

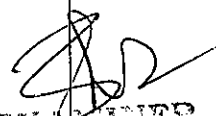
& Stationary Department in BS-07 and in the year 2004 the appellants were adjusted in the food department as Food Grain Inspectors (BS-06) vide Surplus Pool Letter dated 25.08.2004. Further argued that in pursuance of the amendment in the Surplus Pool Policy circulated by letter No. SOR.VI (E&AD)/5-1/2005 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 (Promotées) in the impugned seniority list shall not be disturbed. Parties are left to bear their own costs. File be consigned to the record room.

Mughal

(MUHAMMAD HAMID MUGHAL)
MEMBER

Gul Zeb Khan
(GUL ZEB KHAN)
MEMBER

ANNOUNCED
24.11.2017

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Annex: "M"

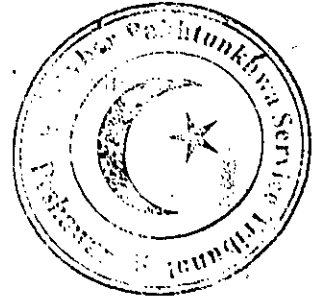
(44)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 349/2017

Date of Institution ... 13.04.2017

Date of Decision ... 08.02.2018



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

VERSUS

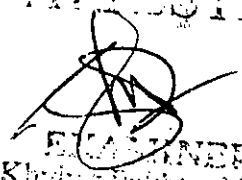
1. Director Food, Khyber Pakhtunkhwa, Peshawar and two others.
.... (Respondents)

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

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

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

ATTESTED


CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN.- Arguments of the learned

counsel for the parties heard and record perused.

FACTS

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

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MEMBER

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

ARGUMENTS.

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

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 Peshawar

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 Adv.

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Muhammad Zubair Iqbal or in the present appeal.

2004 prior to the recruitment of direct recruits in the year 2016 as such they were not necessary party in Haved's appeals of Muhammad Akbar and same principle the right of seniority accrued to the present applicant in the year necessary to imply the direct recruits as party to the appeal. On the basis of the accrued to a civil servant prior to the induction of direct recruits then it was not party in ante-dated promotion case and had decided that when a right of promotion 11.2018 had elaborately discussed the issue of non-impediment of necessary 'Akkonah' (Kashmiri) and others" in service appeal No. 3042013 decided in case entitled "Nasim Akbar Versus the Chief Secretary Government of Jammu and the Tribunal granted the relief to said Muhammad Haved. This Tribunal in a favorable because in Haved's case none of the direct recruits was arrayed as party

As a result to the above discussion, this Tribunal would follow the first judgment of Haved and would dispose of the appeal in the terms as that of appeal of Haved dated 12.08.2016. Parties are left to bear their own costs. The be consigned to the record room.

CHAIRMAN
(MUHAMMAD AMIN KHAN KUNDI)

MEMBER
(MUHAMMAD AMIN KHAN KUNDI)

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

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

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ATTESTED

Learned Deputy District Attorney
 Peshawar

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

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

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(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(Handwritten signature)
(NIAZ MUHAMMAD KHAN)
CHAIRMAN

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06.02.2018

Certified to be true copy
 Khyber Pakhtunkhwa
 Services Tribunal
 Peshawar

Date of Presentation: 15-2-2018
 Number of Members: 2800
 Copying Charges: 1250
 Transport: 200
 Total: 1400
 Date of C: 15-2-18
 Date of C: 15-2-18

Annex: N
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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. 264-P /2018

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

-----PETITIONERS

VERSUS

Noor Khan (AFC BPS-14) S/o Gulfam Khan R/o Village Abdara, Ghari Taj Muhammad P/o University of Peshawar Tehsil & District Peshawar

RESPONDENT

CIVIL PETITION FOR LEAVE TO APPEAL UNDER ARTICLES 212(3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 AGAINST THE IMPUGNED JUDGMENT/ ORDER OF LEARNED KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR DATED 08/02/2018 IN SERVICE APPEAL NO.349/2017

RESPECTFULLY SHEWETH

The substantial questions of law of general public importance and grounds, inter alia, which falls for determination of this august Court are as under:-

1. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar suffers from material illegality, factually incorrect and require interference by this august Court?
2. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has properly and legally exercised its jurisdiction in the matter in hand?

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3. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar is in utter violation of section 8 of the civil Servant act, ¹⁹⁷³ r/w rule 17 of Appointment, Promotion and Transfer Rules, 1989?
4. Whether the claim of respondent is in utter disregard of surplus pool policy as the respondent was adjusted under the surplus pool policy in the Food Department in 2004 wherein only protection was given to his salary and not to seniority?
5. Whether the respondent was much later on promoted to the post of AFC on the regular seniority list which was circulated properly among all the employees?
6. Whether the respondent had remained silent on his seniority since 2004 till 2016 and now legally debarred from agitating the cause of 2004 in 2016?
7. Whether the appeal of respondent regarding the seniority of 2004 is barred by time and not maintainable in the eyes of law?
8. Whether the respondent is entitled for the benefits of mentioned judgment as there are numerous employees who had not been impleaded in the case of Muhamamd Naveed Khan?
9. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has properly construed the record and material in its true perspective?
10. Whether the impugned judgment and order is very much vague and does not disclose the actual dispute or having any discussion on the question / point involved in the matter?

FACTS

II- Facts relevant to the above points of law, inter alia, are as under:-

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That the respondent was initially the employee of Khyber Pakhtunkhwa Printing and Press Department in BPS-07 and was declared surplus.

2. That the respondent was adjusted in the Food Department as Food Grain Inspector in BPS-6 under the surplus pool policy wherein only protection has been given to his salary.
3. That the respondent post of Food Grain Inspector was up-graded from time to time and lastly the respondent was in BPS-09 as Food Grain Inspector.
4. That in the year 2015 some disciplinary proceedings were initiated against the respondent wherein the respondent was suspended and an enquiry was initiated against him and on the conclusion of enquiry and personal hearing the respondent was awarded minor penalty of censure on 22/8/2016 and later on was promoted to the post of AFC in BPS-14.
5. That the seniority from 2016 was challenged by one Muhammad Naveed whose appeal was accepted by the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and ordered to revise the seniority from 2016.
6. That the respondent did not challenge the seniority of 2004 till the filling of the instant appeal and after the revision of seniority list from 2016 the respondent filed departmental appeal which was rejected.
7. That the respondent then filed service appeal No.349/2017 before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar wherein comments was called from the petitioners which were filed accordingly.
8. That the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar accepted and allowed the service appeal of respondent vide judgment and order dated 8/2/2017.

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IN THE SUPREME COURT OF PAKISTAN

(Appellate jurisdiction)

C.P.L.A. NO. 1676 /2018

- | | | |
|-----|---|---------------------|
| 1. | Syed Wazir Shah, AFC, Office of District Food Controller, District Battagram | 6-4-2010 |
| 2. | Aftab Umar Khan, AFC, Office of Rationing Controller District Peshawar. | 19-5-2010 selective |
| 3. | Muhammad Tariq AFC, Office of District Food Controller, District Haripur. | 23-10-2011 |
| 4. | Ansar Qayyum AFC, Office of District Food Controller, District Mansehra. | 6-4-2010 |
| 5. | Abdul Hafeez AFC, Office of District Food Controller, District Charsadda. | 21-10-2010 |
| 6. | Aman Khan, AFC, Office of District Food Controller, District Tank. | - |
| 7. | Arshad Hussain AFC, Office of District Food Controller, District Chitral. | 4-10-2011 |
| 8. | Ali Asghar Khan AFC Office of District Food Controller, District Nowshera. | 4-10-2011 |
| 9. | Shabir Ahmad Khan AFC, Office of District Food Controller, District Nowshera. | 18-2-2012 |
| 10. | Said Nawaz AFC, Office of District Food Controller, District Chitral. | 18-2-2012 |
| 11. | Jamshed Khan Afridi AFC, Office of District Food Controller, District Peshawar. | 18-2-2012 |

ATTESTED

Attorney General

- 12. Sohail Habib AFC, Office of District Food Controller, District Swabi. 21-5-2012
- 13. Sheraz Anwar AFC, Office of District Food Controller, District Swat. 21-5-2012
- 14. Muhammad Azam AFC, Office of District Food Controller, District Bunir. 7-8-2015 Selects
- 15. Tausif Iqbal AFC Office of District Food Controller, District Lakki Marwat.. "
- 16. Muhammad Shakeel AFC, Office of District Food Controller, District Kohistan. "
- 17. Miss Uzma Kanwal AFC, Office of District Food Controller, District Abbottabad. "
- 18. Zafar Alam Riza AFC, Office of District Food Controller, District Chitral. "
- 19. Shujaat Hussain Shah. AFC, Office of District Food Controller, District Batagram. "
- 20. Hafeez-ur-Rehman AFC, Office of District Food Controller, District Peshawar. "
- 21. Adnan Khan, AFC, Office of District Food Controller, District Mardan..... (Petitioners)

VERSUS.

- 1. Noor Khan (AFC BPS-14) s/o Gulfam Khan R/o Village Abdara, Ghari Taj Muhammad P.O. University of Peshawar, Tehsil and District Peshawar. 28-11-2016
- 2. Muhammad Akbar AFC, Office of District Food Controller, District Mardan. 24-4-2016
- 3. Muhammad Saleem Iqbal AFC, Office of Rationing Controller, Peshawar. 24-4-2016

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24-4-2016

- 4. Muhammad Naveed (now Retired) AFC,
Office of Rationing Controller, Peshawar.
- 5. Director Food, Khyber Pakhtunkhwa,
Peshawar.
- 6. Secretary to Government of Khyber
Pakhtunkhwa, Food Department, Peshawar.
- 7. Secretary to Government of Khyber
Pakhtunkhwa, Establishment Department,
Peshawar.....

(Respondents)

CIVIL PETITION UNDER ARTICLE
212(3) OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN,
1973 AGAINST THE JUDGMENT DATED
08.02.2018 OF HON'BLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR PASSED IN SERVICE
APPEAL NO.349 OF 2017

RESPECTFULLY SHEWETH

I The points of law which arises for determination by this August Court are as under:-

- A. Whether the learned Khyber Pakhtunkhwa Service Tribunal in his impugned judgment has laid down law which is not in consonance with the known norms of administration of civil justice especially in the matter in hand?
- B. Whether the judgment dated 08.02.2018 of the Hon'ble Khyber Pakhtunkhwa Service Tribunal

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Peshawar passed in Service Appeal No.349 of 2017 is not against law, facts and record of the case, hence untenable?

- C. Whether the views/findings of the Hon'ble Service Tribunal are not suffering from misconstruing the case in hand?
- D. Whether the impugned judgment of the Hon'ble Service Tribunal is not perverse, against the law and rules?
- E. Whether the Hon'ble Service Tribunal, while passing the judgment on 15.08.2016 in appeal No.831/2015 has not failed to apply its mind judicially and misinterpreted the Sub-para (d) added to Para-6 of Surplus Pool Policy 2001?
- F. Whether the basic surplus pool policy was not introduced in the year 2001, while the amendment made thereon, was in the year 2006, which cannot be applied with retrospective effect?
- G. Whether in all the appeals No.831/2015, 7/2017, 8/2017 and 349/2017, all the petitioners have not been impleaded and thus their seniority was affected and caused miscarriage of law?
- H. Whether the respondent No.1 an ex-cadre employee being employee of ministerial cadre in his department was not adjusted in Food Department in Executive

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Cadre, which is contrary to Sub-Para (c) to Para-6 of Surplus Pool Policy 2001?

- I. Whether Hon'ble Service Tribunal has miserably failed to apply its judicial mind with regard to the dictum already laid down in the judgment dated 24.11.2017 passed in Service Appeal No.7/2017 and 8/2017?
- J. Whether the petitioners have been condemned unheard by not impleading them in all the service appeals mentioned above and thus no opportunity to be heard in person has been provided?
- K. Whether the Hon'ble Service Tribunal while passing the judgment dated 08.02.2018 passed in Appeal No.349/2017 has ignored the settled principles of seniority between the promotees viz-a-viz direct recruitees of the Public Service Commission?
- L. Whether errors of law and facts are not apparent on face of the record of the present case?
- M. Points raised are important law points of great public importance.

The facts of the case is as under:-

- 1. That the Respondent No.1 to 3 who were working as "Mono Operator" (BPS-07) in Govt. of NWFP (now Khyber Pakhtunkhwa), printing and stationary department were rendered surplus by the respective department and were adjusted as Food Grain

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Inspector (BPS-6 in the Food Department. Likewise respondent No.4 Ex-Senior Clerk (BPS-7) of the District Coordination Officer, Mansehra, was also rendered surplus, and was adjusted as Food Grain Inspector (BPS-6) in the Food Department NWFP (Now Khyber Pakhtunkhwa).

2. That the surplus pool policy for declaring Government Servants as surplus and their subsequent absorption/adjustment was introduced by the Govt. of NWFP (now Khyber Pakhtunkhwa), Establishment and Administration Department (Regulation Wing) Peshawar on 08.06.2001. This service surplus pool policy issued on 08.06.2001, was subsequently reviewed on 15.02.2006, with immediate effect, by the Provincial Government where under the following sub-paras were added to the relevant Paras No.5 and 6 of the policy, which are as under:-

- i) Sub-Para (C) (V) added to Para No.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 No.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.

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A. H. Khan
A.D.W.

- 3. That according to Sub-Para (c) to Para 6 of surplus pool policy pertaining to fixation of seniority, respondents No.1 to 4 were adjusted and properly placed at the bottom of the final seniority list of the Food Grain Inspector BPS-6 in the Food Department as stood on 25.08.2004.

- 4. That the Service Rules prescribed for Recruitment and Appointment to various posts in food Deptt. are regulated under the North West Frontier Province (KPK) Food Deptt. (Recruitment and Appointment) Rules 1981. The method of recruitment for the post of Assistant Food Controller is as under:-
 - a) 75% by promotion on the basis of seniority cum fitness from amongst FGIs and Cane Inspector with at least 5 years service as such and
 - b) 25% by initial recruitment.

- 5. That on availability of Ten (10) posts on 01-09-2013, reserved for recruitment of Assistant Food controller (BS-14) against 25% Quota by initial recruitment, respondent No.5 sent requisition before the KPK Public Service Commission. On the recommendation of KPK Public Service commission respondent No.5 appointed ten (10) Assistant Food Controller (BS-14) on 26.02.2015 who were placed in seniority list before respondent No.1 to 4 as they were promoted later to direct selectees.

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6. That Respondent No.4 (Muhammad Naveed Surplus Employee) after exhausting departmental remedies, filed a Service Appeal No.831/2015 before Khyber Pakhtunkhwa Service Tribunal seeking seniority by placing him at Serial No.1 of the Seniority List maintained in the Food Department for BS-06. The Hon'ble Service Tribunal while accepting his appeal to this effect that respondent No.4 was entitled to be placed at the Top of Seniority List at the relevant time after the clarification of surplus pool policy as he was adjusted against a post lower than his original scale.
7. That likewise Respondent No.2 and 3 (Muhammad Akbar and Muhammad Saleem Iqbal both surplus Pool Employees), also filed Service Appeal bearing No.7/2017 and 8/2017 respectively before the KPK Service Tribunal for seeking relief. Both the appeals were accepted in terms of the judgment passed in the appeal bearing No.831/2015 (Muhammad Naveed case) and Hon'ble Tribunal further directed that respondent No.2 and 3 (appellants in service appeal No.7 & 8/2017), shall still stand junior to all those persons who have been inducted as Assistant Food Controller (BS-14) by initial recruitment prior to the promotion of respondent No.2 and 3 as Assistant Food Controller on regular basis and thus seniority of the direct recruitees viz a viz respondent No.2 and 3 (promotes) in the impugned seniority list shall not be disturbed.

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- 8. That Respondent No.1 (Noor Khan AFC BS-14) filed a Service Appeal No.349/2017 before the KPK Service Tribunal on 13.04.2017 for seeking seniority on the basis of Service Tribunal Judgment dated 15.04.2016 in Appeal No.831/2015 (Muhammad Naveed case). This appeal was disposed off in the terms as that of appeal of Muhammad Naveed dated 15.08.2016.
- 9. That in all the service appeals before the KPK Service Tribunal filed by the respondents No.1 to 4 bearing No.349/2017, 07/2017, 08/2017 and 931/2015 respectively, the petitioners have not been impleaded in all these appeals and the seniority between the promotes viz-a-viz selectees of Public Service Commission has drastically been violated and therefore, the fundamental rights of the petitioners have been snatched by not adopting the settled principles of seniority and caused miscarriage of law.
- 10. That the impugned orders passed in all the Service Appeals have been passed without adopting the due process of law and the petitioners were not afforded an opportunity of being heard in person and by this way their seniority rights have been adversely affected.
- 11. That the respondents surreptitiously for their ulterior motives violated the principles of *audi alteram partem*.
- 12. That the petitioners were not dealt with in accordance with law which is against the provisions of Article 4 of the constitution of Islamic Republic of Pakistan, 1973.

ATTESTED
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 Adv?

13. That the petitioner seriously aggrieved against the judgments and orders of the Khyber Pakhtunkhwa Service Tribunal Peshawar dated 08.02.2018 passed in Service Appeal No.349/2017 respectfully pray for leave to appeal to this august Court on the grounds/law points mentioned in Part-I of this petition.

It is, therefore, prayed that leave to appeal may graciously be granted against the judgment and order of the learned Khyber Pakhtunkhwa Service Tribunal Peshawar dated 08.02.2018 passed in Service Appeal No.349 of 2017.

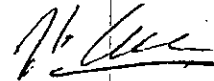
Drawn and Filed by



(HAJI MUHAMMAD ZAHIR SHAH)
ADVOCATE-ON-RECORD

CERTIFICATE

Certified that no such petition has earlier filed by the Petitioners in this August Court against the impugned judgment of the Khyber Pakhtunkhwa Service Tribunal Peshawar.



Advocate-on-Record.

ATTESTED
Adv.

(9)

(63)

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

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

CIVIL PETITIONS NO.264-P AND 1676 OF 2018
(Against the judgment dated 8.2.2018 of the KPK
Service Tribunal, Peshawar passed in
S.A.No.349/2017)

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

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

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

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

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

Date of hearing: 29.6.2018

ORDER

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

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(Signature)
Court Associate
Supreme Court of Pakistan
Islamabad

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Adv.

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

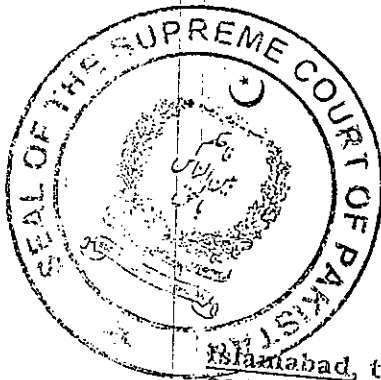
Sd/-, H.C.J.

Sd/-, J

Sd/-, J

Certified to be True Copy

Court Associate
Supreme Court of Pakistan
Islamabad



Islamabad, the
29th of June, 2018

Wahid Waheed

17918

405-P/18

GR No: _____ Civil/Criminal

Date of Presentation: 2.7.18

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Received by: _____

ATTESTED
Adm



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE, OF FOOD
PESHAWAR.

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

Annex: "0"

65

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.

ATTESTED
[Signature]

[Signature]
DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR. [Signature]

ATTESTED
Adv: [Signature]

Annex: "P"

(66)

**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.

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

1 (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,

ATTESTED
G. Ahmad
Adv.

Sd/-

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

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

SCHEDULE-42

S.No	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Minimum qualification for appoint by promotion.	Age Limit	Method of Recruitment
1	Director Food				
2	Deputy Director				
3	Deputy Director (Accounts)				

6

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.

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

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,

ATTESTED
9/11/2012
A.W.

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.

ATTESTED
[Signature]
[Signature]

Inspector	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 2 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

ATTACHED

Q. H. ...

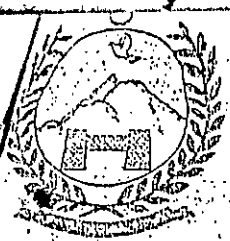
(70)

-4-

	Drivers			25 years to 45 years	By initial recruitment from amongst persons who are in possession of a valid driving License.
	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
[Signature]
H. D. V.

[Signature]
Assistant Director Food (Estt)
Food Directorate, Khyber Pakhtunkhwa
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD

PESHAWAR

No. 6926 /G-275-DPC

Dated Peshawar, the 28 / November-2016

Annex: "Q"

71

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. Atrangzeb 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

ATTESTED
G. Hassan
Adv!

ATTESTED

Handwritten notes:
Bannu
Lakki Marwat
Malakand
Haripur
D.I. Khan
Hazara



FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA
PESHAWAR

No. 3936 /AC-240-PSC-AFC-2015

Dated 07/08/2015

Annex "R"
(72)

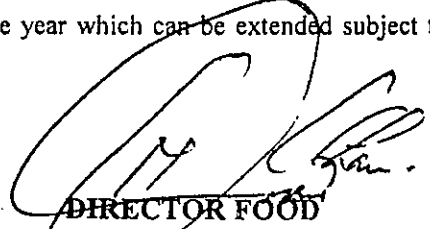
APPOINTMENT ORDER

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

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

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

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


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.

ATTESTED

Adv.

بعد الت حیدر مختونخواہ سروس سٹراٹجی کے نام

اسیٹل 349/2017

2 جولائی

نورخان AFC

موردہ
مقدمہ
دعوی
جرم

29/30
2019 پنجاب ریٹائرمنٹ
بنام کماؤ گروپ
ڈائریکٹوریٹ
دعوت

باعث تحریر آئندہ

آن مقام لٹا اور کیلئے عبدالحمید ایڈووکیٹ سیم کو طرف ہاکی
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی جواب دہی کے لئے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوفہ کے مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقرر ثالث فیصلہ برحلف دیئے جواب دہی اور قابل دعویٰ اور
بصورت ذکر کی کرنے اجراء اور وصولی چیک درو پیہار مرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دور پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

المقوم 2 ناہ جولائی 2019

بمقام

Attested & accepted

Advocate Supreme Court
0343-9025029

Muhammad
Salahuddin
DFC Haugan
RN-28

Kifayat Khan
(RN-30)
Assistant Director Fee

وکالت نامہ

بعدالت جناب! خیر بخیر خواہ سروس ٹریڈنگ لٹریچر
 اہل علم 349/2017 توڑخان AFC نام ٹریڈنگ و کاپنگ
 دعویٰ یا بل نمبر 2017/349 اہل منجانب سبمانڈ منڈ نمبر 349
 باعث تحریر آئندہ!

اندریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام
 عبدالحمد اہل وکٹ سیرم کوٹے آف پاکستان
 - BC-10-7605

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رُویت و عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے
 وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے
 خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی
 اور جگہ سماعت ہو یا کچہری کے اوقات کے آگے پیچھے یا بروز تعطیل سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ
 دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی
 درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے
 اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد و تالی و راضی نامہ و دستبرداری و اقبال و دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ
 یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل ازین ڈگری و اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ
 پیروی مختار نامہ کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا ایئر سٹر کو بجائے خود یا اپنے
 ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی
 سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب
 موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پرداختہ موصوف مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ
 سندار ہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

المرقوم: 2/7/2019

عبدالعبد

Attested & Accepted

Advocate Supreme Court
 Pakistan (Asc)
 0343-9025029
 13504-2259844-3
 شاد محمد
 سٹریٹ ضوٹ لٹریچر

ISSUED BY
FINANCE SECRETARY

Abdul Hamid
Asc عبدالحمد
الڈویکٹ اڈسٹنٹ
بار کونسل ابار ایسوسی ایشن
BC-10-7605
رابطہ نمبر 0343-9025029



40967

ڈسٹرکٹ بار ایسوسی ایشن نوشہرہ

خیز: نحو خواہ سروس سٹریٹون لٹ اور

بعدالت جناب:

مجاہب: ریمانڈنٹ نمبر 38	دعوی: 349/2017
نوٹ: نوخان AFC بنام ڈاکٹر کرم کرم کرم	علف نمبر:
	روزہ: 2-07-2019
	م: /
	تات: /

باعت تحریر آتک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ پاکستان
آن مقام شاور کیلئے عبدالحمد اڈسٹنٹ بار کونسل کو وکیل مقرر کر کے
اقرار کیا جاتا ہے کہ صاحب موصوف کا مقدمہ جس میں کارروائی کا مکمل اختیار ہوگا، میر وکیل صاحب کو راضی نامہ کرنے و تقرر
ثالث و فیصلہ برحلف دینے کے بعد اپنی اقبال دعویٰ موجود درجہ اسات از ہر قسم کی تہمتیں اور کسی پر دستخط کرنے کا اختیار
ہوگا، نیز بصورت عدم پیروی یا غیر کفایت کے لیے اس کا وکیل اور صاحب موصوف کے ہاں نظر ثانی و پیروی
کرنے کا مختار ہوگا اور بصورت ضرورت کے لیے یا بروکڈنگ کے لیے یا مختار قانونی کو اپنے
ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب موصوف کو بھی وہی جملہ مددوں اختیار حاصل ہوں گے اور اس کا
ساختہ پرواخذہ منظور و قبول ہوگا اور وکیل مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے لیے ہوگا وہ وکیل موصوف وصول
کرنے کا حقدار ہوگا کوئی تاریخ پیشی تمام ہر ہوتو وکیل صاحب موصوف کے کہ پیروی مذکورہ کریں، لہذا
وکالت نامہ لکھ دیا تاکہ سندر ہے



الرقوم: 2/07/2019

بد گواہ شد الع بد

شاور کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کی نوٹو کاپی نا قابل قبول ہوگی۔

KASHIF IHSAN
DFC Nowshera
Food department
KP

مقام
KASHIF IHSAN
DFC
NSR

Attested & accepted
KASHIF IHSAN
Advocate Supreme Court of Pakistan
0343-9025029

وکالت نامہ

بعدالت جناب! خیر بختو خواہ سروس ٹراوسٹل شاور
 349/ نورخان AFC بنام ڈائریکٹ فوڈ خیر بختو خواہ دہلہ
 2577 اسٹریٹ نمبر 35 سروس ٹراوسٹل شاور
 دعویٰ یا جرم 349/ اسٹریٹ نمبر 35 پنجاب
 2017 باعث تحریر آنکہ!

اندریں مقدمہ عنوان بالا میں اپنی طرف سے برائے بیروی و جواب دہی بمقام
 عبدالحمید ایڈووکیٹ سیرم کورٹ آف پاکستان (ASC) شاور

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رُو و عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے
 وکیل صاحب موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہو اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے
 خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی
 اور جگہ سماعت ہو یا کچہری کے اوقات کے آگے پیچھے یا بروز تعطیل سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو صاحب موصوف ذمہ
 دار نہ ہوں گے اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی، اپیل نگرانی دائر کرنے نیز ہر قسم کی
 درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے
 اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ
 یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل ازین ڈگری و اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ
 بیروی مختار نامہ کرنے کا مجاز ہوگا۔ بصورت ضرورت بدوران مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا اپنے
 ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی
 سے پہلے ادا نہ کروں تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب
 موصوف کے برخلاف نہیں ہوگا۔ مجھے کل ساختہ پرداختہ موصوف مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے تاکہ
 سند آ رہے۔ مضمون وکالت نامہ سن لیا اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

الرقوم: 2-7-2019

العبد العبد

Attested & Accepted

Attested & Accepted
 Advocate Supreme
 Court of Pakistan
 BC-10-7605
 0343-9025029



Attested & Accepted
 شہباز طارق
 ڈسٹرکٹ فورڈ کٹر و لبر، منگلور

منافسی کارڈ نمبر 5-13101-0798960

مورخہ 2 جولائی 2019ء منجانب: سمانندت منبر 29
 مقدمہ بعنوان: سرورس ٹریبونل پشاور
 نام: ڈاکٹر ظفر کھوسرو
 مقدمہ نمبر: Appeal No 349/2017
 نوعیت مقدمہ: سرورس ٹریبونل پشاور
 مقدمہ علت نمبر: 349/2017
 جرم: /
 تھانہ: /



باعث تحریر آنکہ



مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ BC-10-7605

آن مقام شاور کیلئے عبدالمجید اٹوٹ سہیل کورٹ آف پاکستان کیل میں مقبول ASC

BC-10-7605 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل مقررہ کو راضی نامہ کرنے و تقریر BC-10-7605

ی ثالث و فیصلہ برحلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زید دفعہ (2) 12 ض د، درخواست بمراد برآمدگی و سرسبزگی مقدمہ، درخواست بمراد منسوخی کاروائی و ڈگری یکطرفہ دائر کرنے جواب، جواب الجواب وغیرہ درخواست کاروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست از ہر قسم کی تصدیق زراس پر دستخط وغیرہ کرنے کا اختیار ہوگا۔ اپیل، اپیل دراپیل، نگرانی، نظر ثانی، رٹ و عذر داری وغیرہ دائر کرنے کا بھی اختیار ہوگا۔ اور بصورت ضرورت مذکورہ کے عمل یا جزوی کاروائی کے واسطے وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہو یا حد سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ پیروی مقدمہ مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے۔

المرقوم: 2 جولائی 2019

مقام شاور کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کو فوٹو کاپی یا اصل قبول ہوگی۔

Advocate I.D:

Bar Council

BC-10-7605

Bar Association

Peshawar

Contact #:

0343-9025029

Attested
&

Accepted

Kudul
Advocate Supreme Court
of Pakistan (ASC)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PWSHAWAR

Amended Appeal No.349/2017

Noor Khan, (AFC)

.....Appellant

Versus

Director Food, KP, Peshawar & others...

.....Respondents

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H/Rahman

(Answering Respondents)

Through

Abdul Hameed

ABDUL HAMEED

(Advocate Supreme Court of Pakistan)

Dated: 28.08.2019

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.
Amended Appeal No.349/2017
Noor Khan, (AFC) (BPs-14)

.....Appellant

Versus

Director Food, KP, Peshawar & others...

.....Respondents

REPLY ON BEHALF OF RESPONDENTS NO.26, 28,
29, 30, 31, 33, 34, 35 & 38

Respectfully Sheweth

PRELIMINARY OBJECTIONS:

1. This appeal is not maintainable to be entertained by this Hon'ble Tribunal because irrelevant Respondents (DFCs) have been impleaded by the appellant in violation of the orders dated 25.9.2018, passed by this Hon'ble Tribunal in this behalf.
2. This amended appeal is liable to be dismissed in limine as the answering Respondents belong to a separate cadre of District Food Controller (BPs-17), having no nexus with facts of the instant appeal.
3. The appellant has not only altered the character of his appeal but also changed his version regarding cause of action by taking a different stance, seeking seniority in separate cadre at serial no.17 of the seniority list of District Food Controllers (BPs-17) issued by the Department on 17.8.2018 and hence this appeal is not competent in law/rules to be entertained. (The seniority list dated

17.8.2018 of DFCs (BPs-17) is already annexed with the appeal of appellant)

4. All the Respondents No.25 to 38 are incumbents DFCs (BPs-17) who had been promoted earlier to the post of AFC (BPs-14) between the year 2009 and the year 2010 i.e. prior to the promotion of the appellant (Noor Khan), who had been promoted to the post of AFC (BPs-14) as late as 28.11.2016, on regular basis, and thus he is junior to all the incumbent Respondents No.25 to 38 who by virtue of their seniority in AFC cadre had been promoted earlier to the present posts of District Food Controller (BPs-17) between the period 16.10.14 and 17.5.2017 against 75% quota, reserved for promotion in accordance with law and hence this appeal is liable to be dismissed on this score alone.
5. This appeal is bad for non-joinder and mis-joinder of necessary parties by ignoring the impleadment of necessary Respondents No.25, 26 & 27 (who are all surplus pool employees) and thus appellant violated valid orders dated 25.9.2018, passed by this Hon'ble Tribunal in this behalf.
6. The appellant has not come to this Hon'ble Tribunal with clean hands. The appellant has suppressed the material facts from this Hon'ble Tribunal for his ulterior motives.
7. This appeal is not maintainable both in law and facts and is liable to be dismissed.

ON FACTS

1. Para-1 of the appeal needs no comments.
2. Para-2 of the appeal needs no comments.
3. Contents of Para-3 of this appeal are incorrect, misleading and misconceived hence denied. Since all the surplus pool employees including the appellant were inducted/adjusted in the Food Department, Govt of KP on 25.8.2004, prior to the amended surplus pool policy 2006, issued on 15.2.2006, therefore all the ex-surplus pool employees inducted in Food Department, including the appellant had been placed at the bottom of the seniority list of Food Grain Inspector (BPs-6) at the time of their adjustment as per surplus pool policy, 2001.
4. Contents of Para-4 of the amended appeal are incorrect and misconceived. Since the appellant was promoted as AFC (BPs-14) on 28.11.2016, therefore he was rightly placed at the proper place in the seniority list of AFCs (BPs-14) dated 31.10.2016. In-so-far his claim with regard to his seniority; qua, the final seniority list of DFCs (BPs-17) dated 17.8.2018 is concerned, this plea of the appellant is not valid & legal in the eye of law/rules as the DFCs (BPs-17) had been promoted by the Department in accordance with law/Rules and also they all belong to separate cadre.
5. In reply to para-5 of this appeal, it is submitted that in Muhammad Naveed's case, (*a Surplus Pool Employee*) vide his Appeal No.831/2015, decided on 15.08.2016 by this Hon'ble Tribunal, it was laid down therein that as per terms of Revised Surplus Pool Policy issued on 15.02.2006, the appellant (*Muhammad Naveed*) be placed at the top of Seniority list of FGi (BPs-6) at that time, yet this judgment was misinterpreted and misconstrued by

the official Respondent/Department and instead of placing him at the top of seniority list of Food Grain Inspector (FGi) (BPs-6) at that time, he was erroneously and wrongly placed at the top of seniority list of Assistant Food Controller (AFC) (BPs-14) as stood on 31.10.2016 because Muhammad Naveed was promoted to the post of AFC (BPs-14) on 22.04.2016 and after the judgment dated 15.08.2016 he should have been placed at the bottom of the direct Recruittees AFC's (BPs-14) who had earlier joined AFC posts on 07.08.2015 in Food Department. However, this judgment dated 15.08.2016 was not challenged by official Respondents/Food Department KP before the Supreme Court of Pakistan and thus it attained finality and, was consequently implemented by the official Respondents/Department wrongly in violation of orders of this Tribunal at that time.

6. In reply to Para-6 of the appeal, it is clarified that the appellant (Noor Khan being a Surplus Pool Employee) was inducted in Food department as Food Grain Inspector (BPs-6) on 25.8.2004 and as per Surplus Pool Policy vide circular letter dated 08.06.2001, his pay was protected in BPs-7 but his seniority was fixed at the bottom of seniority list of FGi (BPs-6) as stood on 25.08.2004. His departmental appeal seeking seniority as AFC (BPs-14) was baseless and meritless hence was rightly rejected on 06.04.2017 by Food Department KP.

(Copy of rejection order dated 06.04.2017 is attached as Annex "A")

7. No comments, this para relates to a judicial verdict/judgment passed by the Supreme Court of Pakistan.

8. Incorrect and denied. The judgment dated 08.02.2018, passed in Appeal No.349/2017 filed by the appellant (Noor Khan) was set aside by the Apex Court of Pakistan and the case was remanded to this Hon'ble Tribunal to implead all affected parties for a fresh decision by this Hon'ble Tribunal.
9. No comments, being facts of the Judgment of Supreme Court of Pakistan are discussed in this para.
10. Contents of this para are incorrect, misleading and misconceived, hence denied.
11. Contents of para-11 of the appeal are irrelevant, unwarranted in law, having no nexus with this appeal, hence denied.
12. Contents of para-12 are incorrect, misleading and misconceived, hence denied.
13. Contents of para-13 are incorrect, misleading and misconceived, hence denied.
14. Incorrect and denied. As laid down in the KP Food Department Recruitment/Appointment Rules 1981, the Respondents/Department have acted strictly in accordance with law/rules 1981. The appellant was earlier involved in a Departmental proceedings initiated against him and after he was cleared from the alleged charges, then he was promoted to the post of AFC (BPs-14) on 28.11.2016 against 75% quota strictly in order of seniority maintained in FGi Cadre. **(Copy of KP Food Department (Recruitment & Appointment) Rules 1981 is attached as Annex "B")**

15. Incorrect and denied. All the actions taken by official Respondents/Department were strictly in accordance with law/Rules, 1981. Since the appellant was promoted to the post of AFC (BPs-14) on 28.11.2016, therefore, his seniority in AFC (BPs-14) seniority list as it stood on 31.10.2016 was fixed later than all those AFCs (BPs-14) who had been recruited directly against 25% quota, through KP Public Service Commission and they also joined as AFC (BPs-14) in Food Department on 07.08.2015 i.e. before promotion of the appellant (*Noor Khan*). In addition to above it is submitted that the Respondents No. 25 to 38 are all DFCs (BPs-17) and also belong to a separate cadre having no nexus with the seniority of the appellant, and their impleadment as Respondents No.25 to 38 are illegal and unwarranted in law.

(Copy of promotion order dated 28.11.2016 in respect of Noor Khan (appellant) & the order dated 07.08.2015 in respect of Direct selectees AFC (BPs-14) attached as Annex C & D).

16. No comments.

It is, therefore, most humbly prayed that on acceptance of reply filed by answering respondents the instant amended appeal of the appellant, may graciously be dismissed, being meritless and non-maintainable.

H/Rahman

Respondents

(NO.26, 28, 29, 30, 31, 33, 34, 35 & 38)

Through

Abdul Hameed
(ABDUL HAMEED)

Advocate Supreme Court of Pakistan

28/08/19

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.
Amended Appeal No.349/2017

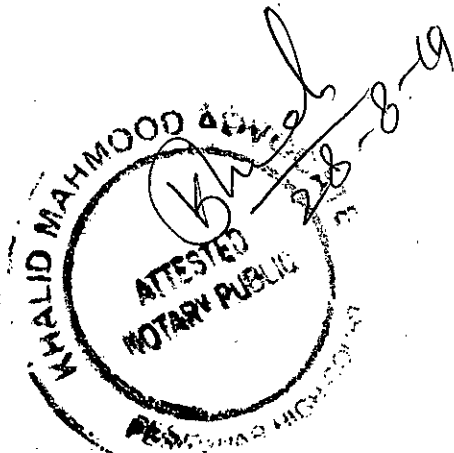
Noor Khan

Vs

Director Food, KP, etc.

AFFIDAVIT

I, Hafeez ur Rehman, AFC, office of District Food Controller, Peshawar, Respondent No.22 (special attorney for Respondent No. 26, 28, 29, 30, 31, 33, 34, 35 & 38) do hereby declare and solemnly affirm that the parawise comments on behalf of Respondents No. 26, 28, 29, 30, 31, 33, 34, 35 & 38 are true and correct as per record, to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



H/Rahman

Deponent

CNIC: 17301-0744903-9



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE, OF FOOD
PESHAWAR.

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

Annex "A"
(8)

To
Mr. Noor Khan, AFC
Food Directorate Peshawar.

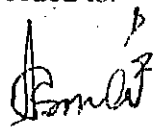
Subject: - DEPARTMENTAL APPEAL / REVIEW IN RESPECT OF REVISED SENIORITY LIST OF ASSISTANT FOOD CONTROLLER "AS THE APPELLANT BEING ON THE SAME FOOTING WITH MUHAMMAD NAVEED AFC OFFICIAL OF DFC MANSEHRA MAY ALSO BE PLACED IN THE SENIORITY LIST OF 31-10-2016 KEEPING IN VIEW, THE MENTIONED JUDGMENT IN APPEAL 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 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.

Annex "B"

(9)

**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.

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

- 1 (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
4 Gazettee Notification to the S&GAD and Law Department
Section Officer (R-I), S&GAD, Government of NWFP,

Sd/-

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

10

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

SCHEDULE-42

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
	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
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,					
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.

11

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.

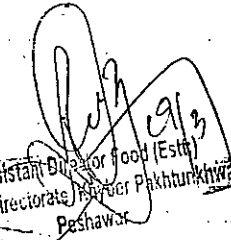
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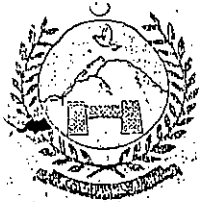
11	FGI/ Cane Inspector	Intermediate from a recognized Board		18 years to 25 years.	a) 75 % by promotion on the basis of seniority cum fitness from amongst FGS, and Cane Inspector with at least 03 Years service as such and b) 25 % by initial recruitment.
12	Entries under Column No 02 to 06 of S.No.12 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

(13)

- 4 -

	Drivers		25 years to 45 years	By initial recruitment from amongst persons who are in possession of a valid driving License.
	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


Assistant Director Food (Estt)
Food Directorate, Peshawar
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD
PESHAWAR
No. 6926/IG-275-DPC
Dated Peshawar, the 28 / November-2016

Annex "C"
14

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



FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA
PESHAWAR

No. 3936 /AC-240-PSC-AFC-2015

Dated: 07/08/2015

Annex "D"

15

Handwritten signature and stamp.

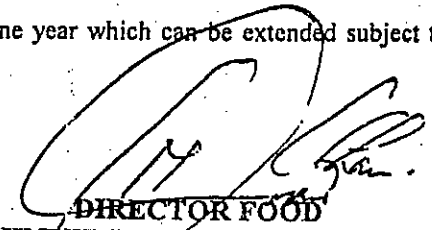
APPOINTMENT ORDER

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

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

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

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


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.

Asst. Badshah
D/G. Amru

1970-71

11/11/71

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PWSHAWAR

Noor khan (AFC)

Versus

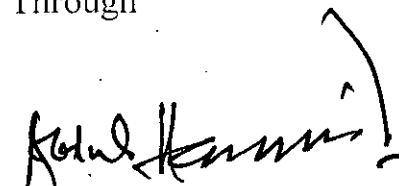
The Director Food Khyber Pakhtunkhwa and others

INDEX

S.NO.	DESCRIPTION	ANNEXURE	PAGES
1.	Reply/Parawise comments on behalf of respondents No.25, 27, 32, 36, & 37 along with Affidavit		1-7
2.	Copy of rejection order dated 06.04.2017	A	8
3.	Copy of KP Food Department (Recruitment & Appointment) Rules 1981	B	9-13
4.	Copy of promotion order dated 28.11.2016 in respect of Noor Khan (appellant) & Copy of Direct Recruittees as AFC (BPs-14) dated 07.08.2015 through KPPSC	C, D	14-15
5.	Wakalatnama	In original	

(Answering Respondents)

Through


ABDUL HAMEED

(Advocate Supreme Court of Pakistan)

0343-9025029

Dated: 25.09.2019

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.
Amended Appeal No.349/2017
Noor Khan, (AFC) (BPs-14)

.....Appellant

Versus

Director Food, KP, Peshawar & others...

.....Respondents

**REPLY ON BEHALF OF RESPONDENTS NO.25, 27,
32, 36 & 37**

Respectfully Sheweth

PRELIMINARY OBJECTIONS:

1. This appeal is not maintainable to be entertained by this Hon'ble Tribunal because irrelevant Respondents (DFCs) have been impleaded by the appellant in violation of the orders dated 25.9.2018, passed by this Hon'ble Tribunal in this behalf.
2. This amended appeal is liable to be dismissed in limine as the answering Respondents belong to a separate cadre of District Food Controller (BPs-17), having no nexus with facts of the instant appeal.
3. The appellant has not only altered the character of his appeal but also changed his version regarding cause of action by taking a different stance, seeking seniority in separate cadre at serial no.17 of the seniority list of District Food Controllers (BPs-17) issued by the Department on 17.8.2018 and hence this appeal is not competent in law/rules to be entertained. (The seniority list dated

17.8.2018 of DFCs (BPs-17) is already annexed with the appeal of appellant)

4. All the Respondents No.25 to 38 are incumbents DFCs (BPs-17) who had been promoted earlier to the post of AFC (BPs-14) between the year 2009 and the year 2010 i.e. prior to the promotion of the appellant (Noor Khan), who had been promoted to the post of AFC (BPs-14) as late as 28.11.2016, on regular basis, and thus he is junior to all the incumbent Respondents No.25 to 38 who by virtue of their seniority in AFC cadre had been promoted earlier to the present posts of District Food Controller (BPs-17) between the period 16.10.14 and 17.5.2017 against 75% quota, reserved for promotion in accordance with law and hence this appeal is liable to be dismissed on this score alone.
5. This appeal is bad for non-joinder and mis-joinder of necessary parties by ignoring the impleadment of necessary Respondents No.25, 26 & 27 (who are all surplus pool employees) and thus appellant violated valid orders dated 25.9.2018, passed by this Hon'ble Tribunal in this behalf.
6. The appellant has not come to this Hon'ble Tribunal with clean hands. The appellant has suppressed the material facts from this Hon'ble Tribunal for his ulterior motives.
7. This appeal is not maintainable both in law and facts and is liable to be dismissed.

ON FACTS

1. Para-1 of the appeal needs no comments.
2. Para-2 of the appeal needs no comments.
3. Contents of Para-3 of this appeal are incorrect, misleading and misconceived hence denied. Since all the surplus pool employees including the appellant were inducted/adjusted in the Food Department, Govt of KP on 25.8.2004, prior to the amended surplus pool policy 2006, issued on 15.2.2006, therefore all the ex-surplus pool employees inducted in Food Department, including the appellant had been placed at the bottom of the seniority list of Food Grain Inspector (BPs-6) at the time of their adjustment as per surplus pool policy, 2001.
4. Contents of Para-4 of the amended appeal are incorrect and misconceived. Since the appellant was promoted as AFC (BPs-14) on 28.11.2016, therefore he was rightly placed at the proper place in the seniority list of AFCs (BPs-14) dated 31.10.2016. In-so-far his claim with regard to his seniority; qua, the final seniority list of DFCs (BPs-17) dated 17.8.2018 is concerned, this plea of the appellant is not valid & legal in the eye of law/rules as the DFCs (BPs-17) had been promoted by the Department in accordance with law/Rules and also they all belong to separate cadre.
5. In reply to para-5 of this appeal, it is submitted that in Muhammad Naveed's case, (*a Surplus Pool Employee*) vide his Appeal No.831/2015, decided on 15.08.2016 by this Hon'ble Tribunal, it was laid down therein that as per terms of Revised Surplus Pool Policy issued on 15.02.2006, the appellant (*Muhammad Naveed*) be placed at the top of Seniority list of FGi (BPs-6) at that time, yet

this judgment was misinterpreted and misconstrued by the official Respondent/Department and instead of placing him at the top of seniority list of Food Grain Inspector (FGi) (BPs-6) at that time, he was erroneously and wrongly placed at the top of seniority list of Assistant Food Controller (AFC) (BPs-14) as stood on 31.10.2016 because Muhammad Naveed was promoted to the post of AFC (BPs-14) on 22.04.2016 and after the judgment dated 15.08.2016 he should have been placed at the bottom of the direct Recruittees AFC's (BPs-14) who had earlier joined AFC posts on 07.08.2015 in Food Department. However, this judgment dated 15.08.2016 was not challenged by official Respondents/Food Department KP before the Supreme Court of Pakistan and thus it attained finality and, was consequently implemented by the official Respondents/Department wrongly in violation of orders of this Tribunal at that time.

6. In reply to Para-6 of the appeal, it is clarified that the appellant (Noor Khan being a Surplus Pool Employee) was inducted in Food department as Food Grain Inspector (BPs-6) on 25.8.2004 and as per Surplus Pool Policy vide circular letter dated 08.06.2001, his pay was protected in BPs-7 but his seniority was fixed at the bottom of seniority list of FGi (BPs-6) as stood on 25.08.2004. His departmental appeal seeking seniority as AFC (BPs-14) was baseless and meritless hence was rightly rejected on 06.04.2017 by Food Department KP.

(Copy of rejection order dated 06.04.2017 is attached as Annex "A")

7. No comments, this para relates to a judicial verdict/judgment passed by the Supreme Court of Pakistan.

8. Incorrect and denied. The judgment dated 08.02.2018, passed in Appeal No.349/2017 filed by the appellant (Noor Khan) was set aside by the Apex Court of Pakistan and the case was remanded to this Hon'ble Tribunal to implead all affected parties for a fresh decision by this Hon'ble Tribunal.
9. No comments, being facts of the Judgment of Supreme Court of Pakistan are discussed in this para.
10. Contents of this para are incorrect, misleading and misconceived, hence denied.
11. Contents of para-11 of the appeal are irrelevant, unwarranted in law, having no nexus with this appeal, hence denied.
12. Contents of para-12 are incorrect, misleading and misconceived, hence denied.
13. Contents of para-13 are incorrect, misleading and misconceived, hence denied.
14. Incorrect and denied. As laid down in the KP Food Department Recruitment/Appointment Rules 1981, the Respondents/Department have acted strictly in accordance with law/rules 1981. The appellant was earlier involved in a Departmental proceedings initiated against him and after he was cleared from the alleged charges, then he was promoted to the post of AFC (BPs-14) on 28.11.2016 against 75% quota strictly in order of seniority maintained in FGi Cadre. **(Copy of KP Food Department (Recruitment & Appointment) Rules 1981 is attached as Annex "B")**

15. Incorrect and denied. All the actions taken by official Respondents/Department were strictly in accordance with law/Rules, 1981. Since the appellant was promoted to the post of AFC (BPs-14) on 28.11.2016, therefore, his seniority in AFC (BPs-14) seniority list as it stood on 31.10.2016 was fixed later than all those AFCs (BPs-14) who had been recruited directly against 25% quota, through KP Public Service Commission and they also joined as AFC (BPs-14) in Food Department on 07.08.2015 i.e. before promotion of the appellant (*Noor Khan*). In addition to above it is submitted that the Respondents No. 25 to 38 are all DFCs (BPs-17) and also belong to a separate cadre having no nexus with the seniority of the appellant, and their impleadment as Respondents No.25 to 38 are illegal and unwarranted in law.

(Copy of promotion order dated 28.11.2016 in respect of Noor Khan (appellant) & the order dated 07.08.2015 in respect of Direct Selectees AFC (BPs-14) attached as Annex C & D).

16. No comments.

It is, therefore, most humbly prayed that on acceptance of reply filed by answering respondents the instant amended appeal of the appellant, may graciously be dismissed, being meritless and non-maintainable.

Respondents
(NO.25, 27, 32, 36, & 37)

Through


(ABDUL HAMEED)

Advocate Supreme Court of Pakistan

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.
Amended Appeal No.349/2017

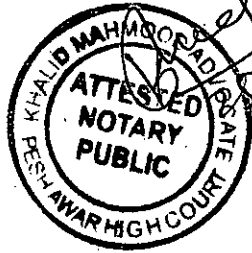
Noor Khan

Vs

Director Food, KP, etc.

AFFIDAVIT

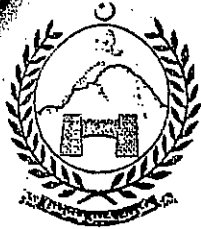
I, Hafeez ur Rehman, AFC, office of District Food Controller, Peshawar, Respondent No.22 (special attorney for Respondent No. 25, 27, 32, 36 & 37) do hereby declare and solemnly affirm that the parawise comments on behalf of Respondents No. 25, 27, 32, 36 & 37 are true and correct as per record, to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



H/Rahman

Deponent

CNIC: 17301-0744903-9



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE, OF FOOD
PESHAWAR.

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

Annex: "A"

⑧

To
Mr. Noor Khan, AFC
Food Directorate Peshawar.

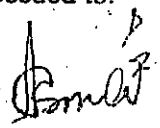
Subject: - DEPARTMENTAL APPEAL / REVIEW IN RESPECT OF REVISED SENIORITY LIST OF ASSISTANT FOOD CONTROLLER "AS THE APPELLANT BEING ON THE SAME FOOTING WITH MUHAMMAD NAVEED AFC OFFICIAL OF DFC MANSEHRA MAY ALSO BE PLACED IN THE SENIORITY LIST OF 31-10-2016 KEEPING IN VIEW, THE MENTIONED JUDGMENT IN APPEAL 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)

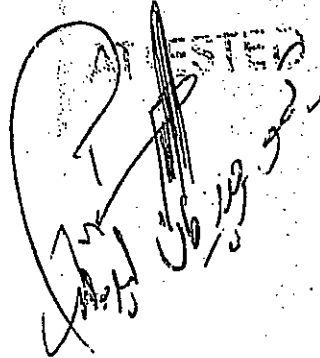
Reference your appeal dated 27-03-2017 against the revised seniority J Assistant Food Controllers as it stood on 30-10-2016 on the subject noted above.

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.


PF-Noor Khan AFC dated 30-03-2017

Ann "B"
9

**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.

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

- 1 (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).



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.

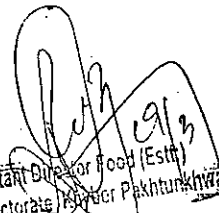
12

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

(13)

- 4 -

	Drivers		25 years to 45 years	By initial recruitment from amongst persons who are in possession of a valid driving License.
	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

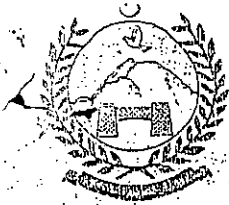

Assistant Director Food (Estt)
Food Directorate, Khyber Pakhtunkhwa
Peshawar

10

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

SCHEDULE-42

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
	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
Entries in the Schedule-42 against serial No.2, in column 6, in clause (a), after the word happen and figure "Grade-17", the words "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. SOP(Food Deptt)1-12/2010/388 dated 10-11-2010,					
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.



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

Annex: D

15

FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA
PESHAWAR

No. 3936 /AC-240-PSC-AFC-2015

Dated: 07/08/2015

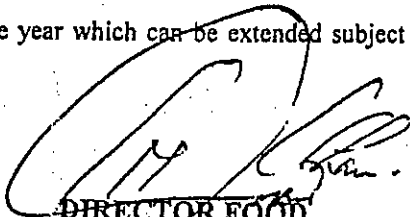
APPOINTMENT ORDER

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

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

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

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


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.

بعد العمل خیر تختونخوا سروس ٹرائیونل لیساور

اپیل نمبر 349/2017

25/9/19

Appeal No 349/2017

لورخان (AFC)

موردہ مقدمہ دعویٰ جرم

2019 سپانڈنٹ نمبر 27، 28، 29، 30، 31، 32، 33، 34، 35، 36، 37، 38، 39، 40، 41، 42، 43، 44، 45، 46، 47، 48، 49، 50، 51، 52، 53، 54، 55، 56، 57، 58، 59، 60، 61، 62، 63، 64، 65، 66، 67، 68، 69، 70، 71، 72، 73، 74، 75، 76، 77، 78، 79، 80، 81، 82، 83، 84، 85، 86، 87، 88، 89، 90، 91، 92، 93، 94، 95، 96، 97، 98، 99، 100، 101، 102، 103، 104، 105، 106، 107، 108، 109، 110، 111، 112، 113، 114، 115، 116، 117، 118، 119، 120، 121، 122، 123، 124، 125، 126، 127، 128، 129، 130، 131، 132، 133، 134، 135، 136، 137، 138، 139، 140، 141، 142، 143، 144، 145، 146، 147، 148، 149، 150، 151، 152، 153، 154، 155، 156، 157، 158، 159، 160، 161، 162، 163، 164، 165، 166، 167، 168، 169، 170، 171، 172، 173، 174، 175، 176، 177، 178، 179، 180، 181، 182، 183، 184، 185، 186، 187، 188، 189، 190، 191، 192، 193، 194، 195، 196، 197، 198، 199، 200، 201، 202، 203، 204، 205، 206، 207، 208، 209، 210، 211، 212، 213، 214، 215، 216، 217، 218، 219، 220، 221، 222، 223، 224، 225، 226، 227، 228، 229، 230، 231، 232، 233، 234، 235، 236، 237، 238، 239، 240، 241، 242، 243، 244، 245، 246، 247، 248، 249، 250، 251، 252، 253، 254، 255، 256، 257، 258، 259، 260، 261، 262، 263، 264، 265، 266، 267، 268، 269، 270، 271، 272، 273، 274، 275، 276، 277، 278، 279، 280، 281، 282، 283، 284، 285، 286، 287، 288، 289، 290، 291، 292، 293، 294، 295، 296، 297، 298، 299، 300، 301، 302، 303، 304، 305، 306، 307، 308، 309، 310، 311، 312، 313، 314، 315، 316، 317، 318، 319، 320، 321، 322، 323، 324، 325، 326، 327، 328، 329، 330، 331، 332، 333، 334، 335، 336، 337، 338، 339، 340، 341، 342، 343، 344، 345، 346، 347، 348، 349، 350، 351، 352، 353، 354، 355، 356، 357، 358، 359، 360، 361، 362، 363، 364، 365، 366، 367، 368، 369، 370، 371، 372، 373، 374، 375، 376، 377، 378، 379، 380، 381، 382، 383، 384، 385، 386، 387، 388، 389، 390، 391، 392، 393، 394، 395، 396، 397، 398، 399، 400، 401، 402، 403، 404، 405، 406، 407، 408، 409، 410، 411، 412، 413، 414، 415، 416، 417، 418، 419، 420، 421، 422، 423، 424، 425، 426، 427، 428، 429، 430، 431، 432، 433، 434، 435، 436، 437، 438، 439، 440، 441، 442، 443، 444، 445، 446، 447، 448، 449، 450، 451، 452، 453، 454، 455، 456، 457، 458، 459، 460، 461، 462، 463، 464، 465، 466، 467، 468، 469، 470، 471، 472، 473، 474، 475، 476، 477، 478، 479، 480، 481، 482، 483، 484، 485، 486، 487، 488، 489، 490، 491، 492، 493، 494، 495، 496، 497، 498، 499، 500، 501، 502، 503، 504، 505، 506، 507، 508، 509، 510، 511، 512، 513، 514، 515، 516، 517، 518، 519، 520، 521، 522، 523، 524، 525، 526، 527، 528، 529، 530، 531، 532، 533، 534، 535، 536، 537، 538، 539، 540، 541، 542، 543، 544، 545، 546، 547، 548، 549، 550، 551، 552، 553، 554، 555، 556، 557، 558، 559، 560، 561، 562، 563، 564، 565، 566، 567، 568، 569، 570، 571، 572، 573، 574، 575، 576، 577، 578، 579، 580، 581، 582، 583، 584، 585، 586، 587، 588، 589، 590، 591، 592، 593، 594، 595، 596، 597، 598، 599، 600، 601، 602، 603، 604، 605، 606، 607، 608، 609، 610، 611، 612، 613، 614، 615، 616، 617، 618، 619، 620، 621، 622، 623، 624، 625، 626، 627، 628، 629، 630، 631، 632، 633، 634، 635، 636، 637، 638، 639، 640، 641، 642، 643، 644، 645، 646، 647، 648، 649، 650، 651، 652، 653، 654، 655، 656، 657، 658، 659، 660، 661، 662، 663، 664، 665، 666، 667، 668، 669، 670، 671، 672، 673، 674، 675، 676، 677، 678، 679، 680، 681، 682، 683، 684، 685، 686، 687، 688، 689، 690، 691، 692، 693، 694، 695، 696، 697، 698، 699، 700، 701، 702، 703، 704، 705، 706، 707، 708، 709، 710، 711، 712، 713، 714، 715، 716، 717، 718، 719، 720، 721، 722، 723، 724، 725، 726، 727، 728، 729، 730، 731، 732، 733، 734، 735، 736، 737، 738، 739، 740، 741، 742، 743، 744، 745، 746، 747، 748، 749، 750، 751، 752، 753، 754، 755، 756، 757، 758، 759، 760، 761، 762، 763، 764، 765، 766، 767، 768، 769، 770، 771، 772، 773، 774، 775، 776، 777، 778، 779، 780، 781، 782، 783، 784، 785، 786، 787، 788، 789، 790، 791، 792، 793، 794، 795، 796، 797، 798، 799، 800، 801، 802، 803، 804، 805، 806، 807، 808، 809، 810، 811، 812، 813، 814، 815، 816، 817، 818، 819، 820، 821، 822، 823، 824، 825، 826، 827، 828، 829، 830، 831، 832، 833، 834، 835، 836، 837، 838، 839، 840، 841، 842، 843، 844، 845، 846، 847، 848، 849، 850، 851، 852، 853، 854، 855، 856، 857، 858، 859، 860، 861، 862، 863، 864، 865، 866، 867، 868، 869، 870، 871، 872، 873، 874، 875، 876، 877، 878، 879، 880، 881، 882، 883، 884، 885، 886، 887، 888، 889، 890، 891، 892، 893، 894، 895، 896، 897، 898، 899، 900، 901، 902، 903، 904، 905، 906، 907، 908، 909، 910، 911، 912، 913، 914، 915، 916، 917، 918، 919، 920، 921، 922، 923، 924، 925، 926، 927، 928، 929، 930، 931، 932، 933، 934، 935، 936، 937، 938، 939، 940، 941، 942، 943، 944، 945، 946، 947، 948، 949، 950، 951، 952، 953، 954، 955، 956، 957، 958، 959، 960، 961، 962، 963، 964، 965، 966، 967، 968، 969، 970، 971، 972، 973، 974، 975، 976، 977، 978، 979، 980، 981، 982، 983، 984، 985، 986، 987، 988، 989، 990، 991، 992، 993، 994، 995، 996، 997، 998، 999، 1000




باعث شکر سیراً نکتہ

مقدمہ شدہ درجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لیساور کیلئے عبد الحمید ایڈووکیٹ کیم کریم کورٹ آف پاکستان (AFC)
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوفہ کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ (BC-10-7605)
وکیل صاحب کو رائی نامہ کرنے و اقرار ثالث و فیصلہ پر حلف دینے جو اب دہی اور اقبال دعویٰ اور
پسورہ و ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور غرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا بطریقہ یا اپیل کی برادری اور غرضی
نیز وائر کرنے اپیل ٹکرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و ہرجانہ التوا سے مقدمہ کے سبب سے ہوگا
کوئی تاریخ پیشی مقام دور پر ہو یا حد سے باہر ہو تو وکیل صاحب یا بند ہوں گے کہ پیروی
کے لئے منظور ہے۔

المرقوم 25 ستمبر 2019

Accepted
Advocate Supreme Court of Pakistan
0343-9228029 BC-10-7605

R. No (27) Fazli Bari (DFC) hand
R. No (36) MUHAMMAD NANAB (DFC) hand
R. No (25) Muhammad Zubair (DFC) hand

قیمت 50 روپے	25869			
ایڈوکیٹ: عبدالحکیم ایڈولیت سولیم کورٹ		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: BC-10-7605		رابطہ نمبر: 0343-9025029		

(صد) آنکارہ

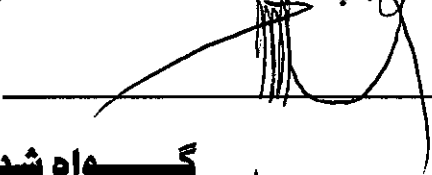
بعدالت جناب: خیبر پختونخوا سروس ٹرانسپورٹ لٹا

مخانب: ریسائڈنٹ نمبر 32	اپیل نمبر 349/2017
شیخ فیاض خان	Appel no 349/2017
لوئر خان بنام ڈائریکٹر فوڈ و ڈیزیز	مورخہ 25-9-2019
(AFC)	جرم:
	تھانہ:

(DFC) صاحب صوبائی

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام لٹاور کیلئے عبدالحکیم ایڈولیت سولیم کورٹ آف پاکستان کو درپیش کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 

العواہ شد العواہ شد

مقام لٹاور کے لیے منظور ہے۔

Accepted
Advocate Supreme Court of Pakistan
Respondent No 32
Sher Fiaz Khan
DFC Distt Swabi

وکالت نامہ

کورٹ فیس
قیمتی

DFC
Dist.
کراچی

بعدالت جناب خسیر بخشو نخواستہ سروس ٹرانسپورٹ لیسٹ

منجانب ریسیانڈنٹ نمبر (37)
ڈاکٹر میڈیکل فورڈ KP و غیرہ بنام لنور خان (AFC)

دعوے یا جرم اپیل نمبر 349/2017 باعث تحریر آنکہ محمد حیات خان DFC لکی سروٹ

شاور

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوہدی مقام **(ASC)** **عبدالحمید ایڈولٹ سیریم کورٹ آف لاء** میں سرطویل معزز کیا ہے کہ میں ہر پیشی پر خودیادریہ مختار خاص روز و عورت حاضر ہوتا ہوں گا اور بوقت پکارے جانے وکیل صاحب موصوف کا اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرے مجاز نہ ہوں گے اگر مقدمہ پکھری کے کسی اور جگہ سماعت ہونے پر یا بروز پکھری کے اوقات کے آگے یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر جانی اپیل مگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپرد ثالثی و راضی نامہ فیصلہ بر خلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ درخواست حکم اقامتی یا ڈگری یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیروانہ مختار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا ہڈ سٹر کو جائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند رہے۔

BC-10-7605

Attested

or accepted

25 ستمبر 2019ء

Advocate Supreme Court
Pakista
343-2025029
BC-10-7605

Muhammad Hayat
DFC Larkana 23/08/2019.

(37)

110



POWER OF ATTORNEY

IN THE COURT OF

Honorable Justice Taimur, Peshawar

Ref.# _____

Date: _____

Nazir Khan

(Petitioner)
(Appellant)
(Plaintiff)

Versus

Farooq Adnan

(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

1. 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.
2. 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.
3. 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
4. To employ, 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.

Dated: 21/1/19
Accepted subject of the terms
And full payment of Settled Fee

Taimur Haider Khan
Advocate, High Court

(Signature of them or impression of the Executant)

Nazir Khan APL Farooq Adnan

M. Sabir Khan APL Farooq Adnan

Signature

*also
at Peshawar
Shahid Raza
(Quinn) Advocate*

*Net on file
keep*