

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

APPEAL NO. 1406/2023

Muhammad Zafrullah Khan,
Assistant Director Food (BS-17),
Food Directorate, Peshawar.....

APPELLANT

VERSUS

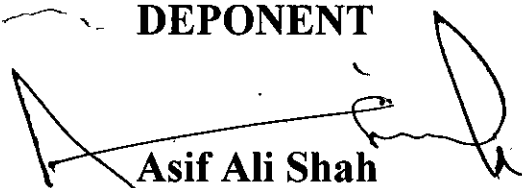
1. Government of Khyber Pakhtunkhwa
Through Chief Secretary, Khyber Pakhtunkhwa.
2. Government of Khyber Pakhtunkhwa
Through Secretary Establishment,
Khyber Pakhtunkhwa, Peshawar.
3. Government of Khyber Pakhtunkhwa
Through Secretary Finance,
Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa
Through Secretary Food,
Khyber Pakhtunkhwa, Peshawar
5. Director Food, Food Directorate
Khyber Pakhtunkhwa Peshawar.....

RESPONDENTS

INDEX

S.No.	Particular	Annexure	Page No.
1	Para Wise Comments		01-03
2	Affidavit		04
3	Adjustment from Surplus Pool order dated 29.04.2005	I	05-06
4	Surplus Policy dated 08.06.2001	II	07
5	Service Tribunal Judgement dated 13.06.2007	III	08-10
6	Revised Seniority List dated 07.11.2016	IV	11-13
7	Larger Bench Judgment dated 15.07.2021	V	14-21
8	Promotion Order dated 03.01.2023	VI	22

DEPONENT



Asif Ali Shah
Deputy Director Food,
Khyber Pakhtunkhwa Peshawar
CNIC No: 17301-3304466-1
Cell No: 0333-9777011

10/08/23

Peshawar

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.
APPEAL NO.1406/2023

Mr. Zafrullah Khan, Assistant Director Food (BS-17) Food Directorate Khyber Pakhtunkhwa Peshawar.

Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa
2. Government of Khyber Pakhtunkhwa through Secretary Establishment, Khyber Pakhtunkhwa Peshawar. Khyber Pakhtunkhwa, Peshawar.
3. Government of Khyber Pakhtunkhwa through Secretary Finance, Khyber Pakhtunkhwa Peshawar. Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary Food, Khyber Pakhtunkhwa, Peshawar.
5. The Director Food, Food Directorate Khyber Pakhtunkhwa, Peshawar.

Khyber Pakhtunkhwa Service Tribunal

Diary No. 6940
Dated 09/08/23

Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01 TO 05

1. The appellant has neither got locus-standi nor has he come to this Hon'able Tribunal with clean hands.
2. The instant appeal is not maintainable in its present form.
3. The appellant is estopped by his own conduct to file this appeal.
4. The appeal is based on malafide intention and ulterior motives.
5. The appellant has no cause of action
6. That the appellant is barred by Law and limitation.

RESPECTFULLY SHEWETH:
ON FACTS:

- 1) Mr. Muhammad Zafraullah Khan Ex-Hostel Superintendent (BS-09) of the defunct Regional Institute of Teachers Education (Male) D.I.Khan Government of Khyber, was rendered surplus by his parent Department, and was adjusted as Assistant Food Controller (BS-08) in Directorate of Food Khyber Pakhtunkhwa Peshawar vide Food Directorate Office Order No. 5728/ET-542-SPA dated 29-04-2005.(Annex-I)
- 2) On adjustment of the appellant against the post of AFC (BS-08), he was posted in the Office of District Food Controller, D.I. Khan against the post of Assistant Food Controller (BS-08) with effect from the date of relieving from his parent Office. His seniority was placed at the bottom of the Seniority List of AFCs but his pay remained protected in BS-09 according to Surplus Pool Policy contained in Establishment Administration Department Circular No. SOR-I (E&AD) 1-200/98 DATED 08-06-2001.(Annex-II)
- 3) The plea of the appellant is incorrect. The revised Policy, as referred to by the appellant herein, was notified vide No. SOR-IV (R&AD) Deptt/5-1/2205 dated 15-02-2006 with immediate effect whereas he was adjusted as Assistant Food Controller (BS-08) in Directorate of Food Khyber Pakhtunkhwa Peshawar vide Food Directorate Office Order No. 5728/ET-542-SPA dated 29-04-2005, well before the issuance of the revised Policy. Besides, he was adjusted as Assistant Food Controller (BS-08) and his pay was protected in BS-09.



- 4) During the year 2006, the appellant filed appeal No. 858/2006 before the Khyber Pakhtunkhwa Service Tribunal for seniority. The Khyber Pakhtunkhwa Service Tribunal in its Judgement dated 13-06-2007 decided that:

“The Tribunal holds that the claim of the appellant is not bonafide. He was adjusted way back on 29-04-2005 as Assistant Food Controller (BS-08). Amendment in the Surplus Pool Policy was made on 15-06-2006 which has no retrospective application. As such the appellant cannot claim the benefit of said amendment in the surplus pool policy on which his claim is based. The instant appeal being merit-less is dismissed” **(Annex-III)**.

- 5) In compliance of the judgement of Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad dated 15-08-2016 in Appeal No.831/2015 regarding acceptance of seniority Appeal of Mr. Muhammad Naveed, AFC Office of DFC Mansehra, the seniority list of Assistant Food Controllers as it stood on 31-10-2016 was revised and accordingly circulated amongst all concerned vide Food Directorate letter No.5578/ET-716 dated 07-11-2016 **(Annex-IV)**. On circulation of seniority list of AFCs as it stood on 30-10-2016, Muhammad Akbar, Muhammad Saleem Iqbal and Noor Khan in Food Department also approached the Khyber Pakhtunkhwa Service Tribunal for Seniority from the relevant time as per Judgment of Service Tribunal and in case of Mr. Muhammad Naveed V/S Food Department. Their appeals were also accepted by the Khyber Pakhtunkhwa Service Tribunal as the relevant para of the Judgment dated 15-07-2021 is reproduced below:

“In light of the above discussion, the appeal in hand is allowed and the respondents are directed to grant seniority to the appellant by considering him at the top of the concerned seniority list pertaining to the year 2004, with all back benefit” **(Annex-V)**

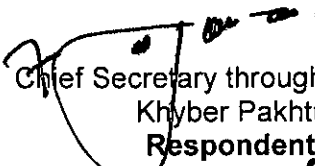
- 6) The appellant filed an appeal for corrigendum before the Respondent No. 01 i.e. Chief Secretary Khyber Pakhtunkhwa that he is also entitled to avail the opportunity of promotion with back benefits as per judgement of Khyber Pakhtunkhwa Service Tribunal dated 15-07-2021 in Appeal No.349. His appeal was forwarded to Law Department for advice. As per advice of Government of Khyber Pakhtunkhwa Law Department vide letter No. SO(OP-1)LD/15-2/2022/KC /11490-92 dated 03-10-2022 & revised surplus pool amended policy dated 15-02-2006 and subsequent decision of the Service Tribunal in case the service appeal No. 349 of 2017 Noor Khan etc versus Director Food and others , the competent authority considered the promotion of the appellant from relevant time i.e. as District Food Controller (BS-16) with effect from 19-11-2005 and Assistant Director Food (BS-17) with effect from 28-02-2013 without arrears vide Notification No. SOG/Food/1-3(DPC)/2022/12177 dated 03-01-2023 **(Annex-VI)**. Therefore, the case of the appellant is res-judicata as once decided by the Khyber Pakhtunkhwa Service Tribunal.
- 7) As per reply given at Para-06 above.
- 8) As per reply given at Para-06 above.
- 9) Pertain to record.
- 10) Pertain to record





ON GROUNDS


- A. Incorrect. The impugned order is in accordance with Law and Rules.
- B. Incorrect. As per reply given at Para-05 and 06 of the fact.
- C. Incorrect. The working Paper for promotion of the appellant is under process with PSB Section of Establishment Department Khyber Pakhtunkhwa for consideration under the rules.
- D. Incorrect. As per reply given at Para-C of the grounds.
- E. Pertains to record.
- F. Incorrect. As per reply given at Para-05 and 06 of the fact
- G. Incorrect. As per reply given at Para-05 and 06 of the fact
- H. The appellant herein has very astutely misrepresented the facts to create an impression of being subject to vindictiveness. It is therefore, humbly prayed that the Hon, able Tribunal may graciously dismiss the instant appeal of the appellant.


RESPONDANTS


 Chief Secretary through Secretary Food
 Khyber Pakhtunkhwa
Respondent No.01


 Secretary Establishment,
 Khyber Pakhtunkhwa
Respondent No.02


 Secretary Finance,
 Khyber Pakhtunkhwa
 ✓ **Respondent No.03**


 Secretary Food,
 Khyber Pakhtunkhwa
Respondent No.04


 Director Food
 Khyber Pakhtunkhwa
Respondent No.05

4

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

APPEAL NO. 1406/2023

Muhammad Zafrullah Khan,
Assistant Director Food (BS-17),
Food Directorate, Peshawar.....

APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa
Through Chief Secretary, Khyber Pakhtunkhwa.
2. Government of Khyber Pakhtunkhwa
Through Secretary Establishment,
Khyber Pakhtunkhwa, Peshawar.
3. Government of Khyber Pakhtunkhwa
Through Secretary Finance,
Khyber Pakhtunkhwa, Peshawar.
4. Government of Khyber Pakhtunkhwa
Through Secretary Food,
Khyber Pakhtunkhwa, Peshawar
5. Director Food, Food Directorate
Khyber Pakhtunkhwa Peshawar.....

RESPONDENTS

AFFIDAVIT

I Asif Ali Shah, Deputy Director Food, Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare that all the contents are true & correct to the best of my knowledge and belief and that nothing have been concealed or withheld from this Honorable Tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

DEPONENT

Asif Ali Shah
Deputy Director Food,
Khyber Pakhtunkhwa Peshawar
CNIC No. 17301-3304466-1
Cell No. 0333-9777011

ATTESTED



FOOD DIRECTORATE NWFP
PESHAWAR
No. 5728/ET-542 SPA
Dated 29.04.2005

OFFICE ORDER

In pursuance to the Surplus Pool letter No. SOS.POOL (E&AD) 4-14/99 dated 12-03-2005, and approval of the Minister Food NWFP, conveyed vide Note No.41 dated 25-04.2005, the competent authority is pleased to order adjustment of Mr. Muhammad Zafrullah Khan, Ex-Hostel Superintendent, (BS-09) of the defunct Regional Institute of Teachers Education (Male), D.I.Khan, Government of NWFP, already rendered surplus by his parent Department, as Assistant Food Controller (BS-08) under the Food Directorate, NWFP, Peshawar.

2. Consequent upon his adjustment, Mr. Muhammad Zafrullah Khan is hereby posted in the Office of District Food Controller, D.I.Khan against the existing vacancies of AFC (BS-08) with effect from the date of relieving from his office.

3. Pay drawn by the above official will remain protected in BS-09 according to policy contained in Establishment and Administration Department Circular No. SOR-1 (E&AD)1-200/98, dated 3rd June 2001.

SD
DIRECTOR FOOD NWFP
PESHAWAR

No. 5729-41/ET-542/SPA

Dated 29.04.2005

Copy is forwarded to:-

1. PS to Minister for Food, NWFP, for information of Minister Food, NWFP, Peshawar.
2. PS to Secretary Food for information of Secretary Food, NWFP
3. The District Coordination Officer, D.I.Khan.
4. The District Accounts Officer, D.I.Khan.
5. The Principal, R.I.T.E. (Male) D.I.Khan.
6. PA to Director Food, for information of the Director Food, NWFP, Peshawar.
7. The Section Officer Surplus Pool, E&AD NWFP, Peshawar for information.
8. The Section Officer Food, Government of NWFP, Food Department Peshawar.
9. The Budget Officer/Pay Bill Assistant/Nazir, Food Directorate, NWFP, Peshawar.
10. Muhammad Zafrullah Khan, for information and necessary action.
11. ET-578/Personnel File.


ASSISTANT DIRECTOR FOOD (NWFP)
PESHAWAR



FOOD DIRECTORATE NWFP
PESHAWAR

No. 5728/ET-542/SPA

Dated 29/04/2005

(6)
Annex-I

OFFICE ORDER

In pursuance to the Surplus Pool letter No. SOS.POOL. (G&AD) 4-14/99, dated 12-03-2005, and approval of the Minister Food NWFP, conveyed vide Note No.41 dated 25-04-2005, the competent authority is pleased to order adjustment of Mr. Muhammad Zafarullah Khan, Ex-Hostel Superintendent, (BS-09) of the defunct Regional Institute of Teachers Education (Male), D.I. Khan, Government of NWFP, already rendered surplus by his parent Department as Assistant Food Controller (BS-08) under the Food Directorate, NWFP, Peshawar.

Consequent upon his adjustment, Mr. Muhammad Zafarullah Khan is hereby posted in the Office of District Food Controller, D.I. Khan against the existing vacancies of AFC (BS-08) with effect from the date of relieving from his office.

3. Pay drawn by the above official will remain protected in BS-09 according to Policy contained in Establishment and Administration Department Circular No. SOR-1 (G&AD) 1-200/98, dated 8th June 2001.

SD/-
DIRECTOR FOOD, NWFP,
PESHAWAR.

No. 5729-41/ET-542/SPA

Dated 29/04/2005

Copy is forwarded to:-

1. PS to Minister for Food, NWFP for information of Minister Food, NWFP, Peshawar.
2. PS to Secretary Food for information of Secretary Food, NWFP.
3. The District Coordination Officer, D.I. Khan.
4. The District Accounts Officer, D.I. Khan.
5. The Principal, R.I.T.E. (Male) D.I. Khan.
6. FA to Director Food, for information of the Director Food, NWFP, Peshawar.
7. The Section Officer Surplus Pool, G&AD, NWFP, Peshawar for information.
8. The Section Officer Food, Government of NWFP, Food Department, Peshawar.
9. The Budget Officer/Pay Bill Assistant/Nazir, Food Directorate, NWFP, Peshawar.
10. Muhammad Zafarullah Khan, for information and necessary action.
11. ET-378/Personnel File.

AS ASSISTANT DIRECTOR FOOD, NWFP (II)
PESHAWAR.

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2

PROCEDURE FOR ADJUSTMENT OF SURPLUS I

85
BPS 10
14
44 33

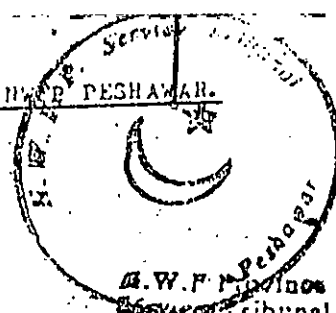
Notwithstanding anything contained in any other law, or contrary, for the time being in force, the following procedure for the ad would be followed:-

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

OR

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

S.T.A No. 858 2006.



(8)

53

N.W.F.P. Tribunal
Peshawar

Diary No. 926

Date: 21-9-06

Annex-III

Muhammad Zafrullah Khan,
Assistant Food Controller,
Distt: Food Office,
D. I. Khan.

APPELLANT.

V E R S U S .

1. Secretary Food , Peshawar.
2. Director, Food NWFP Peshawar.
3. Deputy Director Accounts Food Directorate Peshawar .
4. Assistant Director , Food Co-Ordination, Food Directorate Peshawar.
5. Regional Audit Officer, Food Directorate Peshawar.

RESPONDENTS.

re-submitted to-day and filed.

Registered
12/10/06

APPEAL AGAINST THE SENIORITY OF THE PETITIONER ISSUED BY RESPONDENT NO.2 VIDE HIS LETTER NO.1866-85-ET/716 DATED.6.9.2006

PRAYER.

ON ACCEPTANCE OF THE INSTANT APPEAL RESPONDENTS MAY BE DIRECTED/ORDERED TO PLACE THE APPELLANT ON THE TOP OF THE SENIORITY LIST AS PER DIRECTIVES OF THE GOVERNMENT OF NWFP.

ATTESTED
EXAMINER
Service Tribunal
Peshawar

858/06

Serial No. of Order or Proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
7.	13.6.2007	<p>Counsel for the appellant and ACF for respondent department present. Reply not filed. Arguments heard & record perused.</p> <p>This appeal arises against the seniority of the appellant issued by respondent No.2 vide letter No. 1866-85-ET/716 dated 6.9.2006, with the prayer that on acceptance of this appeal, the respondents be directed to place the appellant on the top of the seniority list in par directives of the Government of NWF.</p> <p>It appears that the appellant was serving as Hostel Supdt (BS-9) initially. On being declared as surplus, he was adjusted in the Food Department as Assistant Food Controller (BS-8) w.d.f. 29.4.05 and assigned S.No. 29 in the joint seniority list. Now, he claims that according to amendment in the surplus policy he should be placed at the top of the seniority list as he was holding the post of BS-9 and was adjusted against the post of AFC (BS-8).</p> <p>The plea of the respondent department is that the appellant was previously serving as Hostel Supdt (BS-9) and had furnished his willingness for adjustment as Assistant Food Controller (BS-8). Accordingly the official detailed by surplus pool was adjusted in Food Department as AFC (BS-8). Soon after his adjustment in the NWF Food Department, he was placed at S.No. 29 of the joint seniority</p>

ATTESTED
 EXAMINER
 NWF Services Tribunal
 Peshawar

13-6-07

[Handwritten signature]

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
		<p>list issued vide Food Directorate circular letter No. 14577-95/22-716, dated 15.9.05, which was objected by the appellant.</p> <p>The Tribunal holds that the claim of the appellant is not bonafide. He was adjusted way-back on 29.4.05 as Assistant Food Controller (IS-8). Amendment in the surplus pool policy was made on 15.2.06 which has no retrospective application. As such the appellant cannot claim the benefit of the said amendment in the surplus pool/on which his claim is based. The instant appeal being merit-less is dismissed, with no order as to costs. File to be consigned to the record.</p> <p>ANNOUNCED 15.0.2007</p> <p>(ABDUL SATTAR KHAN) CLAIMANT</p> <p>(ADALAT KHAN) MEMBER</p> <p>1200 15/6/07 8-00 8-00 7-19/97 7-19/97</p>

A

BEFORE THE HON'BLE SERVICE TRIBUNAL NWFP PESHAWAR.
S.T.A No. 858 2006.

Muhammad Zafrullah Khan,
Assistant Food Controller,
District Food Office,
D.I.Khan.

APPELLANT

VERSUS

1. Secretary Food, Peshawar.
2. Director, Food NWFP Peshawar.
3. Deputy Director Accounts Food Directorate
Peshawar.
4. Assistant Director, Food Co-Ordination,
Food Directorate Peshawar.
5. Regional Audit Officer, Food Directorate
Peshawar.

RESPONDENTS

APPEAL AGAINST THE SENIORITY OF THE PETITIONER ISSUED BY
RESPONDENT NO. 2 VIDE HIS LETTER NO. 1866-85-ET/716 DATED.6.9.2006

PRAYER

ON ACCEPTANCE OF THE INSTANT APPEAL RESPONDENTS MAY BE
DIRECTED/ORDER TO PLACE THE APPELLANT ON THE TOP OF THE
SENIORITY LIST AS PER DIRECTIVES OF THE GOVERNMENT OF NWFP.

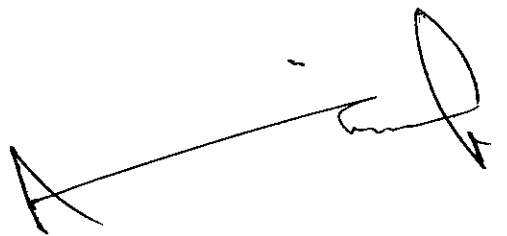
A handwritten signature in black ink, consisting of a long horizontal stroke followed by a stylized, cursive flourish.

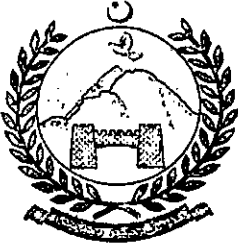
BETTER COPY (Page-9 to 10)

Serial No. of Order or Proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
7.	13.6.2007	<p>Counsel for the appellant and AG for respondent department present. Application not filed. Arguments heard & record perused.</p> <p>This appeal arises against the seniority of the appellant issued by respondent No. 2 vide letter No. 1866-85-ET-716 dated 6.9.2006, with the prayer that on acceptance of this appeal, the respondents be directed to place the appellant on the top of the seniority list as per directives of the Government of NWFP.</p> <p>It appears that the appellant was serving as Hostel Supdt: (BS-9) initially. On being declared as surplus, he was adjusted in the Food Department as Assistant Food Controller (BS-8) w.e.f 29.4.05 and assigned S.No. 29 in the joint seniority list. Now, he claims that according to amendment in the surplus pool policy he should be placed at the top of the seniority list as he was holding the post of BS-9 and was adjusted against the post of AFC (BS-8).</p> <p>The plea of the respondent department is that the appellant was provincially serving as Hostel Supdt: (BS-9) and had furnished his willingness for adjustment as Assistant Food Controller (BS-8). Accordingly the official detailed by surplus pool was adjusted in Food Department as AFC (BS-8). Soon after his adjustment in the NWFP Food Department, he was placed at S.No. 29 of the joint seniority</p>

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		<p>list issued vide Food Directorate circular letter No. 14577-95/ET-716, dated 15.9.05 which was not objected to by the appellant.</p> <p>The Tribunal holds that the claim of the appellant is not bonafide. He was adjusted way-back on 29.4.05 as Assistant Food Controller (BS-8). Amendment in the surplus pool policy was made on 15.2.06 which has no retrospective application. As such the appellant cannot claim the benefit of the said amendment in the surplus pool policy on which his claim is based. The instant appeal being merit-less is dismissed, with no order as to costs. File be consigned to the record.</p> <p><u>ANNOUNCED</u> 13.6.2007</p> <p>(ABDUL SATTAR KHAN) CHAIRMAN NWFP SERVICE TRIBUNAL CAMP COUNT D.I.KHAN.</p> <p>(ADALAT KHAN) MEMBER</p>
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FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR

No. 5578 /ET-716

Dated 7/11/2016

11
132
Annex-IV

TO:-

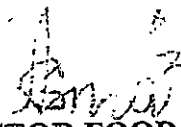
1. All Officers/ Officials in Food Directorate, Peshawar.
2. All Assistant Directors Food at Divisional level in Food Department Khyber Pakhtunkhwa
3. All District Food Controllers in Khyber Pakhtunkhwa
4. The Storage & Enforcement Officers, NRC Azakhel & PRC Peshawar
5. The Rationing Controller Peshawar.

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

Memo:-

In compliance of Judgement of Khyber Pakhtunkhwa Service Tribunal Camp Court Abbottabad announced on 15-08-2016 in case of Appeal No.831/2015 regarding acceptance of Seniority Appeal of Mr. Muhammad Naveed AFC Office of DFC Mansehra, the Seniority List of Assistant Food Controller as it stood on 31-10-2016, is revised and enclosed herewith for circulation amongst your concerned staff. Please acknowledge receipt.


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


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR 04.11.16

Endorsement No and Even date

Copy for information to

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


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR. 07.11.16

133

12

65

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

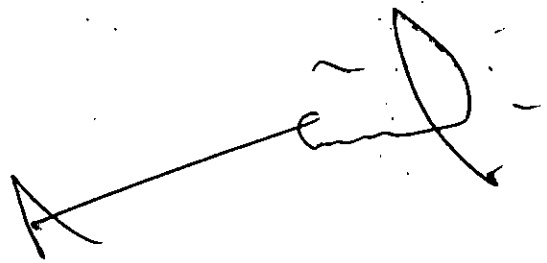
1	2	3	4	5	6	7	8	9	10
S.No.	Name of Govt Servant	Qualification	Date of birth	Domicile	Date of entry in to Govt service	Date of appointment to the post of FGI/ Cane Inspector	Date of appointment to the present post	Method of recruitment	Date of superannuation
1.	Mr. Muhammad Naved	BA /LLB	13.01.1957	Mansehra	18.05.1978	01.02.2006	22-04-2016	By Promotion	12.01.2017
2.	Mr. Taj Bar Khan	B.A.	16.07.1957	Dir Lower	23.06.1982	01.01.1997	14-12-2009	Already appointed as DFC /S&EO/RC (BS-16) on acting charge basis w.e.f 23-12-2015	15.07.2017
3.	Mr. Aman Ullah	F.A.	15.06.1957	M.Agency	22.06.1982	25.03.1998	14-12-2009	By Promotion	14.06.2017
4.	Mr. Fazli Bari	B.A.	02.02.1961	Chitral	22.06.1982	30.08.2000	14-12-2009	By Promotion	01.02.2021
5.	Muhammad Zubair	B.A.	01.02.1970	Swat	09.05.1993	30.08.2000	06-04-2010	By Promotion	31.01.2030
6.	Mr. Mehmood-ur-Rahman	C.Com.	02.11.1969	Kohat	09.05.1993	30.08.2000	06-04-2010	By Promotion	01.11.2029
7.	Mr. Salah-ud-Din	B.A.	25.11.1972	Peshawar	09.05.1993	30.08.2000	06-04-2010	By Promotion	24.11.2032
8.	Muhammd Arshad	B.A	15.09.1967	Charsadda	09.05.1993	30.11.2000	06-04-2010	By Promotion	14.09.2027
9.	Syed Wazir Shah	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
10.	Mr. Aftab Umar Khan	MA	04-08-1985	Mohmand Agency	19-05-2010		19-05-2010	By initial recruitment	03-08-2045
11.	Muhammad Tariq	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2030
12.	Mr. Ansar Qayum	B.A	11.07.1970	Mansehra	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030
13.	Mr. Abdul Hafeez	M.A	07.07.1969	Charsadda.	09.05.1993	20.12.2003	21-10-2010	By Promotion	06.07.2029
14.	Mr. Arshad Hussain	B.A	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
15.	Mr. Ali Asghar Khan	B.A	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
16.	Mr. Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar.	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026
17.	Mr. Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032
18.	Mr. Jamshed Khan Afridi	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
19.	Mr. Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
20.	Mr. Sheraz Anwar	F.A	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
21.	Mr. Muhammad Azam	B.B.A	22.11.1988	S. Wazirstan Agency	07.08.2015		07.08.2015	By initial recruitment	21.11.2048
22.	Mr. Tausif Iqbal	M.B.A	01.10.1987	Karak	07.08.2015		07.08.2015	By initial recruitment	30.09.2047
23.	Muhammad Shakeel	M.B.A	10.04.1984	Abbottabad.	07.08.2015		07.08.2015	By initial recruitment	09.04.2044
24.	Miss Uzma Kanwal	M.A	03.12.1990	Abbottabad.	07.08.2015		07.08.2015	By initial recruitment	02.12.2050
25.	Mr. Zafar Alam Riza	M.A	03.01.1987	Chitral	07.08.2015		07.08.2015	By initial recruitment	02.01.2047
26.	Mr. Shujaat Hussain Shah	M.Sc	10.04.1987	Mansehra	07.08.2015		07.08.2015	By initial recruitment	09.04.2047
27.	Mr. Hafeez-ur Rehman	B.A	18.04.1984	Dir Lower	07.08.2015		07.08.2015	By initial recruitment	17.04.2044
28.	Mr. Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015		07.08.2015	By initial recruitment	26.06.2049
29.	Mr. Muhammad Akbar	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	22-04-2016	By Promotion	04.12.2022
30.	Mr. Muhammad Salim Iqbal	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.2004	22-04-2016	By Promotion	14.07.2029
			18.04.1965	Nowshera	14.07.1993	17.06.2005	22-04-2016	By Promotion	17.04.2025

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33	Mr. Muhammad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	22-04-2016	By Promotion	01.05.2033
34	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2016	By Promotion	31.12.2035
35	Mr. Muhammad Shoaib	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	22-04-2016	By Promotion	10.04.2026
36	Mr. Amjid Khan	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	22-04-2016	By Promotion	04.01.2035
37	Mr. Mohammad Zubair	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	22-04-2016	By Promotion	20.09.2030
38	Mr. Saif Ali Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2016	By Promotion	02.03.2029
39	Mr. Gul Zareen Shah	M.A	15.04.1957	Bannu	24.10.1994	12-01-2009	22-04-2016	By Promotion	14.04.2017
40	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	22-04-2016	By Promotion	14-02-2047
41	Mr. Rashid Saeed	B.A	15.03.1974	DIKhan	22.05.1995	26-12-2009	22-04-2016	By Promotion	14.03.2034
42	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-08-2016	By Promotion	01.08.2028
43	Mr. Ashfaq Khan	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	04-08-2016	By Promotion	24.03.2037
44	Mr. Riaz Ahmad	M.A	01.03.1966	Chitral	02.05.1995	26-12-2009	04-08-2016	By Promotion	28.02.2026
45	Mr. Ateeq-ur Rehman	B.A	01.05.1977	M/Agency	03.05.1995	26-12-2009	04-08-2016	By Promotion	30.04.2037
46	Mr. Angoor Shah	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	04-08-2016	By Promotion	31.05.2023


 ASSISTANT DIRECTOR FOOD (E)



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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.**

Service Appeal No: 349/2017

Date of Institution ... 13.04.2017

Date of Decision ... 15.07.2021

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

... (Appellant)

VERSUS

Director Food, Khyber Pakhtunkhwa, Peshawar and 37 others.

... (Respondents).

Mr. TAIMUR HAIDER KHAN,
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,
Assistant Advocate General

--- For official respondents.

Mr. ABDUL HAMEED,
Advocate

--- For private respondents.

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

--- MEMBER (JUDICIAL)
--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

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

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Services Tribunal
Peshawar

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

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

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

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Khayber Pakhtunkhwa
Service Tribunal
Peshawar

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

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

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

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

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

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

7. Arguments heard and record perused.

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

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

"06. FIXATION OF SENIORITY

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

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

NOTE:

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

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

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

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Rajender Prakash
Secretary, Jharkhand
Patna

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

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

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

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

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

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

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

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Service Tribunal
Peshawar


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


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

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

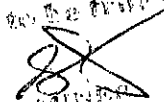
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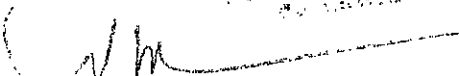
15.07.2021


(ROZINA REHMAN)
MEMBER (JUDICIAL)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

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EXAMINER
Kashmiri Pathshala
Baramulla
Jammu & Kashmir


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

Amir G. 22



GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Annex VI

Dated Peshawar the 03-01-2023

☎ 091-9223273 ✉ fooddepartmentkpk@gmail.com 📠 @fooddepartmentkpk 🌐 @foodsecretariat

NOTIFICATION

No. SO/food/1-3(DPC)/2022/2222 in Pursuance of the revised surplus pool
oriented policy dated 15-02-2008 and subsequent decision of the Service Tribunal in
case No. service appeal No. 340 of 2017 Hoor Khan sic V/S Director Food Khyber
Pakhtunkhwa, Peshawar and others and advice of law Department, Vide letter No.
SO(OF-9/10/15-2/2022/KC/11490-92 dated 03-10-2022 and the Departmental
Promotion Committee meeting held on dated 25-10-2022, the Competent Authority is
pleased to promote Muhammad Zafarullah Khan, Assistant Director Food antedated
promotion from relevant time as District Food Controller (BS-16) with effect from
19-11-2005 and Assistant Director Food (BS-17) from 28-02-2013 without arrears.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Copy for information/further necessary action to file:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director Food, Khyber Pakhtunkhwa, Peshawar.
3. The District Accounts Officers Khyber Pakhtunkhwa, Peshawar.
4. PS to Director Food, Khyber Pakhtunkhwa, Peshawar.
5. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.
6. Officer concerned.
7. Personal File of the officer.

(ARYAB AMMED AWAN)
SECTION OFFICER (GENERAL)

FOOD DEPARTMENT KHYBER PAKHTUNKHWA

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT**

Dated Peshawar the 03.01.2023

NOTIFICATION

No.SOG/Food/1-3(DPC)/2022/2177 In Pursuance of the revised surplus pool amended policy dated 15.02.2006 and subsequent decision of the Service Tribunal in case title service appeal No. 349 of 2017 Noor Khan etc V/S Director Food Khyber Pakhtunkhwa, Peshawar and others and advice of law Department, vide letter No. SO(OP-I)/LD/15-2/2022/KC/11490-92 dated 03.10.2022 and the Departmental Promotion Committee meeting held on dated 25.10.2022, the Competent Authority is pleased to promote Muhammad Zafarullah Khan, Assistant Director Food antedated promotion from relevant time as District Food Controller (BS-16) with effect from 19.11.2005 and Assistant Director Food (BS-17) from 28.02.2013 without arrears.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT**

Copy for information/further necessary action to the:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar
2. The Director Food, Khyber Pakhtunkhwa, Peshawar
3. The District Accounts Officers Khyber Pakhtunkhwa, Peshawar
4. PS to Minister Food, Khyber Pakhtunkhwa, Peshawar
5. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar
6. Officer concerned
7. Personal File of the officer

(AFTAB AHMED AWAN)
SECTION OFFICER (GENERAL)
FOOD DEPARTMENT KHYBER PAKHTUNKHWA