.01.2006. On my Posting to Food Department I was placed at the seniority list of Foodgrains Inspector i.e. at the bottom.

Recently the Govt. of NWFP, Establishment and Administration Department (Regulation Wing) vide their letter No.SOR-VI (E&AD) /5-1 /2005 dated 15.2.2006 vide sub para -2- has been pleased to revise the surplus pool policy. An abstract of sub para (d) added to para 6 is narrated below-

Sub para (d) added to para (6)

"(d) In case of adjustment against a post lower than his original scale. He shall be placed at the top of the seniority list of that cadre, so as to save him from being rendered surplus again & becoming Junior of his juniors."

In the light of the above facts and new/ revised policy of the Provincial Government it is earnestly requested to kindly consider my case with due favour on merit basis and I may kindly be placed at the top of the seniority list and obliged.

Thanks

Yours Obediently,

Dated: 31-3-06

M. Naveed

Mr. Muhammad Naveed
Foodgrain Inspector
DFC Office Mardan

Attest
Diry Adv
Diry

(Signature)

ATTESTED

FINAL SENIORITY LIST OF FOODGRAIN INSPECTOR IN THE FOOD EPARTMENT AS STOOD ON 25.08.2004

Total Sanctioned Posts	54
Filed	48
Vacant	6

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 Superannuating
1	Pir Hashmat Ali Shah	B.Sc.	15.08.1951	S. Waziristan	03.10.1974	09.06.1982	By promotion	14.08.2011
2	Jamil Tariq	B.A.	01.05.1949	Abbottabad	19.06.1973	08.06.1982	By promotion	30.04.2009
3	Muhammad Younis	Matric	01.04.1947	Abbottabad	05.12.1968	03.11.1982	By promotion	31.03.2007
4	Muhammad Ayaz	Matric	15.08.1946	Chitral	13.11.1974	08.05.1983	By promotion	14.08.2006
5	Bashir Ahmed	Matric	04.02.1955	Chitral	01.06.1977	14.03.1985	By promotion	03.02.2015
6	Manzoor Ahmed	F.A.	10.03.1950	Peshawar	07.07.1973	26.03.1985	By promotion	09.03.2010
7	Obaid Ur Rehman	F.A.	13.04.1953	Mardan	31.03.1975	23.03.1985	By promotion	12.04.2013
8	Salim Shah	F.A.	04.11.1949	Kohat	30.04.1975	05.04.1985	By promotion	13.03.2009
9	Amir Nawab	F.A.	08.04.1954	Malakand	01.04.1979	20.03.1985	By promotion	07.04.2014
10	Muhammad Saeed	F.A.	08.04.1954	Malakand	01.04.1979	20.03.1985	By promotion	09.05.2009
11	Muhammad Saeed	Matric	10.05.1949	Abbottabad	28.05.1973	21.06.1993	By promotion	12.08.2015
12	Ajab Khan	M.Sc.	13.08.1955	Swat	03.04.1979	17.06.1993	By promotion	12.08.2015
13	Din Muhammad Gul	Matric	18.02.1954	Kohat	22.10.1974	01.08.1994	By promotion	17.02.2014
14	Raja Ifukhar Ahmed	F.A.	30.05.1954	Abbottabad	01.07.1982	17.11.1994	By promotion	29.05.2014
15	Nazakat Hussain Shah	Matric	14.01.1955	Mansehra	01.03.1975	17.05.1995	By promotion	13.01.2015
16	Hasham Khan	B.A.	18.10.1971	M. Agency	03.03.1996	03.03.1996	By initial recruitment	17.10.2031
17	Sher Fayaz	M.A.	02.01.1969	Chitral	12.02.1996	12.02.1996	By initial recruitment	01.01.2029
18	Adil Badshah	B.Sc.	15.04.1972	Karak	25.02.1996	25.02.1996	By initial recruitment	14.04.2032
19	Shad Muhammad	M.Sc.	25.05.1966	Mansehra	11.02.1996	11.02.1996	By initial recruitment	24.05.2026
20	Sanaullah	M.A.	15.11.1948	Bannu	20.08.1976	20.08.1976	By initial recruitment	14.11.2008
21	Khan Zada Khan	F.Sc.	15.03.1956	Bannu	25.10.1980	25.10.1980	By initial recruitment	14.03.2016

ATTESTED
 Final Seniority List 25.08.2004
[Signature]

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 FGI-6

21	Kifayat Khan	B.A.	01.11.1959	Peshawar	20.02.1986	20.08.1986	By initial recruitment	31.10.2019
22	Aurangzab	F.A.	18.01.1957	M.Agency	26.06.1982	01.06.1995	By promotion	17.01.2017
23	Muhammad Nawab	B.Sc.	16.10.1958	FR Peshawar	22.07.1982	23.12.1996	By promotion	15.10.2018
24	Sher Afzal	F.A.	02.04.1960	FR Bannu	30.06.1982	23.12.1996	By promotion	01.04.2020
25	Taj Bar Khan	F.A.	16.07.1957	Dir	23.06.1982	01.01.1997	By promotion	15.07.2017
26	Abbaas Khan	F.A.	06.05.1952	DIKhan	01.10.1973	23.05.1998	By promotion	05.05.2012
27	Iqbal Hussain Afridi	B.A.	05.09.1962	K.Agency	01.07.1982	25.03.1998	By promotion	04.09.2022
28	Aman Ullah	F.A.	15.06.1957	M.Agency	01.07.1982	25.03.1998	By promotion	14.06.2017
29	Fazli Bari	B.A.	02.02.1961	Chitral	27.08.1981	30.08.2000	By promotion	01.02.2021
30	Muhammad Zubair	B.A.	01.02.1970	Swat	18.05.1993	30.08.2000	By promotion	31.01.2030
31	Mehmood-ur-Rahman	C.Com.	02.11.1969	Kohat	10.05.1993	30.08.2000	By promotion	01.11.2029
32	Salah-ud-Din	B.A.	25.11.1972	Peshawar	12.05.1993	30.08.2000	By promotion	24.11.2032
33	Sardar Khan	B.A.	05.01.1955	FR.Bannu	10.05.1993	30.11.2000	By promotion	04.01.2015
34	Muhammad Arshad	B.A.	15.09.1967	Charsadda	10.05.1993	30.11.2000	By promotion	14.09.2027
35	Syed Wazir Shah	M.A.	08.06.1959	Mansehra	10.05.1993	30.11.2000	By promotion	07.06.2019
36	Abdul Hafeez	M.A.	07.07.1969	Charsadda.	13.05.1993	20.12.2003	By promotion	06.07.2029
37	Ansar Qayum	B.A.	11.07.1970	Mansehra	13.05.1993	20.12.2003	By promotion	10.07.2030
38	Arshad Hussain	B.A.	01.01.1970	Chitral	11.05.1993	20.12.2003	By promotion	31.12.2029
39	Ali Asghar Khan	B.A.	28.02.1972	Mardan	10.05.1993	20.12.2003	By promotion	27.02.2032
40	Zamarud Khan	Matric	14.03.1955	Abbottabad	19.07.1979	20.12.2003	By promotion	13.03.2015
41	Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar	12.05.1993	20.12.2003	By promotion	29.04.2026
42	Said Nawaz	B.Com	20.03.1972	Chitral	12.05.1993	20.12.2003	By promotion	19.03.2032
43	Jamshed Khan Afridi	B.A.	20.06.1972	Khyber Agen	10.05.1993	20.12.2003	By promotion	19.06.2032
44	Sohail Habib	Matric	14.02.1968	Bannu	10.05.1993	20.12.2003	By promotion	13.02.2023
45	Sheraz Anwar	F.A.	05.02.1974	Mansehra	03.07.1993	20.12.2003	By promotion	04.02.2034
46	Muhammad Akbar	B.A.	05.12.1962	Peshawar	01.03.1982	25.08.2004	By initial recruitment / adjusted from Surplus Pool	04.12.2022
47	Muhammad Salim Iqbal	D.Com	15.07.1969	Peshawar	01.08.1990	25.08.2004	By initial recruitment / adjusted from Surplus Pool	14.07.2029
48	Noor Khan	F.A.	12.09.1968	Peshawar	20.04.1995	25.08.2004	By initial recruitment / adjusted from Surplus Pool	11.09.2028

53

ATTESTED

Food Grain Inspector

54

SENIORITY LIST OF FOODGRAIN INSPECTORS /CANE INSPECTORS IN FOOD DEPARTMENT AS IT STOOD ON 16-05-2012

Total sanctioned posts	54
Held	51
Vacant	03

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	Date of Superannuation
1	Mr. Muhammad Akbar Foodgrain Inspector	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	By initial recruitment Adjustment from Surplus Pool	04.12.2022
2	Mr. Muhammad Salim Iqbal Foodgrain Inspector	D.Com	15.07.1959	Peshawar	04.08.1990	25.08.2004	By initial recruitment Adjustment from Surplus Pool	14.07.2029
3	Mr. Noor Khan Foodgrain Inspector	FA	12.09.1968	Peshawar	20.04.1995	25.08.2004	By initial recruitment Adjustment from Surplus Pool	11.09.2028
4	Mr. Muhammad Salim Foodgrain Inspector	B.A	18.04.1965	Nowshera	14.07.1993	17.06.2005	By Promotion	17.04.2025
5	Mr. Gulab Gul Foodgrain Inspector	MA Pol. Science	01.02.1967	Karak	14.07.1993	17.06.2005	By Promotion	31.12.2027
6	Mr. Muhammad Naved Foodgrain Inspector	BA LLB	13.01.1957	Manshra	18.05.1978	01.02.2006	By initial recruitment Adjustment from Surplus Pool	12.01.2017
7	Mr. Muhammad Khalid Foodgrain Inspector	FA	02.05.1973	Peshawar	04.03.2006		By initial recruitment	01.05.2033
8	Mr. Usman Khan Cane Inspector	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	By Initial recruitment	31-12-2035
9	Mr. Muhammad Shoaib Foodgrain Inspector	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	By Promotion	10.04.2026
10	Mr. Amjid Khan Foodgrain Inspector	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	By Promotion	04.01.2035
11	Mr. Mohammad Zubair Foodgrain Inspector	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	By Promotion	26.09.2030
12	Mr. Saif Ali Shah Foodgrain Inspector	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	By Promotion	02.03.2029
13	Mr. Gul Zareen Shah Foodgrain Inspector	M.A	15.04.1957	Bannu	24.10.1994	12-01-2009	By Promotion	14.04.2017
14	Mr. Aurangzeb Khan Foodgrain Inspector	F.A	12.05.1971	Bannu	27.04.1997	12-01-2009	By Promotion	11.05.2031
15	Syed Wasim Shah Foodgrain Inspector	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	By initial recruitment	14-02-1247
16	Mr. Rashid Saeed Foodgrain Inspector	B.A	15.03.1974	DIKhan	22.05.1995	26-12-2009	By Promotion	14.03.2034

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17	Attaullah Foodgrain Inspector	Matric	02.04.1976	Dir	22.05.1995	26-12-2009	By Promotion	01.04.2036
18	Mr. Ashfaq Khan Foodgrain Inspector	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	By Promotion	24.03.2037
19	Mr. Riaz Ahmad Foodgrain Inspector	M.A	01.03.1976	Chitral	02.05.1995	26-12-2009	By Promotion	28.02.2026
20	Mr. Ateeq-ur Rehman Foodgrain Inspector	B.A	01.05.1977	M/Agency	03.05.1995	26-12-2009	By Promotion	30.04.2037
21	Mr. Angoor Shah Foodgrain Inspector	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	By Promotion	31.05.2023
22	Mr. Muhammad Nasir Ali Foodgrain Inspector	F.A	28.07.1973	Peshawar	06.08.1995	26-12-2009	By Promotion	27.07.2033
23	Mr. Qazi Bilal Foodgrain Inspector	F.A	15.04.1969	Abbottabad	06.08.1995	26-12-2009	By Promotion	14.04.2029
24	Mr. Farkh-uz-Zaman Foodgrain Inspector	F.A	22.04.1971	S.Waziristan	03.08.1992	26-12-2009	By Promotion	21.04.2031
25	Mr. Rehmat Wali Foodgrain Inspector	F.A	10.01.1963	Chitral	16.12.1981	26-12-2009	By Promotion	09.01.2023
26	Mr. Ghulam Rasool Foodgrain Inspector	Matric	10.04.1963	Chitral	23.04.1983	26-12-2009	By Promotion	09-04.2023
27	Mr. Muhammad Zaman Khan Foodgrain Inspector	B.A	25.11.1955	Chitral	19.10.1983	26-12-2009	By Promotion	07.08.2021
28	Mr. Mukhtar Ahmad Foodgrain Inspector	B.A	08.08.1961	Chitral	27.12.1983	06-04-2010	By Promotion	02.03.2014
29	Mr. Fatehudin Foodgrain Inspector	B.A	03.03.1954	Chitral	24.03.1984	06-04-2010	By Promotion	09.12.2025
30	Mr. Mohammad Zahir Shah Foodgrain Inspector	F.A	10.12.1965	Chitral	01.09.1985	06-04-2010	By Promotion	11.04.2019
31	Mr. Sher Ali Foodgrain Inspector	B.A	12.04.1959	Chitral	01.06.1986	06-04-2010	By Promotion	11.04.2019
32	Mr. Dinar Wali Foodgrain Inspector	B.Com	15.02.1968	Chitral	09.09.1991	06-04-2010	By Promotion	14.02.2028
33	Mr. Abidullah Jan Foodgrain Inspector	Matric	29.11.1984	Nowshera	08.05.2004	06-04-2010	By Promotion	28.11.2044
34	Mr. Wajid Ali Foodgrain Inspector	Matric	18.02.1981	Nowshera	08.05.2004	06-04-2010	By Promotion	17.02.2041
35	Mohammad Yousaf Khan Cane Inspector	D.Com	07-04-1984	FR Bannu	16-04-2010	16-04-2010	By initial Recruitment	06-04-2044
36	Mr. Amir Khalid Foodgrain Inspector	B.A	26-03-1970	Mansehra	15-01-2009	15-01-2009	By initial Recruitment	25-11-2030
37	Mr. Umair Ali	BA	15-11-1987	Peshawar	13-05-2010	13-05-2010	By initial Recruitment	14-11-2047

ATTESTED

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38	Inspector							
	Mr. Numan Amir Cane Inspector	BA	25-12-1983	Peshawar	13-05-2010	13-05-2010	By initial Recruitment	24-12-2043
39	Mr. Shoukat Ali Foodgrain Inspector	Matric	04.04.1977	Mansehra	08.05.2004	20-10-2010	By Promotion	03.04.2037
40	Mr. Sami Ullah Foodgrain Inspector	B.A	08.04.1983	Lakki Marwat	08.05.2004	18-02-2012	By Promotion	07.04.2023
41	Mr. Iqbal Hussain Foodgrain Inspector	Matric	08.04.1976	Mardan	08.05.2004	18-02-2012	By Promotion	07.04.2036
42	Mr. Azhar Pervez Foodgrain Inspector	Matric	12.04.1984	Abbottabad	05.08.2004	18-02-2012	By Promotion	11.04.2044
43	Mr. Muhammad Riaz Foodgrain Inspector	B.A	20.04.1968	Swat		18-02-2012	By Promotion	19.04.2028
44	Mr. Said Halim Foodgrain Inspector	F.A	01.04.1985	Malak Agency	11.07.2006	18-02-2012	By Promotion	31.03.2045
45	Mr. Bashir Gul Foodgrain Inspector	M.A	25.08.1972	Charsadda	01.03.1995	18-02-2012	By Promotion	24-08-2028
46	Mr. Paristan Foodgrain Inspector	F.A	24.12.1971	Abbottabad	09.03.1995	18-02-2012	By Promotion	23.12.2031
47	Mr. Niaz Ali Foodgrain Inspector	Matric	01.02.1969	Peshawar	08.11.1989	18-02-2012	By Promotion	31.01.2029
48	Mr. Wasil Khan Cane Inspector	F.A	20.09.1970	Peshawar	21.10.1989	18-02-2012	By Promotion	19.09.2030
49	Mr. Rohul Amin Cane Inspector	M.A (Urdu)	05.08.1968	Peshawar	15.10.1989	18-02-2012	By Promotion	04.08.2028
50	Mr. Sahibzada Ziad Mohammad Cane Inspector	B.A (LLB)	10.03.1969	Peshawar	01.10.1989	18-02-2012	By Promotion	10.03.2029
51	Mr. Muhammad Sharif Cane Inspector	Matric	05.08.1965	Chitral	01.06.1989	18-02-2012	By Promotion	04.08.2025
52	Vacant						By Initial recruitment	
53	Vacant						By Initial recruitment	
54	Vacant						By Promotion	

ATTESTED
 Tammir Hadda
 Manager
 Charsadda

ASSISTANT DIRECTOR FOOD
 KHYBER PAKHTUNKHWA,
 PESHAWAR.

DEFERRED

AFC

Assistant Food Controller (2013-5th)

1	2	3	4	5	6	7	8	9	10
S.No.	Name of Govt Servant	Qualification	Date of birth	Domicile	Date of entry in to Govt service	Date of appointment to the post of FGI/ Cane Inspector	Date of appointment to the present post	Method of recruitment	Date of superannuation
1.	Shad Muhammad	M.Sc.	25.05.1966	Manshira	08.02.1996	01.06.1996	14-12-2009	By Promotion Appointed as DFC /S&EO/RC on acting charge basis w.e.f. 16-10-2014	24.05.2026
2.	Aurangzab	F.A.	18.01.1957	M.Agency	22.06.1982	23.12.1996	14-12-2009	By Promotion Appointed as DFC /S&EO/RC on acting charge basis w.e.f. 16-10-2014	17.01.2017
3.	Muhammad Nawab	B.Sc.	16.10.1958	FR Peshawar	22.05.1982	23.12.1996	14-12-2009	By Promotion	15.10.2018
4.	Mr. Hayat Khan	B.A	01.10.1961	Lakki Marwat	26.05.1982	23.12.1996	14-12-2009	By Promotion	25.06.2021
5.	Sher Afzal	F.A.	02.04.1960	FR Bannu	22.05.1982	23.12.1996	14-12-2009	By Promotion	01.04.2020
6.	Taj Bar Khan	B.A.	16.07.1957	Dir	23.06.1982	01.01.1997	14-12-2009	By Promotion	15.07.2017
7.	Iqbal Hussain Afridi	B.A.	05.09.1962	K.Agency	22.06.1982	25.03.1998	14-12-2009	By Promotion	04.09.2022
8.	Aman Ullah	F.A.	15.06.1957	M.Agency	22.06.1982	25.03.1998	14-12-2009	By Promotion	14.06.2017
9.	Fazli Bari	B.A.	02.02.1961	Chitral	22.05.1982	30.08.2000	14-12-2009	By Promotion	01.02.2021
10.	Muhammad Zubair	B.A.	01.02.1970	Swat	09.05.1993	30.08.2000	06-04-2010	By Promotion	31.01.2030
11.	Mehmood-ur-Rahman	C.Com.	02.11.1969	Kohat	09.05.1993	30.08.2000	06-04-2010	By Promotion	01.11.2029
12.	Salah-ud-Din	B.A.	25.11.1972	Peshawar	09.05.1993	30.08.2000	06-04-2010	By Promotion	24.11.2032
13.	Sardar Khan	B.A.	05.01.1955	FR.Bannu	09.05.1993	30.11.2000	06-04-2010	By Promotion	04.01.2015
14.	Mr. Muhammad Arshad	B.A.	15.09.1967	Charsadda	09.05.1993	30.11.2000	06-04-2010	By Promotion	14.09.2027
15.	Syed Wazir Shah	M.A.	08.06.1959	Manshira	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
16.	Aftab Umar Khan	MA	04-08-1985	Mohmand Agency	19-05-2010	19-05-2010	19-05-2010	By initial recruitment	03-08-2045
17.	Muhammad Tariq	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2036
18.	Ansar Qayum	B.A	11.07.1970	Manshira	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030
19.	Abdul Hafeez	M.A	07.07.1969	Charsadda.	09.05.1993	20.12.2003	21-10-2010	By Promotion	06.07.2029
20.	Mr. Arshad Hussain	B.A	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
21.	Mr. Ali Asghar Khan	B.A	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
22.	Mr. Zamarud Khan	Matric	14.03.1955	Abbottabad	09.05.1979	20.12.2003	04-10-2011	By Promotion	13.03.2015
23.	Mr. Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026
24.	Mr. Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032
25.	Mr. Jamshed Khan Afridi	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
26.	Mr. Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
27.	Mr. Sheraz Anwar	F.A	05.02.1974	Manshira	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
28.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-10-2011	Appointed as AFC (BS-11) on acting charge basis	01.08.2028
29.	Mr. Muhammad Akbar	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	31-05-2013	Appointed as AFC (BS-11) on acting charge basis	04.12.2022
30.	Mr. Muhammad Salim Iqbal	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.2004	31-05-2013	Appointed as AFC (BS-11) on acting charge basis	14.07.2029
31.	Mr. Noor Khan	FA	12.09.1968	Peshawar	20.04.1995	25.08.2004	31-05-2013	Appointed as AFC (BS-11) on acting charge basis	11.09.2028
32.	Mr. Muhammad Salim	M.A Pol: Science	18.04.1965	Nowshera	14.07.1993	17.06.2005	31-05-2013	Appointed as AFC (BS-11) on	17.04.2025

(47)

								acting charge basis	
33.	Mr. Gulab Gul	MA Pol: Science	01.02.1967	Karak	14.07.1993	17.06.2005	31-05-2013	Appointed as AFC (BS-11) on acting charge basis	31.12.2027
34.	Mr. Muhammad Naved	BA/LLB	13.01.1957	Mansehra	18.05.1978	01.02.2006	31-05-2013	Appointed as AFC (BS-11) on acting charge basis	12.01.2017
35.	Mr. Muhamunad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	31-05-2013	Appointed as AFC (BS-11) on acting charge basis	01.05.2033

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GOVERNMENT OF KHYBER PAKHTUNKHWA,
DIRECTORATE OF FOOD,
PESHAWAR

No. 279 /ET-716

Dated 17 /January, 2018

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 Azakhel & PRC Peshawar
5. The Rationing Controller Peshawar.

Subject:-

FINAL SENIORITY LIST OF ASSISTANT FOOD CONTROLLER AS IT STOOD ON 17-01-2018

Memo:-

In compliance of Judgements of Khyber Pakhtunkhwa Service Tribunal Peshawar announced on 24-11-2017 in case of Appeals Nos 07 & 08 regarding acceptance of Seniority Appeal of M/s. Muhammad Akbar and Muhammad Salim Iqbal AFCs, and well as acceptance of appeals of M/s Aman Khan, Noor Khan, Aurangzeb Khan and Attuallah AFCs by the competent authority the final seniority list of Assistant Food Controller as it stood on 17-01-2018 are enclosed herewith for circulation amongst your concerned staff. Please acknowledge receipt.

DEPUTY DIRECTOR FOOD (A&C)
KHYBER PAKHTUNKHWA
PESHAWAR

Endorsement No and Even date

Copy for information to

1. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to the Judgments announced on 24-11-2017 in case of Appeal No 07/2017 Muhammad Akbar AFC & Appeal No. 08/2017 Muhammad Saleem Iqbal AFCs.
2. The Section Officer General Government of Khyber Pakhtunkhwa Food Department Peshawar..
3. Mr. Aman Khan Assistant Food Controller Peshawar with reference to his appeal dated 18-11-2016
4. Muhammad Akbar Assistant Food Controller Office of DFC Mardan with reference to Appeal No.07/2017 and Judgement dated 24-11-2017.
5. Muhammad Saleem Iqbal Assistant Food Controller Office Food Directorate, Peshawar with reference to his Appeal No.08/2017 and Judgement dated 24-11-2017
6. Mr. Noor Khan Assistant Food Controller, Office of DFC Kohat with reference to his appeal dated 29-12-2016
7. Mr. Aurangzeb Khan Assistant Food Controller, Office of S&EO PRC Peshawar with reference to his appeal dated 17-07-2017.
8. Mr. Attuallah Assistant Food Controller Office of DFC Dargai with reference to his appeal dated 31-03-2017

DEPUTY DIRECTOR FOOD (A&C)
KHYBER PAKHTUNKHWA
PESHAWAR.

ATTESTED

**FINAL SENIORITY LIST OF ASSISTANT FOOD CONTROLLERS (BS-14) IN THE FOOD DIRECTORATE KHYBER PAKHTUNKHWA,
PESHAWAR AS IT STOOD ON 17-01-2018**

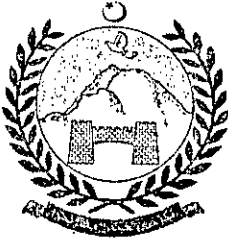
1	2	3	4	5	6	7	8	9	10
S.No.	Name of Govt Servant	Qualification	Date of birth	Domicile	Date of entry in to Govt service	Date of appointment to the post of FGI/ Cane Inspector	Date of appointment to the present post	Method of recruitment	Date of superannuation
1.	Syed Wazir Shah	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
2.	Mr. Aftab Umar Khan	MA	04-08-1985	Mohmand Agency	19-05-2010	-	19-05-2010	By initial recruitment	03-08-2045
3.	Muhammad Tariq	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2030
4.	Mr. Ansar Qayum	B.A	11.07.1970	Mansehra	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030
5.	Mr. Abdul Hafeez	M.A	07.07.1969	Charsadda.	09.05.1993	20.12.2003	21-10-2010	By Promotion	06.07.2029
6.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-08-2016	By Promotion	01.08.2028
7.	Mr. Arshad Hussain	B.A	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
8.	Mr. Ali Asghar Khan	B.A	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
9.	Mr. Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026
10.	Mr. Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	13-02-2012	By Promotion	19.03.2032
11.	Mr. Jamshed Khan Afridi	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
12.	Mr. Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
13.	Mr. Sheraz Anwar	F.A	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
14.	Mr. Muhammad Azam	B.B.A	22.11.1988	S. Wazirstan Agency	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	21.11.2048
15.	Mr. Tausif Iqbal	M.B.A	01.10.1987	Karak	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	30.09.2047
16.	Muhammad Shakeel	M.B.A	10.04.1984	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2044
17.	Miss Uzma Kanwal	M.A	03.12.1990	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.12.2050
18.	Mr. Zafar Alam Riza	M.A	03.01.1987	Chitral	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.01.2047
19.	Mr. Shujaat Hussain Shah	M.Sc	10.04.1987	Mansehra	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2047
20.	Mr. Hafeez-ur Rehman	B.A	18.04.1984	Dir Lower	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	17.04.2044
21.	Mr. Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	26.06.2049
22.	Mr. Muhammad Akbar	BA	05.12.1952	Peshawar	01.03.1982	25.08.2004	22-04-2016	By Promotion	04.12.2022
23.	Mr. Muhammad Salim Iqbal	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.2004	22-04-2016	By Promotion	14.07.2029
24.	Mr. Noor Khan	F.A	12-09-1968	Peshawar	20-04-1995	25-08-2004	28-11-2016	By Promotion	11-09-2028
25.	Mr. Muhammad Salim	M.A Pol: Science	18.04.1965	Nowshera	14.07.1993	17.06.2005	22-04-2016	By Promotion	17.04.2025
26.	Mr. Gulab Gul	MA Pol: Science	01.02.1967	Karak	14.07.1993	17.06.2005	22-04-2016	By Promotion	31.12.2027
27.	Mr. Muhammad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	22-04-2016	By Promotion	01.05.2033
28.	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2016	By Promotion	31.12.2035
29.	Mr. Muhammad Shoab	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	22-04-2016	By Promotion	10.04.2026
30.	Mr. Amjid Khan	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	22-04-2016	By Promotion	04.01.2035
31.	Mr. Mohammad Zubair	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	22-04-2016	By Promotion	20.09.2030
32.	Mr. Saif Ali Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2016	By Promotion	02.03.2029
33.	Mr. Aurangzeb Khan	F.A	12-05-1971	Bannu	27-04-1997	12-01-2009	22-11-2016	By Promotion	11-05-2031
34.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-03-2009	22-04-2016	By Promotion	14-02-2047

36.	Mr. Attaullah	Metric	02-04-1976	Dir Lower	22-05-1995	26-12-2009	28-11-2016	By Promotion	01-04-2036
37.	Mr. Ashfaq Khan	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	04-08-2016	By Promotion	24.03.2037
38.	Mr. Riaz Ahmad	M.A	01.03.1966	Chitral	02.05.1995	26-12-2009	04-08-2016	By Promotion	28.02.2026
39.	Mr. Ateeq-ur Rehman	B.A	01.05.1977	M/Agency	03.05.1995	26-12-2009	04-08-2016	By Promotion	30.04.2037
40.	Mr. Angoor Shah	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	04-08-2016	By Promotion	31.05.2023
41.	Mr. Qazi Bilal	F.A	15-04-1969	Abbottabad	06-08-1995	26-12-2009	28-11-2016	By Promotion	14-04-2029
42.	Mr. Lal Bacha	B.A	09.04.1989	Mardan	06-12-2016	-	06-12-2016	By initial recruitment	08.04.2049
43.	Mr. Fakhar Zaman	F.A	22.04.1971	S.Waziristan	03.08.1992	26-12-2009	10-01-2017	By Promotion	21.04.2031
44.	Mr. Rehmat Wali	F.A	10.06.1963	Chitral	16.12.1981	26-12-2009	23-05-2017	By Promotion	09.06.2023
45.	Mr. Ghulam Rasool	Matric	10-04-1963	Chitral	23.04.1983	26-12-2009	23-05-2017	By Promotion	09-04.2023
46.	Mohammad Zahir Shah	F.A	10.12.1965	Chitral	01.09.1985	06-04-2010	23-05-2017	By Promotion	11.04.2019
47.	Mr. Wajid Ali	Matric	18.02.1981	Nowshera	08.05.2004	06-04-2010	23-05-2017	By Promotion	17.02.2041
48.	Mohammad Yousaf Khan	D.Com	07-04-1984	FR Bannu	16-04-2010	16-04-2010	19-09-2017	By Promotion	06-04-2044
49.	Mr. Amir Khalid	B.A	26-03-1970	Mansehra	15-01-2009	14-05-2010	19-09-2017	By Promotion	25-11-2030
50.	Mr. Umair Ali	BA	15-11-1987	Charsadda	13-05-2010	14-05-2010	19-09-2017	By Promotion	14-11-2047
51.	Mr. Numan Amir	BA	25-12-1983	Peshawar	13-05-2010	14-05-2010	19-09-2017	By Promotion	24-12-2043
52.	Mr. Shoukat Ali	F.A	04.04.1977	Mansehra	08.05.2004	20-10-2010	10-10-2017	By Promotion	03.04.2037

ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR

ATTESTED

51



(52)

FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR
No 4911 /G-275-DPC
Dated 31/05/2011-3

OFFICE ORDER.

On the recommendation of the Departmental Promotion Committee in its meeting held on 20-05-2013, the competent authority is please to appoint the following Foodgrain Inspectors (BS- 07) to the post of Assistant Food Controllers (BS-11) on acting charge basis.

2 On appointments to the next higher scale acting charge basis, following postings / transfers are hereby ordered with immediate effect in the interest of public service.

S. No	Name of Official	From	To
1)	Muhammad Akbar Foodgrain Inspector (BS-07)	DFC office Abbottabad	On appointment to the post of Assistant Food Controller (BS-11) on acting charge basis, he is posted as AFC in office of S&EO PRC Peshawar.
2)	Muhammad Salim Iqbal Foodgrain Inspector (BS-07)	Presently working against the post of AFC in his own pay & scale in DFC office Mardan	On appointment to the post of Assistant Food Controller (BS-11) on acting charge basis, he is posted as AFC in DFC Office Mardan
3)	Mr. Noor Khan Foodgrain Inspector (BS-07)	DFC office Charsadda	On appointment to the post of Assistant Food Controller (BS-11) on acting charge basis, he is posted as AFC in DFC Office Charsadda
4)	Muhammad Salim Foodgrain Inspector (BS-07)	DFC office Nowshera	On appointment to the post of Assistant Food Controller (BS-11) on acting charge basis, he is posted as AFC in DFC Office Nowshera
5)	Mr. Gulab Gul Foodgrain Inspector (BS-07)	DFC office Kohat	On appointment to the post of Assistant Food Controller (BS-11) on acting charge basis, he is posted as AFC in DFC Office Kohat.
6)	Muhammad Naveed Foodgrain Inspector (BS-07)	DFC office Kohistan	On appointment to the post of Assistant Food Controller (BS-11) on acting charge basis, he is posted as AFC in DFC Office Kohistan.
7)	Muhammad Khalid Foodgrain Inspector (BS-07)	Presently working against the post of AFC in his own Pay & scale in office of RC Peshawar.	On appointment to the post of Assistant Food Controller (BS-11) on acting charge basis, he is posted as AFC in RC Office Peshawar.
8)	Muhaminad Zubair FGI	Presently working against the post of AFC in his own Pay & Scale in DFC office Nowshera.	Posted as Foodgrain Inspector in DFC office Nowshera.

*offer this honorable order
n. named has
been placed at the top
of 2016 security list AFC*

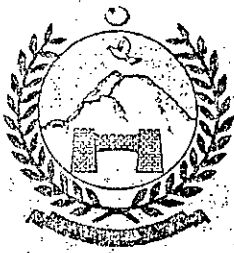
Sd/-
DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.

Endorsement No & Date Even
A copy is forwarded to:-

1. PS to. Minister Food for information of the Minister Food Government of Khyber Pakhtunkhwa, Peshawar
2. PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa, Peshawar
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Concerned District Accounts Officers in Khyber Pakhtunkhwa
5. Concerned Agency Accounts Officers in Khyber Pakhtunkhwa
6. All Assistant Directors Food at Divisional level in Food Department Khyber Pakhtunkhwa
7. All District Food Controllers in Khyber Pakhtunkhwa,
8. The Storage & Enforcement Officers PRC Peshawar & NRC Azakhel.
9. The Rationing Controller Peshawar.
10. The Nazir / Pay Bill Assistant Food Directorate, Khyber Pakhtunkhwa, Peshawar
11. Officials concerned/ Personal File.

ATTESTED

[Signature]
ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD
PESHAWAR

53

No. 6926 /G-275-DPC
Dated Peshawar, the 28 / November-2016

OFFICE ORDER.

On the recommendation of the Departmental Promotion Committee in its meeting held on 17-11-2016, the competent authority is pleased to promote the following Foodgrain Inspectors (BS-09) to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.

2 On promotion to the next higher scale, the following postings/transfers of Assistant Food Controllers are hereby ordered with immediate effect in the public interest.

S. No	Name of official with present designation	Present place of posting	Promoted/ posted as
1)	Mr. Noor Khan FGI Already appointed as AFC (BS-14) on acting charge basis	DFC Office Bannu	On regular promotion to the post of Assistant Food Controller (BS-14), he will continue as AFC Bannu.
2)	Mr. Aurangzeb Khan Foodgrain Inspector (BS-09)	DFC Office Bannu	On regular promotion to the post of Assistant Food Controller (BS-14), he is transferred and posted as AFC Lakki Marwat.
3)	Mr. Attaullah Foodgrain Inspector (BS-09)	Presently working against the post of AFC Malakand at Dargai in his own pay & scale.	On regular promotion to the post of Assistant Food Controller (BS-14), he is transferred and posted as AFC Malakand at Dargai.
4)	Mr. Qazi Bilal Foodgrain Inspector (BS-09)	DFC Office Haripur	On regular promotion to the post of Assistant Food Controller (BS-14), he is transferred and posted as AFC Haripur.

Note:- 1 They shall be on probation period for a period of one year which can be extended subject to their performance as per rules.

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.

Endorsement No & Date Even
A copy is forwarded to:-

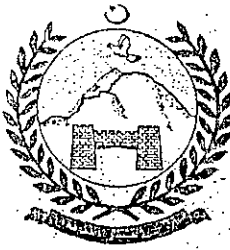
1. PS to. Minister Food Khyber Pakhtunkhwa, Peshawar
2. PS to Secretary Food Khyber Pakhtunkhwa, Peshawar
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The District Accounts Officers, Bannu, Lakki Marwat, Malakand and Haripur.
5. The Assistant Directors Food Bannu, D.I.Khan and Hazara Divisions
6. The District Food Controllers Bannu, Tank, Malakand at Dargai and Haripur.
7. Officials concerned/ Personal File.

ATTESTED

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

28/11/16

*Tammur Haidin Khan
28/11/16
ndwade high court*



54

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD
PESHAWAR

No. 6725 /G-275-DPC

Dated Peshawar, the 28 / November-2016

OFFICE ORDER.

The following postings/transfers of Assistant Food Controller / Foodgrain Inspector are hereby ordered with immediate effect in the public interest.

S. No	Name of official	From	To
1)	Mr. Gul Zareen Shah AFC	DFC Office Lakki Marwat	DFC Office Bannu
2)	Mr. Khaliq-ur Rehman FGI	DFC Office D.I.Khan	Posted against the post of AFC D.I.Khan in his own pay & scale.

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.

Endorsement No & Date Even

Copy for information to:-

1. PS to. Minister Food Khyber Pakhtunkhwa, Peshawar
2. PS to Secretary Food Khyber Pakhtunkhwa, Peshawar
3. The District Accounts Officers, Bannu, Lakki Marwat & D.I.Khan.
4. The Assistant Directors Food Bannu and D.I.Khan Divisions
5. The District Food Controllers Bannu, Lakki Marwat and D.I.Khan.
6. Officials concerned/ Personal File.

ATTESTED
[Signature]
AFC
Tannu Handwala
District High Court

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

[Signature]
28/11/16



ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Dated Pesh: the 17/08/2018

091-9225373

fooddepartmentkp@gmail.com

@fooddepartmentkp

@foodsecretariat

NOTIFICATION:

NO.SO(G)/1-27/2018 1273 In pursuance of Section(8) of Khyber Pakhtunkhwa Civil Servant Act,1973 read with Rule-17 of the Khyber Pakhtunkhwa Government Servants (Appointment, Promotion, and Transfer) Rules 1989, the Competent Authority has been please to notify the Final Seniority List of District Food Controllers / Storage & Enforcement Officers/ Rationing Controller (BS-17) in Food Directorate Khyber Pakhtunkhwa as it stood on 08-06-2018.

Final Seniority List

S.No	Name of Officer	Qualification.	Date of Birth.	Domicile	Date of entry into Government service.	Date of appointment to the present post.	Method of Recruitment /Appointment	Date of Superannuation
1.	Nazir Rehman	M.A	05.04.1970	FR Bannu	16.11.1995	10-09-2009	BY Promotion	04.04.2030
2.	Syed Iqbal Hussain Shah	B.A	25.08.1958	Mansehra	28.04.1977	10-09-2009	BY Promotion	24.08.2018
3.	Qazi Fida Ur Rehman	B.A	05.02.1963	Bannu	22.06.1982	30-03-2011	By Promotion	04.02.2023
4.	Mohammad Iqbal	B.A	11.04.1960	Malakand	23.06.1962	30-03-2011	By Promotion	10.04.2020
5.	Faridullah Khan Afridi	F.A	15.10.1958	Peshawar	26.06.1982	30-03-2011	Already appointed as Assistant Director Food (BS-17) on acting charge basis with effect from 12-12-2015	14.10.2018
6.	Mohammad Zafarullah Khan	B.A	01.10.1963	DI Khan	03.10.1986	12-01-2012	By promotion	30.09.2023
7.	Jawad Ali	B.A /LLB	18.03.1983	Peshawar	30.07.2005	12-01-2012	By promotion	17.03.2043
8.	Syed Asif Ali Shah	B.A /LLB	11.01.1988	Peshawar	30.07.2005	12-01-2012	Already appointed as Assistant Director Food (BS-17) on acting charge basis with effect from 10-11-2016.	10.01.2048
9.	Amjad Ali	B.A	01.01.1975	Charsadda	04.03.2006	12-01-2012	By promotion	31.12.2034
10.	Muhammad Shahab-ud Din	M.A (Political Science)	30.12.1987	Charsadda	25-10-2013	25-10-2013	By Initial Recruitment	01.01.2047
11.	Abu Bakar Mehmood	M.A	02-04-1986	Peshawar	25-10-2013	25-10-2013	By Initial Recruitment	01.04.2046
12.	Muhammad Ashfaq	M.A (I.R)	02-01-1985	Dir lower	25-10-2013	25-10-2013	By Initial Recruitment	01.01.2045
13.	Noor Hayat Khan	M.Sc (Hon)	23.02.1989	Mohmand Agency	25-10-2013	25-10-2013	By Initial Recruitment	22.02.2049
14.	Khan Zaman	M.A (Urdu Literature)	01-04-1976	Karak	16-08-2004	25-10-2013	By Initial Recruitment	31-03-2036
15.	Kifayat Khan	B.A	01.11.1959	Peshawar	20.02.1986	16-10-2014	By Promotion	31.10.2019
16.	Hashem Khan	M.A	18.10.1971	Mohmand Agency	08.02.1996	16-10-2014	By Promotion	17.10.2031

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✓ 17.	Sher Fayaz Khan	MA	02-01-1969	Chitral				
✓ 18.	Shawaz Tariq	BA	12.11.1981	Abbottabad	08.02.1996	16-10-2014	By Promotion	01-01-2029
✓ 19.	Asif Badshah	B.Sc	15.04.1972	Karak	30.07.2005	16-10-2014	By Promotion	11.11.2041
✓ 20.	Shad Muhammad	M.Sc	25.05.1966	Manshera	08.02.1996	16-10-2014	By Promotion	14.04.2032
21.	Muhammad Nawab	B.Sc	16.10.1958	FR Peshawar	08.02.1996	29-05-2015	By Promotion	24.05.2026
22.	Muhammad Hayat Khan	BA	01.10.1961	Lakki Marwat	22.06.1982	29-05-2015	By Promotion	15.10.2018
23.	Kashif Ihsan	B.B.A. (Hons)	03-01-1990	Mardan	26.06.1982	29-05-2015	By Promotion	25.06.2021
✓ 24.	Muhammad Zubair	B.A.	01.02.1970	Swat	06-12-2016	06-12-2016	By Initial Recruitment	02-01-2050
✓ 25.	Mehmood-ur-Rahman	C.Care	02.11.1969	Kohat	09.05.1993	17-05-2017	By Promotion	31.01.2030
✓ 26.	Fazil Bari	B.A.	02.02.1961	Chitral	09.05.1993	17-05-2017	By Promotion	01.11.2029
✓ 27.	Salah-ud-Din	B.A.	25.11.1972	Peshawar	22.06.1982	18-07-2017	By Promotion	01.02.2021
✓ 28.	Muhammad Arshad	B.A.	15.09.1967	Charsadda	09.05.1993	18-07-2017	By Promotion	24.11.2032
					09.05.1993	20-09-2017	By Promotion	14.09.2027

Note: This seniority list is final and undisputed

Endst: even No. & date

Copy is forwarded to

1. The Director Food, Government of Khyber Pakhtunkhwa.
2. PS to Secretary Food, Khyber Pakhtunkhwa.
3. All DFCs/S&EOs/ ERC in Food Directorate Khyber Pakhtunkhwa.
4. Personal files of the officers concerned.

ATTESTED

Sd/-
SECRETARY FOOD
GOVERNMENT OF KHYBER PAKHTUNKHWA

SECTION OFFICER (GENERAL)

(57)

Am & E "E"

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

Appeal No. 831/2015

Muhammad Naveed.....Appellant

Versus

Government of Khyber Pakhtunkhwa
through Secretary Establishment and
Administration Department, Peshawar
etc.....Respondents

*Tamim Haq de Qla
naam of the appellant*

APPEAL

INDEX

Sr.	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
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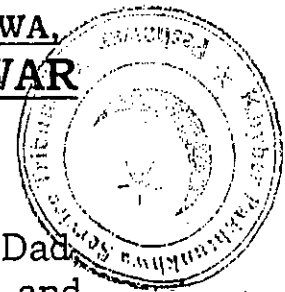
Dated 26.06.2015

Muhammad Naveed
(Petitioner)

Through: -

Asif
MADIK MUHAMMAD ASIF
Advocate Supreme Court of
Pakistan (Mansehra)

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



58

Appeal no. 83/2015

Muhammad Naveed son of Fazal Dad
resident of Village Bajna, Tehsil and
District Mansehra.....Appellant

G.W.F. Province
Service Tribunal
Diary No 772
Dated 06-7-2015

Versus

- 1) Government of Khyber Pakhtunkhwa through Secretary Establishment and Administration Department, Peshawar
- 2) Director Food, Khyber Pakhtunkhwa Peshawar.....Respondents

APPEAL UNDER SECTION 4 OF NWFP (NOW KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974) QUA NOT DECIDING DEPARTMENTAL APPEAL NO. 1253/ET DATED 14.04.2015 AND INSTEAD OF DECIDING THE DEPARTMENTAL APPEAL LETTER NO. 2468/PF-1125 DATED 13.05.2015 WAS SENT TO APPELLANT WITH REFERENCE TO PREVIOUS DECISION DATED 05.05.2010.

Filed to-220
6/7/15

Respected Sir,

re-submitted to-day and filed.

Registrar

23/7/15

- 1) That, petitioner was appointed is District Administration and was serving in BPS-7 in Deputy Commissioner, Office Mansehra.

ACCEPTED

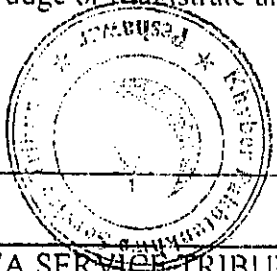
BY REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED



59

No. of proceedings.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT ABBOTTABAD

APPEAL NO. 831/2015

Mr. Muhammad Naveed Versus Government of Khyber Pakhtunkhwa through Secretary Establishment & Administration Department, Peshawar and another.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

15.08.2016

Appellant with counsel and Mr. Muhammad Siddique, Senior Government Pleader for respondents present.

2. Mr. Muhammad Naveed son of Fazal Dad hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 for seeking seniority by placing him at S.No. 1 of the seniority list maintained by the Food Department for BPS-06.

3. Brief facts giving rise to the present appeal are that the appellant was serving as Senior Clerk (BPS-07) in the office of Deputy Commissioner, Mansehra and was declared surplus in the year, 2001 and later-on adjusted in Food Department in BPS-06 vide office order dated 26.01.2006. That the appellant was to be placed at the top of the seniority list in BPS-06 but he was placed at the bottom of the same constraining the appellant to institute Writ Petition No. 494-A/2012

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

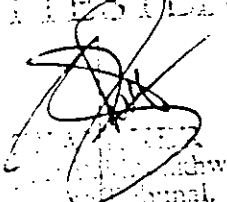
ATTESTED

which was disposed of vide judgment dated 17.01.2013 with the directions to respondent No. 1 to decide the grievances of the appellant within a period of 60 days. That the department did not acceded to the request of the appellant constraining the appellant to prefer another Writ Petition No. 23-A/2014 which was dismissed by the hon'ble High Court, Abbottabad Bench vide judgment dated 24.09.2014 where-against the appellant preferred Civil Petition No. 2336/2014 before the august Supreme Court of Pakistan which was disposed of on 25.3.2015 with the direction to the respondents to decide the departmental appeal/representation of the appellant by the departmental authority. That vide order dated 13.05.2015 the departmental appeal of the appellant was turned down and hence the instant service appeal.

4. Learned counsel for the appellant argued that as per policy of the provincial government issued vide notification dated 08.06.2001 read with amended policy issued vide notification dated 15.02.2006 the appellant was entitled to enlistment at S.No. 1 of the seniority list as he was serving in BPS-07 while he was adjusted as Food Grain Inspector in BPS-06.

5. Learned Senior Government Pleader argued that the appellant was adjusted as Food Grain Inspector BPS-06 on 26.01.2006 in the light of notification dated 08.06.2001 while the amended policy was issued on 15.02.2006 and as such the appellant was not entitled to claim seniority on the strength of the said notification with retrospective effect. That the appeal is therefore liable to dismissal.

6. We have heard arguments of learned counsel for the parties and

ATTESTED

Sd/-
Magistrate
Peshawar


ATTESTED

perused the record.

7. According to notification dated 08.06.2001 issued by Establishment and Administration Department of the provincial government policy for declaring government servants as surplus and their subsequent absorption/adjustment was laid down which was further amended vide circular letter dated 15.02.2006 wherein the following sub-para (d) added to para-(6) of the original policy issued vide notification dated 08.06.2001.

"Sub para-(d) added to para (6).

(d) In case of adjustment against a post lower than his original scale, he shall be placed at the top of seniority list of that cadre, so as to save him from being rendered surplus again and becoming junior to his juniors."

8. A careful perusal of para-6 of the policy letter dated 08.06.2001 would suggest that in case of adjustment of a surplus employee against a post in corresponding basic pay scale with different designation/nomenclature of the post, was to be placed at the bottom of the seniority. It is no where mentioned in the said circular that an employee is to be placed at the bottom of the seniority list even if he is adjusted against a post lower than his original scale. The subsequent circular dated 15.02.2006 is in fact a clarification of the policy earlier issued by the provincial government vide letter dated 08.06.2001 with an object to remove the anomaly and as such the appellant cannot be deprived of his right to claim senior position at the top of the seniority list of the cadre in which he was adjusted against a post lower than his original scale. It is note worthy that an employee otherwise junior to appellant but if adjusted against a lower post after the amended policy

ATTESTED

[Signature]
S. R. Arakkhwa
Tribunal,
Bihar

[Signature]

ATTESTED

letter dated 15.2.2006 at the top of seniority list would rank senior to appellant. Therefore depriving the appellant from seniority may not be in accordance with mandate of service structure/laws. We therefore hold that the appellant was entitled to be placed at the top of seniority list at the relevant time after the clarification of policy as he was adjusted against a post lower than his original scale. The appeal is accepted in the above terms. Parties are left to bear their own costs.

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File be consigned to the record room.

Announced

15-08-2016

sd/-
(ABDUL LATIF)
MEMBER

sd/-
(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

Camp Court A. Abad

Certified to be true copy

Secretary
Service Tribunal
Peshawar

Date of Presentation of Application	29-12-16
Number of Pages	2000
Copy of Fee	12
Urgent	2
Total	14
Name of C.A.	<i>[Signature]</i>
Date of Receipt	29-12-16
Date of Delivery	29-12-16

[Signature]
TESTED



63

FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR

No. CC-78 /ET-716

Date 7/11/2016

TO:-

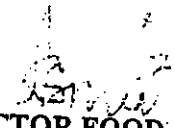
1. All Officers/ Officials in Food Directorate, Peshawar.
2. All Assistant Directors Food at Divisional level in Food Department Khyber Pakhtunkhwa
3. All District Food Controllers in Khyber Pakhtunkhwa
4. The Storage & Enforcement Officers, NRC Azakhel & PRC Peshawar
5. The Rationing Controller Peshawar.

Subject:- REVISED SENIORITY LIST OF ASSISTANT FOOD CONTROLLER AS IT STOOD ON 31.10.2016.

Memo:-

In compliance of Judgement of Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad announced on 15-08-2016 in case of Appeal No.831/2015 regarding acceptance of Seniority Appeal of Mr. Muhammad Naveed AFC Office of DFC Mansehra, the Seniority List of Assistant Food Controller as it stood on 31-10-2016, 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. 831/2015.
2. The Section Officer Food Government of Khyber Pakhtunkhwa Food Department Peshawar for information.
3. Mr. Muhammad Naveed AFC Office of District Food Controller, Mansehra.


ATTESTED


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.