



62

POWER OF ATTORNEY

IN THE COURT OF KHYBER PAKHTUNKHWA Service TRIBUNAL

Ref.# _____

Date: _____

NOOR KHAN

(Petitioner)
(Appellant)
(Plaintiff)

Versus

DIRECTOR FOOD K.P.K Peshawar & Others

(Defendant)
(Respondent)

I/We, the undersigned do hereby nominate and appoint

**TAIMUR HAIDER KHAN
ADVOCATE, HIGH COURT**

On behalf of Appellant

Know all to whom these presents shall come that I/We the undersigned appoint; the above named Advocate in District Peshawar in the above mentioned case to do all the following acts, deeds and things.

- To act, appear and plead in the above mentioned case in this court or any other court in which same may be tried or heard in the first instance or in appeal or review or revision or application or at any other stage of its progress until its final decision.
To present pleadings, appeals, case objection or petitioners for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution/defence of the said case at all stages.
- To withdraw or compromise the said case or submit to arbitration any difference or disputes that shall arise touching or any manner relating to said cause.
- To employee, authorize any other legal practitioner to assist or exercise the power in authority hereby conferred on the advocate whenever he may think to do so.

AND I/We, hereby agree to ratify whatever the advocate or his substitute shall do in this behalf and I/We hereby agree not to hold the advocate or his substitute responsible for the result of the case in consequences of his absence from the Court when the said case is called up for hearing.

AND I/We in case of expiry of the said advocate any full fee or part payment thereof, will not claim in any manner whatsoever, or in case of disengagement of the said advocate will not make any claim regarding fee.

(Signature of thumb impression of the Executant)

NOOR KHAN (AFC-BS-14)
S/O GUL FHAM KHAN S/O Village ABDARA GARI TAS
Muhammad P.O Peshawar University Teh & Dist
Peshawar

Dated: 10-4-2017
Accepted subject of the terms
And full payment of Settled Fee

Taimur Haider Khan
Advocate, High Court

also
accepted by
M. Iqbal Khan
Advocate Peshawar
Nusrat Yasmin
Advocate
District Peshawar
Accepted by
M. Iqbal Khan
Advocate Peshawar

Accepted by
Imran Sharif
Advocate

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

Appeal.No.349/2017

Noor Khan (AFC)

.....Appellant

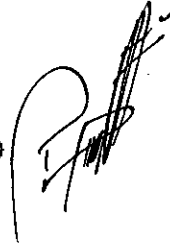
VERSUS

**The Director Food Khyber Pakhtunkhwa and
others**

.....Respondents

**RE-JOINDER ON BEHALF OF
APPELLANT AS THE JOIN COMMENTS
ON BEHALF OF RESPONDENTS IS
SELF CONTRADICTED AND SELF
EXPLANATORY IN FAVOR OF
APPELLANT, TANTAMOUNT TO ADMIT
THE COHERENT FACTS/STANCES
TAKEN BY THE APPELLANT
SIMILLARLY THE ASTONISH
REPLY/COMMENTS REGARDING NON
APPLICABILITY OF AMENDMENTS IN
THE 2001 GOVT ADJUSTMENT**

POLICY VIA SURPLUS POOL OF THE
YEAR 2006 DOES NOT APPEAL TO A
PRUDENT MIND AS THE APPELLANT
WAS ADJUSTED IN THE YEAR 2004
AND CONSPICUOUSLY IT DOES APPLY
ON THE APPELLANT BEING ON THE
SAME FOOTING WITH MR. NAVEED
WHOSE APPEAL HAS ALREADY BEEN
ALLOWED BY THIS HONORABLE
TRIBUNAL KEEPING IN VIEW
ARTICLE 25 OF THE CONSTITUTION
OF PAKISTAN , 1973 ,SECTION 8 OF
THE CIVIL SERVANT ACT, 1973 AS
WELL AS SECTION 17 OF APT RULES,
1989 AND AFTER THAT THE
RESPONDENTS WERE REQUIRED TO
PLACE THE APPELLANT IN THE TOP
4 OF THE SENIORITY LIST
WITHOUT HAVING ANY LITIGATION
BEING THE VESTED RIGHT OF THE
APPELLANT KEEPING INVIEW THE
APEX COURT JUDGEMENT "2009
SCMR PAGE "1" MORE OVER AS
ALREADY THE APPELLANT HAS MADE
THE SENIORITY LIST IMPUGNED AND
THE MENDICIOUS APPROACH OF THE
RESPONDENTS IS CLEARED FROM
THE FACT THAT THEY HAVE
INTENTIONALLY IGNORED THE
APPELLANT TO PROMOTE TO THE
POST OF AFC IN THE YEAR 2009 ON



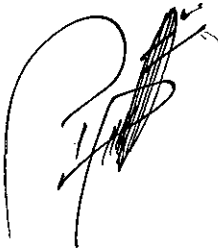
REGULAR BASIS KEEPING IN VIEW
THE RESPONDENTS DEPARTMENT
RULES VIDE NOTIFICATION NO. SOR-
II(S&GAD)2-18/79, DATED:
24.5.1981 AS THE REQUIRED LENGTH
OF SERVICE IS FIVE YEARS BUT
UNFORTUNATELY THE ^{Appellant} HAS BEEN
REGULARISED IN THE YEAR 2016
AFTER THE LAPSE OF 12 YEAR ON HIS
VESTED RIGHT AND NOW AFTER THE
CLEAR CUT ORDER OF THIS
HONORABLE TRIBUNAL THE
RESPONDENTS ARE RELUCTANT TO
PLACE THE APPELLANT IN THE TOP 04
OF THE SENIORITY LIST AND HENCE
TANTAMOUNT TO THE FURTHER
AGGRAVATION OF MENTAL STRAIN
AND SHEER VIOLATION OF
FUNDAMENTAL RIGHT.

Respectfully Sheweth;

- 1) That with profound veneration as expounded in the subject as well as in the main appeal all the preliminary objections and factual objections raised in written comments are conspicuously contrary to adjustment order via Govt notification regarding service pool vides dated: 8.6.2001 as annexed in the main appeal which relates to adjustment of Govt servant, who placed in surplus pool.

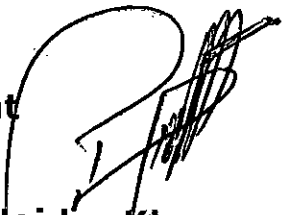
- 2) That as mentioned above, the comments of the respondents being self contradicted and self explanatory in favor of appellant and most of the stances/facts being mentioned in the appeal have been repeated. While rest of the comments is not more than "cock and bull" sort of reply being dubious, trying to divert the kind attention of this Honorable Tribunal. As already on the same footing "The appeal **no.831/2015**" has already been allowed by this Honorable Tribunal. The reply/comments of the respondents are evasive in nature, keeping in view the coherent stances raised in appeal.
- 3) That as mentioned in the appeal, it is crystal clear from the adjustment order, already annexed , that appellant was adjusted in Food department in BPS-6 vide order dated:25.8.2004, whereas before adjustment, he was serving in BPS-7 in the Govt Department of Printing and stationary, Peshawar. So the appellant was adjusted in lower grade.
- 4) That as expounded above, original Govt notification of surplus pool policy was issued on 8.6.2001, on the same basis appellant was adjusted in food department in the year2004. So conspicuously the amendments (in the year 2006) of 2001 Govt policy do applicable on appellant. Keeping in view the very wording of amended policy. Sub Para (d) added to Para (6). Which depicts **"In case of adjustment against a post lower than his original scale, he shall be placed**

at the top of the seniority list of the cadre. So as to save him from being rendered surplus again and becoming junior of his junior". Moreover as it is amendment in the original notification dated: 8.6.2001, so it is integral part of original notification and it's every notification, which if beneficiary for employees always considered having retrospective effect. In addition the respondents in order to favor the blue eyes, even have ignored the vested right of the appellant and was required to be regularized in the year 2009 on the post of AFC but unfortunately, have been regularized in the year 2016 after the lapse of 12 year by completely overlooked the respondent department rules vide notification **NO. SOR-II(S&GAD) 2-18/79, DATED: 24.5.1981** as the required length of service is five years .(**Copy of the mentioned rules along with other necessary documents is annexed as R-1)**



In light of expounded points, on the basis of main subject and prayer of the appellant, the needful may kindly be done for the best administration of justice and fair play.

Appellant
Through



Taimur Haider Khan
Advocate, High Court
Office: Room No.37th, 2nd Floor,
Malik Tower, Pajjagi Road,
Peshawar

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL , PESHAWAR.

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 Gul Fham 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 rejoinder 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

Identified by:

Taimur Haider Khan
Advocate, High Court

ATTESTED

7

**GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

NOTIFICATION

Dated Peshawar, the 24-05-1981

NO.SOR-II(S&GAD)2-18/79, dated 24-05-1981, In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servant Act 1973 (NWFP Act No. XVIII of 1973) and in super session of all previous rules on the subject in this behalf, the Governor of the North West Frontier Province is please to make the following rules, namely.

*Attested
Fazimur Haider Khan
Advocate High Court*

**THE NORTH WEST FRONTIER PROVINCE FOOD
DEPARTMENT (RECRUITMENT AND APPOINTMENT)
RULES 1981**

(1) These rules may be called the North West Frontier Province Food Department (Recruitment and Appointment) Rules, 1981

(2) They shall come into force at once.

2 The method of recruitment, minimum qualification, age limit and other matters related thereto for the posts specified in column-2 of the schedule annexed shall be such as given in column-3 to 06 of the said schedule.

Sd/-
Secretary to Government of
North West Frontier Province
Services and General Administration
Department

Endst No. SOR-II(S&GAD)2-18/79 Dated 24/05/1981

A copy is forwarded for information to:-

- 1 All Administrative Secretaries to Government of NWFP,
- 2 Director of Food, NWFP Peshawar.
- 3 Manager, Government Printing Press, Peshawar for Publication in the Government Gazettee. He is requested to supply 50 copies of the Gazettee Notification to the S&GAD and Law Department.
- 4 Section Officer (R-I), S&GAD, Government of NWFP,

Sd/-
(Abdul Halim)
(Section Officer Regulation-II).

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**SERVICE RULES FOR APPOINTMENT TO VARIOUS POSTS IN FOOD DEPARTMENT
KHYBER PAKHTUNKHWA**

SCHEDULE-42

*Attes, Ref
Tammur Handa klla
reduced in
high court*

S.N o	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Minimum qualification for appoint by promotion.	Age Limit	Method of Recruitment
1	2	3	4	5	6
1	Director Food				a) By selection on merit with due regard to seniority from amongst the Deputy Directors with at least 12 years service in Grade-17 and Grade-18; or b) By transfer of an officer already employed in any Department of Government other than the Food Department.
2	Deputy Director				a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Directors Food, with at least five years service in Grade-17; out of which at least two years mandatory service in Food Directorate or b) by transfer of an officer already employed in any Department of Government other than the Food
<p>Entries in the Shedule-42 against serial No.2, in column 6, in clause (a), after the word happen and figure "Grade-17", the words "the words "out of which at least two years service in Food Directorate is mandatory" is inserted as amended vide Notification of Government of Khyber Pakhtunkhwa food Department No. SOF(Food Deptt)1-12/2010/388 dated 10-11-2010,</p>					
3	Deputy Director (Accounts)				a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Accounts Officer with at least 5 years service in Grade-17; or b) by transfer on deputation from the office of the Audit Department for a specified period in accordance with the terms as may be specified.

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Attested
Taimin Haidi Khan
Advocate High Court

4	Assistant Director Food				<ul style="list-style-type: none"> a) By selection on merit with particular reference to fitness for higher responsibilities from amongst District Food Controller Rationing Controller and S&EO, with at least seven years service as such; or b) By transfer of an officer already employed in any Department of Government other than the Food Department.
5	Assistant Accounts Officer (BPS-17)				<ul style="list-style-type: none"> a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Accounts Officers in Grade-16 & Statistical Officers with at least 3 years service as such; or b) By transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified.
6	Regional Audit Officer				<ul style="list-style-type: none"> a) By transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified; or b) By promotion on the basis of seniority-cum-fitness from amongst Superintendents / Accountants who have passed the S.A.S. Examinations.
7	Assistant Accounts Officer (BPS-16)	B Com from a Recognized University of SAS qualified		20 Years to 25 years	<ul style="list-style-type: none"> a) Twenty Five percent by initial recruitment b) Seventy Five percent by selection on merit with particular reference to fitness for higher responsibilities from amongst Superintendent & Accountants or by transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified.
8	Statistical Officer	Bachelor's Degree with Statistics as one of the subjects from a recognized University.		20 Years to 25 years	<ul style="list-style-type: none"> a) By selection on Merit with particular reference to fitness for higher responsibilities from amongst Superintends /Accountants, or b) By initial recruitment.
9	DFC/S&EOs/RC	Degree from a recognized University		20 Years to 25 years	<ul style="list-style-type: none"> a) 25% by initial recruitment, and b) 75% by Selection on merit with particular reference to fitness for higher responsibilities from amongst AFCs with at least 05 years Service as such
10	Executive Establishment Assistant Food Controller	Degree from a recognized University		20 Years to 25 years	<ul style="list-style-type: none"> a) 75 % by promotion on the basis of seniority cum fitness from amongst FGIs and Cane Inspector with at least 05 Years service as such and b) 25 % by initial recruitment.

Applicant being appointed as FGI in the year 2004. Since the appointment till 2013, the applicant was having 09 year of length of service, while the required service for the post of APC is only 05 year.

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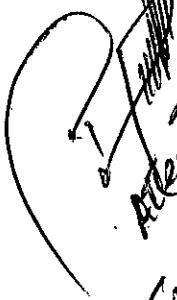
11	FGI / Cane Inspector	Intermediate from a recognized Board		18 years to 25 years.	a) 75 % by promotion on the basis of seniority cum fitness from amongst FGS, and Cane Inspector with at least 03 Years service as such and b) 25 % by initial recruitment.
12	Entries under Column No 02 to 06 of S.No.12 deleted vide notification No.O-ET/SOF/P-II dated 05-05-1996				
13	Food grain Supervisor	Matriculation or equivalent qualification from a recognized Board		18 years to 25 years	By Initial recruitment
14	Ministerial Estt: Superintendent Accountant				By promotion on the basis of Seniority-cum fitness from amongst Senior Auditors, Assistant (including Assistant of Cane Control Organization Stenographer and Head Clerk with at least five years as such.
15	Senior Auditor				By Promotion on the basis of Seniority cum fitness from amongst the Junior Auditors and Senior Clerks with at least 05 years experience in Accounts work.
16	Assistant /Head Clerk	Degree from a recognized University		18 years to 25 years	a) 25% by initial recruitment or b) 75% by promotion on the basis of seniority cum-fitness from amongst Junior Auditors and Senior Clerks with at least 05 years experience in Accounts work.
17	Cane Assistant	Degree from a recognized University		18 years to 25 years	By initial recruitment.
18	Junior Auditor				By Promotion on the basis of seniority cum fitness from amongst the Junior Clerks with at least two years experience in accounts works.
19	Senior Clerk				By Promotion on the basis of seniority cum-fitness from amongst the Junior Clerks with at least two years service are as such.
20	Junior Clerk	Matriculation or equivalent qualification from a recognized Board.		18 Years to 25 Years	By initial recruitment.
21	Stenographer	i) Matriculation or equivalent qualification from a recognized Board and ii) A speed of 100 words per minute in shorthand and 40 words per minute in typing		18 Years to 25 Years	a) By Promotion on the basis of seniority cum fitness from amongst the steno typist or b) By initial recruitment, if no suitable Steno typist available
22	Steno typist	i) Matriculation or equivalent qualification from a recognized Board and ii) A speed of 80 words per minute in shorthand and 35 words per minute in typing		18 Years to 25 Years	By initial recruitment

*Tanner Head Clerk
revised to High Court*

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23	Drivers			25 years to 45 years	By initial recruitment from amongst persons who are in possession of a valid driving License.
24	Daftari	Middle Slandered		25 years to 45 years	a) By Promotion on the basis of seniorty cum-fitness from amongst Naib Qasid or b) By initial recruitment if no suitable Naib Qasids available.
25	Naib Qasid			18 Years to 40 Years	By initial recruitment
26	Chowkidar			18 Years to 40 Years	By initial recruitment
27	Mali			18 Years to 40 years	By initial recruitment
28	Sweeper			18 Years to 40 years	By initial recruitment


 Attested
 Tammun Haidar Khan
 District High Court



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**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)	Muhammad 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.

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.

**ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR**



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD
PESHAWAR

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

13

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.

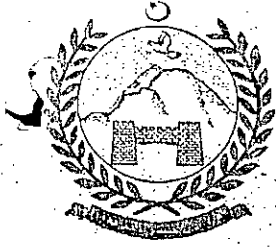
Endorsement No & Date Even

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.

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

28/11/16



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD
PESHAWAR

No. 6725 /G-275-DPC
Dated Peshawar, the 26 / November-2016

14

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.

**DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR**

28/11/16

*Attes Kay
Taimur Haider
Advocate High Court*

Food Inspector

15

15

6/11/22
Attention
Tanner Haidar
Duan
Advocate
Agricourt

SENOIRYT 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	15.07.1969	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	Mansehra	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	20.09.2030
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

17/11/11
Tamim
Hadi Khan
Advocate
Haji court

16

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. Fatehuddin 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. Waqid 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. Umar Ali	BA	15-11-1987	Peshawar	13-05-2010	13-05-2010	By initial Recruitment	14-11-2047

17

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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	Manselhra	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 Amir 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	

ASSISTANT DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.

18

18
of Paktia
Familia Handu
Advocate
High Court

AFC

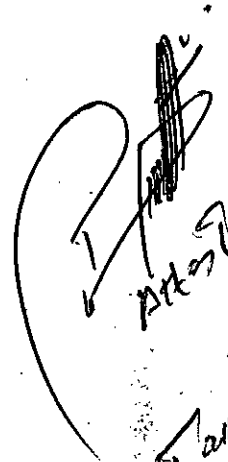
Assistant
Food Controller

(2013-5th)

18

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	Mansehra	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	05-04-2010	By Promotion	31.01.2030
11.	Mehmood-ur-Rahman	C.Com.	02.11.1969	Kohat	09.05.1993	30.08.2000	05-04-2010	By Promotion	01.11.2029
12.	Salah-ud-Din	B.A.	25.11.1972	Peshawar	09.05.1993	30.08.2000	05-04-2010	By Promotion	24.11.2032
13.	Sardar Khan	B.A.	05.01.1955	FR Bannu	09.05.1993	30.11.2000	05-04-2010	By Promotion	04.01.2015
14.	Mr. Muhammad Arshad	B.A.	15.09.1967	Charsadda	09.05.1993	30.11.2000	05-04-2010	By Promotion	14.09.2027
15.	Syed Wazir Shah	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	05-04-2010	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	28.02.2030
18.	Aansar Qayum	B.A	11.07.1970	Mansehra	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	Mansehra	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

33.	Mr. Gulab Gul	MA Pol. Science	01.02.1957	Karak	14.07.1993	17.06.2005	31-05-2013	acting charge basis 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. Muhammad 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


 Attorney
 Taimur Haider Khan
 Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR APPEAL No. 349/2017

Noor Khan (AFC BPS-14) S/O Gulfam Khan
R/O Village Abdara, Ghari Taj Muhammad,
P/O University of Peshawar, Tehsil & 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 of Khyber
Pakhtunkhwa Establishment, Department
Peshawar.

Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Preliminary Objections

1. The appeal is not maintainable in its present form.
2. The appellant has neither got locus standi nor he has come to this Hon'able Tribunal with clean hands.
3. The appellant is estopped by his own conduct to file this appeal.
4. The appeal is based on malafide and ulterior motives.
5. That the appeal is bad for non-joinder and mis-joinder of concurring parties.
6. The appellant has no cause of action or locus standi.
7. That appeal is badly time bared.

RESPECTFULLY SHEWETH:

ON FACTS:

1. Mr. Noor Khan Ex-Mono Operator (BS-07) Government of Khyber Pakhtunkhwa Printing & Stationery Department Peshawar, the appellant herein, with others rendered surplus by the respective Department was adjusted as Foodgrain Inspector (BS-06) in the Food Department Khyber Pakhtunkhwa, vide Office Order No.17500/ET-542-SPA dated 25-08-2004. Later on, the post of FGI was upgraded to BS-07 with effect from 02-2008 and to BS-09 with effect from 31-12-2013. According to the Policy contained in E&AD Department circular No. SOR-I(E&AD)1-200/98 dated 08-06-2001, his pay was protected in BS-07 (**Annex-A**).
2. Due to poor performance in handling wheat Godowns and wilful absence from duty without prior permission / application from DFC office Dargai, Mr. Noor Khan (FGI), acting charge Assistant Food Controller Dargai was suspended from Government service with immediate effect vide Food Directorate Office Order No.2040/PF dated 15-04-2015 (**Annex-B**).

In order to investigate the matter, an Enquiry Committee comprising of Mr. Muhammad Jehangir (ADF) and Allah Dad (ADF), Food Directorate,

Peshawar was deputed to conduct preliminary enquiry and find out the factual position and submit a detailed report to proceed further accordingly. On submission of the enquiry report as well as personal hearing of the appellant herein, the competent authority re-instated him into service coupled with award of minor penalty of "Censure" with the directions that in future he might not be associated with handling of the Ware-houses vide Food Directorate Office Orders No. 4498/PF-1055 dated 22-08-2016 and No. 4499/PF-1055 dated 22-08-2016 (**Annex-C**). After completion of the disciplinary proceedings, he was promoted to the post of Assistant Food Controller (BS-14).

3. As per reply given at Para-01 above.
4. In compliance of the judgement of Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad dated 15-08-2016 in Appeal No.831/2015 regarding acceptance of seniority Appeal of Mr. Muhammad Naveed, AFC Office of DFC Mansehra, the seniority list of Assistant Food Controllers as it stood on 31-10-2016 was revised accordingly and circulated amongst all concerned vide Food Directorate letter No.5578/ET-716 dated 07-11-2016 (**Annex-D**).

On circulation of seniority list of AFCs as is stood on 30-10-2016, the appellant herein filed an appeal dated 27-03-2017 for his placement at the top-4 of the Seniority List as per the afore-mentioned judgment dated 15-08-2016. On examination of the appeal, this Directorate replied/ informed him that the seniority list of AFCs as it stood on 31-10-2016 was revised and accordingly circulated amongst all concerned vide Food Directorate letter No. 5578/ET-716 dated 17-11-2016, in compliance of the Judgement of Service Tribunal Camp Court Abbottabad announced on 15-08-2016 in case of Mr. Muhammad Naveed AFC V/S Secretary Food. Therefore, his appeal was regretted vide Food Directorate letter No. 1256/PF-Noor Khan AFC dated 06-04-2017 (**Annex-E**). It is worth mentioning here that he after his adjustment neither agitated the matter nor did raise any objection to any seniority list issued periodically since 2004.

5. As per reply given at Para-04 above.
6. As per reply given at Para-04 above.
7. As per reply given at Para-04 above.
8. As per reply given at Para-04 above.
9. The plea of the appellant is incorrect. The policy in vogue at the time of adjustment of the petitioner clearly embodies that the surplus employees would be placed at the bottom of the Seniority List of Foodgrain Inspector (BS-06) as per instructions contained in Government of Khyber Pakhtunkhwa letter No. SOR-I(E&AD)1-200/98 dated 08-06-2001, whereas the revised Policy, as referred to by the petitioner, was notified on 15-02-2006 with immediate effect i.e much after his adjustment on 25-08-2004. Besides, he was adjusted as Foodgrain Inspector (BS-06) and his pay was protected in BS-07. The post was upgraded to BS-07 with effect from 02/2008 which was again upgraded to BS-09 with effect from 31-12-2013, hence he is not aggrieved as his scale is much higher than the scale in which

he was serving in his parent Department. Moreover, on a similar departmental appeal submitted by Mr. Muhammad Naveed, Ex-employee of the Food Department, as referred to by the appellant herein, the case was earlier referred to Establishment Department for views / advice in Year-2010 (**Annex-F**), who opined that the request of the official was not covered under the adjustment policy, besides being contrary to the decision of Khyber Pakhtunkhwa Service Tribunal, as such it was advised that his request for placement at the top of the seniority list did not merit consideration, (**Annex-G**). However, the Court in its judgment dated 15-08-2016, as referred to vide Para 04 above, directed to revise the seniority list & this Department has done the same in compliance with the afore-mentioned decision of the Court.

10. Incorrect. As per reply given at Para-09 above.

11. No Comments.

12. No Comments.

13. No Comments.

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

RESPONDANTS



Director-cum-Secretary, 06.07.17.
Food Department Khyber Pakhtunkhwa,
Peshawar.

Respondents No.01 and 02



Secretary to
Government of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar
Respondent No.03

Ammer-A

ET-542-SPA-19/08/2004

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 26.06.2004 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 relieving 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

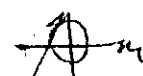
2. Pay of the above officials will remain protected in BS-07 according to Policy contained in Establishment and Administration, Department Circular No.SOR-1(E&AD)1-200/98, dated 8th June 2001.


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 Deceieration 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.


DIRECTOR FOOD NWFP
PESHAWAR

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To,

The Director Food,
NWFP, Peshawar.

Subject:- ARRIVAL REPORT

R/Sir,

In compliance with office order No.17500/ET542/SPA, dated
25th August 2004.

I beg to submit my arrival report for duty as Food Grain
Inspector in this office today on 25th August 2004 (After Noon).

With thanks.

Your's Obedient Servant

(Handwritten signature)

(NOOR KHAN) FGI
Food Directorate NWFP
Peshawar.

Stamp: RECEIVED
26/8/04
P
AFC
RKE

Arrival Report-26-08-04

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26/8

(Handwritten notes)
RKE
30/ ✓

Annex-B

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2



**FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA,
PESHAWAR.**

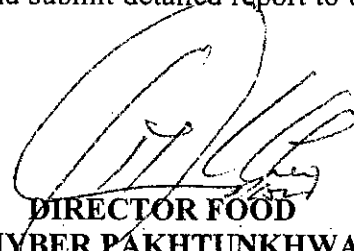
No. 2040/PF-

Dated 15 /04/2015

OFFICE ORDER

Due to poor performance in handling wheat Godowns, wilful absent from duty without prior permission / application from DFC Dargai, Mr. Noor Khan FGI acting Assistant Food Controller Dargai is hereby suspended from Government service with immediate effect.


2 In order to investigate the matter, Mr. Muhammad Jehangir ADF and Allah Dad ADF, Food Directorate, Peshawar are hereby deputed as enquiry committee to conduct preliminary enquiry and find out the factual position and submit detailed report to undersigned within Seven days positively.


**DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR**

Endorsement No & date Even

Copy is forwarded to

1. PS to Minister Food for information of the Minister Food Khyber Pakhtunkhwa.
2. PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa
3. The Deputy Commissioner Malakand at Dargai.
4. The District Accounts Officer, Malakand at Dargai.
5. The Assistant Director Food Malakand Division at Saidu Sharif Swat.
6. Mr. Allah Dad Assistant Director Food (E) Food Directorate, Peshawar.
7. Mr. Muhammad Jehangir Assistant Director Food, Food Directorate Peshawar.
8. The District Food Controller, Malakand at Dargai.
9. Official concerned.
10. Personal File


**DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR**

Annex - e

3



FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA
PESHAWAR

No 4498 / PF-1055

Dated 22/8/2016

OFFICE ORDER

Where-as, an enquiry was conducted against Mr. Noor Khan ex-AFC Dargai (now Food Directorate), regarding his poor performance in handling of wheat godown, ^{and} wilful absence from duty without prior permission of the DFC Dargai

An whereas, keeping in view the enquiry report as well as personal hearing of the accused on 15-08-2016, I Asmatullah Khan Ghandapur, Director Food Khyber in exercise of the powers conferred upon me under Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011 award the minor penalty of "Censure" upon Mr. Noor Khan AFC with the directions that in future ^{he} might not be associated with handling of the Ware-houses.

Asmat
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

18-08-16.

Endstt: No & Date even

Copy is forwarded to:-

- 1 PS to Minister Food Khyber Pakhtunkhwa
- 2 PS to Secretary Food Khyber Pakhtunkhwa.
- 3 The Deputy Director Food Khyber Pakhtunkhwa at Karachi
- 4 The Assistant Directors Food Malakand & Peshawar Divisions.
- 5 The District Food Controller Dargai.
- 6 The Pay Bill Assistant, Food Directorate, Peshawar.
- 7 Official concerned / Personal File

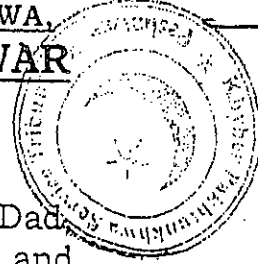
Asmat
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

18-08-16

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL PESHAWAR

Annex-D

Appeal no. 831/2015



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

N.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 GEP
6/7/15

Respected Sir,

re-submitted to-day and filed.

Signature
6/7/15

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

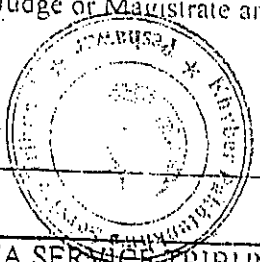
RECEIVED
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

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Date of Order or proceedings.

Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.

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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

RECORDED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(46) (52) (6)

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

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perused the record.

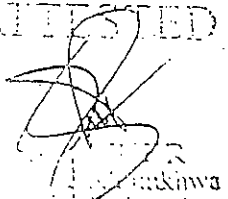
7. According to notification dated 08.06.2001 issued by Establishment and Administration Department of the provincial government policy for declaring government servants as surplus and their subsequent absorption/adjustment was laid down which was further amended vide circular letter dated 15.02.2006 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


[Name]
[Designation]
[Department]

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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.

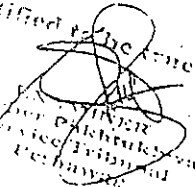
File be consigned to the record room.

Announced
15-08-2016

sd/-
(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

sd/-
(ABDUL LATIF)
MEMBER

Camp Court A. Abad

Certified to be true copy

 Member Pakhtunkhwa
 Services Tribunal
 Peshawar

Date of Presentation: 29-12-16
 Number of Pages: 2000
 Copies: 12
 Charges: 2
 Total: 19
 Date of Award: 29-12-16
 Date of Delivery: 29-12-16



FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR

No. 5578 /ET-716

Dated 7/11/2016

TO:-

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

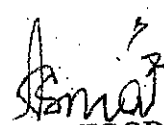
Subject:-

**REVISED SENIORITY LIST OF ASSISTANT FOOD CONTROLLER
IT STOOD ON 31.10.2016.**

Memo:-

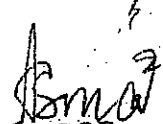
In compliance of Judgement of Khyber Pakhtunkhwa Service Tribunal Camp C Abbottabad announced on 15-08-2016 in case of Appeal No.831/2015 regarding acceptance Seniority Appeal of Mr. Muhammad Naveed AFC Office of DFC Mansehra, the Seniority List of Assistant Food Controller as it stood on 31-10-2016, 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 from 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 04.11.16

Endorsement No and Even date

1. Copy for information to The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to 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.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR. 04.11.16

REVISED SENIORITY LIST OF ASSISTANT FOOD CONTROLLERS (BS-14) IN THE FOOD DIRECTORATE
KHYBER PAKHTUNKHWA, PESHAWAR AS IT STOOD ON 31-10-2016.

Sl. No.	3	4	5	6	7	8	9	10
Sl. No.	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	BA /LLB	13.01.1957	Mansehra	18.05.1978	01.02.2006	22-04-2016	By Promotion	12.01.2017
2	B.A.	16.07.1957	Dir Lower	23.06.1982	01.01.1997	14-12-2009	Already appointed as DFC /S&EO/RC (BS-16) on acting charge basis w.e.f 23-12-2015	15.07.2017
3	F.A.	15.06.1957	M.Agency	22.06.1982	25.03.1998	14-12-2009	By Promotion	14.06.2017
4	B.A.	02.02.1961	Chitral	22.06.1982	30.08.2000	14-12-2009	By Promotion	01.02.2021
5	B.A.	01.02.1970	Swat	09.05.1993	30.08.2000	05-04-2010	By Promotion	31.01.2030
6	C.Com.	02.11.1969	Kohat	09.05.1993	30.08.2000	06-04-2010	By Promotion	01.11.2029
7	B.A.	25.11.1972	Peshawar	09.05.1993	30.08.2000	06-04-2010	By Promotion	24.11.2032
8	B.A.	15.09.1967	Charsadda	09.05.1993	30.11.2000	05-04-2010	By Promotion	14.09.2027
9	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
10	MA	04-08-1985	Mohmand Agency	19-05-2010	-	19-05-2010	By initial recruitment	03-08-2045
11	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2030
12	B.A.	11.07.1970	Mansehra	09.05.1993	20-12-2003	05-04-2010	By Promotion	10.07.2030
13	B.A.	07.07.1969	Charsadda	09.05.1993	20-12-2003	21-12-2010	By Promotion	05.12.2030
14	B.A.	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
15	B.A.	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
16	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	16-02-2012	By Promotion	29.04.2026
17	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032
18	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
19	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
20	F.A	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
21	B.B.A	22.11.1988	S. Waziristan Agency	07.08.2015	-	07.08.2015	By initial recruitment	21.11.2048
22	M.B.A	01.10.1987	Karak	07.08.2015	-	07.08.2015	By initial recruitment	30.09.2047
23	M.B.A	10.04.1984	Abbottabad.	07.08.2015	-	07.08.2015	By initial recruitment	09.04.2044
24	M.A	03.12.1990	Abbottabad.	07.08.2015	-	07.08.2015	By initial recruitment	02.12.2050
25	M.A	03.01.1987	Chitral	07.08.2015	-	07.08.2015	By initial recruitment	02.01.2047
26	M.A	10.04.1987	Mansehra	07.08.2015	-	07.08.2015	By initial recruitment	09.04.2047
27	B.A	18.04.1984	Dir Lower	07.08.2015	-	07.08.2015	By initial recruitment	17.04.2044
28	M.A	27.06.1989	Peshawar	07.08.2015	-	07.08.2015	By initial recruitment	04.12.2022
29	B.A	05.12.1962	Peshawar	01.03.1982	25.08.1993	22-04-2016	By Promotion	34.07.2029
30	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.1993	22-04-2016	By Promotion	17.04.2025
31	M.A	18.04.1984	Dir Lower	07.08.2015	-	07.08.2015	By initial recruitment	04.12.2022
32	M.A	27.06.1989	Peshawar	01.03.1982	25.08.1993	22-04-2016	By Promotion	34.07.2029
33	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.1993	22-04-2016	By Promotion	17.04.2025
34	M.A	18.04.1984	Dir Lower	07.08.2015	-	07.08.2015	By initial recruitment	04.12.2022

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33.									
34.	Mr. Muhammad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	22-04-2016	By Promotion	01.05.2031
35.	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2016	By Promotion	31.12.2035
36.	Mr. Muhammad Shoaib	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	22-04-2016	By Promotion	10.04.2026
37.	Mr. Amjid Khan	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	22-04-2016	By Promotion	04.01.2035
38.	Mr. Mohammad Zubair	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	22-04-2016	By Promotion	20.09.2030
39.	Mr. Saif Ali Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2016	By Promotion	02.03.2029
40.	Mr. Gul Zareen Shah	M.A	15.04.1957	Bannu	24.10.1994	12-01-2009	22-04-2016	By Promotion	14.04.2017
41.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	22-04-2016	By Promotion	14-02-2047
42.	Mr. Rashid Saeed	B.A	15.03.1974	DIKhan	22.05.1995	26-12-2009	22-04-2016	By Promotion	14.03.2034
43.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-08-2016	By Promotion	01.08.2028
44.	Mr. Ashfaq Khan	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	04-08-2016	By Promotion	24.03.2037
45.	Mr. Riaz Ahmad	M.A	01.03.1966	Chitral	02.05.1995	26-12-2009	04-08-2016	By Promotion	28.02.2026
46.	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
47.	Mr. Angoor Shah	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	04-08-2016	By Promotion	31.05.2023


 ASSISTANT DIRECTOR FOOD (E)



ANNEX-E

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE, OF FOOD
PESHAWAR.

No 1256 /PF-Noor Khan AFC
Dated Peshawar, the 26/04/2017

To
Mr. Noor Khan, AFC
Food Directorate Peshawar.


Subject: - DEPARTMENTAL APPEAL / REVIEW IN RESPECT OF REVISED SENIORITY LIST OF ASSISTANT FOOD CONTROLLER "AS THE APPELLANT BEING ON THE SAME FOOTING WITH MUHAMMAD NAVEED AFC OFFICIAL OF DFC MANSEHRA MAY ALSO BE PLACED IN THE SENIORITY LIST OF 31-10-2016 KEEPING IN VIEW, THE MENTIONED JUDGMENT IN APPEAL NO. 831/2015 DATED 15-08-2016 OF THE HON'BLE CHAIRMAN KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR AS CONSPICUOUSLY THE APPELLANT TOO WAS INDUCTED VIA SURPLUS IN YOUR DEPARTMENT IN THE YEAR 25-08-2004 FOR THE BEST AND ADMINISTRATION OF JUSTICE AND FAIRY PLAY. KEEPING IN VIEW ARTICLE 25 OF THE CONSTITUTION OF PAKISTAN 1973 WITH SPECIAL RELIANCE ON THE APEX COURT (SUPREME COURT JUDGMENT 2009 SCMR 1)

Reference your appeal dated 27-03-2017 against the revised seniority List of Assistant Food Controllers as it stood on 30-10-2016 on the subject noted above.

2 Mr. Muhammad Naveed Ex-Rationing Controller Peshawar ^{had} filed an appeal No.831/2015 in the Khyber Pakhtunkhwa Service Tribunal against his seniority position in the Seniority List ever since his adjustment as Foodgrain Inspectors in Food Department Khyber Pakhtunkhwa in light of Surplus Policy dated 08-06- 2001 and 15-02-2006.

3 On acceptance of his appeal, in compliance of Judgement dated 15-08-2016 of Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad, the Seniority List of Assistant Food Controller as it stood on 31-10-2016, was revised and circulated, vide Food Directorate letter No.5578/ET-716 dated 07-11-2016.

4 In view of the position explained above, your appeal against the seniority list of Assistant Food Controllers as it stood on 30-10-2016 issued in light of Judgment dated 15-08-2016 in favour of Mr. Muhammad Naveed Ex-AFC cannot be acceded to.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR. *lot.*

Annex (F)

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**FOOD DIRECTORATE NWFP,
PESHAWAR**

No. 3032-3 /PF-1053.

Dated 11/10/2009

To

The Section Officer Food,
Government of NWFP,
Food Department Peshawar.

Subject: - REQUEST FOR DUE SENIORITY

Memo:

Mr. Muhammad Naveed Ex-Senior Clerk (BS-07) of the District Coordination Officer Mansehra (Surplus Pool of DCO Mansehra) was adjusted as Food gain Inspector / Cane Inspector (BS-06) in the Food Department NWFP, Peshawar **Annex-I**

2 Pay drawn by the above Official will remain protected in (BS-07) according to Policy contained in Establishment and Administration, Department Circular No. SOR-I (E&AD) 1-200/98, dated 08-06-2001..

3 On adjustment from Ministerial cadre post to Executive Cadre post in Food Department he was placed at the bottom of the Seniority List of FGI (BS-06) as per instruction contained in Government of NWFP, letter No. SOR-I (E&AD) 1-200/98 dated 08-06-2001 .After adjustment in Food Department he submitted an appeal for due seniority, with the plea that he may be placed at the top of Seniority List of FGI due to adjustment from BS-06 to BS-07 in light of instruction of Government of NWFP, Establishment Department letter No. SOR-VI(E&AD/5-1/2005 dated 15-02-2006 **Annex-II**

4 You are requested to kindly advice whether his request can be considered in light of Para-II (Sub Para-(d) of letter No.SOR-VI (E&AD)/5-1/2005 dated 15/02/2006. (Copy enclosed).

M. B. Baig
**DIRECTOR FOOD NWFP,
PESHAWAR.**

No. 30324 /PF-1125

Dated Peshawar, the 11/10/2009

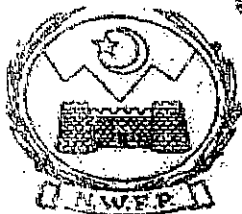
A copy is forwarded to the District Food Controller Abbottabad for information with reference to his letter No. 7182/ET-69(AD) dated 08-10-2009.

M. B. Baig
**DIRECTOR FOOD NWFP,
PESHAWAR.**

Annex (B)

Annex-G

14



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(REGULATION WING)
NO. SOR.III (E&AD)3-2/08 Food Department
Dated Peshawar, the April 19, 2010

To

The Secretary to Govt: of NWFP,
Food Department.

Subject: FIXATION OF SENIORITY

Sir,

I am directed to refer to the Food Department letter No.SOF (Food Department)1-25/185 dated 29-03-2010 on the subject and to say that the request of the official is not covered under the adjustment policy as well as contrary to the decision of NWFP Service Tribunal.

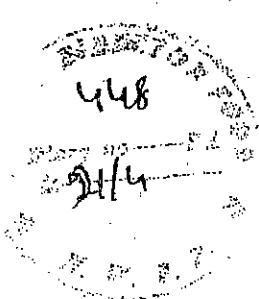
2. It is, therefore, advised that the request of Mr. Muhammad Naveed, Food Grain Inspector for his placement at top of the seniority list does not merit consideration.

Yours faithfully,

(GHAZI KHAN)
SECTION OFFICER(R-III)

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20/4/10

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SA	
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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

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Ali
Dirig ADN

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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/ 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 possess 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.
- Handwritten signatures and initials are present at the bottom of the page.

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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:-

- (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
Ran
Parry Adv

9/5

Yours Faithfully,

(ABDUL JALIL)
SECTION OFFICER (O & M)

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3
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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)

[Handwritten signature]

GOVERNMENT
ESTABLISHMENT & A
(REGULATION WING)

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



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.

Yours faithfully,


(MUHAMMAD HAMAYUN) 15-2-06
SPECIAL SECRETARY (REGULATIONS)


Encls 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.

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214

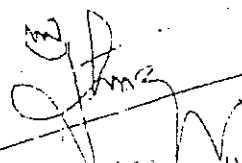
- 5. Private Secretary to Chief Secretary NWFP, Peshawar.
- 6. Private Secretary to Senior Minister NWFP.
- 7. Private Secretaries to all the Provincial Ministers NWFP.


(Mussain Shah)
Deputy Secretary (Reg-I)

Sl No & date over

Copy forwarded to

- All Additional/ Deputy Secretaries in Establishment and Administration Department NWFP, Peshawar.
- Director, Staff Training Institute, Benevolent Fund Building Peshawar.
- All Section Officers/ Estate Officer Establishment and Administration Department.
- Private Secretary to Secretary Establishment Department.
- Assistant Secretary Benevolent Fund, Establishment & Administration Department.
- Librarian Establishment & Administration Department.


(Muhammad Masood)
Section Officer (Reg-VI)

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

Appeal.No.349/2017

Noor Khan (AFC)

.....Appellant

VERSUS

**The Director Food Khyber Pakhtunkhwa and
others**

.....Respondents

**RE-JOINDER ON BEHALF OF
APPELLANT AS THE JOIN COMMENTS
ON BEHALF OF RESPONDENTS IS
SELF CONTRADICTED AND SELF
EXPLANATORY IN FAVOR OF
APPELLANT, TANTAMOUNT TO ADMIT
THE COHERENT FACTS/STANCES
TAKEN BY THE APPELLANT
SIMILLARLY THE ASTONISH
REPLY/COMMENTS REGARDING NON
APPLICABILITY OF AMENDMENTS IN
THE 2001 GOVT ADJUSTMENT**

POLICY VIA SURPLUS POOL OF THE
YEAR 2006 DOES NOT APPEAL TO A
PRUDENT MIND AS THE APPELLANT
WAS ADJUSTED IN THE YEAR 2004
AND CONSPICUOUSLY IT DOES APPLY,
ON THE APPELLANT BEING ON THE
SAME FOOTING WITH MR. NAVEED
WHOSE APPEAL HAS ALREADY BEEN
ALLOWED BY THIS HONORABLE
TRIBUNAL KEEPING IN VIEW
ARTICLE 25 OF THE CONSTITUTION
OF PAKISTAN , 1973 ,SECTION 8 OF
THE CIVIL SERVANT ACT, 1973 AS
WELL AS SECTION 17 OF APT RULES,
1989 AND AFTER THAT THE
RESPONDENTS WERE REQUIRED TO
PLACE THE APPELLANT IN THE TOP
4 OF THE SENIORITY LIST
WITHOUT HAVING ANY LITIGATION
BEING THE VESTED RIGHT OF THE
APPELLANT KEEPING INVIEW THE
APEX COURT JUDGEMENT "2009
SCMR PAGE "1" MORE OVER AS
ALREADY THE APPELLANT HAS MADE
THE SENIORITY LIST IMPUGNED AND
THE MENDICIOUS APPROACH OF THE
RESPONDENTS IS CLEARED FROM
THE FACT THAT THEY HAVE
INTENTIONALLY IGNORED THE
APPELLANT TO PROMOTE TO THE
POST OF AFC IN THE YEAR 2009 ON



REGULAR BASIS KEEPING IN VIEW
THE RESPONDENTS DEPARTMENT
RULES VIDE NOTIFICATION NO. SOR-
II(S&GAD)2-18/79, DATED:
24.5.1981 AS THE REQUIRED LENGTH
OF SERVICE IS FIVE YEARS BUT
UNFORTUNATELY THE ^{Appellant} HAS BEEN
REGULARISED IN THE YEAR 2016
AFTER THE LAPSE OF 12 YEAR ON HIS
VESTED RIGHT AND NOW AFTER THE
CLEAR CUT ORDER OF THIS
HONORABLE TRIBUNAL THE
RESPONDENTS ARE RELUCTANT TO
PLACE THE APPELLANT IN THE TOP 04
OF THE SENIORITY LIST AND HENCE
TANTAMOUNT TO THE FURTHER
AGGRAVATION OF MENTAL STRAIN
AND SHEER VIOLATION OF
FUNDAMENTAL RIGHT.

Respectfully Sheweth;

- 1) That with profound veneration as expounded in the subject as well as in the main appeal all the preliminary objections and factual objections raised in written comments are conspicuously contrary to adjustment order via Govt notification regarding service pool vides dated: 8.6.2001 as annexed in the main appeal which relates to adjustment of Govt servant, who placed in surplus pool.

- 2) That as mentioned above, the comments of the respondents being self contradicted and self explanatory in favor of appellant and most of the stances/facts being mentioned in the appeal have been repeated. While rest of the comments is not more than "cock and bull" sort of reply being dubious, trying to divert the kind attention of this Honorable Tribunal. As already on the same footing "The appeal **no.831/2015**" has already been allowed by this Honorable Tribunal. The reply/comments of the respondents are evasive in nature, keeping in view the coherent stances raised in appeal.

- 3) That as mentioned in the appeal, it is crystal clear from the adjustment order, already annexed , that appellant was adjusted in Food department in BPS-6 vide order dated:25.8.2004, whereas before adjustment, he was serving in BPS-7 in the Govt Department of Printing and stationary, Peshawar. So the appellant was adjusted in lower grade.

- 4) That as expounded above, original Govt notification of surplus pool policy was issued on 8.6.2001, on the same basis appellant was adjusted in food department in the year2004. So conspicuously the amendments (in the year 2006) of 2001 Govt policy do applicable on appellant. Keeping in view the very wording of amended policy. Sub Para (d) added to Para (6). Which depicts **"In case of adjustment against a post lower than his original scale, he shall be placed**

at the top of the seniority list of the cadre. So as to save him from being rendered surplus again and becoming junior of his junior". Moreover as it is amendment in the original notification dated: 8.6.2001, so it is integral part of original notification and it's every notification, which if beneficiary for employees always considered having retrospective effect. In addition the respondents in order to favor the blue eyes, even have ignored the vested right of the appellant and was required to be regularized in the year 2009 on the post of AFC but unfortunately, have been regularized in the year 2016 after the lapse of 12 year by completely overlooked the respondent department rules vide notification **NO. SOR-II(S&GAD) 2-18/79, DATED: 24.5.1981** as the required length of service is five years .(**Copy of the mentioned rules along with other necessary documents is annexed as R-1)**

In light of expounded points, on the basis of main subject and prayer of the appellant, the needful may kindly be done for the best administration of justice and fair play.

Appellant
Through

Taimur Haider Khan
Advocate, High Court
Office: Room No.37th, 2nd Floor,
Malik Tower, Pajjagi Road,
Peshawar

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL , PESHAWAR.

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 Gul Fham 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 rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.

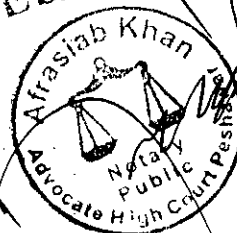
Deponent

CNIC#17301-2589902-1

Identified by:

Taimur Haider Khan
Advocate, High Court

ATTESTED



29/11/17

7

**GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

NOTIFICATION

Dated Peshawar, the 24-05-1981

NO.SOR-II(S&GAD)2-18/79, dated 24-05-1981, In exercise of the powers conferred by section 26 of the North West Frontier Province Civil Servant Act 1973 (NWFP Act No. XVIII of 1973) and in super session of all previous rules on the subject in this behalf, the Governor of the North West Frontier Province is please to make the following rules, namely.

Handwritten notes:
1. Admin. Head in NWFP
2. High Court

**THE NORTH WEST FRONTIER PROVINCE FOOD
DEPARTMENT (RECRUITMENT AND APPOINTMENT)
RULES 1981**

- (1) These rules may be called the North West Frontier Province Food Department (Recruitment and Appointment) Rules, 1981
- (2) They shall come into force at once.

2 The method of recruitment, minimum qualification, age limit and other matters related thereto for the posts specified in column-2 of the schedule annexed shall be such as given in column-3 to 06 of the said schedule.

Sd/-
Secretary to Government of
North West Frontier Province
Services and General Administration
Department

Endst No. SOR-II(S&GAD)2-18/79 Dated 24/05/1981

- A copy is forwarded for information to:-
- 1 All Administrative Secretaries to Government of NWFP,
 - 2 Director of Food, NWFP Peshawar.
 - 3 Manager, Government Printing Press, Peshawar for Publication in the Government Gazettee. He is requested to supply 50 copies of the Gazettee Notification to the S&GAD and Law Department.
 - 4 Section Officer (R-I), S&GAD, Government of NWFP,

Sd/-
(Abdul Halim)
(Section Officer Regulation-II).

8

8

SERVICE RULES FOR APPOINTMENT TO VARIOUS POSTS IN FOOD DEPARTMENT KHYBER PAKHTUNKHWA

SCHEDULE-42

*Atkes Ref
Taimur Haidin Khan
Advocate
High Court*

S.No	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Minimum qualification for appoint by promotion.	Age Limit	Method of Recruitment
1	2	3	4	5	6
1	Director Food				<ul style="list-style-type: none"> a) By selection on merit with due regard to seniority from amongst the Deputy Directors with at least 12 years service in Grade-17 and Grade-18; or b) By transfer of an officer already employed in any Department of Government other than the Food Department.
2	Deputy Director				<ul style="list-style-type: none"> a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Directors Food, with at least five years service in Grade-17; out of which at least two years mandatory service in Food Directorate or b) by transfer of an officer already employed in any Department of Government other than the Food <p>Entries in the Shedule-42 against serial No.2, in column 6, in clause (a), after the word happen and figure "Grade-17", the words" the words "out of which at least two years service in Food Directorate is mandatory" is inserted as amended vide Notification of Government of Khyber Pakhtunkhwa Food Department No. SOF(Food Deptt)1-12/2010/388 dated 10-11-2010,</p>
3	Deputy Director (Accounts)				<ul style="list-style-type: none"> a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Accounts Officer with at least 5 years service in Grade-17; or b) by transfer on deputation from the office of the Audit Department for a specified period in accordance with the terms as may be specified.

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4	Assistant Director Food				<ul style="list-style-type: none"> a) By selection on merit with particular reference to fitness for higher responsibilities from amongst District Food Controller Rationing Controller and S&EO, with at least seven years service as such; or b) By transfer of an officer already employed in any Department of Government other than the Food Department.
5	Assistant Accounts Officer (BPS-17)				<ul style="list-style-type: none"> a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Accounts Officers in Grade-16 & Statistical Officers with at least 3 years service as such; or b) By transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified.
6	Regional Audit Officer				<ul style="list-style-type: none"> a) By transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified; or b) By promotion on the basis of seniority-cum-fitness from amongst Superintendents / Accountants who have passed the S.A.S. Examinations.
7	Assistant Accounts Officer (BPS-16)	B Com from a Recognized University of SAS qualified		20 Years to-25 years	<ul style="list-style-type: none"> a) Twenty Five percent by initial recruitment b) Seventy Five percent by selection on merit with particular reference to fitness for higher responsibilities from amongst Superintendent & Accountants or by transfer on deputation from the office of the Audit Department for the specified period in accordance with the terms as may be specified.
8	Statistical Officer	Bachelor's Degree with Statistics as one of the subjects from a recognized University.		20 Years to 25 years	<ul style="list-style-type: none"> a) By selection on Merit with particular reference to fitness for higher responsibilities from amongst Superintends /Accountants, or b) By initial recruitment.
9	DFC/S&EOs/RC	Degree from a recognized University		20 Years to 25 years	<ul style="list-style-type: none"> a) 25% by initial recruitment, and b) 75% by Selection on merit with particular reference to fitness for higher responsibilities from amongst AFCs with at least 05 years Service as such
10	Executive Establishment Assistant Food Controller	Degree from a recognized University		20 Years to 25 years	<ul style="list-style-type: none"> a) 75 % by promotion on the basis of seniority cum fitness from amongst FGIs and Cane Inspector with at least 05 Years service as such and b) 25 % by initial recruitment.

7. Jaimin Haidi
 Advocate High Court
 Ahmedabad

Mellavi was appointed as FGI in the year 2004. Since the appointment till 2013, the Mellavi was

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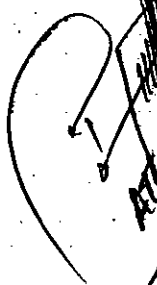
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11	FGI/ Cane Inspector	Intermediate from a recognized Board		18 years to 25 years.	a) 75 % by promotion on the basis of seniority cum fitness from amongst FGS ₂ and Cane Inspector with at least 03 Years service as such and b) 25 % by initial recruitment.
12	Entries under Column No 02 to 06 of S.No.12 deleted vide notification No.O-ET/SOF/P-II dated 05-05-1996				
13	Food grain Supervisor	Matriculation or equivalent qualification from a recognized Board		18 years to 25 years	By Initial recruitment
14	Ministerial Estt. Superintendent Accountant				By promotion on the basis of Seniority-cum fitness from amongst Senior Auditors, Assistant (including Assistant of Cane Control Organization Stenographer and Head Clerk with at least five years as such.
15	Senior Auditor				By Promotion on the basis of Seniority cum fitness from amongst the Junior Auditors and Senior Clerks with at least 05 years experience in Accounts work.
16	Assistant /Head Clerk	Degree from a recognized University		18 years to 25 years	a) 25% by initial recruitment or b) 75% by promotion on the basis of seniority cum-fitness from amongst Junior Auditors and Senior Clerks with at least 05 years experience in Accounts work.
17	Cane Assistant	Degree from a recognized University		18 years to 25 years	By initial recruitment.
18	Junior Auditor				By Promotion on the basis of seniority cum fitness from amongst the Junior Clerks with at least two years experience in accounts works.
19	Senior Clerk				By Promotion on the basis of seniority cum-fitness from amongst the Junior Clerks with at least two years service are as such.
20	Junior Clerk	Matriculation or equivalent qualification from a recognized Board.		18 Years to 25 Years	By initial recruitment.
21	Stenographer	i) Matriculation or equivalent qualification from a recognized Board and ii) A speed of 100 words per minute in shorthand and 40 words per minute in typing		18 Years to 25 Years	a) By Promotion on the basis of seniority cum fitness from amongst the steno typist or b) By initial recruitment, if no suitable Steno typist available
22	Steno typist	i) Matriculation or equivalent qualification from a recognized Board and ii) A speed of 80 words per minute in shorthand and 35 words per minute in typing		18 Years to 25 Years	By initial recruitment

*10/1/12
Mrs. Raj
Parmanu / Head Clerk
Advocate &
High Court*

E

23	Drivers			25 years to 45 years	By initial recruitment from amongst persons who are in possession of a valid driving License.
24	Daftari	Middle Slandered		25 years to 45 years	a) By Promotion on the basis of seniority cum-fitness from amongst Naib Qasid or b) By initial recruitment if no suitable Naib Qasids available.
25	Naib Qasid			18 Years to 40 Years	By initial recruitment
26	Chowkidar			18 Years to 40 Years	By initial recruitment
27	Mali			18 Years to 40 years	By initial recruitment
28	Sweeper			18 Years to 40 years	By initial recruitment


 Attested
 Tammur Haidur Khan
 Advocate High Court



12

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)	Muhammad 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.

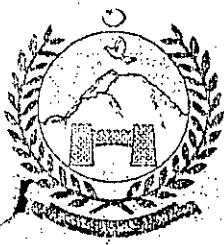
5000 pp on the list of AFC

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.

ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD
PESHAWAR

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

13

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.

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD
PESHAWAR

No. 6325 /G-275-DPC

Dated Peshawar, the 26 / November-2016

14

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.

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

23/11/16

Handwritten notes:
Alas Kay
Taimur Haider Khan
Advocate High Court

Food Inspector

15

15

Attest Ray
Tamim Haider
Advocate
Muzaffargarh

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

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	15.07.1969	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	Mansehra	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	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	By Promotion	04.01.2035
11	Mr. Amjid Khan Foodgrain Inspector	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	By Promotion	20.09.2030
12	Mr. Mohammad Zubair Foodgrain Inspector	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	By Promotion	02.03.2029
13	Mr. Saif Ali Shah Foodgrain Inspector	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	By Promotion	14.04.2017
14	Mr. Gul Zareen Shah Foodgrain Inspector	M.A	15.04.1957	Bannu	24.10.1994	12-01-2009	By Promotion	14.04.2017
15	Mr. Aurangzeb Khan Foodgrain Inspector	F.A	12.05.1971	Bannu	27.04.1997	12-01-2009	By Promotion	11.05.2031
16	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

*Tamam
Haddu ka
Adhikari
Hogai kum*

16

1	Attaullah Foodgrain Inspector	Matric	02.04.1976	Dir	22.05.1995	26-12-2009	By Promotion	01.04.2036
2	Mr. Ashfaq Khan Foodgrain Inspector	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	By Promotion	24.03.2037
3	Mr. Riaz Ahmad Foodgrain Inspector	M.A	01.03.1976	Chitral	02.05.1995	26-12-2009	By Promotion	28.02.2026
4	Mr. Ateeq-ur Rehman Foodgrain Inspector	B.A	01.05.1977	M/Agency	03.05.1995	26-12-2009	By Promotion	30.04.2037
5	Mr. Angoor Shah Foodgrain Inspector	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	By Promotion	31.05.2023
6	Mr. Muhammad Nasir Ali Foodgrain Inspector	F.A	28.07.1973	Peshawar	06.08.1995	26-12-2009	By Promotion	27.07.2033
7	Mr. Qazi Bilal Foodgrain Inspector	F.A	15.04.1969	Abbottabad	06.08.1995	26-12-2009	By Promotion	14.04.2029
8	Mr. Farkh-uz-Zaman Foodgrain Inspector	F.A	22.04.1971	S.Waziristan	03.08.1992	26-12-2009	By Promotion	21.04.2031
9	Mr. Rehmat Wali Foodgrain Inspector	F.A	10.01.1963	Chitral	16.12.1981	26-12-2009	By Promotion	09.01.2023
10	Mr. Ghulam Rasool Foodgrain Inspector	Matric	10-04-1963	Chitral	23.04.1983	26-12-2009	By Promotion	09-04.2023
11	Mr. Muhammad Zaman Khan Foodgrain Inspector	B.A	25.11.1955	Chitral	19.10.1983	26-12-2009	By Promotion	07.08.2021
12	Mr. Mukhtar Ahmad Foodgrain Inspector	B.A	08.08.1961	Chitral	27.12.1983	06-04-2010	By Promotion	02.03.2014
13	Mr. Farehudin Foodgrain Inspector	B.A	03.03.1954	Chitral	24.03.1984	06-04-2010	By Promotion	09.12.2025
14	Mr. Mohammad Zahir Shah Foodgrain Inspector	F.A	10.12.1963	Chitral	01.09.1985	06-04-2010	By Promotion	11.04.2019
15	Mr. Sher Ali Foodgrain Inspector	B.A	12.04.1959	Chitral	01.06.1986	06-04-2010	By Promotion	11.04.2019
16	Mr. Dinar Wali Foodgrain Inspector	B.Com	15.02.1968	Chitral	09.09.1991	06-04-2010	By Promotion	14.02.2028
17	Mr. Abidullah Jan Foodgrain Inspector	Matric	29.11.1984	Nowshera	08.05.2004	06-04-2010	By Promotion	28.11.2044
18	Mr. Wajid Ali Foodgrain Inspector	Matric	18.02.1981	Nowshera	08.05.2004	06-04-2010	By Promotion	17.02.2041
19	Mohammad Yousaf Khan Cane Inspector	D.Com	07-04-1984	FR Bannu	16-04-2010	16-04-2010	By initial Recruitment	06-04-2044
20	Mr. Amir Khalid Foodgrain Inspector	B.A	26-03-1970	Mansehra	15-01-2009	15-01-2009	By initial Recruitment	25-11-2030
21	Mr. Umair Ali	BA	15-11-1987	Peshawar	13-05-2010	13-05-2010	By initial Recruitment	14-11-2047

17

Handwritten signature and notes:
F. A. Khan
F. A. Khan
F. A. Khan
F. A. Khan

17

8	Inspector							
7	Mr. Numan Amir Cane Inspector	BA	25-12-1983	Peshawar	13-05-2010	13-05-2010	By initial Recruitment	24-12-2043
9	Mr. Shoukat Ali Foodgrain Inspector	Matric	04.04.1977	Mansehra	08.05.2004	20-10-2010	By Promotion	03.04.2037
10	Mr. Sami Ullah Foodgrain Inspector	B.A	08.04.1983	Lakki Marwat	08.05.2004	18-02-2012	By Promotion	07.04.2023
11	Mr. Iqbal Hussain Foodgrain Inspector	Matric	08.04.1976	Mardan	08.05.2004	18-02-2012	By Promotion	07.04.2036
12	Mr. Azhar Pervez Foodgrain Inspector	Matric	12.04.1984	Abbottabad	05.08.2004	18-02-2012	By Promotion	11.04.2044
13	Mr. Muhammad Riaz Foodgrain Inspector	B.A	20.04.1968	Swat		18-02-2012	By Promotion	19.04.2028
14	Mr. Said Halim Foodgrain Inspector	F.A	01.04.1985	Malak Agency	11.07.2006	18-02-2012	By Promotion	31.03.2045
15	Mr. Bashir Gul Foodgrain Inspector	M.A	25.08.1972	Charsadda	01.03.1995	18-02-2012	By Promotion	24.08.2028
16	Mr. Paristan Foodgrain Inspector	F.A	24.12.1971	Abbotabad	09.03.1995	18-02-2012	By Promotion	23.12.2031
17	Mr. Niaz Ali Foodgrain Inspector	Matric	01.02.1969	Peshawar	08.11.1989	18-02-2012	By Promotion	31.01.2029
18	Mr. Wasil Khan Cane Inspector	F.A	20.09.1970	Peshawar	21.10.1989	18-02-2012	By Promotion	19.09.2030
19	Mr. Rohul Amin Cane Inspector	M.A (Urdu)	05.08.1968	Peshawar	15.10.1989	18-02-2012	By Promotion	04.08.2028
20	Mr. Sahibzada Ziad Mohammad Cane Inspector	B.A (LLB)	10.03.1969	Peshawar	01.10.1989	18-02-2012	By Promotion	10.03.2029
21	Mr. Muhammad Sharif Cane Inspector	Matric.	05.08.1965	Chitral	01.06.1989	18-02-2012	By Promotion	04.08.2025
22	Vacant						By Initial recruitment	
23	Vacant						By Initial recruitment	
24	Vacant						By Promotion	

ASSISTANT DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.

18

18
Pattar
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AFC

Assistant
Food Controller

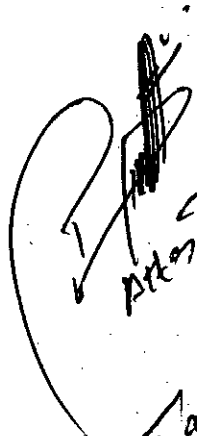
2015-011

18

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	Mansehra	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	Mansehra	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	28.02.2030
18.	Ansar Qayum	B.A	11.07.1970	Mansehra	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	Mansehra	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

(11)

								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. Muhammad 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


 Attest
 Tammur Haidar Khan
 Advocate High Court



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

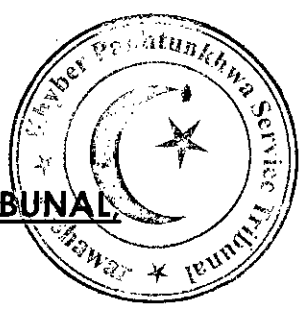
Copy is forwarded to

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

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

Tribunal
Appeal

①



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 07

Dated 03-01-2017

Service Appeal No. 8 /2017

Muhammad Saleem Iqbal (Assistant Food Controller,
Azakhel, Nowshera) S/o Jan Muhammad
R/o Saeedabad No.1, Street No.1, Near Noor Mosque,
Pajagi Road, Tehsil & District, Peshawar

....Appellant

VERSUS

- 1) Director Food, Khyber Pakhtunkhwa, Peshawar.
- 2) Secretary to Government of Khyber Pakhtunkhwa,
Food Department, Peshawar.
- 3) Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974, AGAINST THE IMPUGNED ORDER
DATED 07.11.2016 VIDE NO.5578/ET-
716, WHEREIN THE APPELLANT HAS NOT
BEEN PLACED IN THE TOP THREE (03) OF
THE REVISED SENIORITY LIST OF
ASSISTANT FOOD CONTROLLERS STOOD
ON 31.10.2016 AS FOR THE NEEDFUL THE
APPELLANT'S DEPARTMENT APPEAL VIDE
IMPUGNED OFFICE LETTER NO.7051-
52/PF-1053 DATED 26.12.2016 OF THE

Filed to-day

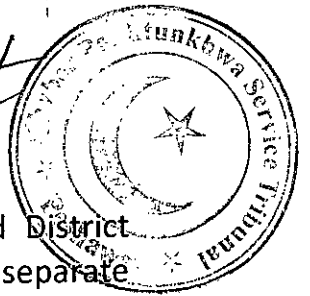
[Signature]
Registrar
3/1/2017

Re-submitted to -day
and filed.

[Signature]
Registrar
5/1/2017

ATTESTED
[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Appeal No. 08/2017
M. Saleem Iqbal vs Govt

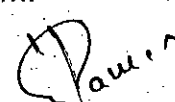


✓ 24.11.2017

Learned Counsel for the appellant and learned District Attorney for the respondents present. Vide separate judgment of this Tribunal of today placed on file of appeal bearing No. 7/2017 entitled Muhammad Akbar Versus Director Food Khyber Pakhtunkhwa, Peshawar and others, the present appeal is also accepted in terms of judgment passed in the service appeal bearing No. 831/2015. However the appellants shall still stand junior to all those persons who have been inducted as Assistant Food Controllers (BS-14) by initial recruitment prior to the promotion of appellant as Assistant Food Controllers on regular basis and thus seniority of the direct recruits vis a vis appellants (Promotees) in the impugned seniority list shall not be disturbed. Parties are left to bear their own costs. File be consigned to the record room.

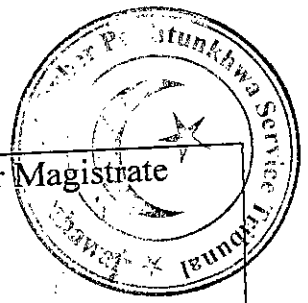

(GULZEB KHAN)

MEMBER
ANNOUNCED
24.11.2017


(MUHAMMAD HAMID MUGHAL)
MEMBER


Certified to be true copy
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 29-11-17
Number of Words 800
Copying Fee 6
Urgent 6
Total 6
Name of Counsel M. Saleem Iqbal
Date of Copy 14-12-17
Date of Delivery of Copy 14-12-17



Sr. No/	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	24.11.2017	<p style="text-align: center;">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</p> <p style="text-align: center;">Service Appeal No. 07/2017</p> <p style="text-align: center;">Date of Institution ----03.01.2017 Date of Decision ----24.11.2017</p> <p>Muhammad Akbar (Assistant Food Controller, Mardan) S/O Muhammad Ismail R/O G.T Road, Chamkani, Tehsil & District, Peshawar. Appellant</p> <p style="text-align: center;">VERSUS</p> <p>1. Director Food, Khyber Pakhtunkhwa, Peshawar. 2. Secretary to Government of Khyber Pakhtunkhwa, Peshawar. 3. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar...Respondents</p> <p style="text-align: center;">JUDGMENT</p> <p style="text-align: center;">MUHAMMAD HAMID MUGHAL, MEMBER: - Learned counsel for the appellant present. Learned District Attorney for the respondents present.</p> <p>2. This single/common judgment shall also dispose of appeal bearing No. 08/2017 entitled Muhammad Saleem Iqbal versus Director Food Khyber Pakhtunkhwa and others being identical in nature having arisen out from the same law and facts.</p> <p>3. Appellants have filed the appeals under Section 4 of "the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the respondents and made impugned the seniority list of Assistant Food Controllers as it stood on 31.10.2016.</p> <p>4. Learned counsel for the appellants argued that the appellants were serving in the Government of Khyber Pakhtunkhwa Printing</p>

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

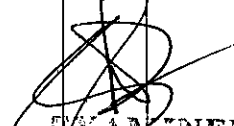
& Stationary Department in BS-07 and in the year 2004 the appellants were adjusted in the food department as Food Grain Inspectors (BS-06) vide Surplus Pool Letter dated 25.08.2004. Further argued that in pursuance of the amendment in the Surplus Pool Policy circulated by letter No. SOR.VI (E&AD)/5-1/2005 dated 15.02.2006, the appellants became entitled to be placed at the top of seniority list of cadre of Food Grain Inspectors but they were deprived from their right of seniority and in the impugned seniority list the appellants have not been placed at the top three (3) positions. Learned counsel for the appellants argued that this Tribunal has already accepted the identical nature service appeal bearing No. 831/2015 filed by Mr. Muhammad Naveed who was also adjusted as Food Grain Inspector as a result of Surplus Pool Policy. Learned counsel for the appellants while relying upon the judgment of august Supreme Court titled Government of Punjab, through Secretary Education, Civil Secretariat, Lahore and others (Petitioners) Versus Sameen Parveen and others (Respondents) 2009 SMCR 1, stressed that the appellant is also entitled to the same relief granted to Mr. Muhammad Naveed in appeal No. 831/2015.

5. As against that learned District Attorney while opposing the present appeals argued that revised Surplus Pool Policy was notified on 15.02.2006 much after the adjustment of appellant as Food Grain Inspector in the year 2004.

6. Arguments heard. File perused.

7. Law and facts of the present appeals as well as service appeal No. 831/2015 entitled Muhammad Naveed Versus Government of

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Khyber Pakhtunkhwa through Secretary Establishment and Administration Department Peshawar & another are, the same. It is settled proposition of law that if a Tribunal decides a point of law relating to the terms and conditions of a civil servant who litigated, the benefits of said decision would be extended to other similarly placed civil servants who may not be parties to that litigation. Hence the appellant is also entitled to the same relief granted to the appellant Muhammad Naveed by this Tribunal in service appeal No 831/2015. Learned counsel for the appellants however remained unable to demonstrate that the appellant should also have been placed senior to those Assistant Food Controllers who were appointed as such by initial recruitment prior to the promotion of the appellants from the post of Food Grain Inspector to the post of Assistant Food Controller. Consequently the present appeals are also accepted in terms of the judgment passed in the said appeal bearing No. 831/2015. However the appellants shall still stand junior to all those persons who have been inducted as Assistant Food Controllers (BS-14) by initial recruitment prior to the promotion of appellants as Assistant Food Controllers on regular basis and thus seniority of the direct recruits vis a vis appellants (Promotees) in the impugned seniority list shall not be disturbed. Parties are left to bear their own costs. File be consigned to the record room.

(Signature)

(MUHAMMAD HAMID MUGHAL)
MEMBER

(Signature)
(GUL ZEB KHAN)

MEMBER

ANNOUNCED

24.11.2017

Certified to be true copy

(Signature)
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 29-11-17
Number of Volumes 1600
Copying Fee 10:00
Urgent _____
Total 10:00
Name of Copier [Signature]
Date of Completion of Copy 14-12-17
Date of Delivery of Copy 14-12-17

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR APPEAL No. 349/2017

Noor Khan (AFC BPS-14) S/O Gulfam Khan
R/O Village Abdara, Ghari Taj Muhammad,
P/O University of Peshawar, Tehsil & 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 of Khyber
Pakhtunkhwa Establishment, Department
Peshawar.

Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Preliminary Objections

1. The appeal is not maintainable in its present form.
2. The appellant has neither got locus standi nor he has come to this Hon'able Tribunal with clean hands.
3. The appellant is estopped by his own conduct to file this appeal.
4. The appeal is based on malafide and ulterior motives.
5. That the appeal is bad for non-joinder and mis-joinder of concurring parties.
6. The appellant has no cause of action or locus standi.
7. That appeal is badly time bared.

RESPECTFULLY SHEWETH:

ON FACTS:

1. Mr. Noor Khan Ex-Mono Operator (BS-07) Government of Khyber Pakhtunkhwa Printing & Stationery Department Peshawar, the appellant herein, with others rendered surplus by the respective Department was adjusted as Foodgrain Inspector (BS-06) in the Food Department Khyber Pakhtunkhwa, vide Office Order No.17500/ET-542-SPA dated 25-08-2004. Later on, the post of FGI was upgraded to BS-07 with effect from 02-2008 and to BS-09 with effect from 31-12-2013. According to the Policy contained in E&AD Department circular No. SOR-I(E&AD)1-200/98 dated 08-06-2001, his pay was protected in BS-07 (**Annex-A**).
2. Due to poor performance in handling wheat Godowns and wilful absence from duty without prior permission / application from DFC office Dargai, Mr. Noor Khan (FGI), acting charge Assistant Food Controller Dargai was suspended from Government service with immediate effect vide Food Directorate Office Order No.2040/PF dated 15-04-2015 (**Annex-B**).

In order to investigate the matter, an Enquiry Committee comprising of Mr. Muhammad Jehangir (ADF) and Allah Dad (ADF), Food Directorate,

Peshawar was deputed to conduct preliminary enquiry and find out the factual position and submit a detailed report to proceed further accordingly. On submission of the enquiry report as well as personal hearing of the appellant herein, the competent authority re-instated him into service coupled with award of minor penalty of "Censure" with the directions that in future he might not be associated with handling of the Ware-houses vide Food Directorate Office Orders No. 4498/PF-1055 dated 22-08-2016 and No. 4499/PF-1055 dated 22-08-2016 (**Annex-C**). After completion of the disciplinary proceedings, he was promoted to the post of Assistant Food Controller (BS-14).

3. As per reply given at Para-01 above.
4. In compliance of the judgement of Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad dated 15-08-2016 in Appeal No.831/2015 regarding acceptance of seniority Appeal of Mr. Muhammad Naveed, AFC Office of DFC Mansehra, the seniority list of Assistant Food Controllers as it stood on 31-10-2016 was revised accordingly and circulated amongst all concerned vide Food Directorate letter No.5578/ET-716 dated 07-11-2016 (**Annex-D**).

On circulation of seniority list of AFCs as is stood on 30-10-2016, the appellant herein filed an appeal dated 27-03-2017 for his placement at the top-4 of the Seniority List as per the afore-mentioned judgment dated 15-08-2016. On examination of the appeal, this Directorate replied/ informed him that the seniority list of AFCs as it stood on 31-10-2016 was revised and accordingly circulated amongst all concerned vide Food Directorate letter No. 5578/ET-716 dated 17-11-2016, in compliance of the Judgement of Service Tribunal Camp Court Abbottabad announced on 15-08-2016 in case of Mr. Muhammad Naveed AFC V/S Secretary Food. Therefore, his appeal was regretted vide Food Directorate letter No. 1256/PF-Noor Khan AFC dated 06-04-2017 (**Annex-E**). It is worth mentioning here that he after his adjustment neither agitated the matter nor did raise any objection to any seniority list issued periodically since 2004.

5. As per reply given at Para-04 above.
6. As per reply given at Para-04 above.
7. As per reply given at Para-04 above.
8. As per reply given at Para-04 above.
9. The plea of the appellant is incorrect. The policy in vogue at the time of adjustment of the petitioner clearly embodies that the surplus employees would be placed at the bottom of the Seniority List of Foodgrain Inspector (BS-06) as per instructions contained in Government of Khyber Pakhtunkhwa letter No. SOR-I(E&AD)1-200/98 dated 08-06-2001, whereas the revised Policy, as referred to by the petitioner, was notified on 15-02-2006 with immediate effect i.e much after his adjustment on 25-08-2004. Besides, he was adjusted as Foodgrain Inspector (BS-06) and his pay was protected in BS-07. The post was upgraded to BS-07 with effect from 02/2008 which was again upgraded to BS-09 with effect from 31-12-2013, hence he is not aggrieved as his scale is much higher than the scale in which

he was serving in his parent Department. Moreover, on a similar departmental appeal submitted by Mr. Muhammad Naveed, Ex-employee of the Food Department, as referred to by the appellant herein, the case was earlier referred to Establishment Department for views / advice in Year-2010 (**Annex-F**), who opined that the request of the official was not covered under the adjustment policy, besides being contrary to the decision of Khyber Pakhtunkhwa Service Tribunal, as such it was advised that his request for placement at the top of the seniority list did not merit consideration, (**Annex-G**). However, the Court in its judgment dated 15-08-2016, as referred to vide Para 04 above, directed to revise the seniority list & this Department has done the same in compliance with the afore-mentioned decision of the Court.

10. Incorrect. As per reply given at Para-09 above.

11. No Comments.

12. No Comments.

13. No Comments.

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

RESPONDANTS



Director-cum-Secretary, 06-07-17.
Food Department Khyber Pakhtunkhwa,
Peshawar.

Respondents No.01 and 02



Secretary to
Government of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar

Respondent No.03

Annex (A)

Annex-A

ET-542/SPA/19.08.2004

FOOD DIRECTORATE NWFP
PESHAWAR

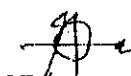
OFFICE ORDER

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 26.06.2004 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

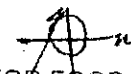
2. Pay of the above officials will remain protected in BS-07 according to Policy contained in Establishment and Administration, Department Circular No.SOR-1(E&AD)1-200/98, dated 8th June 2001.


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.


DIRECTOR FOOD NWFP
PESHAWAR

13
②
III

To,

The Director Food,
NWFP, Peshawar.

Subject:- ARRIVAL REPORT

R/Sir,

In compliance with office order No.17500/ET542/SPA, dated
25th August 2004.

I beg to submit my arrival report for duty as Food Grain
Inspector in this office today on 25th August 2004 (After Noon).

With thanks.

Your's Obedient Servant



(NOOR KHAN) FGI
Food Directorate NWFP
Peshawar.

Handwritten notes in a box:
D
A/R
R/K

Arrival Report-26-08-04

Handwritten notes and signatures at the bottom:
30/ ✓
30/ ✓
2210
26/8
RKE
30/ ✓

Annex - B

Annex (B) 2A
139

FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA,
PESHAWAR.

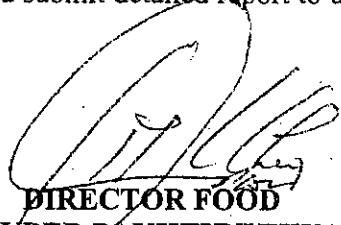
No. 2040/PF-
Dated 15/04/2015



OFFICE ORDER

Due to poor performance in handling wheat Godowns, wilful absent from duty without prior permission / application from DFC Dargai, Mr. Noor Khan FGI acting Assistant Food Controller Dargai is hereby suspended from Government service with immediate effect.

2 In order to investigate the matter, Mr. Muhammad Jehangir ADF and Allah Dad ADF, Food Directorate, Peshawar are hereby deputed as enquiry committee to conduct preliminary enquiry and find out the factual position and submit detailed report to undersigned within Seven days positively.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

Endorsement No & date Even

Copy is forwarded to

1. PS to Minister Food for information of the Minister Food Khyber Pakhtunkhwa.
2. PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa
3. The Deputy Commissioner Malakand at Dargai.
4. The District Accounts Officer, Malakand at Dargai.
5. The Assistant Director Food Malakand Division at Saidu Sharif Swat.
6. Mr. Allah Dad Assistant Director Food (E) Food Directorate, Peshawar.
7. Mr. Muhammad Jehangir Assistant Director Food, Food Directorate Peshawar.
8. The District Food Controller, Malakand at Dargai.
9. Official concerned.
10. Personal File


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

Annex-c

Annex (c) (3)



FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA
PESHAWAR

No. 4498 / PF-1055
Dated 29/8/2016

OFFICE ORDER

Where-as, an enquiry was conducted against Mr. Noor Khan ex-AFC Dargai (now Food Directorate), regarding his poor performance in handling of wheat godown, ^{and} wilful absence from duty without prior permission of the DFC Dargai

An whereas, keeping in view the enquiry report as well as personal hearing of the accused on 15-08-2016, I Asmatullah Khan Ghandapur, Director Food Khyber in exercise of the powers conferred upon me under Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011 award the minor penalty of "Censure" upon Mr. Noor Khan AFC with the directions that in future ^{he} might not be associated with handling of the Ware-houses.

Asmat
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

18-08-16.

Endstt: No & Date even

Copy is forwarded to:-

- 1 PS to Minister Food Khyber Pakhtunkhwa
- 2 PS to Secretary Food Khyber Pakhtunkhwa.
- 3 The Deputy Director Food Khyber Pakhtunkhwa at Karachi
- 4 The Assistant Directors Food Malakand & Peshawar Divisions.
- 5 The District Food Controller Dargai.
- 6 The Pay Bill Assistant, Food Directorate, Peshawar.
- 7 Official concerned / Personal File

Asmat
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

18-08-16

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Annex D

Appeal no. 831/2015



50

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

K.W.P. 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 as per
6/7/15

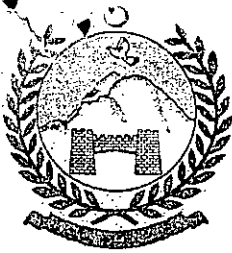
Respected Sir,

re-submitted to-day
and filed.

Signature
23/7/15

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

RECEIVED
Director Peshawar
Peshawar



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.

Bmat
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

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



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.

**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. Saïd Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	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. Waziristan 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	05.12.1962	Peshawar	01.03.1982	25.08.2004	07.08.2015	By initial recruitment	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	22-04-2016	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 Shoaib	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. Muhammad 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	28-11-2016	By Promotion	11-05-2031
34.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	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

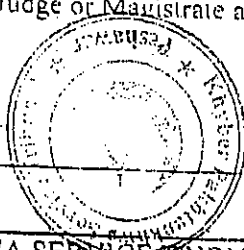
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Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
2	3



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:-

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

15.08.2016

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 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

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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

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perused the record.

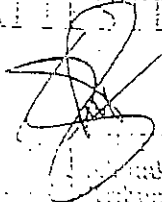
7. According to notification dated 08.06.2001 issued by Establishment and Administration Department of the provincial government policy for declaring government servants as surplus and their subsequent absorption/adjustment was laid down which was further amended vide circular letter dated 15.02.2006 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 nowhere 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


Sub-Divisional
Officer

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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/-

(MUHAMMAD AZIM KHAN AFRIDI)

CHAIRMAN

Camp Court A. Abad

sd/-

(ABDUL LATIF)
MEMBER

Certified to be true copy
 M. YAKIN
 District Registrar
 District Tribunal
 Peshawar

Date of Presentation of Petition: 29-12-16
 Number of Petition: 2000
 Copies: 12
 Uprated: 2
 Total: 14
 Name of Applicant: [Signature]
 Date of Receipt: 29-12-16
 Date of Delivery: 29-12-16



FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR

No. 5578 /ET-716

Dated 7/11/2016

TO:-


1. All Officers/ Officials in Food Directorate, Peshawar.
2. All Assistant Directors Food at Divisional level in Food Department Khy 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
IT STOOD ON 31.10.2016.**

Memo:-

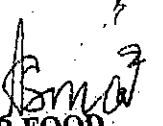
In compliance of Judgement of Khyber Pakhtunkhwa Service Tribunal Camp Abbottabad announced on 15-08-2016 in case of Appeal No.831/2015 regarding acceptance Seniority Appeal of Mr. Muhammad Naveed AFC Office of DFC Mansehra, the Seniority List of Assistant Food Controller as it stood on 31-10-2016, is 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 from 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 04.11.16

Endorsement No and Even date

- Copy for information to
1. The Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar with reference to No. 831/2015.
 2. The Section Officer Food Government of Khyber Pakhtunkhwa Food Directorate Peshawar for information.
 3. Mr. Muhammad Naveed AFC Office of District Food Controller, Mansehra.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR. 04.11.16

10

REVISED SENIORITY LIST OF ASSISTANT FOOD CONTROLLERS (BS-14) IN THE FOOD DIRECTORATE
KHYBER PAKHTUNKHWA, PESHAWAR AS IT STOOD ON 31-10-2016.

1	2	3	4	5	6	7	8	9	10
Name of Govt	Qualification	Date of birth	Domicile	Date of entry in to Govt service	Date of appointment to the post of FCI/ Cane Inspector	Date of appointment to the present post	Method of recruitment	Date of superannuation	
Muhammad Naved	BA /LLB	13.01.1957	Mansehra	18.05.1978	01.02.2006	22-04-2016	By Promotion	12.01.2017	
Far Bar Khan	B.A.	16.07.1957	Dir Lower	23.06.1982	01.01.1997	14-12-2009	Already appointed as DFC /S&EO/RC (BS-16) on acting charge basis w.e.f 23-12-2015	15.07.2017	
Amran Ullah	F.A.	15.06.1957	M Agency	22.06.1982	25.03.1998	14-12-2009	By Promotion	14.06.2017	
Fazli Bari	B.A.	02.02.1961	Chitral	22.06.1982	30.08.2000	14-12-2009	By Promotion	01.02.2021	
Muhammad Zubair	B.A.	01.02.1970	Swat	09.05.1993	30.08.2000	06-04-2010	By Promotion	31.01.2030	
Mehmood-ur-Rahman	C.Com.	02.11.1969	Kohat	09.05.1993	30.08.2000	06-04-2010	By Promotion	01.11.2029	
Salah-ud-Din	B.A.	25.11.1972	Peshawar	09.05.1993	30.08.2000	06-04-2010	By Promotion	24.11.2032	
Muhammad Arshad	B.A.	15.09.1967	Charsadda	09.05.1993	30.11.2000	06-04-2010	By Promotion	14.09.2027	
Wazir Shah	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019	
Aftab Umar Khan	MA	04-08-1985	Mohmand Agency	19-05-2010	-	19-05-2010	By initial recruitment	03-08-2045	
Muhammad Tariq	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2030	
Ansar Qayum	B.A.	11.07.1970	Mansehra	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030	
Abdul Hafeez	B.A.	07.07.1969	Charsadda	09.05.1993	20.12.2003	21-12-2010	By Promotion	01.12.2029	
Arshad Hussain	B.A.	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030	
Ali Asghar Khan	B.A.	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032	
Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026	
Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032	
Jamshed Khan Afridi	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032	
Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028	
Sheraz Anwar	F.A	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034	
Muhammad Azam	B.B.A	22.11.1968	S. Wazirstan Agency	07.08.2015	-	07.08.2015	By initial recruitment	21.11.2048	
Tausif Iqbal	M.B.A	01.10.1987	Karak	07.08.2015	-	07.08.2015	By initial recruitment	30.09.2047	
Muhammad Shakeel	M.B.A	10.04.1984	Abbottabad.	07.08.2015	-	07.08.2015	By initial recruitment	09.04.2044	
Miss Uzma Kanwal	M.A	03.12.1990	Abbottabad.	07.08.2015	-	07.08.2015	By initial recruitment	02.12.2050	
Zafar Alam Riza	M.A	03.01.1987	Chitral	07.08.2015	-	07.08.2015	By initial recruitment	02.01.2047	
Shahid Hussain	B.A	10.04.1987	Mansehra	07.08.2015	-	07.08.2015	By initial recruitment	09.04.2047	
Farhan Rehman	B.A	18.04.1984	Dir Lower	07.08.2015	-	07.08.2015	By initial recruitment	17.04.2044	
Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015	-	07.08.2015	By initial recruitment	17.04.2044	
Muhammad Akber	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	22-04-2016	By Promotion	31.12.2022	
Salim Iqbal	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.2004	22-04-2016	By Promotion	14.02.2029	
				14.07.1993	17.06.2005	22-04-2016	By Promotion	17.04.2025	
						22-04-2016	By Promotion	31.12.2027	

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33.									
34.	Mr. Muhammad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	22-04-2016	By Promotion	01.05.2017
35.	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2016	By Promotion	31.12.2035
36.	Mr. Muhammad Shoaib	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	22-04-2016	By Promotion	10.04.2026
37.	Mr. Amjid Khan	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	22-04-2016	By Promotion	04.01.2035
38.	Mr. Mohammad Zubair	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	22-04-2016	By Promotion	20.09.2030
39.	Mr. Saif Ali Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2016	By Promotion	02.03.2029
40.	Mr. Gul Zarsen Shah	M.A	15.04.1957	Bannu	24.10.1994	12-01-2009	22-04-2016	By Promotion	14.04.2017
41.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	22-04-2016	By Promotion	14-02-2047
42.	Mr. Rashid Saeed	B.A	15.03.1974	DIKhan	22.05.1995	26-12-2009	22-04-2016	By Promotion	14.03.2034
43.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-08-2016	By Promotion	01.08.2028
44.	Mr. Ashfaq Khan	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	04-08-2016	By Promotion	24.03.2037
45.	Mr. Riaz Ahmad	M.A	01.03.1966	Chitral	02.05.1995	26-12-2009	04-08-2016	By Promotion	28.02.2026
46.	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
47.	Mr. Angoor Shah	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	04-08-2016	By Promotion	31.05.2023

M. Saib
 ASSISTANT DIRECTOR FOOD (E)



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE, OF FOOD
PESHAWAR.

No 1256 /PF-Noor Khan AFC
Dated Peshawar, the 06/04/2017

To
Mr. Noor Khan, AFC
Food Directorate Peshawar.


Subject: - DEPARTMENTAL APPEAL / REVIEW IN RESPECT OF REVISED SENIORITY LIST OF ASSISTANT FOOD CONTROLLER "AS THE APPELLANT BEING ON THE SAME FOOTING WITH MUHAMMAD NAVEED AFC OFFICIAL OF DFC MANSEHRA MAY ALSO BE PLACED IN THE SENIORITY LIST OF 31-10-2016 KEEPING IN VIEW, THE MENTIONED JUDGMENT IN APPEAL NO. 831/2015 DATED 15-08-2016 OF THE HON'BLE CHAIRMAN KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR AS CONSPICUOUSLY THE APPELLANT TOO WAS INDUCTED VIA SURPLUS IN YOUR DEPARTMENT IN THE YEAR 25-08-2004 FOR THE BEST AND ADMINISTRATION OF JUSTICE AND FAIRY PLAY. KEEPING IN VIEW ARTICLE 25 OF THE CONSTITUTION OF PAKISTAN 1973 WITH SPECIAL RELIANCE ON THE APEX COURT (SUPREME COURT JUDGMENT 2009 SCMR 1)

Reference your appeal dated 27-03-2017 against the revised seniority List of Assistant Food Controllers as it stood on 30-10-2016 on the subject noted above.

2 Mr. Muhammad Naveed Ex-Rationing Controller Peshawar ^{had} filed an appeal No.831/2015 in the Khyber Pakhtunkhwa Service Tribunal against his seniority position in the Seniority List ever since his adjustment as Foodgrain Inspectors in Food Department Khyber Pakhtunkhwa in light of Surplus Policy dated 08-06- 2001 and 15-02-2006.

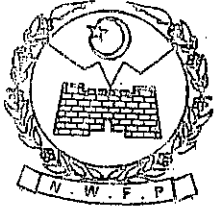
3 On acceptance of his appeal, in compliance of Judgement dated 15-08-2016 Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad, the Seniority List of Assistant Food Controller as it stood on 31-10-2016, was revised and circulated, vide Food Directorate letter No.5578/ET-716 dated 07-11-2016.

4 In view of the position explained above, your appeal against the seniority list of Assistant Food Controllers as it stood on 30-10-2016 issued in light of Judgment dated 15-08-2016 in favour of Mr. Muhammad Naveed Ex-AFC cannot be acceded to.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR. *04.*

Annex (F)

(13)



FOOD DIRECTORATE NWFP,
PESHAWAR

No. 30323 /PF-1053.

Dated 11/10/2009

To

The Section Officer Food,
Government of NWFP,
Food Department Peshawar.

Subject: - **REQUEST FOR DUE SENIORITY**

Memo:

Mr. Muhammad Naveed Ex-Senior Clerk (BS-07) of the District Coordination Officer Mansehra (Surplus Pool of DCO Mansehra) was adjusted as Food gain Inspector / Cane Inspector (BS-06) in the Food Department NWFP, Peshawar **Annex-I**

2. Pay drawn by the above Official will remain protected in (BS-07) according to Policy contained in Establishment and Administration, Department Circular No. SOR-I (E&AD) 1-200/98, dated 08-06-2001.

3. On adjustment from Ministerial cadre post to Executive Cadre post in Food Department he was placed at the bottom of the Seniority List of FGI (BS-06) as per instruction contained in Government of NWFP, letter No. SOR-I (E&AD) 1-200/98 dated 08-06-2001. After adjustment in Food Department he submitted an appeal for due seniority, with the plea that he may be placed at the top of Seniority List of FGI due to adjustment from BS-06 to BS-07 in light of instruction of Government of NWFP, Establishment Department letter No. SOR-VI(E&AD/5-1/2005 dated 15-02-2006 **Annex-II**

4. You are requested to kindly advice whether his request can be considered in light of Para-II (Sub Para-(d) of letter No.SOR-VI (E&AD)/5-1/2005 dated 15/02/2006. (Copy enclosed).

M. Baig
DIRECTOR FOOD NWFP,
PESHAWAR.

No. 30324 /PF-1125

Dated Peshawar, the 11/10/2009

A copy is forwarded to the District Food Controller Abbottabad for information with reference to his letter No. 7182/ET-69(AD) dated 08-10-2009.

M. Baig
DIRECTOR FOOD NWFP,
PESHAWAR.

ANNEX G (14)

Annex-G



GOVERNMENT OF NWFP
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(REGULATION WING)
NO. SOR.III (E&AD)3-2/08 Food Department
Dated Peshawar, the April 19, 2010

To

The Secretary to Govt: of NWFP,
Food Department.

Subject: FIXATION OF SENIORITY

Sir,

I am directed to refer to the Food Department letter No.SOF (Food Department)1-25/185 dated 29-03-2010 on the subject and to say that the request of the official is not covered under the adjustment policy as well as contrary to the decision of NWFP Service Tribunal.

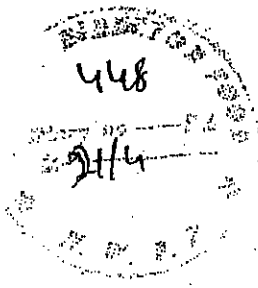
2. It is, therefore, advised that the request of Mr. Muhammad Naveed, Food Grain Inspector for his placement at top of the seniority list does not merit consideration.

Yours faithfully,

(GHAZI KHAN)
SECTION OFFICER(R-III)

DF
20/4/10

EW	✓
FC	
CP	
DDE	



[Handwritten signature]

Subject to

27-4-10
28/04/10

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

NO.SOR-I(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

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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/ 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.

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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:-

- (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)
ADDITIOANL SECRETARY (REGULATION)

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

Attestd
Rana
Raviy Adv

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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
ESTABLISHMENT &
(REGULATION WING)

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



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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:-

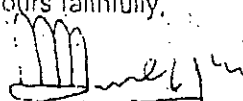
(i) Sub para (c) (v) added to para-5

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.

Yours faithfully,


(MUHAMMAD HAMAYUN)
SPECIAL SECRETARY (REGULATIONS)

15.2.06


Encls 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.

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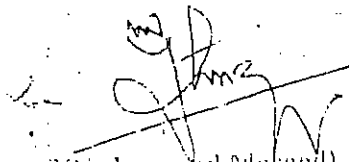
- 5. Private Secretary to Chief Secretary NWFP, Peshawar.
- 6. Private Secretary to Senior Minister NWFP.
- 7. Private Secretaries to all the Provincial Ministers NWFP.


(Hussain Shah)
Deputy Secretary (Reg-I)

Post No & date over

Copy forwarded to

- All Additional/ Deputy Secretaries in Establishment and Administration Department NWFP, Peshawar.
- Director, Staff Training Institute, Benevolent Fund Building Peshawar.
- All Section Officers/Estate Officer Establishment and Administration Department.
- Private Secretary to Secretary Establishment Department.
- Assistant Secretary Benevolent Fund, Establishment & Administration Department.
- Librarian Establishment & Administration Department.


(Muhammad Maqsood)
Section Officer (Reg-VI)



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.