

Form 'A'

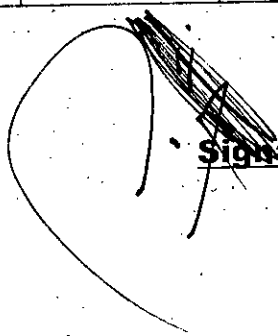
Judicial Branch

Diary No. 375

Dated 21-6-2022

To be filled by the Counsel.

Case Number	907/22					
Case Title	Muhammad Saleem Vs Food					
Date of Institution						
Bench	<input checked="" type="checkbox"/> SB		DB			
Case Status	Fresh		Pending	<input checked="" type="checkbox"/>		
Stage	Notice		Motion	<input checked="" type="checkbox"/>	PAN	
Urgency to be clearly stated.	Due to DPC we need urgent early date					
Nature of the relief Sought.	Nil					
Next date of hearing.	20/7/2022					
Alleged Target Date	23/6/2022					
Counsel for	Petitioner		Respondent		In Person	
	<input checked="" type="checkbox"/>					



Signature of counsel/party

Regretted.
21/6/22

PESHAWAR HIGH COURT, PESHAWAR

PROFORMA FOR EARLY HEARING.

Form 'B'

Judicial Branch

Inst#:

Early Hearing. _____ -P/20 _____

In case No. 907 -P/2022

Muhammed Saleem vs Food

Presented by Taimur Haider Khan on behalf of appellant/plaintiff.
Entered in the relevant registrar.

Put up alongwith main case Yes

Last date fixed	<u>16/10/2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Nil</u>
Date(s) fixed in the similar matter by the Branch Incharge.	<u>Nil</u>
Available dates HVC branch.	

ASSTT: REGISTRAR (FIXATION).

Dated _____

DEPUTY REGISTRAR (J).

Dated _____

ADDITIONAL REGISTRAR (J).

Dated _____

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In re;
SA No. _____/2022

Muhammad Saleem.....Petitioner

VERSUS

Govt. of KP through Secretary Food and others..Respondents

***C.M IN RESPECT EARLY FIXATION OF
TITLED APPEAL***

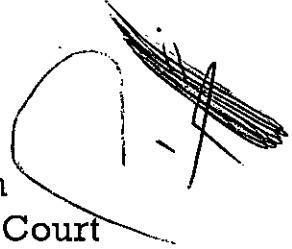
Respectfully Sheweth;

- 1) That the above titled appeal is pending adjudication before this hon'ble Court.
- 2) That through instant application the appellant request this hon'ble Tribunal for fixation of titled appeal for an early date as DPC is going to be held in near future and if the case is not fixed and decided earlier before initiation of DPC and completion of its proceedings, the appellant will be deprived of his due right of promotion, hence this application.
- 3) That any other point may be raised at the time of arguments for the best assistance of this hon'ble Court.

PRAYER

It is, therefore, most respectfully prayed that on the basis of expounded subject, facts and circumstances the needful may kindly be done for the best administration of justice and fair play.

Appellant
Through
Taimur Haider Khan
Advocate Supreme Court
Cell: 0346-9192561



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

In re;
SA No. _____/2022

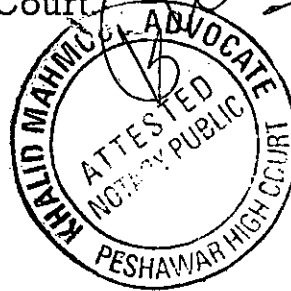
Muhammad Saleem.....Petitioner

VERSUS

Govt. of KP through Secretary Food and others..Respondents

AFFIDAVIT

I, Taimur Haider Khan Advocate (Counsel for Appellant), do hereby affirm and declare as per information furnished by my client that the contents of the accompanying Application are true and correct and nothing has been concealed from this Hon'ble Court.



Deponent



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING



FORM 'A'

To be filled by the Counsel/Applicant

Case Number	907/2022		
Case Title	Muhammad Saleem vs Govt of P.P. & D.A.		
Date of Institution			
Bench	SB <input checked="" type="checkbox"/>	DB	
Case Status	Fresh	Pending <input checked="" type="checkbox"/>	
Stage	Notice	Reply	Argument
Urgency to clearly stated.	Respondents (Govt department) are going to press the impugned D.P.C. of the private respondents with in 04 days i.e. 1-7-2022. Hence, the need for urgency should be done		
Nature of the relief sought.			
Next date of hearing	20-7-2022		
Alleged Target			
Date			
Counsel for	Petitioner <input checked="" type="checkbox"/>	Respondent	In person

Signature of counsel/party
 Farman Hafeez Khan
 Advocate Supreme Court

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 528 -p/2022

In case No. 907 -p/2022

M. Saleem Vs Pos of default through Secu 407a

Presented by Paiman Haidar Khan ASL on behalf of applicant/Plaintiff Entered
in the relevant register.

Put up along with main case ✓

Last date fixed	<u>16/06/2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Counsel want to remove deficiencies required under Section -4 of KPST Act, 1974.</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>-</u>
Available dates Readers/Assistant Registrar branch	

[Signature]
Assistant Registrar MM
13/7/22

Regretted
[Signature]
13/7/22

REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In re;
SA No. _____/2022

Muhammad Saleem.....Petitioner

VERSUS

Govt. of KP through Secretary Food and others..Respondents

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3.	Copy of Tentative seniority list		3
4.	Copy of letter dated 10.02.2022		4
5.	Copy of letter dated 07.01.2022		5

Appellant

Through

Taimur Hadier Khan
Advocate Supreme Court

Taimur Law Associates
Office No.37, 2nd Floor,
Malik Tower, Peshawar
Cell 0346-9192561

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

In re;
SA No. _____/2022

Muhammad Saleem.....Petitioner

VERSUS

Govt. of KP through Secretary Food and others..Respondents

***C.M IN RESPECT TO ALLOW THE
ADDITIONAL DOCUMENTS BEING PART
AND PARCEL OF THE MAIN APPEAL.***

Respectfully Sheweth;

- 1) That the above titled appeal is pending adjudication before this hon'ble Court.
- 2) That following being part and parcel is required to be placed with the main appeal for the just decision of the case. (Copy of additional document are attached herewith)
- 3) That any other point may be raised at the time of arguments for the best assistance of this hon'ble Court.


PRAYER

It is, therefore, most respectfully prayed that on the basis of expounded subject, facts and circumstances the needful may kindly be done for the best administration of justice and fair play.

Appellant

Through

Taimur Haider Khan
Advocate Supreme Court
Cell: 0346-9192561



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

in re;
SA No. _____/2022

Muhammad Saleem.....Petitioner

VERSUS

Govt. of KP through Secretary Food and others..Respondents

AFFIDAVIT

I, Taimur Haider Khan Advocate (Counsel for Appellant), do hereby affirm and declare as per information furnished by my client that the contents of the accompanying Application are true and correct and nothing has been concealed from this Hon'ble Court.



Deponent

[Handwritten signature]

3

TENTATIVE SENIORITY LIST OF ASSISTANT FOOD CONTROLERS (BS-16) IN FOOD DIRECTORATE, DIVISIONAL AND DISTRICT OFFICES OF FOOD DEPARTMENT KHYBER PAKHTUNKHWA PESHAWAR AS IT STOOD ON 07-02-2022

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 Vix: 60 years
1.	Mr. Tausif Iqbal	M.B.A	01.10.1987	Karak	07.08.2015	07.08.2015	07.08.2015	By Initial recruitment	30.09.2047
2.	Muhammad Shakeel	M.B.A	10.04.1994	Abbottabad	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2044
3.	Miss Uzma Kanwal	M.A	03.12.1990	Abbottabad	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.12.2050
4.	Mr. Zafar Alam Riza	M.A	03.01.1987	Chitral	07.08.2015	07.08.2015	07.08.2015	By Initial recruitment	02.01.2047
5.	Mr. Shujat Hussain Shah	M.Sc(Honr)	07.04.1987	Mansehra	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	08.04.2047
6.	Mr. Haleez-ur Rehman	B.A	18.04.1984	Dir Lower	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	17.04.2044
7.	Mr. Muhammad Salim	M.A Pol: Science	18.04.1985	Nowshera	14.07.1993	17.06.2005	22-04-2018	By Promotion	17.04.2025
8.	Mr. Gulab Gul	MA Pol: Science	01.02.1967	Karak	14.07.1993	17.06.2005	22-04-2018	By Promotion	31.01.2027
9.	Mr. Muhammad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	22-04-2016	By Promotion	01.05.2033
10.	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2016	By Promotion	31.12.2035
11.	Mr. Muhammad Shoaib	F.A	11.04.1968	Mansehra	04.07.1993	05-11-2008	22-04-2016	By Promotion	10.04.2028
12.	Mr. Amjid Khan	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	22-04-2016	By Promotion	04.01.2035
13.	Mr. Mohammad Zubeir	M.A	21.09.1970	Mardan	10.08.1993	12-01-2009	22-04-2016	By Promotion	20.09.2030
14.	Mr. Saif Ail Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2016	By Promotion	02.03.2029
15.	Mr. Aurangzeb Khan	F.A	12-05-1971	Bannu	27-04-1997	12-01-2009	28-11-2018	By Promotion	11-05-2031
16.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	22-04-2018	By Promotion	14-02-2047
17.	Muhammad Rashid Saeed	B.A	15.03.1974	D.I.Khan	22.03.1995	26-12-2009	22-04-2018	By Promotion	14.03.2034
18.	Mr. Attaullah	Matric	02-04-1976	Dir Lower	22-05-1995	28-12-2009	28-11-2018	By Promotion	01-04-2038
19.	Mr. Ashfaq Khan	B.A	25.03.1977	Mardan	22.03.1995	26-12-2009	04-08-2018	By Promotion	24.03.2037
20.	Mr. Riaz Ahmad	M.A	01.03.1968	Chitral	02.05.1995	26-12-2009	04-08-2018	By Promotion	28.02.2028
21.	Mr. Aleeq-ur Rehman	B.A	01.05.1977	M/Agency	03.05.1995	28-12-2009	04-08-2018	By Promotion	30.04.2037
22.	Mr. Qazi Bilal	F.A	15-04-1969	Abbottabad	06-08-1995	28-12-2009	08-12-2018	By Promotion	08.04.2049
23.	Mr. Lal Bacha	B.A	09.04.1989	Mardan	08-12-2018	-	08-12-2018	By initial recruitment	21.04.2031
24.	Mr. Fakhar Zaman	F.A	22.04.1971	S.Waziristan	03.08.1992	28-12-2009	10-01-2017	By Promotion	09.06.2023
25.	Mr. Rehmat Wali	F.A	10.08.1983	Chitral	18.12.1981	28-12-2009	23-05-2017	By Promotion	08-04.2023
26.	Mr. Ghulam Rasool	Matric	10-04-1963	Chitral	23.04.1983	26-12-2009	23-05-2017	By Promotion	08-12-2025
27.	Mohammad Zahir Shah	F.A	10.12.1985	Chitral	01.09.1985	08-04-2010	12-04-2018	By Promotion	28.11.2044
28.	Mr. Abidullah Jan	Matric	29.11.1984	Nowshera	06.05.2004	08-04-2010	23-05-2017	By Promotion	17.02.2041
29.	Mr. Waheed Ali	Matric	18.02.1981	Nowshera	08.05.2004	08-04-2010	19-09-2017	By Promotion	06-04-2044
30.	Mohammad Yousaf Khan	D.Com	07-04-1984	FR Bannu	18-04-2010	18-04-2010	19-09-2017	By Promotion	25-03-2030
31.	Mr. Anamir Khalid	B.A	26-03-1970	Mansehra	15-01-2009	14-05-2010	19-09-2017	By Promotion	14-11-2047
32.	Mr. Umair Ail	BA	15-11-1987	Charsadda	13-05-2010	14-05-2010	19-09-2017	By Promotion	24-12-2043
33.	Mr. Numan Amir	BA	25-12-1983	Peshawar	13-05-2010	14-05-2010	10-10-2017	By Promotion	03.04.2037
34.	Mr. Shoukat Ail	F.A	04.04.1977	Mansehra	08.05.2004	20-10-2010	10-10-2017	By Promotion	05-08-2051
35.	Mr. Arif ur Rehman	BS (Hons) Geology	08-08-1991	Karak	01-08-2018	01-08-2018	18-03-2019	By Initial recruitment	01-01-2050
36.	Mr. Saif ur Rehman	MBA	02-01-1990	Bannu	18-03-2019	18-03-2019	28-05-2021	By initial recruitment	31-01-2054
37.	Kamal Ahmad	M.A	01-02-1994	Charsadda	28-05-2021	-	28-05-2021	By initial recruitment	06-08-2057
38.	Aashir Emmanuel Javed	B.A	07-08-1997	Kohat	28-05-2021	-	28-05-2021	By initial recruitment	

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DIRECTOR FOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

(3) (4)

Our faith, "Corruption free Pakistan"



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD,
PESHAWAR

No: 500 JET-716

Dated: 16/02/2022

To,

001-9225378 | fooddirectoratkpt@gmail.com | @fooddirectoratkpt

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- **TENTATIVE SENIORITY LISTS OF STATISTICAL OFFICER AND ACCOUNTANTS (BS-16), ASSISTANT FOOD CONTROLLERS (BS-16), ASSISTANTS (BS-16), COMPUTER OPERATORS AND SENIOR SCALE STENOGRAPHER (BS-16), SENIOR CLERKS (BS-14) AND CANE ASSISTANT (BS-16), JUNIOR SCALE STENOGRAPHER (BS-14), JUNIOR CLERKS (BS-11), FOOD GRAIN INSPECTORS (BS-09) / CANE INSPECTORS (BS-07) AND FOOD GRAIN SUPERVISORS (BS-07) AS IT STOOD ON 07-02-2022.**

Memo:-

The Tentative Seniority Lists of Statistical Officer and Accountants (BS-16), Assistant Food Controllers (BS-16), Assistants (BS-16), Computer Operators and Senior Scale Stenographer (BS-16), Senior Clerks (BS-14) and Cane Assistant (BS-16), Junior Scale Stenographer (BS-14), Junior Clerks (BS-11), Food Grain Inspectors (BS-09) / Cane Inspectors (BS-07) and Food Grain Supervisors (BS-07), as it stood on 07-02-2022 are enclosed for circulation amongst your subordinate staff.

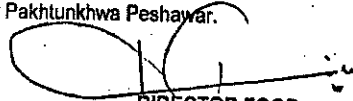
2. Variation if any, in the attached tentative Seniority lists be pointed out within 15 days of the receipt of this letter otherwise it will be presumed that your concerned staffs have got no objection over their seniority positions and it shall be treated as final and undisputed.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

Endorsement No and Even date

Copy for information to

1. PS to Secretary Food Khyber Pakhtunkhwa Peshawar.
2. ET-716 Seniority File.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.

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Light on
Flag-B. 102 P
the appeal

5

GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

091-9224376

Fooddepartmentpk@gmail.com

HQ.SOG/Food/1/27/2020/10582
Peshawar dated, the 07-01-2022

To
The Secretary,
Establishment Department,
Khyber Pakhtunkhwa, Peshawar.

Subject:- APPEAL AGAINST THE SENIORITY LIST OF ASSISTANT FOOD CONTROLLER (BS-16) AS IT STOOD ON 10-09-2021

Dear Sir,

I am directed refer to the subject noted above and to state that the appeal regarding correction of seniority list was received from Muhammad Saim, AFC, Mr. Gulab Gul, AFC and Muhammad Khakd AFC and the personal hearing was conducted by the Competent Authority (F/A).

2. Brief history of the case is that the appellants have been appointed/promoted as Assistant Food Controllers on acting charge basis vide notification dated 31/05/2013 (Flag-B) due to the reason that the Assistant Food Controllers were promoted/appointed to the post of District Food controllers on acting charge basis.

3. The post of the Assistant Food Controllers were vacated after the regular promotion of Assistant Food Controllers to the post of District Food Controllers in the years 2014/2015 (Flag C&D). but their acting charge appointment has not been actualized and no DPC meeting was called till April 22 2016 regarding their regular promotion (Flag-E) who became senior to the appellants

4. In the years 2015 the merit recommendees of Public Service Commission were appointed against the posts of Assistant Food Controllers through initial Quota of 25% (Flag-F)

5. The applicants appellants submitted the instant appeal for correction and actualization, their promotion from the year 2014 and 2015 in the seniority list when the Assistant Food Controllers were promoted to the posts of District Food Controller on regular basis

6. The appeal in hand alongwith the enclosures is hereby submitted for soliciting advice that

- i. The appeal and the applicants be rejected
- OR
- ii. The DPC meeting may be called for consideration of their case for promotion against the promotion Quota 75% from the year 2014 and 2015

The appeal alongwith enclosures are submitted for advice on the matter as per law/rules, please.

Encl: A.A.

[Handwritten signatures and initials]

Yours faithfully,

[Signature]
MURAD AHMAD HOTI
SECTION OFFICER (GENERAL)

Copy forwarded for information to the:-

for the Service Tribunal K.P. Peshawar.

Muhammad Saleem
Muhammad Khalid
Gulab Gul

9/07/2022

9/14/2022

9/08/2022

Versus

Govt of KP



Application in respect that above
titled service appeal was admitted
on 20/7/2022 and next date
is 19/10/2022. On 20/7/2022, directions
were given for depositing security and
process fee but meanwhile due to
non possibility of contact with the
client the security & process fee
could not be deposited. It is humbly
stated that above mentioned fee surely
be deposited after Muharram vacations.

Allowed
6/9/22

Respectfully Submitted:-

1) That the above titled appeal is fixed for 19/10/2022.

2) That ^{Process fee &} security & deposited after murrabram vacation for sure.

It is here fore humbly prayed that on acceptance of this application time be granted for depositing fee. through Appellant

5/9/2022

Muhammad Abbas Advocate HC

بعد الت جان حیدر خٹو کچا کسوں سے اپیل کے لئے

BC-10-7605

طہانہ 913
Respondents
2029

مقدمہ No 907/2029
19-10-2029
AFC حکم
بنام حکومت
حیدر خٹو کچا کسوں سے اپیل کے لئے

R.No. 8
Shujaat Hussain AFC

Azam Khan AFC

Hafsoz AFC

AFC

R.No. 3

R.No. 9

باعت تحریراً تاکہ
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی کے جواب میں اپنی اپنی متعلقہ طبقہ طہانہ
کے لئے
آن مقام
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب مرصوف کو مقدمہ کی کل کارروائی کا کامل اختیار دیا گیا۔ نیز
دیکھیں صاحب کو راضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک درو پیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری کی طرف 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 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختم منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشین التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

R.No. 5
Muhammad Shafiq AFC
R.No. 6
Uzma Kanwal AFC

19
اکتوبر 2022
المقوم

Zafar Alam Riza AFC
15602-6763807-1
R.No. 7

Attested and accepted
Advocate Supreme Court
of Pakistan
0343-2025029
BC-10-7605
R.No. 4
Taufiq Iqbal AFC

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.907/2022

Muhammad Saleem

vs

Food Department Khyber Pakhtunkhwa

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Private Respondents No.3 to 9

Through


(ABDUL HAMEED)

Advocate Peshawar

PESHAWAR

01-11-2022

|

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No.907/2022

Muhammad Saleem, Assistant Food controller, presently working as
Assistant Director (OPS)

versus

1. Government of Khyber Pakhtunkhwa through Secretary food Department,
Civil Secretariat, Peshawar
2. The Director Food Khyber Pakhtunkhwa, Peshawar
3. Mr. Azam Khan, AFC, Directorate of Food, Khyber Pakhtunkhwa,
Peshawar
4. Mr. Tausif Iqbal, AFC, Directorate of Food, Khyber Pakhtunkhwa,
Peshawar (now DFC Lower Chitral)
5. Mr. Muhammad Shakeel, AFC, Directorate of Food, Khyber Pakhtunkhwa,
Peshawar (now DFC Kohistan upper)
6. Miss Uzma Kanwal, AFC, Directorate of Food, Khyber Pakhtunkhwa,
Peshawar (now DFC Mansehra)
7. Mr Zafar Alam Riza, AFC, Directorate of Food, Khyber Pakhtunkhwa,
Peshawar
8. Mr. Shujaat Hussain Shah, AFC, Directorate of Food, Khyber
Pakhtunkhwa, Peshawar
9. Mr. Hafeez ur Rehman, AFC, Directorate of Food, Khyber Pakhtunkhwa,
Peshawar

PRELIMINARY OBJECTION

1. That promotion is not a fundamental right of the appellant, hence this
appeal is not maintainable seeking promotion.
2. That the appellant has got no cause of action to file this appeal.
3. That the appellant is estopped by his own conduct to file this appeal.
4. That the appeal is badly time barred.
5. That the appellant is neither aggrieved person nor has locus standi to file
this appeal.
6. That the appellant has not come to this Hon'ble Tribunal with clean hands.
Material facts have been concealed from this Hon'ble Tribunal.

ON FACTS

1. In reply to para-1 of the appeal, it is submitted that on the
recommendation of the DSC, the appellant was initially appointed as Food
Grain Supervisor (FGS) (B-5) by an office order dated 14.7.1993

(Annex-A). Then the appellant was promoted to the post of Food Grain Inspector (FGI)(B-9) against 75% quota reserved for promotion through an office order dated 17.06.2005 (Annex-B).

2. Vide Khyber Pakhtunkhwa Food Department, (Recruitment and Appointment) Rules 1981, the services of the appellant are governed under the Rules (ibid), wherein under Schedule 42 of the Rules (ibid); the method of recruitment for the post of Assistant Food Controller is laid down as under:

- a) **75%, Seventy Five percent by promotion, on the basis of seniority-cum-fitness from amongst the Food Grain Inspectors and cane Inspectors, with at least five years service as such and**
- b) **25%, Twenty five percent by initial recruitment**

(Copy of Rules 1981 are attached as Annex-C)

Furthermore, it is added that on 17.09.2013; Respondent No.1/Secretary Food KP forwarded a requisition for 10 (Ten) posts of Assistant food Controller in Food Department KP to the Secretary KP Public Service Commission, Peshawar for appointment of 10 (Ten) posts of AFCs by way of initial recruitment against 25% reserved quota. **(Copy of letter dated 17.09.2013 with copy of requisition and relevant documents are attached as Annex -D)**. The KPPSC through an advertisement No.01/2014 dated 27.01.2014, invited applications (vide serial No.28) from eligible candidates for recruitment of Assistant Food Controller (AFC) posts. **(Copy of advertisement no.01/2014 dated 27.01.2014 is attached as Annexure- E)** Thereafter KPPSC through a letter dated 04.06.2015 addressed to Respondent No.1/Secretary Food KP conveyed the names of selectees/recommendees against 10 (Ten) posts of AFC. **(Copy of letter dated 04.06.2015 is attached as Annex-F)** After observing all the codal formalities as required for initial recruitment, Respondent No.2/Director Food KP by an office order dated 07.08.2015, appointed 10 (ten) Assistant Food Controllers (AFCs) (B-14), (now upgraded to B-16) in Food Department on regular basis. **(Copy of office order dated 07.08.2015 is attached as Annex-G)**, whereas the appellant (Muhammad Saleem) was subsequently promoted to the post of AFC on 22.4.2016 on regular basis **(Annex-H)**. Respondent No.2/Director Food KP then issued a seniority list of AFC as it stood on 31.10.2016, wherein the direct recruits (i.e Respondents No. 3 to 9) are appearing at serial No.21 to

28 while the appellant (Muhammad Saleem) has been shown at serial No.31. This seniority list was circulated by Food Department KP, in time, seeking objections from the concerned aggrieved persons/officials in this regard. The appellant has neither objected to his seniority position by way of departmental appeal nor had challenged his seniority at that time before the learned KP Service Tribunal, Peshawar and thus this seniority list dated 31.10.2016 attained finality (**Copy of seniority list dated 31.10.2016 is attached as Annexure-I**). On 17.1.2018, Respondent No.2/Director Food KP issued another Final seniority list of AFCs (B-16) in the Food Department KP as stood on 17.01.2018 wherein the AFCs (direct recruits, Respondents No.3 to 9) are appearing at serial no.14 to 21 while the appellant (Muhammad Saleem) is appearing at serial No.25. The appellant, however, did not challenge this final seniority list at that time either departmentally or filed an service appeal before this Service Tribunal and by this way he admitted his seniority to be correct in all respects and remained silent over seniority position maintained by Food Department. (**Copy of seniority list dated 17.01.2018 is attached as Annexure-J**)

3. Contents of para-3 of the appeal are incorrect and misconceived. As stated in para-1 above, on 14.7.1993 the appellant was initially appointed as FGS by way of initial recruitment as envisaged in the Rules (ibid). Thereafter against 75% quota reserved for promotion the appellant was promoted to the post of FGI (BPS-9) on 17.06.2005. Since at that time there was no post of AFC available, reserved against 75% quota for promotion, therefore, the appellant was appointed on acting charge basis as stop gap arrangement. Besides this, the 10 (ten) available vacant posts of AFCs, reserved against 25% quota had not yet been filled by way of initial recruitment through KPPSC and because of this reason, appellant was assigned higher duties on acting charge basis purely on temporary basis.

It is settled principle of law as laid down by Apex court of Pakistan that acting charge appointment does not amount to an appointment by promotion on regular basis for any purpose including seniority and also does not confer any vested right for regular promotion to the post held on acting charge basis. Reliance is placed on Supreme court of Pakistan judgment reported as "Bashir Ahmed Badini, D&SJ, Dera Allah yar and others versus Hon'ble Chairman and member of Administration

Committee and Promotion Committee of Hon'ble High Court of Balochistan and others" (2022 SCMR 448). Relevant citation (a) of the same judgment reads as under:

(a) Civil Servants (Appointment, Promotion and Transfer) Rules, 1973

...R. 8-B---Acting charge appointment--- Scope---Acting charge appointment does not amount to an appointment by promotion on regular basis for any purpose including seniority, and also does not confer any vested right for regular promotion to the post held on acting charge basis.

(Copy of reported judgment 2022 SCMR 448 is attached as Annexure-K)

4. Contents of para-4 of the appeal are incorrect, misleading and misconceived, hence denied. In this para the appellant has referred to the case of one "Muhammad Naveed", ex-AFC (now retired), which has no nexus with the facts of the instant appeal. The appellant is trying to mislead this tribunal by furnishing twisting and irrelevant facts/case which are quite distinguishable to the facts of this appeal. Mr. Naveed having been initially inducted in Food Department as food Grain Inspector FGI (BPS-6) from surplus pool, who was on his option, placed in bottom of seniority list of FGI and Naveed thereafter challenged his seniority viz-a-viz FGI already working in Food Department and in this appeal, Naveed had made the official respondents as parties only, while the private Respondents No. 3 to 9 (direct recruits/selectees of KPPSC) of this appeal were not made parties. Thus this judgment of Naveed's case if passed by this tribunal in his favour shall be the judgment in personam and not in rem and because of this legal position, the Naveed's judgment as referred to by the appellant in this appeal is not binding and applicable on the facts of this appeal pertaining to Respondents No.3 to 9 (direct recruits) mainly on this ground that Naveed ex-AFC was promoted to the post of AFC BPS-16 on 24.4.2016 against his promotion quota, whereas the direct recruits/selectees AFCs (BPS-16) after due process, had joined Food Department KP as AFC on 07.08.2015 i.e. prior to promotes AFCs.

At this juncture, attention of the Tribunal is invited to an identical nature judgment dated 24.11.2017 of this Tribunal, passed in Service Appeal No. 7&8 of 2017, filled by "Muhammad Akbar (AFC) vs Govt", and "Muhammad Saleem (AFC) vs Govt" whereby these two appellants who were promoted from the post of FGI (BPS-9) to the post of AFC (BPS-16)

w.e.f 24.04.2016 on regular basis, against 75% reserved quota for promotion had challenged the revised seniority list of AFC as stood on 31.10.2016 wherein the appellants had prayed that they be placed in the top three of the revised seniority list of AFC as stood on 31.10.2016.

perusal of the judgment dated 24.11.2017 of this Tribunal passed in Service Appeal No.7 & 8 of 2017 reveals that the appellants had sought seniority and prayed to be placed on top three (3) of the revised seniority list of AFC as stood on 31.10.2016, taking the plea of an identical nature Service Appeal No.831/2015, filed by Muhammad Naveed who was also adjusted as FGI as a result of surplus pool policy, in these appeals the appellant referred to the judgment passed in Service Appeal No.831/2015 filed by Naveed ex-AFC (now retired). This issue was thoroughly discussed by the Tribunal and after hearing arguments of the parties, the Tribunal reached to this conclusion and observed that since the appellants of Service Appeal no.7 & 8 of 2017 have been promoted from the post of FGI (BPS-9) to the post of AFC (BPS-16) on 22.04.2016 on regular basis against 75% reserved promotion quota, while the direct recruits/selectees AFC, appointed as such by initial recruitment prior to the promotion of the appellants from the post of FGI to the post of AFC, therefore the appellants shall still stand junior to all those person/AFCS who have been inducted in Food Department as AFC (BPS -16) by initial recruitment prior to the promotion of appellants as AFC on regular basis and thus seniority of the direct recruits vis-à-vis appellants (promotes) in the impugned seniority list dated 31.10.2016 shall not be disturbed. **(Copy of judgment dated 24.11.2017 in appeals No.7 & 8 of 2017 is attached as annexure-L)**

5. Contents of para-5 of the appeal are incorrect, misleading, hence denied. In the instant appeal the controversial point involved is with regard to seniority between the Direct recruits vis-a-vis promotees. In this behalf the principle of seniority as laid down in KP Civil servants (Appointment, Promotion and Transfer) Rules, 1989 is to be followed that seniority is to be determined from the date of regular appointment of direct selectees/recruits and also from the date of regular promotion of the promotees. In this appeal Respondent No. 3 to 9 are direct recruits through KPPSC, who after due process were appointed by Food Department and joined the post of AFC (BPS-16) on regular basis with effect from 7.8.2015, while the appellant was promoted from the post of FGI (BPS-9) to the post of AFC (BPS-16) against 75% reserved quota for promotion on 22.4.2016.

After regular promotion the appellant took over charge of AFC post on regular basis on 22.4.2016 and thus Respondent No.3 to 9 (direct recruits) are senior to the appellant as maintained in the seniority list.

6. Incorrect. The private Respondents No.3 to 9 (Direct Recruits) have already challenged the judgment dated 15.7.2021 passed in Service Appeal No.349/2017 titled "**Noor Khan vs Govt**" before the Supreme Court of Pakistan by filing CPLA No.5353/2021. This CPLA is "subjudice" before the Apex court of Pakistan.

(Copy of

CPLA No.5353/2021 is attached as Annexure-M)

Moreover, as envisaged in KP Civil Servants (Appointment, Promotion and Transfer) Rules 1989, Acting charge appointment will not confer upon the appellant any vested right for fixing of seniority, therefore the seniority of the appellant was fixed from the date of his regular promotion to the next higher scale (AFC cadre i.e 22.4.2016) as reflected in the seniority lists as stood on 31.10.2016 and the seniority list as stood on 17.01.2018. **(copy of seniority list dated 31.10.2016 and 17.01.2018 are already attached as Annexure-I&J)**

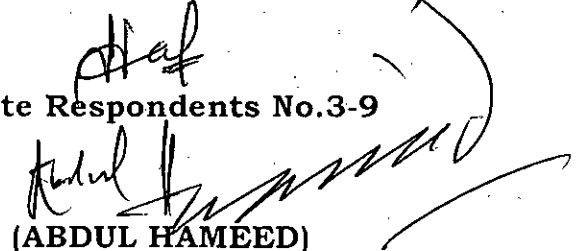
7. Contents of para-7 of the instant appeal are incorrect and misleading, hence denied. As explained in para-6 above, the seniority list of Assistant Food Controller (AFC) as stood on 07.2.2022 issued by Food Department is correct and valid in all respect, having been issued strictly in accordance with law/rules. The Section-8(4) of Khyber Pakhtunkhwa Civil Servants Act, 1973 is quite clear in the instant appeal which stipulates that Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post.
8. In reply to para-8 of the appeal, it is submitted that on the basis of law laid down in Section 8(4) of KP Civil Servant Act, 1973, the appeal/representation filed by the appellant was examined in consultation with Govt of KP, Establishment department and thereafter, his appeal was rejected by Food Department on merit.
9. Contents of para-9 are incorrect, misleading, hence denied. Promotion is not a fundamental right in the eyes of law. However, the department has promoted the appellant against 75% quota reserved for promotion, on seniority cum fitness basis, strictly in accordance with law/rules and after his regular promotion to the post of AFC on 22.4.2016, the appellant has been properly placed in the seniority list of AFC dated 7.2.2022. The claim

of the appellant seeking seniority over the direct selectees/recruits on acting charge basis bereft of merit, being baseless and unfounded.

10. As explained in preceding paras above. The appellant has been properly placed in the seniority list dated 7.2.2022 issued by Food Department in this behalf.

11. No comments.

It is, therefore, most humbly prayed that on acceptance of the parawise comments filed by Respondents No.3 & 9 (direct recruits/selectees), the instant appeal being meritless and frivolous may graciously be dismissed with cost, please.

Private Respondents No.3-9
Through 
(ABDUL HAMEED)
Advocate Peshawar

PESHAWAR
01.11.2022

8

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.
Service Appeal No.907/2022

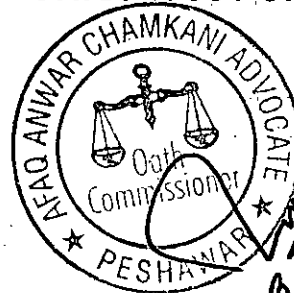
Muhammad Saleem Vs Food Department KP, etc.

AFFIDAVIT

I, Hafeez ur Rehman, Assistant Food Controller, (AFC) Food Department, KP, Peshawar, Respondent No.9 do hereby declare and solemnly affirm that the parawise comments on behalf of Respondents No.3 to 9 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.

Haf
Deponent

CNIC: 17301-0744903-9



ATTESTED
01-11-2022

(A)

(9)

4

APPOINTMENT ORDER.

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

No. 13418 /G/275,

Dated Peshawar, the 14 /07/1993. J

On the recommendation of the Departmental Selection Committee and in pursuance of the acceptance of the candidations of the Appointment Offers, the following candidates are hereby appointed as Foodgrains Supervisors against the newly created posts and posted in the office as noted against each:-

<u>S.No.</u>	<u>Name & Adress of the appointee.</u>	<u>Posting</u>
1.	Mr. Gulab Gul S/O Imam Gul, C/O Sakhawat Khan Supdt: High Court, D.I. Khan.	Distt: Food Controller Chitral.
2.	Mr. Mohammad Saleem S/O Abdul Qayum Moh: Khushal Colony Amangrah P.O. Adamjee Paper Mills, Nowshera.	-do-
3.	Mr. Alla-Ud-Din S/O Shahab-Ud-Din Village Kutal, Swat.	-do-

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

3/- They should submit their arrival reports to the concerned District Food Controller, Chitral by 28.7.1993.

Collected
 (ISHTYAK AHMED KHAN)
 DIRECTOR FOOD, NWFP,
 PESHAWAR.
 13/7/93 R.C.

No. 13419-27 /G/275,

Dated Peshawar, the 14 /07/1993.

Copy forwarded to:-

1. The District Accounts Officer, Chitral.
2. The District Food Controller, Chitral. On receipt of Arrival Reports from the above candidates, they may be referred to the Medical Superintendent for Medical Examination and also intimate their arrival reports to this Directorate immediately.
3. Candidates as per detail given above for information and necessary action. They should produce their original documents to their respective officer at the time of arrival reports.
4. Copies for P/Files.
5. The Asstt: Director (Admn), Govt. of NWFP, Population & Welfare Deptt - Pesh:w/r to letter No. 1(11)87-92/Admn, dated 12.5.93.

Collected
 DIRECTOR FOOD, NWFP,
 PESHAWAR.
 R.C.



OFFICE ORDER

FOOD DIRECTORATE NWFP
PESHAWAR

No. 9100 /ET-378

Dated 17 /06/2005.

On the recommendation of the Departmental Promotion Committee, the following Foodgrain Supervisors (BS-05) are promoted as Foodgrain Inspectors / Cane Inspectors (BS-06) with immediate effect.

S.No.	Name of officials	Promoted as
1	Mr. Muhammad Teriq, FGS DFC Office Chitral attached with Food Directorate	Food grain Inspector/Cane Inspector (BS-06)
2	Mr. Muhammad Saleem, FGS Office of DFC Abbottabad	Food grain Inspector/Cane Inspector (BS-06)
3	Mr. Gulah Gnl, FGS Office of DFC Kohat	Food grain Inspector/Cane Inspector (BS-06)

2 The posting/placement orders of the above named officials will be issued separately.

No. 9101-5 /ET-378

Sd/-
DIRECTOR FOOD, NWFP,
PESHAWAR
Dated 17 /06/2005.

Copy forwarded to:-

1. The Accountant General, NWFP, Peshawar.
2. The District Accounts Officers, Kohat, Abbottabad and Chitral.
3. District Food Controllers Kohat, Abbottabad and Chitral.
4. The Assistant Accounts Officer (Budget) Food Directorate, NWFP, Peshawar.
5. Officials concerned/Personal Files.

No. 9106-8 /ET-378

~~mf.....~~
Assistant Director Food (E),
Food Directorate NWFP,
Peshawar.
Dated 17 /06/2005.

Copy forwarded to:-

1. The P.S to Minister Food, for information of the Minister. Food, Excise & Taxation, NWFP, Peshawar.
2. The P.S to Secretary Food for information of the Secretary Food, Government of NWFP, Peshawar.
3. PA to Director Food, NWFP, Peshawar.

~~mf.....~~
Assistant Director Food (E),
Food Directorate NWFP,
Peshawar.

(C) (11)

**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).

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

SCHEDULE-42

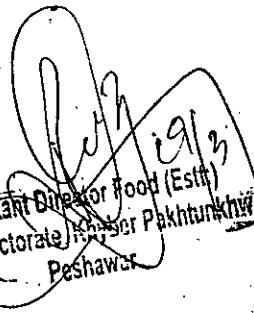
S.N o	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Minimum qualification for appoint by promotion.	Age Limit	Method of Recruitment
1	2	3	4	5	6
	Director Food				a) By selection on merit with due regard to seniority from amongst the Deputy Directors with at least 12 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.

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.

	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

15

	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



(D)

GOVERNMENT OF
KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

NO.SOF/1-16/13/P-III/1056
Dated Pesh: the, 17/09/2013

To,

The Secretary,
Public Service Commission,
Khyber Pakhtunkhwa, Peshawar.

Subject: - **REQUISITION FOR 10 (TEN) POSTS OF ASSISTANT FOOD
CONTROLLER (BPS-11), IN FOOD DEPARTMENT KHYBER
PAKHTUNKHWA.**

Dear Sir,

I am directed to refer to subject noted above and to enclose herewith a copy of requisition (duly signed by the Director Food, Khyber Pakhtunkhwa) alongwith relevant attachments for appointment of 10(ten) posts of Assistant Food Controllers in initial recruitment quota, as per requisition of Section 7(2) ii of Khyber Pakhtunkhwa, Public Service Commission Ordinance-1978 for your onward action.

Encl: As above.

Yours faithfully,


Section Officer (Food)

KHYBER PAKHTUNKHWA, PUBLIC SERVICE COMMISSION

REQUISITION FOR RECRUITMENT.

Requisition for recruitment of 01 (one) post (s) of Assistant Food Controllers (BS-11) for Offices of Deputy Director Food Khyber Pakhtunkhwa at Karachi / District Food Controllers in Food Department Khyber Pakhtunkhwa.


1	a	Designation and number of Posts	Assistant Food Controller (BPS-11) 01 (One) Post (for Female 10% Quota)
	b	Nature of posts Permanent or Temporary	Temporary
	c	Life of posts	-
	d	Date (s) of occurrence of vacancy/vacancies	01-09-2013
	e	Percentage of promotion and direct recruitment	Direct quota-25% & Promotion quota-75%
	F	Number of posts reserved for disabled person against 02% quota as prescribed by the Government	Nil
	G	Number of posts reserved for Women quota at the @ of 10 % as prescribed by the Government. If it is joint cadre for both sexes	Nil
	H	5% for Earth Quack affectees of Mansehra, Battagram, Shangla, Kohistan and Abbottabad Districts	Nil
	f	Zonal allocation of the posts for General Seats Zones and Merit are to be specified to be specified as per Government Notification No. SOS-III (S&DAD)3(39)/70 dated 03-02-1990	Open Merit for female Quota.
2	a	Grade and Service.	Grade-11
	b	Service Rules Governing recruitment (to be attached)	(Copy of Service Rules of Food Department is enclosed)
	c	If notified Service or not available, indicate the suggested Rules if any framed and copy be attached.	-
3	a	Pay Scale	(BS-11) Rs.6600- 460- 20400/- Basic Pay Per Month.
	b	Any provision for higher initial pay for special qualifications or experience.	Nil
	c	Any special concessions such, as rent free house, light, water, prospects of promotion to higher time scales.	Nil
	d	Prospects of promotion to higher post or higher time scale of pay.	As per Rules
4	a	Duties of the posts	<u>Job Description of Assistant Food Controller (BS-11)</u> 1 In charge of Provincial Reserve Centre/Food grain godowns. 2 Assist, District Food Controller in day to day office work. 3 Inspection of market and checking of prices.
	b	When required to join	As and when recommended by the PSC.
	c	Place or places where required to serve.	Any where in Khyber Pakhtunkhwa, FATA, including Office of Deputy Director Food Khyber Pakhtunkhwa at Karachi.
5		Qualifications	Degree from a recognized University
	a	Academic (if more then one prescribed specify which is to be given more weight)	-
	b	In case of equivalent qualifications is acceptable, specify that	-
	c	Training & experience.	-
	d	Minimum academic qualifications after which the prescribed experience in	-

		column 5 c will count.	
	e	Any other qualification.	
6	a	Minimum and Maximum age limits	20 years to 25 years According to Service Rules of Food Department KPK the age limit is 20-25 Years, but according to the instructions contained in the Establishment Department Notification No.SOR-I (S&GAD)4-1/80(Vol-III) dated 12-06-1999 following amendment were required to be carried out in the relevant Service Rules by all Departments:- "For existing age limit of "25 years" and "28 years" where occurring the words and figures "30 Years" and "32 yeas" shall be respectively substituted". Required age limit for above posts are 20 years to 30 years
	b	Sex	Female.
		Nationality & Domicile.	Pakistani / Khyber Pakhtunkhwa / FATA
7		Any other conditions or qualification not covered above.	
8		In case Government Servants/ are eligible which conditions are relax able in their favour.. Do they got any special concession?	
9		Was / Were this / these Posts are advertised?. If so, give No and year of PSC's advertisement.	No
10		Name or appointment of the Departmental Officer recommended to assist the PSC in advisory capacity during the interview.	Director Food Khyber Pakhtunkhwa .

I certify that:-

- 1 The requisition is complete in all respects
- 2 No other requisition has been placed on Public Service Commission for the requisitioned posts(s)
- 3 No previous recommendations of PSC for similar posts have been implemented
- 4 No Adhoc / Contract appointee can claim regular absorption against the requisitioned posts (s)
- 5 There are total sanction strength of posts of Assistant Food Controller (BS-11) are 49 (Forty Nine Posts) in Food Department Khyber Pakhtunkhwa out of which 12 (Twelve) vacancies fall, to the share of 25% initial recruitment quota and 37 posts comes in share of 75 % promotion quota as per ratio fixed in the Service Rules of Food Department Khyber Pakhtunkhwa for initial and promotion quota

It is also confirmed that No vacancy / vacancies indicated in the requisition includes posts (s) which is at present held by contract/ adhoc appointees.


DIRECTOR FOOD
KHYBER PAKHTUN KHWA,
PESHAWAR.

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

Website: www.kppsc.gov.pk
2- Fort Road Peshawar Cantt:

Tele: Nos. 091-9214131, 9213563
9213750, 9212897

Dated: 27/01/2014

ADVERTISEMENT No. 01/2014.

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa / F.A.T.A by 28/02/2014 (candidates applying from abroad by 14/03/2014). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected.

- 1 AGRICULTURE LIVESTOCK & COOPERATIVE DEPTT:**
SEVENTY ONE (71) POSTS OF VETERINARY OFFICER (HEALTH) IN LIVESTOCK & DAIRY DEVELOPMENT DEPTT:
- QUALIFICATION:** Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Sciences from a recognized University and registered with Pakistan Veterinary Medical Council (PVMC)
AGE LIMIT: 22 to 35 years. **PAY SCALE:** BPS-17
ELIGIBILITY: Both Sexes **ALLOCATION:**
Men: Zone-1 Zone-2 Zone-3 Zone-4 Zone-5
17 12 12 12 09 39
- 2 EIGHT (08) POSTS OF FEMALE VETERINARY OFFICER (HEALTH) IN LIVESTOCK & DAIRY DEVELOPMENT DEPTT: (WOMEN QUOTA)**
- QUALIFICATION:** Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Sciences from a recognized University and registered with Pakistan Veterinary Medical Council (PVMC)
AGE LIMIT: 22 to 35 years. **PAY SCALE:** BPS-17
ELIGIBILITY: Female **ALLOCATION:** Men
- 3 TWO (02) POSTS OF VETERINARY OFFICER (HEALTH) (DISABLED QUOTA) IN LIVESTOCK & DAIRY DEVELOPMENT DEPTT:**
- QUALIFICATION:** Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Sciences from a recognized University and registered with Pakistan Veterinary Medical Council (PVMC)
AGE LIMIT: 22 to 35 years. **PAY SCALE:** BPS-17
ELIGIBILITY: Both Sexes **ALLOCATION:** Men
- 4 THREE (03) POSTS OF RESEARCH OFFICER IN LIVESTOCK & DAIRY DEVELOPMENT DEPTT: (RESEARCH WING)**
- QUALIFICATION:** Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Sciences recognized by Pakistan Veterinary Medical Council (PVMC)
AGE LIMIT: 22 to 32 years. **PAY SCALE:** BPS-17
ELIGIBILITY: Both Sexes
ALLOCATION: One each to Zone-1, 2 & 3
- 5 ONE (01) POST OF MALE LIVESTOCK PRODUCTION OFFICER (HEALTH) IN LIVESTOCK & DAIRY**

- 13 ONE (01) POST OF VETERINARY OFFICER/ SURGEON IN OFFICE OF CHIEF CONSERVATOR WILDLIFE**
- QUALIFICATION:** (a) At least 2nd Division Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Sciences from a recognized University or Institute; and (b) Registered with Pakistan Veterinary Medicine Council.
AGE LIMIT: 18 to 32 years. **PAY SCALE:** BPS-17
ELIGIBILITY: Both Sexes **ALLOCATION:** Zone-1
- 14 ONE (01) POST OF ASSISTANT RESEARCH OFFICER/ EXTENSION FIELD OFFICER IN DIRECTORATE OF FISHERIES**
- QUALIFICATION:** M.Sc Zoology/ Fisheries preferably with specialization in Fisheries/ Fresh Water Biology from a recognized University.
AGE LIMIT: 20 to 30 years. **PAY SCALE:** BPS-16
ELIGIBILITY: Both Sexes **ALLOCATION:** Zone-2
- 15 TWO (02) POSTS OF OFFICE ASSISTANT IN ENVIRONMENTAL PROTECTION AGENCY (E.P.A)**
- QUALIFICATION:** Bachelor's Degree from a recognized University.
AGE LIMIT: 18 to 30 years. **PAY SCALE:** BPS-14
ELIGIBILITY: Both Sexes
ALLOCATION: One each to Zone-1 and Zone-2.
- 16 ONE (01) POST OF COMPUTER OPERATOR IN ENVIRONMENTAL PROTECTION AGENCY (E.P.A)**
- QUALIFICATION:** 2nd Class Graduation with one year Diploma in IT from Board of Technical Education or its equivalent.
AGE LIMIT: 21 to 30 years. **PAY SCALE:** BPS-12
ELIGIBILITY: Both Sexes **ALLOCATION:** Zone-1
- 17 THREE (03) POSTS OF COMPUTER OPERATOR IN THE OFFICE OF CHIEF CONSERVATOR OF WILDLIFE**
- QUALIFICATION:** 2nd Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from Board of Technical Education or its equivalent.
AGE LIMIT: 18 to 28 years. **PAY SCALE:** BPS-12
ELIGIBILITY: Both Sexes
ALLOCATION: One each to Zone-1, 2 & 3.
- 18 ONE (01) POST OF COMPUTER OPERATOR IN THE OFFICE OF CHIEF CONSERVATOR OF FOREST**
- QUALIFICATION:** 2nd Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology (IT) from recognized Board of Technical Education or its equivalent.
AGE LIMIT: 18 to 28 years. **PAY SCALE:** BPS-12
ELIGIBILITY: Both Sexes **ALLOCATION:** Zone-2
- ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**
- 19 TWO (02) LEFTOVER POSTS OF COMPUTER OPERATOR.**

- 29 ONE (01) POST OF ASSISTANT FOOD CONTROLLER (WOMEN QUOTA) IN FOOD DEPARTMENT.**
- QUALIFICATION:** Degree from recognized University.
AGE LIMIT: 20 to 30 years. **PAY SCALE:** BPS-11
ELIGIBILITY: Female **ALLOCATION:** Merit
- HEALTH DEPARTMENT**
- 30 ONE (01) POST OF ARTIST IN SAIDU MEDICAL COLLEGE SWAT HEALTH DEPARTMENT**
- QUALIFICATION:** (a) Secondary School Certificate from recognized Board. (b) Diploma in Fine Artist from any recognized government institute.
AGE LIMIT: 18 to 30 years. **PAY SCALE:** BPS-11
ELIGIBILITY: Both Sexes **ALLOCATION:** Zone-2
- 31 ONE (01) POST OF PHOTOGRAPHER IN SAIDU MEDICAL COLLEGE SWAT HEALTH DEPARTMENT**
- QUALIFICATION:** (a) Secondary School Certificate from recognized Board. (b) Two (02) years Experience in the field in any recognized Government Institute or five (05) years experience in a private Firm
AGE LIMIT: 18 to 30 years. **PAY SCALE:** BPS-11
ELIGIBILITY: Both Sexes **ALLOCATION:** Zone-2
- HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPTT**
- 32 NINETEEN (19) POSTS OF MALE LIBRARIAN IN HIGHER EDUCATION DEPARTMENT.**
- QUALIFICATION:** At least 2nd Class Master's Degree in Library and Information Science from a recognized University.
AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-17
ELIGIBILITY: Male **ALLOCATION:**
Merit Zone-1 Zone-2 Zone-3 Zone-4 Zone-5
04 04 04 03 02 02
- 33 FIFTEEN (15) POSTS OF MALE LECTURER IN HEALTH AND PHYSICAL EDUCATION IN HIGHER EDUCATION DEPARTMENT.**
- QUALIFICATION:** Second Class Master Degree or equivalent qualification in relevant subject from a recognized University.
AGE LIMIT: 21 to 30 years. **PAY SCALE:** BPS-17
ELIGIBILITY: Male **ALLOCATION:**
Merit Zone-1 Zone-2 Zone-3 Zone-4 Zone-5
04 01 02 02 02 02
- 34 TWENTY (20) POSTS OF FEMALE LECTURER IN HEALTH AND PHYSICAL EDUCATION IN HIGHER EDUCATION DEPARTMENT.**
- QUALIFICATION:** Second Class Master Degree or equivalent qualification in relevant subject from a recognized University.
AGE LIMIT: 21 to 30 years. **PAY SCALE:** BPS-17
ELIGIBILITY: Female
ALLOCATION:
Merit Zone-1 Zone-2 Zone-3 Zone-4 Zone-5
05 03 03 03 03 03
- 35 ONE (01) POST OF PRESERVATION ASSISTANT IN**

45 ONE (01) LEFTOVER POST OF COMPUTER OPERATOR (FM RADIO) IN INFORMATION DEPARTMENT.

QUALIFICATION: (i) At least 2ND Class Bachelor's Degree from a recognized University. (ii) One year Diploma in Information Technology from Board of Technical Education or its equivalent.
AGE LIMIT: 20 to 30 years. **PAY SCALE:** BPS-12
ELIGIBILITY: Both Sexes. **ALLOCATION:** Zone-1

INDUSTRIES, COMMERCE, TECHNICAL EDUCATION & MANPOWER DEPARTMENT

46 TWO (02) POSTS OF MALE LIBRARIAN IN TECHNICAL EDUCATION DEPARTMENT.

QUALIFICATION: Second class Master's Degree in the relevant subject from a recognized University.
AGE LIMIT: 21 to 35 years. **PAY SCALE:** BPS-17
ELIGIBILITY: Male.
ALLOCATION: One each to Merit and Zone-5.

47 ONE HUNDRED & TWO (102) POSTS OF INSTRUCTORS IN GOVT. TECHNICAL & VOCATIONAL TRAINING CENTER/ GOVT. SKILL DEVELOPMENT CENTER.

QUALIFICATION: (i) 2nd Class Secondary School Certificate from a recognized Board with Diploma of Associate Engineering in the relevant technology. OR
(ii) 2nd Class Secondary School Certificate from a recognized Board with 1st Class G-I Level certificate in the relevant trade. OR
(iii) 2nd Class Secondary School Certificate from a recognized Board with three years Apprenticeship Training Certificate from registered industrial Unit in the relevant trade. OR (iv) 2nd Class Secondary School Certificate from a recognized Board with G-11 level Training Course in the relevant trade.
Note: G-III or Trade Proficiency Certificate from a recognized Institute having seven years professional or field experience after obtaining Certificate shall stand eligible for initial recruitment as Instructor (BPS-14) only in those trades in which G-II level Training Courses are not available.
AGE LIMIT: 21 to 28 years. **PAY SCALE:** BPS-14
ELIGIBILITY: Male. **ZONAL ALLOCATION:**

Sub SNo	Name of Trade	Merit	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
i	Electrical	-	04	04	04	03	03	18
ii	Mechanical	-	01	01	01	01	01	05
iii	Auto	-	01	01	01	01	01	05
iv	Refrigeration & Air Conditioning (RAC)	-	03	03	03	03	03	15
v	Radio & Television (RTV)	-	04	03	03	03	03	16
vi	Welding	-	01	01	01	01	01	05
vii	Plumber	-	02	02	02	02	02	10
viii	Draftsman (D/M Mech)	-	01	01	01	01	01	05
ix	Tailoring	-	01	01	01	01	-	04
x	Computer	-	03	02	02	02	02	11
xi	Draftsman Civil/ Civil Surveyor	-	02	01	01	01	01	06
xii	Electrical (Disable)	01	-	-	-	-	-	01
xiii	Computer (Disable)	01	-	-	-	-	-	01
								Total 102

Note: The candidates are advised to write Serial No. and Sub Serial No. of the post in the space available in the application form.

48 THIRTY EIGHT (38) POSTS OF JUNIOR INSTRUCTORS

20

	<p>ONE (01) POST OF INSTRUCTOR IN AGRICULTURE, LIVESTOCK & DAIRY DEVELOPMENT DEPTT.</p> <p>QUALIFICATION: (i) B.Sc (Hons) Animal Husbandry from a recognized University or (ii) Doctor of Veterinary Medicine (DVM) or equivalent qualification in Veterinary Sciences from recognized University and registered with Pakistan Veterinary Medical Council (PVMC)</p> <p>AGE LIMIT: 22 to 35 years PAY SCALE: BPS-17</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Zone-2</p>
	<p>BOARD OF REVENUE</p> <p>THREE (03) POSTS OF COMPUTER OPERATOR</p> <p>QUALIFICATION: 2ND Class Bachelor Degree from a recognized University with One Year Diploma in Information Technology from a recognized Board of Technical Education or its equivalent</p> <p>AGE LIMIT: 18 to 28 years PAY SCALE: BPS-12</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Zone-1, 4 and 5.</p>
8	<p>COMMUNICATION & WORKS DEPARTMENT</p> <p>TWO (02) LEFTOVER POSTS OF FEMALE SUB ENGINEER CIVIL (WOMEN QUOTA) IN C&W DEPTT.</p> <p>QUALIFICATION: Diploma of Associate Engineering (Civil) from a recognized Board of Technical Education</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-11</p> <p>ELIGIBILITY: Female ALLOCATION: Merit</p>
	<p>ENVIRONMENT DEPARTMENT</p> <p>FOUR (04) POSTS OF SUB-DIVISIONAL WILDLIFE OFFICER IN OFFICE OF CHIEF CONSERVATOR OF WILDLIFE</p> <p>QUALIFICATION: (i) Master Degree in Wildlife, Forestry or National Park Management from a recognized University/Institute; or (ii) M.Sc Zoology or Botany in 2nd Division from a recognized University; or (iii) B.Sc Wildlife/ Forestry or Bachelor of Veterinary Science/ B.Sc Animal Husbandry or Doctor of Veterinary Medicine from a recognized University/Institute</p> <p>Note: - Qualification at S.No (ii) and (iii) will only be considered when no suitable candidate with qualification at S.No (i) is available.</p> <p>AGE LIMIT: 21 to 32 years PAY SCALE: BPS-17</p> <p>ELIGIBILITY: Both Sexes</p> <p>ALLOCATION: One each to Merit, Zone-2, 3&4</p>
11	<p>ONE (01) POST OF CHEMIST (AIR) IN ENVIRONMENTAL PROTECTION AGENCY (E.P.A)</p> <p>QUALIFICATION: At least 2nd Class Master's Degree in Chemistry with Physical Chemistry as one of the major subject from a recognized university</p> <p>AGE LIMIT: 21 to 35 years PAY SCALE: BPS-17</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Merit</p>
12	<p>ONE (01) POST OF CHEMIST (INSTRUMENTAL) IN ENVIRONMENTAL PROTECTION AGENCY (E.P.A)</p> <p>QUALIFICATION: At least 2nd Class Master's Degree in Chemistry with Analytical Chemistry as one of the major subject from a recognized university</p> <p>AGE LIMIT: 21 to 35 years PAY SCALE: BPS-17</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Merit</p>

	<p>QUALIFICATION: (i) Intermediate or equivalent qualification from a recognized Board and (ii) A speed of 50 words per minute in English Shorthand and 35 words per minute in English Typewriting and knowledge of computer in using MS Word and MS Excel.</p> <p>AGE LIMIT: 18 to 32 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Zone-5</p>
	<p>FINANCE DEPARTMENT</p> <p>TWO (02) POSTS OF ASSISTANT TREASURY / SUB-TREASURY OFFICER IN DIRECTORATE OF TREASURY AND ACCOUNTS.</p> <p>QUALIFICATION: Second Class Master's Degree in Statistics, Economics, Business Administration or Commerce from a recognized University</p> <p>AGE LIMIT: 22 to 30 years PAY SCALE: BPS-17</p> <p>ELIGIBILITY: Both Sexes</p> <p>ALLOCATION: One each to Zone-1&5.</p>
23	<p>SEVENTEEN (17) POSTS OF SUB-ACCOUNTANT IN DIRECTORATE OF TREASURY AND ACCOUNTS.</p> <p>QUALIFICATION: Bachelor Degree in Commerce/ Business Administration or ACMA from a recognized University.</p> <p>Note: - Candidates with IT skill will be given preference.</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Both Sexes</p> <p>ALLOCATION: Four each to Zone-1 & 2 and Three each to Zone-3, 4 & 5.</p>
24	<p>TWO (02) POSTS OF FEMALE SUB-ACCOUNTANT IN DIRECTORATE OF TREASURY AND ACCOUNTS.</p> <p>QUALIFICATION: Bachelor Degree in Commerce/ Business Administration or ACMA from a recognized University.</p> <p>Note: - Candidates with IT skill will be given preference.</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Female ALLOCATION: Merit.</p>
25	<p>ONE (01) POST OF ASSISTANT IN DIRECTORATE OF TREASURY AND ACCOUNTS.</p> <p>QUALIFICATION: Bachelor Degree from a recognized University</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Zone-1.</p>
26	<p>ONE (01) POST OF SUB-ACCOUNTANT (MINORITY QUOTA) IN DIRECTORATE OF TREASURY AND ACCOUNTS</p> <p>QUALIFICATION: Bachelor Degree in Commerce/ Business Administration or ACMA from a recognized University</p> <p>Note: - Candidates with IT skill will be given preference.</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Minorities</p>
27	<p>ONE (01) POST OF JUNIOR SCALE STENOGRAPHER IN DIRECTORATE OF TREASURY AND ACCOUNTS</p> <p>QUALIFICATION: (i) Intermediate or equivalent qualification from a recognized Board; and (ii) A speed of 50 words per minute in Shorthand in English and 35 Words per Minute in Typing and knowledge of Computer in using MS Word, MS Excel.</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Zone-3</p>
	<p>FOOD DEPARTMENT</p> <p>NINE (09) POSTS OF ASSISTANT FOOD CONTROLLER IN FOOD DEPARTMENT.</p> <p>QUALIFICATION: Degree from recognized University.</p> <p>AGE LIMIT: 20 to 30 years PAY SCALE: BPS-11</p> <p>ELIGIBILITY: Both Sexes</p> <p>ALLOCATION: Two each to Zone-1, 3, 4&5 and one to Zone-2.</p>

	<p>ELIGIBILITY: Female ALLOCATION: Merit.</p> <p>ONE (01) POST OF PAROLE/PROBATION OFFICER IN DIRECTORATE OF RECLAMATION AND PROBATION</p> <p>QUALIFICATION: 2nd Class Master Degree in Social Work/ Sociology or equivalent qualification</p> <p>AGE LIMIT: 21 to 30 years PAY SCALE: BPS-16</p> <p>ELIGIBILITY: Male ALLOCATION: Zone-5</p>
34	<p>TWO (02) POST OF ASSISTANT SUPERINTENDENT JAIL IN INSPECTORATE GENERAL OF PRISONS KHYBER PAKHTUNKHWA</p> <p>QUALIFICATION: Bachelor Degree from a recognized University.</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Male</p> <p>ALLOCATION: One each to Zone-3 and Zone-4</p>
40	<p>ONE (01) POST OF LADY ASSISTANT SUPERINTENDENT JAIL IN INSPECTORATE GENERAL OF PRISONS KHYBER PAKHTUNKHWA</p> <p>QUALIFICATION: Bachelor Degree from a recognized University.</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Female</p> <p>ALLOCATION: Zone-2.</p>
41	<p>ONE (01) POST OF OFFICE ASSISTANT IN INSPECTORATE GENERAL OF PRISONS KHYBER PAKHTUNKHWA.</p> <p>QUALIFICATION: Bachelor Degree from a recognized University.</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Both Sexes</p> <p>ALLOCATION: Zone-5.</p>
42	<p>ELEVEN (11) POSTS (3 FRESH AND 8 LEFT OVER) OF COMPUTER OPERATOR IN INSPECTORATE GENERAL OF PRISONS KHYBER PAKHTUNKHWA.</p> <p>QUALIFICATION: 2nd Class Bachelor Degree in Computer Science (BCS) from recognized University/Institution.</p> <p>AGE LIMIT: 18 to 28 years PAY SCALE: BPS-12</p> <p>ELIGIBILITY: Both Sexes</p> <p>ALLOCATION: One each to Zone-1&2 and Four in Zone-3 and Five to Zone-5.</p>
	<p>INFORMATION DEPARTMENT</p> <p>ONE (01) LEFTOVER POST OF NEWS EDITOR IN INFORMATION DEPTT.</p> <p>QUALIFICATION: (i) At least 2nd Class Bachelor's Degree from a recognized University; and (ii) Two years experience of audio editing in Radio</p> <p>Note: - Preference will be given to those having command on Pashto and Urdu Languages and Computer Literate.</p> <p>AGE LIMIT: 21 to 32 years PAY SCALE: BPS-16</p> <p>ELIGIBILITY: Male</p> <p>ALLOCATION: Merit</p>
44	<p>ONE (01) POST OF NON LINEAR EDITOR IN INFORMATION DEPARTMENT</p> <p>QUALIFICATION: (i) At least Second Class Bachelor's Degree from a recognized University; (ii) One year Diploma in Information Technology from a recognized Technical Board; and (iii) Three years experience in Non Linear Editor and Video Composition.</p> <p>AGE LIMIT: 21 to 32 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Both Sexes</p> <p>ALLOCATION: Zone-1</p>

	<p>Civil Technology from a recognized institute.</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-11</p> <p>ELIGIBILITY: Female ALLOCATION: Merit.</p>
	<p>LABOUR DEPARTMENT</p> <p>ONE (01) POST OF ASSISTANT DIRECTOR LABOUR</p> <p>QUALIFICATION: Second Class Master's Degree in any Social Sciences or Business Administration or Public Administration or Statistics or L.L.B from a recognized University.</p> <p>AGE LIMIT: 21 to 30 years PAY SCALE: BPS-17</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Zone-4.</p>
51	<p>ONE (01) POST OF LABOUR OFFICER</p> <p>QUALIFICATION: LL.B or Second Class Master's Degree in Economics Business Administration and Public Administration from a recognized University.</p> <p>AGE LIMIT: 21 to 30 years PAY SCALE: BPS-16</p> <p>ELIGIBILITY: Both Sexes ALLOCATION: Zone-3.</p>
52	<p>ONE (01) POST OF JUNIOR SCALE STENOGRAPHER IN DIRECTORATE OF LABOUR</p> <p>QUALIFICATION: (i) Intermediate 2nd Division or equivalent qualification from a recognized Board and (ii) A speed of 50 words per minute in Shorthand in English and 35 words per minute in Typing and (iii) Certificate in advance office automation from a recognized institute.</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-12</p> <p>ELIGIBILITY: Male ALLOCATION: Zone-2.</p> <p>Note: - The candidates who have already applied in response to Commission's Advertisement No. 01/2013 at Serial No. 67 need not to apply afresh, provided that they are eligible under the existing Service Rules.</p>
	<p>MINES AND MINERAL DEVELOPMENT DEPARTMENT</p> <p>ONE (01) POST OF PROJECT MECHANIC</p> <p>QUALIFICATION: Three years Diploma in Electrical or Mechanical Engineering from a recognized Institute. Preference will be given to the candidate having some experience in the relevant field.</p> <p>AGE LIMIT: 21 to 30 years PAY SCALE: BPS-14</p> <p>ELIGIBILITY: Male ALLOCATION: Zone-1.</p>
54	<p>ONE (01) POST OF DRAFTSMAN IN MINERALS DEVELOPMENT DEPTT</p> <p>QUALIFICATION: (i) Secondary School Certificate or equivalent qualification from recognized Board; and (ii) Diploma or certificate in Draftsmanship/Survey from a recognized institute</p> <p>AGE LIMIT: 18 to 30 years PAY SCALE: BPS-11</p> <p>ELIGIBILITY: Male ALLOCATION: Zone-1.</p>
	<p>POPULATION WELFARE DEPARTMENT</p> <p>ONE (01) POST OF DIRECTOR (NON-TECHNICAL) IN POPULATION WELFARE DEPARTMENT.</p> <p>QUALIFICATION: (a) Second Class Master's Degree or equivalent qualification from a recognized University in Sociology / Social Work / Anthropology / Psychology / Business Administration (MBA) / Public Administration (MPA) / Economics / Statistics / Political Science / Chemistry / Population Studies OR (b) M.B.B.S or equivalent qualification recognized by the Pakistan Medical and Dental Council (PMDC); and (c) Twelve (12) years experience in a responsible position (not below the rank of Government Officer in (BPS-17) in Administration / Management / Planning / Research / Financial Management in a Government Department or a reputable firm or organization.</p> <p>AGE LIMIT: 24 to 40 years PAY SCALE: BPS-19</p> <p>ELIGIBILITY: Both Sexes</p> <p>ALLOCATION: Merit.</p>

25



2-190
5-6-15
(F)

No. PSC/SR-1/ 081965
Dated: 4/8/15

(21)
3

Diary No. 1897
Dated 8-6-15
S O Food Office KPK.

To
The Secretary to Govt: of Khyber Pakhtunkhwa,
Food Department,
Peshawar.

Subject: - **RECRUITMENT TO NINE (09) POSTS OF ASSISTANT
FOOD CONTROLLER (BPS-11) IN FOOD DEPARTMENT.**
(Advertisement No. 01/2014, Sr. No.28)

Dear Sir,
I am directed to refer to your letter No. SOF/1-16/13/P-III/1056 dated 17.09.2013 on the subject noted above and to state that the Commission recommends the following candidates to the Government for appointment against the subject cited posts.

1st Block

Vacancy Rotation	Allocation	Merit Order	Name with Father's Name	District/Zone
3 rd	Zone-3	07	Zafar Alam Riza S/O Noor Gulab	Chitral/3
4 th	Zone-4	03	Tausif Iqbal S/O KHurshid Iqbal	Karak/4
5 th	Zone-5	05	Muhammad Shakeel S/O Muhammad Siddique	Abbottabad/5
6 th	Zone-1	01	Muhammad Azam Khan S/O Saeed ur Rehman	S.W Agency/1
7 th	Zone-2	13	Adnan Khan S/O Muhammad Yunas	Peshawar/2
8 th	Zone-3	10	Hafeez ur Rahman S/O Abdul Hameed	Dir/3
9 th	Zone-4	09	Zeeshan Ali Shah S/O Mirsar Ali Shah	Bannu/4
10 th	Zone-5	08	Shujaat Hussain Shah S/O Syed Zia ud Din Shah	Mansehra/5
11 th	Zone-1	04	Kashif ur Rehman S/O Dr. Mumtaz Khan	F.R Bannu/1

2. Recommendation in favour of the recommendee is provisional subject to their medical fitness and verification of all ^{their} documents / testimonials by your department.

3. Upto date zonal state will be as under:

	Zone-1	Zone-2	Zone-3	Zone-4	Zone-5	Total
Share	03	02	02	02	02	11
Adjusted	03	02	02	02	02	11
Balance	--	--	--	--	--	--

4. Original applications (with enclosures) of the above nine (09) recommendees are enclosed herewith for your record.

5. Kindly acknowledge receipt the same.

Yours faithfully,

(GHULAM DASTAGIR AHMAD)
Director Recruitment

Encl: As above.

P. up on file
S/c
08-6-15



FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA
PESHAWAR

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

Dated 07/08/2015

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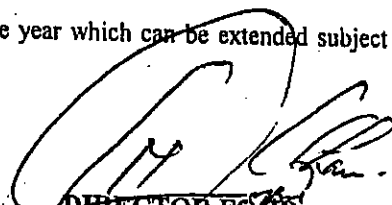
APPOINTMENT ORDER

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.



FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR

No. 2288-A /G-275-DPC
Dated 22 / 04 /2016

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OFFICE ORDER.

On the recommendation of the Departmental Promotion Committee in its meeting held on 22-04-2016, the competent authority is please to promote the following Foodgrain Inspectors /Cane Inspector to the post of Assistant Food Controller ((BS-14) on regular basis with immediate effect.

S. No	Name of Official with present designation	Promoted as
1)	Muhammad Akbar FGI Presently working as AFC Mardan on acting charge basis	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
2)	Mr. Muhammad Salim Iqbal FGI Presently working as AFC S&EO NRC Azakhel on acting charge basis	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
3)	Mr. Muhammad Salim FGI Presently working as AFC Haripur on acting charge basis	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
4)	Mr. Gulab Gul FGI Presently working as AFC Kohat on acting charge basis	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
5)	Mr. Muhammad Naved FGI Presently working as AFC Shangla on acting charge basis	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
6)	Muhammad Khalid FGI Presently working as AFC RC Peshawar on acting charge basis	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
7)	Mr. Usman Khan Cane Inspector Food Directorate, Peshawar	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
8)	Muhammad Shoaib FGI Presently working as AFC Haripur in his own pay & scale	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
9)	Mr. Amjid Khan FGI Presently working as AFC Swat in his own pay & scale	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
10)	Mohammad Zubair FGI Bunair	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
11)	Mr .Saif Ali Shah FGI Kohat	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
12)	Mr .Gul Zareen Shah FGI Bannu	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
13)	Syed Wasim Shah FGI Kohat	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.
14)	Mr. Rashid Saeed FGI D.I.Khan	Promoted to the post of Assistant Food Controller (BS-14) on regular basis with immediate effect.

- 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.
- 2 On promotion to the next higher scale, their postings /transfers will be made later on.

DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.

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

1. PS to. Minister Food for information of the Minister Food Government of Khyber Pakhtunkhwa, Peshawar
2. PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa, Peshawar
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. All District Accounts Officers in Khyber Pakhtunkhwa
5. All Agency Accounts Officers in Khyber Pakhtunkhwa

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ATTENTION

Atten: Nurul Sher
Advo Cc/6

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

Scanned with CamScanner

No	Name of Govt Servant	3 Qualification	4 Date of birth	5 Domicile	6 Date of entry in to Govt service	7 Date of appointment to the post of FGI/ Cane Inspector	8 Date of appointment to the present post	9 Method of recruitment	10 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. Fathi Bari	B.A.	02.02.1951	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. Mahmood-ur-Rahman	C.Com	02.11.1969	Kohat	09.05.1993	30.08.2000	06-04-2010	By Promotion	01.11.2029
7	Mr. Sajjad-ud-Din	B.A.	25.11.1972	Peshawar	09.05.1993	30.08.2000	06-04-2010	By Promotion	24.11.2032
8	Muhammad Ashraf	B.A.	15.09.1967	Charsadda	09.05.1993	30.11.2000	06-04-2010	By Promotion	14.09.2027
9	Eyed Wazir Khan	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
10	Mr. Aman Ullah Khan	MA	04-08-1985	Mansehra 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. Aman Ullah Khan	B.A.	11.07.1970	Mansehra	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030
13	Mr. Aman Ullah Khan	B.A.	07.07.1969	Charsadda	09.05.1993	20.12.2003	21-10-2010	By Promotion	05.07.2029
14	Mr. Aman Ullah Khan	B.A.	07.07.1969	Charsadda	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
15	Mr. Ahmad Hussain	B.A.	01.01.1976	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
16	Mr. Ali Asghar Khan	B.A.	28.02.1972	Mardan	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026
17	Mr. Shabbir Ahmad Khan	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032
18	Mr. Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
19	Mr. Jamshed Khan Afridi	B.A.	20.06.1972	K/Agency	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
20	Mr. Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
21	Mr. Sheraz Anwar	F.A.	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
22	Mr. Muhammed Azam	B.B.A	22.11.1988	S. Waziristan Agency	07.08.2015		07.08.2015	By initial recruitment	21.11.2048
23	Mr. Muhammed Azam	B.B.A	22.11.1988	S. Waziristan Agency	07.08.2015		07.08.2015	By initial recruitment	30.09.2047
24	Mr. Tausif Iqbal	M.B.A	01.10.1987	Karak	07.08.2015		07.08.2015	By initial recruitment	09.04.2044
25	Muhammad Shakeel	M.B.A	10.04.1984	Abbottabad.	07.08.2015		07.08.2015	By initial recruitment	02.12.2050
26	Miss Uzma Kanwal	M.A	03.12.1990	Abbottabad.	07.08.2015		07.08.2015	By initial recruitment	02.01.2047
27	Mr. Zafar Alam Riza	M.A	03.01.1987	Chitral	07.08.2015		07.08.2015	By initial recruitment	09.04.2047
28	Mr. Shujaat Hussain Shah	M.Sc	10.04.1987	Mansehra	07.08.2015		07.08.2015	By initial recruitment	17.04.2044
29	Mr. Hafeez-ur Rehman	B.A	18.04.1987	Dir Lower	07.08.2015		07.08.2015	By initial recruitment	26.06.2049
30	Mr. Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015		07.08.2015	By initial recruitment	26.06.2049
31	Mr. Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015		07.08.2015	By initial recruitment	26.06.2049
32	Mr. Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015		07.08.2015	By initial recruitment	26.06.2049
33	Mr. Muhammad Akbar	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	22-04-2016	By Promotion	04.12.2022
34	Mr. Muhammad Akbar	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	22-04-2016	By Promotion	14.07.2029
35	Mr. Muhammad Salim Iqbal	D.Com	15.07.1969	Peshawar	04.03.1990	25.08.2004	22-04-2016	By Promotion	17.04.2025
36	Mr. Muhammad Salim	M.A Pol Science	18.04.1965	Nowshera	14.07.1993	17.06.2005	22-04-2016	By Promotion	31.12.2027
37	Mr. Muhammad Salim	M.A Pol Science	01.02.1966	Nowshera	14.07.1993	17.06.2005	22-04-2016	By Promotion	31.12.2027

Mr. G. D. G. D.

3.									
14.	Mr. Muhammad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	22-04-2016	By Promotion	01.05.2033
15.	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2016	By Promotion	31.12.2035
16.	Mr. Muhammad Shoaib	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	22-04-2016	By Promotion	10.04.2026
17.	Mr. Amjid Khan	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	22-04-2016	By Promotion	04.01.2035
18.	Mr. Mohammad Zubair	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	22-04-2016	By Promotion	20.09.2030
19.	Mr Saif Ali Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2016	By Promotion	02.03.2029
20.	Mr Gul Zareen Shah	M.A	15.04.1957	Bannu	24.10.1994	12-01-2009	22-04-2016	By Promotion	14.04.2017
21.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	22-04-2016	By Promotion	14-02-2047
22.	Mr. Rashid Saeed	B.A	15.03.1974	DKhan	22.05.1995	26-12-2009	22-04-2016	By Promotion	14.03.2034
23.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-08-2016	By Promotion	01.08.2028
24.	Mr. Ashfaq Khan	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	04-08-2016	By Promotion	24.03.2037
25.	Mr. Riaz Ahmad	M.A	01.03.1966	Chitral	02.05.1995	26-12-2009	04-08-2016	By Promotion	28.02.2026
26.	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
27.	Mr. Angoor Shah	M.A	01.06.1963	K'Agency	06.08.1995	26-12-2009	04-08-2016	By Promotion	31.05.2023

[Signature]
 ASSISTANT DIRECTOR FOOD (E)

ATTENDED

[Signature]
 Attehal
 Nutral Shohran
 Advocate

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

1 S.No.	2 Name of Govt Servant	3 Qualification	4 Date of birth	5 Domicile	6 Date of entry in to Govt service	7 Date of appointment to the post of FGI/ Cane Inspector	8 Date of appointment to the present post	9 Method of recruitment	10 Date of superannuation
1.	Syed Wazir Shah	M.A.	08.06.1959	Manséhra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
2.	Mr. Aftab Umar Khan	MA	04-08-1985	Mohmand Agency	19-05-2010	-	19-05-2010	By initial recruitment	03-08-2045
3.	Muhammad Tariq	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2030
4.	Mr. Ansar Qayum	B.A	11.07.1970	Mansehra	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030
5.	Mr. Abdul Hafeez	M.A	07.07.1969	Charsadda.	09.05.1993	20.12.2003	21-10-2010	By Promotion	06.07.2029
6.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-08-2016	By Promotion	01.08.2028
7.	Mr. Arshad Hussain	B.A	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
8.	Mr. Ali Asghar Khan	B.A	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
9.	Mr. Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026
10.	Mr. Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032
11.	Mr. Jamshed Khan Afridi	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
12.	Mr. Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
13.	Mr. Sheraz Anwar	F.A	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
14.	Mr. Muhammad Azam	B.B.A	22.11.1988	S. Wazirstan Agency	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	21.11.2048
15.	Mr. Tausif Iqbal	M.B.A	01.10.1987	Karak	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	30.09.2047
16.	Muhammad Shakeel	M.B.A	10.04.1984	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2044
17.	Miss Uzma Kanwal	M.A	03.12.1990	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.12.2050
18.	Mr. Zafar Alam Riza	M.A	03.01.1987	Chitral	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.01.2047
19.	Mr. Shujaat Hussain Shah	M.Sc	10.04.1987	Mansehra	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2047
20.	Mr. Hafeez-ur Rehman	B.A	18.04.1984	Dir Lower	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	17.04.2044
21.	Mr. Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	26.06.2049
22.	Mr. Muhammad Akbar	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	22-04-2016	By Promotion	04.12.2022
23.	Mr. Muhammad Salim Iqbal	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.2004	22-04-2016	By Promotion	14.07.2029
24.	Mr. Noor Khan	F.A	12-09-1968	Peshawar	20-04-1995	25-08-2004	28-11-2016	By Promotion	11-09-2028
25.	Mr. Muhammad Salim	M.A Pol: Science	18.04.1965	Nowshera	14.07.1993	17.06.2005	22-04-2016	By Promotion	17.04.2025
26.	Mr. Gulab Gul	MA Pol: Science	01.02.1967	Karak	14.07.1993	17.06.2005	22-04-2016	By Promotion	31.12.2027
27.	Mr. Muhammad Khalid	FA	02.05.1973	Peshawar	04.03.2006	04-03-2006	22-04-2016	By Promotion	01.05.2033
28.	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2016	By Promotion	31.12.2035
29.	Mr. Muhammad Shoab	F.A	11.04.1966	Mansehra	04.07.1993	05-11-2008	22-04-2016	By Promotion	10.04.2026
30.	Mr. Amjid Khan	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	22-04-2016	By Promotion	04.01.2035
31.	Mr. Mohammad Zubair	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	22-04-2016	By Promotion	20.09.2030
32.	Mr. Saif Ali Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2016	By Promotion	02.03.2029
33.	Mr. Aurangzeb Khan	F.A	12-05-1971	Bannu	27-04-1997	12-01-2009	28-11-2016	By Promotion	11-05-2031
34.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	22-04-2016	By Promotion	14-02-2047

ATTESTED

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36.	Mr. Attaullah	Matric	02-04-1976	Dir Lower	22-05-1995	26-12-2009	28-11-2016	By Promotion	01-04-2036
37.	Mr. Ashfaq Khan	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	04-08-2016	By Promotion	24.03.2037
38.	Mr. Riaz Ahmad	M.A	01.03.1966	Chitral	02.05.1995	26-12-2009	04-08-2016	By Promotion	28.02.2026
39.	Mr. Ateeq-ur-Rehman	B.A	01.05.1977	M/Agency	03.05.1995	26-12-2009	04-08-2016	By Promotion	30.04.2037
40.	Mr. Angoor Shah	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	04-08-2016	By Promotion	31.05.2023
41.	Mr. Qazi Bilal	F.A	15-04-1969	Abbottabad	06-08-1995	26-12-2009	28-11-2016	By Promotion	14-04-2029
42.	Mr. Lal Bacha	B.A	09.04.1989	Mardan	06-12-2016		06-12-2016	By initial recruitment	08.04.2049
43.	Mr. Fakhar Zaman	F.A	22.04.1971	S.Waziristan	03.08.1992	26-12-2009	10-01-2017	By Promotion	21.04.2021
44.	Mr. Rehmat Wali	F.A	10.06.1963	Chitral	16.12.1981	26-12-2009	23-05-2017	By Promotion	09.06.2023
45.	Mr. Ghulam Rasool	Matric	10-04-1963	Chitral	23.04.1983	26-12-2009	23-05-2017	By Promotion	09-04.2023
46.	Mohammad Zahir Shah.	F.A	10.12.1965	Chitral	01.09.1985	06-04-2010	23-05-2017	By Promotion	11.04.2019
47.	Mr. Wajid Ali	Matric	18.02.1981	Nowshera	08.05.2004	06-04-2010	23-05-2017	By Promotion	17.02.2041
48.	Mohammad Yousaf Khan	D.Com	07-04-1984	FR Bannu	16-04-2010	16-04-2010	19-09-2017	By Promotion	06-04-2044
49.	Mr. Amir Khalid	B.A	26-03-1970	Mansehra	15-01-2009	14-05-2010	19-09-2017	By Promotion	25-11-2030
50.	Mr. Umair Ali	BA	15-11-1987	Charsadda	13-05-2010	14-05-2010	19-09-2017	By Promotion	14-11-2047
51.	Mr. Numan Amir	BA	25-12-1983	Peshawar	13-05-2010	14-05-2010	19-09-2017	By Promotion	24-12-2043
52.	Mr. Shoukat Ali	F.A	04.04.1977	Mansehra	09.05.2004	20-10-2010	10-10-2017	By Promotion	03.04.2037

ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
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2022 S.C.M.R. 448

[Supreme Court of Pakistan]

Present: Guizar Ahmed, C.J., Mazhar Alam Khan Miankhal and Muhammad Ali Mazhar, JJ

BASHIR AHMED BADINI, D&SJ, DERA ALLAH YAR and others---Appellants

Versus

HON'BLE CHAIRMAN AND MEMBER OF ADMINISTRATION COMMITTEE AND PROMOTION COMMITTEE OF HON'BLE HIGH COURT OF**BALUCHISTAN and others---Respondents**

Civil Appeals Nos.446 to 454 of 2021, decided on 28th January, 2022.

(Against the judgment dated 30.11.2020 passed by the Balochistan Sub-Ordinate Judiciary Service Tribunal, Quetta in Service Appeals Nos. 02/2017, 07/2019, 09/2019, 10/2019, 07/2019, 09/2019, 10/2019, 07/2019 and 10/2019)

(a) Civil Servants (Appointment, Promotion and Transfer) Rules, 1973---

---R. 8-B--- Acting charge appointment--- Scope---Acting charge appointment does not amount to an appointment by promotion on regular basis for any purpose including seniority, and also does not confer any vested right for regular promotion to the post held on acting charge basis.

(b) Civil service---

---Promotion---'Eligibility' and 'fitness'---Factors to be considered---Eligibility itself is not the benchmark for promotion, rather the most vital yardstick is fitness, which can be judged from the service record which includes ACRs, qualification, length of service in a particular grade/scale, integrity, knowledge and proficiency in the work/ assignments, all of which are essential dynamics for weighing and appraising the merits for promotion to the selection post which is quite common procedure and practice articulated under the law for considering the promotions on merit.

(c) Civil service---

---Promotion---Eligibility and fitness---Distinction---Question of eligibility is different from the question of fitness---Concept of eligibility implies a qualification to be appointed or promoted, whereas that of fitness encompasses a person's competence to be chosen or selected for appointment or promotion---Question whether a person is legally qualified for appointment or promotion to a particular post and grade is relatable to the factum whether he possesses the requisite qualifications for consideration, whereas the question of fitness pertains to the competency of the person concerned, which is to be decided by the competent authority---Question of fitness for being appointed is to be determined by the functionaries mentioned therein---Person may be eligible for consideration for a particular post, but may not be fit to be appointed---Tests for eligibility are objective and open to scrutiny by a judicial forum---However, even in the matters involving fitness to be appointed or promoted to a particular post or grade there has to be necessary material on the basis of which an opinion, one way or the other, is to be formed.

Muhammad Anis and others v. Abdul Haseeb and others PLD 1994 SC 539 and Muhammad Rahim Khan v. The Chief Secretary, N.W.F.P. and 4 others 1999 SCMR 1605 ref.

(d) Civil Servants (Appointment, Promotion and Transfer) Rules, 1973---

---R. 19---Ad-hoc employee---Seniority---Seniority in the grade to which a civil servant is promoted is to take effect from the date of regular appointment to a post in the grade---Services rendered by the employees on ad-hoc basis prior to their regularization cannot be counted for the purpose of their seniority but their seniority will be counted from their substantive/regular appointments---Ad-hoc employees cannot claim precedence in seniority over the regularly appointed employees; their status will be reckoned with their batch mates and after regularization their seniority will be fixed accordingly.

Director-General Intelligence Bureau, Islamabad and others v. Amir Mujahid Khan and others
 §011 SCMR 389 ref. 29

(e) Civil service---

---Seniority---Retrospective effect---Seniority with retrospective effect cannot be conferred unless such right was established.

Fasihuddin Siddiqui's case 1998 SCMR 637; Muhammad Yousaf's case 1996 SCMR 1297; Rustam Khan's case 1994 SCMR 1957; Muhammad Zakir Khan's case 2004 SCMR 497; Jehangir Mirza's case PLD 1990 SC 1013; Wajahat Hussain's case PLD 1991 SC 82; Sh. Anwar Hussain's case 1985 SCMR 1201; Muhammad Yousaf's case 1996 SCMR 1297 and Nazeer Ahmed's case 2001 SCMR 352 = 2001 PLC (C.S.) 394 ref.

(f) Civil Servants (Appointment, Promotion and Transfer) Rules, 1973---

---R. 19---Ad-hoc employee---No vested right of regular appointment---Scope---Ad hoc appointment is an appointment of a duly qualified person made otherwise in accordance with prescribed method of recruitment and is made only in exceptional circumstances---Such stopgap arrangement as a temporary measure for a particular period of time does not by itself confer any right on the incumbent for regular appointment or to hold it for indefinite period but at the same time if it is found that incumbent is qualified to hold the post despite his appointment being in the nature of precarious tenure, he would carry the right to be considered for permanent appointment through the process of selection as the continuation of ad hoc appointment for considerable length of time would create an impression in the mind of the employee that he was being considered to be retained on regular basis.

Naveeda Tufail v. Government of Punjab 2003 SCMR 291 ref.

(g) Civil service---

---Antedated promotion---Departmental Promotion Committee (DPC)---Delay in holding DPC meeting---Effect---Where the meeting of DPC scheduled to be held is postponed or adjourned without announcing any future date or not convened within reasonable period to the prejudice of an officer/employee, the competent authority in order to foster justice may grant antedated promotion to the higher post bearing in mind the eligibility and fitness in the DPC so that such officer/employee may not be subjected to a lower position in his/her seniority list or become victim of unwarranted delay in holding DPC by the competent authority.

(h) Judgment---

---Merger, doctrine of---Scope and applicability---In case an appeal or revision is provided before a superior court against an order passed by any Court or Tribunal or any other authority and the superior court where the appeal is preferred modifies, reverses or affirms the decision of lower fora then the order or decision passed by subordinate or lower forum is merged into the decision rendered by superior courts which will remain operative for enforcement in accordance with law---In order to apply the doctrine of merger in letter and spirit, there must be a decision of a subordinate forum or Tribunal and against any such decision, there must be a right of appeal or revision provided under the relevant law---While deciding any such appeal or revision, the appellate forum must have affirmed, modified or reversed the order or judgment of the court below.

(i) Civil service---

---Judgment in rem---Scope---Where the Tribunal or the Supreme Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who may have not taken up legal proceedings, in such a case, the dictates of justice and rules of good governance demand that the benefit of the judgment be extended to other civil servants, who may not be parties to the above litigation; instead of compelling them to approach the Tribunal or any other legal forum.

Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others 1996 SCMR 1185 and Tara Chand and others v. Karachi Water and Sewerage Board, Karachi and others 2005 SCMR 499 ref. (30)

(j) Administration of justice---

----Cause of action---Scope---Cause of action is predominantly a technical legal term meant for the set of circumstances and facts which give rise to institute and lodge the claim in the court of law but not any premature claims or grievances---Right to sue originates and is triggered by a wrongdoing---Court cannot hear any case nor render any decision without a valid cause of action or without accrual of right to sue or in other words without accrual of cause of action to set the law into motion---Court of law does not decide the lis on mere sentiment, presumption or mere apprehension but the cause of action should be based on a real cause for remedying the wrong into right---Not only the party seeking relief should have a cause of action when the transaction or the alleged act is done but also at the time of the institution of the claim.

Abdul Malik, Advocate Supreme Court and Syed Rifaqat Hussain Shah, Advocate-on-Record for Appellants (in C.As. 446, 453 and 454/2021).

Shams ud Din, Advocate Supreme Court for Appellants (in C.As.447-449/2021).

Muhammad Rauf Atta, Advocate Supreme Court (in C.As.450, 451 and 452/2021 via Video Link from Quetta)

Ayaz Khan Swati, Additional A.G. Balochistan on Courts Notice.

Rashid Mehmood, Registrar High Court Balochistan and Arshad Mehmood, Additional Registrar High Court Balochistan for Respondent No. 2 (via video link from Quetta) (in C.A.446/21).

Muhammad Rauf Atta, Advocate Supreme Court for Respondents Nos. 4, 6 and 7 (in C.A.446/21).

Gul Hassan Tareen, Advocate Supreme Court for Respondents Nos. 9 - 10 (in C.A. 446/21).

Muhammad Shoaib Shaheen, Advocate Supreme Court for Respondent No. 1 (in C.As.447 to 452/2021).

Nemo for remaining Respondents in Civil Appeals.

Date of hearing: 17th December, 2021.

JUDGMENT

MUHAMMAD ALI MAZHAR, J.---These Civil Appeals are directed against a common judgment dated 30.11.2020, passed by the learned Balochistan Subordinate Judiciary Service Tribunal, Quetta, whereby the aforesaid Service Appeals were disposed of with certain directions jotted down in Paragraph No. 25 of the impugned judgment.

2. The ephemeral chronicles and corpus of the aforesaid Civil Appeals are as follows: -
- A. C.As. Nos. 446, 453 and 454 of 2021 (Bashir Ahmed Badini)

The appellant was initially appointed as Judicial Magistrate in 1997 pursuant to the recommendations of the High Court Committee of Balochistan, Quetta. His services were regularized with retrospective effect from 19.09.1997. He was further promoted to the post of Senior Civil Judge by the Departmental Promotion Committee on 10.02.2005 and on completion of 11 years of service, the appellant was promoted to the rank of Additional District and Sessions Judge on 10.02.2005 as an officiating charge and he was regularized on 31.03.2010. On recommendations of Departmental Promotion Committee, he was promoted to the rank of District and Sessions Judge vide Notification dated 15.05.2015. The Promotion Committee in its meeting recommended the case of private respondents Nos.1 to 12 (Judicial

officers) for antedated promotion vide Notification dated 27.03.2017 which has been considered by the appellant in violation of service laws. (31)

B. C.As. Nos.447, 448 and 449/2021 (Shuja-ud-Din)

The appellant has filed this appeal to impugn the judgment of learned Tribunal dated 30.11.2020 whereby the Service Appeal No.07/2019, filed by Mr.Nasir Khan Yousufzai before Balochistan Subordinate Judiciary Service Tribunal Quetta was allowed. According to the appellant, the learned Tribunal failed to consider that the seniority was assigned to the appellant in terms of the judgment of Tribunal dated 25.4.2016.

C. C.As. Nos. 450, 451 and 452 of 2021 (Abdul Qayyum and others)

The appellants and respondent Nos.1 and 3 to 6 are District and Sessions Judges who were granted antedated promotion w.e.f. 15.05.2015 vide Notification dated 27.03.2017 issued in compliance of the judgment dated 25.04.2016. The respondent No.1 and others were aggrieved by the Notification dated 27.03.2017 as the appellants and respondents Nos.3 to 7 were ranked higher in the seniority list of District and Sessions Judges than the respondent No. 1. The respondent No.1 had challenged the aforesaid seniority list and preferred Service Appeal No.7 of 2019 before the Balochistan Subordinate Judiciary Service Tribunal, which was accepted vide consolidated judgment dated 30.11.2020 hence the appellants have impugned the judgment of learned Tribunal.

3. Leave to Appeal was granted vide order dated 28.04.2021 in the following terms:

"C.Ps. Nos.270, 630 and 631/2021 (C.As. Nos. 446, 453 and 454/2021)

Contention of the learned ASC for the petitioner is that in the final seniority list of District and Sessions Judges (BS-21) as stood on 02.09.2019 issued by the High Court of Balochistan, Quetta, the name of the petitioner appears at serial No.20 and pursuant to the impugned judgment, his seniority is likely to be affected, in that, his juniors are going to be made senior. (Emphasis supplied) Further contends that in deciding the matter before it, the Tribunal has omitted to consider the order of this Court passed in Civil Petitions Nos. 1678 to 1682/2016 on 20.06.2016 upon which the petitioner has got seniority according to his entitlement and such seniority is likely to be affected now pursuant to the judgment given by the Tribunal.

Submissions made require consideration. Leave to appeal is granted to consider, inter alia, the same.

C.Ps. Nos.43-Q, 44-Q and 45-Q/2021. (C.As. Nos. 447, 448 and 449/2021)

Learned counsel for the petitioner contends that the petitioner was granted promotion vide Notification dated 16.04.2018 from Additional District and Sessions Judge (BS-20) to the rank of District and Sessions Judge (BS-21) on regular basis with effect from 15.05.2015, the date when officers junior to him were promoted. He contends that the petitioner has no grievance against this very Notification but the petitioner was joined as respondent No.2 in Service Appeal No.07/2019 which was allowed by the impugned judgment. He contends that by allowing this service appeal, the petitioner is likely to be prejudiced, in that, his seniority will be affected which was given to him vide notification dated 16.04.2018. (Emphasis supplied)

Submissions made require consideration. Leave to appeal is granted to consider, inter alia, the same.

C.Ps. Nos.51-Q, 52-Q and 53-Q/2021 (C.As. Nos.450, 451 and 452/2021)

Learned counsel for the petitioners contends that the petitioners were granted promotion vide notification dated 27.05.2017 from Additional District and Sessions Judge (BS-20) to the rank of District and Sessions Judge (BS-21) on regular basis with effect from 15.05.2015, the date when officers junior to them were promoted. He contends that the petitioners have no grievance against this very Notification but the petitioners were joined as respondents Nos.3, 5 and 6 in Service Appeal No. 07/2019 which was allowed by the impugned judgment. He

contends that by allowing this service appeal, the petitions are likely to be prejudiced, in that, their seniority will be affected which was given to them vide notification dated 27.05.2017. (Emphasis supplied)

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Submissions made require consideration. Leave to appeal is granted to consider, inter alia, the same".

4. The learned counsel for the appellant in Civil Appeal No. 446/2021 argued that the seniority list dated 31.03.2016 was not challenged by any party within time. The antedated promotion to junior judicial officers (regular appointees) was without lawful justification. It was further contended that the Administration Committee had granted antedated promotions to the rank of District and Sessions Judge to the Respondents Nos. 3 to 7 in violation of Rules 7 and 9 of the Balochistan Additional District and Sessions Judges and District and Sessions Judges Services Rules, 2002 ('Balochistan ADSJs and DSJs Services Rules, 2002') as they did not possess the requisite length of service. So far as the Civil Appeals Nos. 453 and 454 of 2021 are concerned, the learned counsel for the appellants added that the impugned decision of the learned Tribunal in C.As. Nos. 7, 9 and 10, filed by the Respondent No. 2 has seriously prejudiced the Appellant, who was placed junior. It was further contended that the Appellant had also challenged the antedated promotion in S.A. No. 02/2017 but it was dismissed by the learned Tribunal without any lawful justification. He further argued that the Balochistan High Court had advertised five posts for District and Sessions Judge for direct recruitment under the amended Rule 5(2) of the Balochistan ADSJs and DSJs Services Rules, 2002 which was violative of Articles 4, 8, 9, 25 and 27 of the Constitution of the Islamic Republic of Pakistan, 1973 and was prejudicial to the interest of Additional District and Sessions Judges who possessed the requisite period of service.

5. The learned counsel for the appellant in Civil Appeals Nos. 447, 448 and 449 of 2021 argued that the Respondent No. 4 had filed S.A. No. 01/2002 wherein it was declared vide Judgment dated 25.04.2016, that those Judicial Officers who came through the Public Service Commission ranked higher in seniority, and that while executing the Judgment of the Tribunal dated 25.04.2016, the Administration Committee of the High Court, pursuant to the recommendation of the Promotion Committee, issued Notification dated 27.03.2017 whereby antedated promotions to the post of District and Sessions Judge were granted to five judicial officers. He further argued that Appellant is aggrieved by the impugned Judgment which failed to address the issue of the Appellant's inter-se seniority with respect to the Respondent No. 1. The case of Appellant was simply of an antedated promotion which was effective from 15.05.2015 as per Rule 4(c) of the Balochistan Civil Servants (Seniority) Rules, 2008 and Rule 3(c) of the Civil Servants (Seniority) Rules, 1993.

6. The learned counsel for the appellant in Civil Appeals Nos. 450, 451 and 452 of 2021 argued that the seniority has been assigned to the Appellant and others in consonance with the Tribunal's Judgment dated 25.04.2016 which judgment had decided a number of appeals, each of which had distinct claims and causes of action and sought different relief and that the passing of a common judgment in such circumstances was not justifiable. The Appellant was appointed as District and Sessions Judge on 15.05.2015 and is four (04) days senior to the Respondent No.1 who was appointed as District and Sessions Judge via direct recruitment on 19.05.2015. The general principle of seniority is applicable which dictates that seniority shall be calculated from the date of regular promotion or initial appointment to that post and that the impugned seniority list of District and Sessions Judges dated 02.09.2019 has rightly listed the Appellant as senior to the Respondent No. 1. It was next contended that all the promotions being outcome of the judgment of 25.04.2016 and appointment of all private respondents as direct District and Sessions Judges was unconstitutional and the petitioner may be declared senior and service rendered by private respondents who were appointed as direct District and Session Judge may kindly treated as Additional District and Sessions Judge from the date of their appointment.

7. The learned counsel for the Respondents Nos. 9 and 10 in Civil Appeal No. 446 of 2021 argued that they were not beneficiaries of the impugned Notification dated 27.03.2017 as they were not promoted in pursuance of the said impugned Notification. The Judgment of the Tribunal dated 25.04.2016 was upheld by this Court. The further agitation of the same issue is barred by the principle

of res judicata and Article 189 of the Constitution of the Islamic Republic of Pakistan, 1973. The Appellant was not superseded vide the impugned Notification dated 27.03.2017, hence he is not an aggrieved person.

8. The learned counsel for the Respondent No.1 in Civil Appeals Nos. 447 to 452 of 2021 argued that as per Balochistan ADSJs and DSJs Services Rules, 2002, 15% quota was allocated for direct appointment of District and Sessions Judges, and 80% quota for promotion to the same post. On respondents' direct appointment to the post of District and Sessions Judge, a provisional seniority list dated 31.03.2016 was distributed to all the Judicial Officers and objections were invited, however, no objections were raised hence, at this stage, the appellants have no cause of action.

9. The learned Additional Advocate-General for Balochistan argued in relation to the C.As. Nos. 446, 453 and 454 of 2021 (Bashir Ahmed Badini) that the seniority is to be reckoned from the date of regular appointment in terms of Rule 4 of the Balochistan Civil Servants (Seniority) Rules, 2008. The amended Rule 9 of these Rules prescribes the same criteria when dealing with the inter-se seniority of civil servants appointed in the same calendar year as prescribed in Rule 8(4) of the Balochistan Civil Servants Act, 1974. The judgment of learned Tribunal dated 25.04.2016 was challenged before this Court which was upheld vide Judgment dated 20.06.2016. The appellants who were ad-hoc appointees cannot agitate the same issue again. So far as the Appellant in C.As. Nos. 450, 451 and 452 of 2021 (Abdul Qayyum) is concerned, the learned A.A.G argued that the Appellant was a regular appointee who was allowed antedated promotion to the post of District and Sessions Judge on regular basis on 15.05.2015 on the strength of the Judgment dated 25.04.2016 and his name was placed above the names of the direct appointees that were appointed by way of initial recruitment on 19.05.2015 in accordance with the relevant provisions of law. So far as the case of Appellant in C.As. Nos. 447, 448 and 449 of 2021 (Shuja-ud-Din), the learned Additional A-G articulated that the Appellant's case for promotion to District and Sessions Judge was deferred by the Promotion Committee, however after his promotion, he was assigned seniority as he was enjoying in the lower post. It was further contended that the learned Tribunal has passed the impugned judgment after considering the pros and cons of the case. He also referred to the case in point pleaded by the Registrar before the learned Tribunal that after regular appointment, promotion was accorded as regular employees. The antedated promotions were granted w.e.f. 15.05.2015 on the basis of Judgment dated 25.04.2016 passed by the learned Tribunal. The seniority positions have been assigned to the Judicial Officers strictly in accordance with Rule 4 of the Balochistan Civil Servants (Seniority) Rules, 2008, which envisages that the seniority in a service, cadre or post shall take effect from the date of regular promotion to that service, cadre or post. The assignment of seniority to Judicial Officers was principally as a result of implementation of the Judgment of the Tribunal which had an overriding effect over the Rules and further that seniority was also determined from the date of regular appointment in the respective posts or cadre.

10. Heard the arguments. The survey and appraisal of record divulges that five Service Appeals i.e. Nos. 1/2002, 6/2015, 7/2015, 8/2015 and 9/2015 were filed by some Judicial Officers of Sub-ordinate Judiciary wherein they sought declaration that the rules prescribed for regularization of service were prospective in character and cannot be given retrospective effect and the ad hoc period of the respondents cannot be counted for the purposes of determining seniority. It was further averred that the regularization of the respondents in the said appeals with retrospective effect was in violation of the rules for recruitment. All the aforesaid appeals were heard together and disposed of vide Judgment dated 25.04.2016 in which the learned Tribunal also reproduced the Notification dated 10.12.2001 whereby the Administration Committee of High Court of Balochistan was pleased to regularize the ad hoc appointment of some Additional District and Session Judges, Judicial Magistrates, Civil Judges and Qazis on completion of two years satisfactory service from the date of their ad hoc appointment. The moot and crucial question before the learned Tribunal for consideration was whether the appellants, who were appointed as Judicial Magistrate on the recommendation of Balochistan Public Service Commission, could be declared Junior to the private respondents who were selected on ad hoc basis. So far as the Service Appeal No.1 of 2002 was concerned the learned Tribunal held that the appointing authority may make ad-hoc appointments and subsequently regularize such appointments but not with retrospective effect. While in Service Appeals Nos. 6, 7, 8

and 9 of 2015 the learned Tribunal held that the appellants in the said appeal were appointed on regular basis on the recommendations of BPSC prior to the regularization of the private respondents. Finally the aforesaid appeals in the first round were disposed of vide order dated 25.04.2016 in the following terms:-

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22. "For the above reasons, without setting aside the impugned Notification as a whole, the appellants in all the service appeals as well as non-appealing Judicial Officers, who were also appointed on regular basis, prior to the regularization of ad hoc services of the private respondents, are hereby declared senior to the private respondents, whose ad hoc services were regularized retrospectively in sheer violation of all recognized canons of law and propriety. [Emphasis supplied] After declaring the appellants as well as non-appealing Judicial Officers as senior to the private respondents, their cases are referred to the Administration Committee of the High Court of Balochistan for consideration of their promotion to the next grade from the date when the respondents were promoted".

11. The aforesaid order was challenged in this Court vide Civil Petitions Nos. 1678 to 1682 of 2016 which were dismissed and leave was refused on 20.06.2016 with the observation that determination of seniority being regulated by Section 8 of the Civil Servants Act and the Rules made thereunder, could not be over turned by such notifications nor could Ad-hoc appointees be given an edge over the regular appointees in terms of seniority. After refusing leave, Civil Review Petitions Nos. 326 to 330/2016 were filed but vide order dated 26.09.2016, the Review Petitions were also dismissed. Finally, in order to comply with the directions given in the Judgment of the learned Tribunal dated 25.04.2016, the Registrar of Balochistan of the High Court issued a Notification on 27.03.2017 whereby antedated promotions were granted to 13 Judicial Officers. The Notification depicts that in the first category, the matter of five District and Sessions Judges were discussed and after taking into consideration their dates of appointment, they were allowed antedated promotion as Senior Civil Judge, Additional District Judge and District and Session Judge. The breakup of their service period for antedated promotion is mentioned separately in the Column No.3 of the Notification. The next category was for Additional District and Sessions Judges in which the matter of two Judicial Officers was discussed and they were also allowed antedated promotion from Senior Civil Judge to Additional District Judge and the breakup of the services rendered by them in each category is also mentioned. In the last category, five Senior Civil Judges were considered and they were also granted antedated promotion with the effective date as mentioned in the same Notification in compliance of the order passed by the learned Tribunal.

12. When the aforesaid Notification was issued again 13 Service Appeals were filed before the Balochistan Subordinate Judiciary Service Tribunal. After hearing the pros and cons, the learned Tribunal, without setting aside the impugned Notification or the impugned seniority list, disposed of all the Service Appeals in terms of Paragraph 25 of the impugned Judgment which is as follows:-

"25. Again, reverting to the fate of these pending appeals, since we being the members of this Tribunal, and being integral part of Administration of the High Court of Balochistan are well aware about afore-narrated anomalies created during the afflux of time for which no one can be held responsible in his/her individual capacity. Similarly, in case of completely setting aside the impugned Notification or impugned seniority list, would also create an absurd situation, which will ultimately lead to an endless chaos, and would further create an uncertain state of confusion and dilemma. Therefore, for these obvious reasons, we, while without setting aside the impugned Notification No.1207/120-Estt: dated 27th March 2017 and the impugned seniority list, hereby declare as under:

i. This Tribunal's judgment dated 25th April 2016 passed in Service Judicial Appeal No.01 of 2002, being rem in nature, shall be implemented in letter and spirit.

ii. Service Judicial Appeals Nos.02 and 03 of 2017, respectively filed by the appellants viz. Bashir Ahmed Badini, Muhammad Jamshed and Nouroz Khan Hoth are dismissed being frivolous and misconceived.

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iii. Service Judicial Appeals Nos.10 and 11 of 2020, respectively filed by the appellants, Rahim Dad Khilji and Abdul Ali Jalalzai are partly dismissed upto the extent of claim for back benefits. However, upto the extent of supersession are partly accepted and remanded for de novo consideration by the Promotion Committee.

iv. Service Judicial Appeals Nos.01, 04, 05, 09 and 10 of 2017 and 09 of 2020 filed by the appellants, Abdul Hafeez, Inayatullah, Najeebullah, and Muhammad Afzal are partly accepted and their cases are remanded back to the Promotion Committee for de novo consideration.

v. The Service Appeals Nos.07, 09, and 10 of 2019 filed by the appellants, Nasir Khan Yousafzai, Nazir Ahmed Khajak and Zafarullah Bazai are accepted.

vi. Till final decision on this declaration, the Judicial Officers irrespective of their grade, seniority on basis of already granted antedated promotions, supersession of the affected judicial officers, shall neither be changed, nor should any representation either pending or already filed be decided".

13. According to Section 8 of the Civil Servants Act, 1973, for proper administration of a service, cadre or post, the appointing authority is required to make out a seniority list of the members, but no vested right is conferred to a particular seniority in such service, cadre or post. The letter of the law further elucidates that seniority in a post, service or cadre to which a civil servant is appointed shall take effect from the date of regular appointment to that post, whereas Section 9 is germane to the promotion which prescribes that a civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post under the rules for departmental promotion in the service or cadre to which he belongs. However if it is a Selection Post then promotion shall be granted on the basis of selection on merit and if the post is Non- Selection Post then on the basis of seniority-cum-fitness. A quick look and preview of Rule 8-B of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 ('1973 Rules') shows that an Acting Charge Appointment can be made against the posts which are likely to fall vacant for a period of six months or more which appointment can be made on the recommendations of Departmental Promotion Committee or the Selection Board. The acting charge appointment does not amount to an appointment by promotion on regular basis for any purpose including seniority and also does not confer any vested right for regular promotion to the post held on acting charge basis. Under Rule 18, the method of making Ad-hoc Appointments is available with the procedure that if any post is required to be filled under the Federal Public Service Commission (Function) Rules, 1978, the appointing authority shall forward a requisition to the Commission immediately. However, in exceptional cases ad-hoc appointment may be made for a period of six months or less with prior clearance of the Commission as provided in Rule 19 wherein if the appointing authority considers it to be in public interest to fill a post falling within the purview of Commission urgently pending nomination of a candidate, it may proceed to fill it on ad-hoc basis for a period of six months. The reading of Balochistan Civil Servants Act, 1974 also reveals that the provisions made under Section 8 are similar to that of Civil Servants Act, 1973. Here also in Section 8, it is clarified that the seniority in the post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post and the criteria for promotion is also laid down with like prerequisites for the selection post and or non-selection post as provided in Civil Servants Act, 1973. So far as ad-hoc and temporary appointments are concerned, Rules 16 to 18 of Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009 also enlightened that in case a post is required to be filled through Commission, the Administrative Secretary of the Department shall forward a requisition in the prescribed form to the Commission, however, when an Administrative Department considers it to be in public interest to fill in a post falling within the purview of Commission urgently, it may, pending nomination of a candidate by the Commission, with prior approval of the competent authority, proceed to fill such post on ad-hoc basis for a period not exceeding six months by advertising the same. The Acting Charge appointment is encapsulated under Rule 8 with the rider that appointment on acting charge basis shall neither amount to a promotion on regular basis for any purpose including seniority, nor shall it confer any vested right for regular promotion to the post held on acting charge basis.

14. Though the impugned judgment has been passed by the learned Subordinate Judiciary Service

Tribunal, Balochistan on 30.11.2020, it is apparent that during hearing of appeals it was brought into the knowledge of the learned Tribunal that the Draft Bill of Balochistan District Judicial Act, 2020 was forwarded to the government for placing it before the Provincial Assembly for enactment. After the aforesaid judgment, the Balochistan District Judicial Act, 2021 was also promulgated and notified in the Balochistan Gazette on 16.02.2021 in order to regulate the service of Balochistan District Judiciary. Incidentally Section 8 of this Act is also related to the seniority which is more or less similar to the provisions made in the aforementioned civil servants laws, however, for dealing with matters of promotion it is expounded in Section 9 of the same Act that a person in service possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post in the service and such post may either be a selection post or non-selection post to which promotion shall be made in the manner as may be prescribed. Sections 23 to 27 of this Act in Chapter 3 are related to the functioning of the Services Tribunal, as well as the powers of hearing appeals and review applications and, in line with section 37, this Act has repealed the Balochistan Subordinate Judiciary Service Tribunal Act, 1989. We have also examined the Balochistan ADSJs and DSJs Services Rules, 2002, notified on 15.11.2002 in exercise of powers conferred by section 25 of the Balochistan Civil Servants Act, 1974. In Rule 5, method of recruitment of Additional District and Sessions Judges as well as the District and Sessions Judges is provided but for ad-hoc appointment, the Chief Justice has to advertise the posts and after selecting suitable candidate, may make appointment on ad-hoc basis. The inter-se seniority is to be maintained in terms of Rule 9, which makes it quite obvious that if a junior officer in a lower grade is promoted to a higher grade temporarily in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the interest of a senior in the fixation of his seniority in the higher grade, and if a junior officer in a lower grade is promoted to a higher grade by superseding a senior officer and subsequently that officer is also promoted for the same post, the officer promoted first shall rank senior to the officer promoted subsequently.

15. It is a well settled principle that eligibility itself is not the benchmark for promotion, rather the most vital yardstick is fitness, which can be judged from the service record which includes ACRs, qualification, length of service in a particular grade/scale, integrity, knowledge and proficiency in the work/ assignments, all of which are essential dynamics for weighing and appraising the merits for promotion to the selection post which is quite common procedure and practice articulated under the law for considering the promotions on merit. In the case of Muhammad Anis and others v. Abdul Haseeb and others (PLD 1994 SC 539), this court held that the question of eligibility is different from the question of fitness. Indeed, from the definition of the words "eligible" and "fit" given in the dictionaries, it appears that the meanings of above two words are interchangeable and at times they carry the same meanings but at the same time they have different meanings. The question whether a person is legally qualified for appointment or promotion to a particular post and grade is relatable to the factum whether he possesses the requisite qualifications for consideration, whereas the question of fitness pertains to the competency of the person concerned, which is to be decided by the competent authority. The question of fitness of their being appointed is to be determined by the functionaries mentioned therein. In other words a person may be eligible for consideration for a particular post, but may not be fit to be appointed. Further, in the case of Muhammad Rahim Khan v. The Chief Secretary, N.W.F.P. and 4 others (1999 SCMR 1605), this court held that the concept of eligibility implies a qualification to be appointed or promoted, whereas that of fitness encompasses a person's competence to be chosen or selected for appointment or promotion. The tests for eligibility are objective and open to scrutiny by a judicial forum. However, even in the matters involving fitness to be appointed or promoted to a particular post or grade there has to be necessary material on the basis of which an opinion, one way or the other, is to be formed.

16. It is also well settled exposition of law that the services rendered by the employees on ad-hoc basis prior to their regularization cannot be counted for the purpose of their seniority but their seniority will be counted from their substantive/regular appointments. In the case of Director-General Intelligence Bureau, Islamabad and others v. Amir Mujahid Khan and others (2011 SCMR 389), it was held that the "seniority" in the grade to which a civil servant is promoted is to take effect from the date of regular appointment to a post in the grade. It is also settled principle of law qua the

question of conferring seniority with retrospective effect that it cannot be done unless such right was established. [Ref: Fasihuddin Siddiqui's case (1998 SCMR 637), Muhammad Yousaf's case (1996 SCMR 1297), Rustam Khan's case (1994 SCMR 1957), Muhammad Zakir Khan's case (2004 SCMR 497), Jehangir Mirza's case (PLD 1990 SC 1013), Wajahat Hussain's case (PLD 1991 SC 82), Sh. Anwar Hussain's case (1985 SCMR 1201), Muhammad Yousaf's case (1996 SCMR 1297) and Nazeer Ahmed's case (2001 SCMR 352 = 2001 PLC (C.S.) 394)].

17. The word "Ad hoc" is a Latin phrase which connotes in essence "to this". In the English language, it is commonly and generally put forward as an egress for a particular objective or errand. This axiom in effect describes the transitory or short-term or provisional ways and means to take care of a specific setback or difficulty in the event of any exigency or necessity for a specified period as a stop gap arrangement which also calls an action on adhocism. To all intents and purposes, the appointment on ad-hoc position is a stopgap arrangement or as a temporary solution till the post is virtually filled on regular basis in accordance with the rules of recruitment, therefore, the ad-hoc employees cannot claim precedence in seniority over the regularly appointed employees but their status will be reckoned with their batch mates and after regularization their seniority will be fixed accordingly. At this juncture we are reminiscent of a famous phrase "Birds of a feather flock together" which is quite common in everyday speech. This maxim is used to refer to semblances, evenness and similarity within a group of people who are allowed to connect and feel protected and sheltered around one another. The persons lean towards confederation and in league with those who share common interests or standards and similar characters and people tend to associate with each other. Whereas the turn of phrase "antedate" is also derivative and offshoot of a Latin word "ante" denoting an older date than precede in time, predate or to assign an earlier date to antedate any event. The catchphrase "Ad-hoc" and "Antedate" have been defined in some law dictionaries as under:-

Black's Law Dictionary- Ninth Edition. Ad hoc. Formed for a particular purpose [the board created an ad hoc committee to discuss funding for the new arena]. Antedate 1. To affix with a date earlier than the true date; Backdate. To precede in time.

Wharton's Concise Law Dictionary- by Justice V R Krishna Iyer. Ad hoc. The meaning to be assigned to the terms "ad hoc" while interpreting provisions of a service rule will depend on the provisions of that rule and the context in and the purpose of which the expressions are used, Rudra Kumar Sain v. Union of India, (2000) 8 SCC 25. Antedate. To date a document before the day of its execution. Means to affix with a date earlier than that true date e.g. antedate a check. To precede in time e.g. the doctrine antedates the Smith case by many years. Black Law Dictionary, 7th Edn., p.91.

Legal Thesaurus- Regular Edition. William C. Burton. Ad-hoc. Extemporaneous, for the sake of, for this case alone, improvised, in consideration of, on account of, special Associated Concepts: ad hoc appointment, ad hoc committee. Antedate. Affix an earlier date, anachronize, assign to an earlier date, date back, date before the true date, date before the true time, date earlier than the fact, foredate, predate, set an earlier date, transfer to an earlier date.

Words and Phrases Permanent Edition- Volume 2- Antedate- To antedate an insurance policy means to make it, for the purpose of fixing maturity dates for premiums, relate back to and take effect as of a time prior to its delivery. New York Life Ins. Co. v. Franklin, 87 S.E. 584, 586, 118 Va. 418.

Pramanatha Aiyar- The Major Law Lexicon- The Encyclopaedic Law Dictionary with Legal Maxims, Latin Terms and Words and Phrases. Antedate- To date before the true time; to give an earlier date than the real one; thus, to antedate a deed or bond is to give to it a date anterior to the true time of its execution. To put on a document, e.g. a cheque or invoice, a date which is already past. See also postdate. (Banking)

18. In the case of Abu Bakar Farooq v. Muhammad Ali Rajpar (2019 SCMR 830), this court held that in some cases, the ad hoc appointment is prolonged for years altogether either for ulterior motives or by convenience in gross violation of Rule 19 of the 1973 Rules as well as Rule 3 of the Federal Public Service Commission (Functions) Rules, 1978, and such prolonged ad hoc appointment may

lure the appointee to continue with the full knowledge that this marriage of convenience would ultimately break to his detriment, for such ad hoc appointment does not create any right in favour of the incumbent to compel the authority to regularize his appointment. It was further held that neither the ad hoc employee has right to hold the post beyond the period for which he was appointed nor the government has a right to continue with such ad hoc appointees for such a long period. This situation arises only when the government violates the provision of Rule 3 of the Federal Public Service Commission (Functions) Rules, 1978 and, without placing a requisition before Commission for regular appointment, fill the post on ad hoc basis and then keep on extending the period of such ad hoc appointment and the ad hoc appointee knowing fully well that his ad hoc appointment is not in accordance with the prescribed method of appointment and is only a "stop gap" arrangement, till recruitment in accordance with the prescribed method of Appointment is made, clings to such post. In the same judgment, the Court also referred to the case of Muhammad Afzal v. Government of the Punjab (1982 SCMR 408) in which it was held that if the appellants and some of the respondents were truly ad hoc appointees for a certain period they cannot on the basis of Rules claim their seniority from that date whether it was continuous or not. This court in the case of Naila Khalid v. Pakistan (PLD 2003 SC 420), held that the Ad hoc appointment of a person does not confer any right or interest to continuous appointment, seniority, or promotion till a person is regularly selected by the Public Service Commission for the post held by an ad-hoc appointee. It is well-settled that the services of such appointee can be dispensed with at any moment without assigning any reason. Likewise in the case of Naveeda Tufail v. Government of Punjab (2003 SCMR 291), this court held that an ad hoc employee has no right to hold the post beyond the period for which he was appointed and it is also not right for the Government to continue ad hoc appointments for number of years without undertaking the exercise of selection on regular basis in the prescribed manner. The ad hoc appointment is appointment of a duly qualified person made otherwise in accordance with prescribed method of recruitment and is made only in exceptional circumstances. This stopgap arrangement as a temporary measure for a particular period of time does not by itself confer any right on the incumbent for regular appointment or to hold it for indefinite period but at the same time if it is found that incumbent is qualified to hold the post despite his appointment being in the nature of precarious tenure, he would carry the right to be considered for permanent appointment through the process of selection as the continuation of ad hoc appointment for considerable length of time would create an impression in the mind of the employee that he was being really considered to be retained on regular basis. The ad hoc appointment by its very nature is transitory which is made for a particular period and creates no right in favour of incumbent with lapse of time and the appointing authority may in his discretion if necessary, make ad hoc appointments but it is not open for the authority to disregard the rules relating to the filling of vacancies on regular basis in the prescribed manner. In the case of Tariq Aziz-ud-Din and others: (in re: Human Rights Cases Nos. 8340,9504-G, 13936-G, 13635-P and 14306-G to 143309-G of 2009) (2010 SCMR 1301), this Court held that in case where the appointing authority is satisfied that no suitable officer is available to fill the post and it is expedient to fill the same, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the cadre or service as the case may be. It is the duty and obligation of the competent authority to consider the merit of all the eligible candidates while putting them in juxtaposition to isolate the meritorious amongst them. Expression 'merit' includes limitations prescribed under the law. Discretion is to be exercised according to rational reasons which means that; (a) there be finding of primary facts based on good evidence; and (b) decisions about facts be made for reasons which serve the purposes of statute in an intelligible and reasonable manner. Actions which do not meet these threshold requirements are considered arbitrary and misuse of power (Director Food, N.W.F.P v. Messrs Madina Flour and General Mills (Pvt.) Ltd. (PLD 2001 SC 1).

19. In the case of antedated promotion also to a selection post, the primary criterion is fitness and then seniority. The phenomenon of antedated promotion is not novel or unique but sometimes, keeping in mind the exigency and in the event of some inevitable circumstances, ante-dated promotion can be granted in the appropriate cases which have been done in this case taking into consideration the judgment of learned Tribunal. The purpose of convening DPC meeting is to fill up vacant posts through promotion according to applicable rules of service. If the DPC meeting is not convened within a reasonable period of time despite availability of vacant situations for promotion,

then obviously, this creates frustration and despondence amongst the civil servants/ employees and in this case the judicial officers if they are otherwise eligible to be considered for promotion after completing required length of service in particular grade or posts and fulfillment of other prerequisites but due to inordinate delay in holding DPC, the consideration of their fitness for promotion remained in limbo. Where the meeting of DPC scheduled to be held is postponed or adjourned without announcing any future date or not convened within reasonable period to the prejudice of an officers/employee, the competent authority in order to foster justice may grant antedated promotion to the higher post bearing in mind the eligibility and fitness in the DPC so that such officers/employees may not be subjected to a lower position in their seniority list or become victim of unwarranted delay in holding DPC by the competent authority. The pleasantest resolution to avoid such anomalies with a view to ventilate the sufferings of the officers eligible for promotion is to make sincere efforts to ensure that there shall be no unreasonable or irrational delay in the DPC meetings which creates multiplicity of proceedings and litigation amongst the incumbents. The earlier judgment of the Tribunal was affirmed by this Court which was a judgment in rem, therefore, the antedated promotions were granted to certain judicial officers in compliance of Tribunal's judgment which was merged in the judgment of this Court. The minutes of the meeting of the Promotion Committee dated 09.11.2016 demonstrate unequivocally that the personal files of the judicial officers were read thoroughly including their conduct, legal acumen reflected from the judgments authored by them, Annual Confidential Reports/ dossiers and after reasonable and meaningful assessment, they were found fit for antedated promotion hence we do not find any illegality or perversity in the decision of Promotion Committee.

20. In the earlier judgment, the Tribunal without setting aside the Notification impugned in that appeals, held that the appellants in all said service appeals as well as non-appealing Judicial Officers who were also appointed on regular basis prior to the regularization of ad hoc services of the private respondents were declared senior to the private respondents and after declaring the said appellants as well as non-appealing Judicial Officers senior to the private respondents, their cases were referred to the Administration Committee of the High Court of Balochistan for consideration of their promotion to the next grade from the date when the respondents were promoted. In the impugned judgment of the Tribunal in the present appeals also, the earlier judgment was acknowledged and recapitulated that the Tribunal's judgment dated 25th April 2016 passed in Service Judicial Appeal No.01 of 2002 was judgment in rem and shall be implemented in letter and spirit. The aforesaid order was challenged in this Court but Civil Petitions were dismissed on 20.06.2016 thereafter, Civil Review Petitions Nos. 326 to 330 of 2016 were filed but vide order dated 26.9.2016 the review petitions were also dismissed. In this scenario, the doctrine of merger is somewhat applicable. In essence, the doctrine of merger is a common law doctrine which expounds a philosophy of propriety in the chain of command vis-à-vis the justice system, but it is not recognized as doctrine under the constitutional law or in any other statute. According to different Law Lexicons the doctrine of merger arises only when there are two independent things and the greater one would swallow up or may extinct the lesser one by process of absorption. In case an appeal or revision is provided before a superior court against an order passed by any Court or Tribunal or any other authority and the superior court where appeal is preferred modifies, reverses or affirms the decision of lower fora then the order or decision passed by subordinate or lower forum is merged into the decision rendered by superior courts which will remain operative for enforcement in accordance with law. In order to apply this doctrine in letter and spirit, there must be a decision of a subordinate forum or Tribunal and against any such decision; there must be a right of appeal or revision provided under the relevant law. While deciding any such appeal or revision, the appellate forum must have affirmed, modified or reversed the order or judgment of the court below. According to some Law Lexicons, the meaning of the word "Merger" is as follows:-

P. Ramanatha Aiyar's Advanced Law lexicon. Merger presupposes the existence of two independent things or estates, the greater of which would swallow up or may extinct the lesser one by the process of absorption. Dalip Sing v. Jaisi Ram, AIR 1981 HP 49, 56. [Pun Pre-emption Act (10 of 1913). S. 22].

Legal Terms and Phrases (Judicially defined from 1947-2012). Merger means the fusion or

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absorption of one thing or right into another; generally spoken of a case where one of the subjects is of less dignity or importance than the other; *Adamjee Insurance Co. Ltd. v. MCB* 2003 CLD 463 = PTCL 2003 CL 739". Merger is defined generally as the absorption of a thing of lesser importance by a greater, whereby the lesser ceases to exist, but the greater is not increased, an absorption or swallowing up so as to involve a loss of identity and individuality"; *Nabi Bux v. Land Acquisition Officer* 2003 CLC 1914. Ref. C.J.S Vol, 57, p.1067. Quoted. The primary meaning of the words 'merge' and 'merger' seems to be to sink or disappear in something else, to be lost to view or absorbed into something else, to become absorbed or extinguished, though at the same time; the word 'merge' also carries meaning of joining together, an addition, a combination of the qualities of one with another not a death but rather a marriage; *A and B Food Industries v. CIT*. 1992 SCMR 663 + PTD 1992 and 932 Also PTD 1992 545.

Osborn's Concise Law Dictionary. Eleventh Edition-Edited by Mick Woodley. Merger. That operation of law which extinguishes a right by reason of its coinciding with another and greater right in the same person.

21. In the case of *Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others* (1996 SCMR 1185), this Court while remanding case to the Tribunal clearly observed that if the Tribunal or this Court decides a point of law relating to the terms of service of a civil servant which covers not only the case of the civil servant who litigated, but also of other civil servants, who may have not taken any legal proceedings, in such a case, the dictates of justice and rules of good governance demand that the benefit of the above judgment be extended to other civil servants, who may not be parties to the above litigation, instead of compelling them to approach the Tribunal or any other legal forum. The earlier judgment was a judgment in rem, hence the directions were equally applicable to appealing and non-appealing Judicial Officers. In the case of *Tara Chand and others v. Karachi Water and Sewerage Board, Karachi and others* (2005 SCMR 499), this court considered the doctrine of judgment in rem and personam. While discussing the exactitudes and philosophy, also quoted its meaning derived from different law dictionaries in the following manner:-

The Oxford Companion to Law by David M. Walker

Judgment in personam. A judgment determining the rights of persons inter se in or to any money or property in dispute, but not affecting the status of persons or things or determining any interest in property except between the parties. They include all judgments for money.

Rem, Judgment in. A legal determination binding not only the parties but all persons. It applies particularly to judgments in Admiralty, declaring the status of a ship, matrimonial causes, grants of probate and administration and condemnation of goods by a competent Court.

K. J. Aiyar's Judicial Dictionary (10th Edition 1988)

Normally a judgment binds only those who are parties to it. Such judgments are known as Judgments in personam.

Rem, Judgment in. A judgment which gives to the successful party possession or declaration of some definite right which right is available against the whole world.

Words and Phrases legally defined (Vol. 3 I-N)

Judgment, In personam. A judgment in personam or inter parties are those which determine the rights of parties inter se to or in the subject-matter in dispute, whether it be corporeal property of any kind whatever or a liquidated or unliquidated demand, but do not affect the status of either persons or things, or make any disposition of property or declare or determine any interest in it except as between the parties litigant. They include all judgments which are not judgments in rem.

A judgment in personam determines the rights of the parties inter se to or in the subject matter

in dispute, whether it be corporeal property of any kind whatever or a liquidated or unliquidated demand, but does not affect the status of either persons or things, or make any disposition of property, or declare or determine any interest in it except as between the parties litigant. Judgments in personam include all judgments which are not judgments in rem, but as many judgments in the latter class deal with the status of persons and not of things, the description "Judgment inter parties" is preferable to 'Judgment in personam'.

Judgment, In Rem. A judgment in rem may be defined as the judgment of a Court of competent jurisdiction determining the status of a person or thing, or the disposition of a thing (as distinct from the particular interest in it of a party to the litigation). Apart from the application of the term to persons, it must affect the res in the way of condemnation, forfeiture, declaration of status or title, or order for sale or transfer.

Black's Law Dictionary (6th Edition).

Judgment in personam or inter parties. A judgment against a particular person, as distinguished from a judgment against a thing or a right or status.

Judgment in rem. An adjudication pronounced upon the status of some particular thing or subject-matter, by a Tribunal, having competent authority. *Booth v. Copley*, 238 Ky.23, 140 S.W. 2d, 62, 666. It is founded on a proceeding instituted against or on something or subject-matter whose status or condition is to be determined. *Eureka Building and Iran Assn v. Shultz*, 139E Kan, 435, 32 P.2d 477, 480; or one brought to enforce a right in the thing itself. *Federal Land Bank of Omaha v. Jafferson*, 229 Iowa 1054, 295 N.W. 855, 857. It operates upon the property, *Guild v. Walis*, 150 Or. 69, 40 P. 2nd 747, 742. It is a solemn declaration for the status of some person or thing. *Jones v. Teat*, Tex Civ. Appellant. 57 S.W. 2d. 617, 620. It is binding upon all persons in so far as their interests in the property are concerned".

22. After merger of the Tribunal's judgment in the judgment of this court, the binding effect could not be obliterated by the Administration Committee of the High Court, so they basically put into effect the directions of learned Tribunal which was affirmed by this Court. In the case of *Shahid Pervaiz v. Ejaz Ahmad* (2017 SCMR 206), this Court held that under Article 189, this Court is the court of last resort and laws declared or principles enunciated by it are binding on all the subordinate courts and authorities in Pakistan as reflected in *Farhat Azeem v. Waheed Rasul* (PLD 2000 SC 18). It was further held that the decisions of this Court laying down the proposition in law are laws binding on all, regardless whether they were party to the proceedings or not *Messrs Star Diamond Co v. Union of India* (PTCL 1988 FC 229). It has also been held that even a decision of Supreme Court for which no reasons are given would be binding upon the Courts in the *Safdar Ali v. Conservator of Forests* (1987 PLC (C.S.) 55). This Court in the case of *Hitachi Limited v. Rupali Polyester* (1998 SCMR 1618), has concluded that the Supreme Court is not a slave of doctrine of stare decisis and can change or modify its view with the passage of time. All the courts and public institutions are bound to follow the principles laid down by this Court. No exception to this principle can be created under the garb of rule or procedural niceties.

23. The compendious and terse of arguments progressed by the learned counsel for the appellants put on view which is also enlightening from aforesaid leave granting order that all the appellants have shown their mere apprehension that in view of the judgment passed by the Tribunal, their seniority is likely to be prejudiced or affected but when the learned counsel for the appellants were confronted to show any prejudice at the moment they failed to point out any such adverse effect right away. The Court of law does not decide the lis on mere sentiment, presumption or mere apprehension but the cause of action should be based on a real cause for remedying the wrong into right. This Court cannot upset the Tribunal's findings on the mere apprehensiveness that if the judgment of the Tribunal will remain in field, it will in future prejudice or affect the seniority of the petitioner. At the same time we want to explain in simple terms that in case any seniority issue is raised or determined in future which entailed any cause of grievance, that will be obviously considered by the competent authority at the right time for which an appropriate remedy is already specified under the law. A cause of action is predominantly a technical legal term meant for the set of circumstances and facts which give rise to

institute and lodge the claim in the court of law but not any premature claims or grievances. It is legally acknowledged and recognized that it is the wrongdoing which in fact originates and triggers the right to sue. The court cannot hear any case nor render any decision without a valid cause of action or without accrual of right to sue or in other words without accrual of cause of action to set the law into motion. The expression "cause of action" means a bundle of facts which if traversed, a suitor claiming relief is required to prove for obtaining judgment. It is also well understood that not only the party seeking relief should have a cause of action when the transaction or the alleged act is done but also at the time of the institution of the claim. The expression "cause of action" is a fundamental element to confer the jurisdiction and is commonly empathized to mean a state of affairs that enables a party to carry on an action in a court of law or a Tribunal.

24. In the wake of above discussion, we do not find any justification to upset the findings recorded by the learned Tribunal in the impugned judgment. All Civil Appeals are dismissed accordingly.

MWA/B-1/SC

Appeals dismissed.

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(L)

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(43)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR



Service Appeal No. 7 /2017

Diary No. 06

Dated 03-01-2017

Muhammad Akbar (Assistant Food Controller, Mardan)
S/o Muhammad Ismail R/o G.T Road, Chamkani,
Tehsil & District, Peshawar.

....Appellant

VERSUS

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

.....Respondents

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

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Filed to-day

Registrar

3/1/2017

submitted to-day filed.

Registrar

5/1/2017

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR



Date No. 07

Dated 03-01-2017

Service Appeal No. 8 /2017

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

....Appellant

VERSUS

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

.....Respondents

ATTESTED

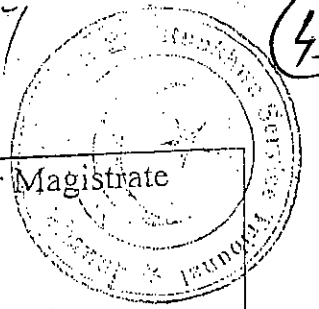
APPEAL U/S 4 OF THE KHYBER
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ON 31.10.2016 AS FOR THE NEEDFUL THE
APPELLANT'S DEPARTMENT APPEAL VIDE
IMPUGNED OFFICE LETTER NO.7051-
52/PF-1053 DATED 26.12.2016 OF THE

Filed to-day

Registrar
3/1/2017

Re-submitted to -day
and filed.

Registrar
5/1/2017



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

ATTESTED

Secretary
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


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

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

- 6. Arguments heard. File perused.
- 7. Law and facts of the present appeals as well as service appeal No. 831/2015 entitled Muhammad Naveed Versus Government of

awin

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar.

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



(MUHAMMAD HAMID MUGHAL)
MEMBER



(GUL ZEB KHAN)

MEMBER

ANNOUNCED

24.11.2017

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

C.P.L.A.NO. 5353 /2021

1. Aftab Umar Khan, AFC, Office of Rationing Controller, District Peshawar, Presently working as acting District Food Controller, Mardan.
2. Ansar Qayyum, Assistant AFC, Office of District Food Controller, District Mansehra, presently working as acting District Food Controller, Mansehra.
3. Abdul Hafeez, AFC, Office of District Controller, District Charsadda, presently working as acting District Food Controller Storage & Enforcement office, Azakhel, District Nowshera.
4. Jamshed Khan Afridi, AFC, Office of District Food Controller, District Swabi, presently working as acting District Food Controller at Dargai Malakand.
5. Tausif Iqbal, AFC, Office of District Food Controller District Lakki Marwat, now office of District Food Controller Dera Ismail Khan.
6. Hafeez ur Rehman, AFC, Office of District Food Controller, District Peshawar, now Khyber Pakhtunkhwa Directorate Food, Peshawar.
7. Syed Wazir Shah, AFC, Office of District Food Controller, district Battagram R/o, Mohallah Dub No.1 Street No.4, Habib Street, District and Tehsil Mansehra.

.....(Petitioners)

VERSUS.

1. Noor Khan, (AFC BPS-14) w/o Gulfam Khan R/o Village Abdara Garhi Taj Muhammad now A.F.C, office of Storage & Enforcement office, NRC Azakhel, District Nowshera.
2. The Director Food, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Government of Khyber Pakhtunkhwa, Food Department, Peshawar.
4. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
5. Muhammad Tariq, AFC Office of District Food Controller, District Haripur, presently working as acting District Food Controller Battagram.
6. Arshad Hussain, A.F.C Office of District Food Controller, District Chitral presently working as acting District Food Controller Chitral Lower.
7. Ali Asghar Khan, A.F.C Office of District Food Controller, District Nowshera, presently working as acting District Food Controller Dir Upper.
8. Shabir Ahmad Khan, Assistant Food Controller, office of District Food Controller Nowshera.
9. Said Nawaz, A.F.C Office of District Food Controller, District Chitral, now office of District Food Controller Buner.
10. Sohail Habib, A.F.C Office of District Food Controller, District Swabi, presently office of District Food Controller Karak.
11. Sheraz Anwar, AFC, Office of District Food Controller, District Swat presently, office of District Food Controller Kohistan.
12. Muhammad Azam, A.F.C Office of District Food Controller, District Buner, presently Khyber Pakhtunkhwa Directorate Food, Peshawar.
13. Muhammad Shakeel, A.F.C Office of District Food Controller, District Kohistan presently, office of District Food Controller, Haripur.
14. Miss Uzma Kanwal, A.F.C Office of District Food Controller, District Abbottabad, presently office of District Food Controller Mansehra.

15. Zahir Alam Raza, A.F.C Office of District Food Controller, District Chitral, presently office of District Food Controller Lower Chitral.
16. Muhsin Husein Shah, A.F.C Office of District Food Controller, District Dargam, presently Khyber Pakhtunkhwa Food Directorate, Peshawar.
17. Adnan Khan, A.F.C Office of District Food Controller, District Mardan presently c/o Khyber Pakhtunkhwa Directorate Food, Peshawar.
18. Anam Khan, A.F.C Office of District Food Controller, District Tank presently working as acting District Food Controller Laski Marwat.
19. Muhammad Zubair, DFC Employee of Food Department presently working as acting Assistant Director Food, Malakand Division at Malakand.
20. Mahmood ur Rehman, D.F.C Employee of food Department now District Food Controller Buner.
21. Fuzli Bari, DFC, Employee Food Department presently c/o Khyber Pakhtunkhwa Directorate Food, Peshawar.
22. Salah ud Din, DFC, Employee of food Department KP presently District Food Controller Tank.
23. Muhammad Arshid, DFC, Employee of Food Department KP now District Food Controller Kohat.
24. Kifayat Khan, DFC, Employee of Food Department KP now c/o Khyber Pakhtunkhwa Directorate Food, Peshawar
25. Hasham Khan, DFC, Employee of Food Department KP now District Food Controller, Charsadda.
26. Sher Fayaz Khan, DFC, Employee of Food Department KP now District Food Controller, Nowshera
27. Adil Badshah DFC, Employee of Food Department KP, now office of Storage & Enforcement office , PRC Peshawar
28. Shad Muhammad, DFC, Employee of Food Department KP now c/o Directorate Food Peshawar

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29. Shewnz Tariq, DFC, Employee of Food Department KP now District Food Controller Haripur.
 30. Muhammad Nawab DFC, Employee of Food Department KP now c/o Khyber Pakhtunkhwa Directorate Food, Peshawar.
 31. Muhammad Hayat Khan, DFC, Employee of Food Department KP, presently Dera Ismail Khan
 32. Kashif Ihsan, DFC, Employee of Food Department KP now District Food Controller, Lower Dir.

-----Respondents

CIVIL PETITION UNDER ARTICLE 212(3)
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973 FOR
LEAVE TO APPEAL AGAINST THE
JUDGMENT AND ORDER OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR DATED 15.07.2021 PASSED
IN SERVICE APPEAL NO.349 OF 2017.

RESPECTFULLY SHEWETH

- I. The substantial question of law of public importance and grounds, inter alia, which fall for determination of this august Court are as under:-
 1. Whether the learned Khyber Pakhtunkhwa Service Tribunal, Peshawar has laid down law, which is not in consonance with the known norms of administration of justice especially in matter in hand?
 2. Whether the learned Khyber Pkhtunkhwa Service Tribunal, Peshawar, with due respect, has not failed to appreciate the legal and factual controversy involved in the case in its true perspective and arrived at wrong and incorrect conclusion, which occasioned grave miscarriage of justice?

3. Whether the impugned judgment of the learned Service Tribunal Khyber Pakhtunkhwa, Peshawar, is not against law, facts and material available on record and needs interference by this august Court?
4. Whether the policy for declaration of Government Servants as Surplus and their subsequent absorption/adjustment was introduced on 08.06.2001 and the amendments made thereon were issued on 15.02.2006, having no explicit provisions to be applied with retrospective effect?
5. Whether the learned Khyber Pakhtunkhwa Service Tribunal has not erred in law and failed to appreciate that the post of Food Grain Inspector (BPS-6) was upgraded to BPS-7 w.e.f. 12.02.2008 and thereafter the post of Food grain inspector was further upgraded from BPS-7 to BPS-9 w.e.f. 30.12.2013?
6. Whether the claim of Respondent No.1 is in utter disregard of Surplus Pool Policy as the Respondent No.1 was adjusted/inducted on 25.08.2004 in term of Para-5 of the Surplus Pool Policy circulated on 08.06.2001 after exercising an option, wherein protection of pay was given and not seniority?
7. Whether the judgment dated 15.08.2016 passed in Appeal No. 831/2015 (Navced's case) is judgment in rem or judgment in personam, where the official Respondents/Department were impleaded as party only?
8. Whether the judgment dated 15.08.2016 passed in Appeal No. 831/2015 (Navced's case) where the petitioners of this petition were not impleaded is binding on the rights of the petitioners?
9. Whether Respondent No.1 is entitled to be given benefits of the judgment titled "Hameed Akhtar Niazi versus The Secretary Establishment Division, Government of Pakistan and others" (1996 SCMR 1185) with

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retrospective date. on the basis of a judgment, order dated 15.08.2016 in Service Appeal No.SS1, 2015, rendered by the learned Service Tribunal (Naveed's Case) where the petitioners of this petition were not impleaded as party in that case?

10. Whether the combined judgment dated 24.11.2017 passed in service appeals no 7 & 8 of 2017 filed by Muhammad Akbar & Muhammad Saleem Iqbal, (similarly placed Surplus Pool Employees inducted on 25.08.2004) in Food department as Food Grain Inspector, is in conflict with the impugned judgment/order of the learned Tribunal and needs interference by this august Supreme Court of Pakistan?
11. Whether the impugned judgment rendered by learned Service Tribunal Peshawar is not maintainable in law and would operate prospectively and not retrospectively, adversely affecting the rights already accrued to the petitioners, who were promoted prior to promotion of Respondent No.1 (Surplus Pool Employee)?
12. Whether Respondent No.1 remained silent on his seniority from 2004 till 2017 and now legally debarred from agitating the cause of 2004 in 2017?
13. Whether the appeal of Respondent no.1 regarding seniority w.e.f 2004 is barred by time and not maintainable in the eyes of law?
14. Whether the learned Khyber Pakhtunkhwa Service Tribunal Peshawar has properly construed the record and material in its true perspective?
15. Whether the impugned judgment of the learned Service tribunal would operate prospectively and not retrospectively?

- 16. Whether errors of law and facts are not apparent on face of the record of the present case?
- 17. Points raised are important law points of great public importance.

I. THE STATEMENT OF FACTS GIVING RISE TO THE LAW POINTS ARE AS UNDER:

- 1. That Respondent No.1 was serving as "Mono Operator" (BPS-7) in the Government Printing and Stationery Department, Peshawar, who was declared surplus and his services were placed in Surplus Pool.
- 2. That under Khyber Pakhtunkhwa Surplus Pool Policy introduced on 8.6.2001, vide Para-5 (c)(iv)(b) of policy (ibid), Respondent No.1, on exercising an option for re-adjustment against a lower post in other department, was accordingly adjusted as Food Grain Inspector (FGI) BPS-06 in Food Department on 25.8.2004, and the pay being drawn by him in the post immediately preceding his appointment to lower post was protected?
- 3. That the seniority position of Respondent No.1 was fixed as per terms of policy (ibid) and the Respondent no.1 was placed at the bottom of seniority list of Food Grain Inspector (FGI) BPS-06 of Food Department Khyber Pakhtunkhwa on 25.08.2004, as per terms of Para-6(C) of the policy (ibid). Later on, the post of Food Grain Inspector (FGI) BPS-06 was upgraded to BPS-07 w.e.f February 2008 and to BPS-09 w.e.f 31.12.2013?
- 4. That the Surplus Pool Policy circulated on 08.06.2001, was subsequently amended on 15.02.2006, wherein it was

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decided by the competent authority to add following sub-
paras to the relevant paras of the policy:

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

C(v) In case an employee already adjusted against a lower post is declared surplus again, he shall regain his original pay scale.

(ii) Sub para-(d) added to para (6)

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

5. Vide Khyber Pakhtunkhwa Food Department (Recruitment and Appointment) Rules 1981, wherein method of recruitment laid down 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 Inspectors with at least 05 Years service as such and
- b) 25% by initial recruitment.

6. That during the year 2015, due to poor performance in handling Godowns and wilful absence from duty without prior permission, Respondent No.1, was suspended from government service and an inquiry was initiated against him. After conclusion of departmental proceedings and inquiry, Respondent no.1 was afforded an opportunity of being heard in person by the competent authority and resultantly, Respondent No.1 was awarded minor penalty on 22.8.2016. Thereafter, respondent No.1, was promoted from the post of Food Grain Inspector to the post of Assistant Food Controller on 28.11.2016 against reserved promotion quota.

7. That it is pertinent to mention that one Muhammad Naveed, Senior Clerk (BPS-07), rendered surplus from the office of Deputy Commissioner, Mansehra, and on exercising an

option, for re-adjustment as Food Grain inspector in Food Department Khyber Pakhtunkhwa against a lower post, was adjusted on 26.01.2006 i.e prior to amendment in Surplus Pool policy circulated on 15.02.2006, wherein no explicit provision was mentioned thereon, that the amended policy shall have retrospective effect.

8. That thereafter, Mr Naveed made a representation/appeal to the Food department, Peshawar, seeking seniority, to be placed on top of seniority list of the Food grain Inspector (BPS-06) maintained in the year 2006, on the basis of amendments made in para-6 of Surplus Pool Policy issued on 15.02.2006. However, his departmental appeal was rejected.

9. That Mohammad Naveed, filed Service Appeal No.831/2015 before Khyber Pakhtunkhwa Service Tribunal Peshawar, seeking seniority. It is added that in this appeal Naveed impleaded official Respondents as party and the petitioners were not impleaded as party. This appeal was accepted by the learned Tribunal on 15.08.2016 in his favour and the Respondents/Department were directed to place him at the top of seniority list of Food Grain Inspector (BPS-06) at that time. Since Naveed by efflux of time had been promoted to the post of Assistant food Controller on 22.4.2016, therefore, the seniority list of AFC as stood on 31.10.2016 was revised and Naveed was placed at the top of seniority list of AFC as stood on 31.10.2016, instead of placing him in seniority list of Food Grain Inspector (BPS-06).

10. That likewise, two other AFCs namely Muhammad Akbar and Muhammad Saleem Iqbal (Surplus Pool Employees) inducted in Food Department as Food Grain Inspector (FGI) on 25.08.2004, who were promoted to the post of AFC on 22.4.2016 filed Service Appeals No.7 & 8 of 2017 before learned Service Tribunal Peshawar, seeking seniority, from

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retrospective date. Both the appeals were decided on 24.11.2017 and were disposed of with the direction to the department that (appellants in Service Appeal No.7 & 8 of 2017) shall still stand junior to all those persons who have been inducted as Assistant Food Controller by initial recruitment prior to the promotion of appellants as Assistant Food Controller on regular basis and thus seniority of the direct recruits vis-à-vis appellants (promotees) in the impugned seniority list shall not be disturbed.

11. That as mentioned above, Respondent No.1, since his adjustment/induction as Food Grain Inspector (BPS-06) in Food Department, Khyber Pakhtunkhwa, did not challenge his seniority and remained silent throughout his career service in Food Department till filing of this appeal. However, after accepting Service Appeal of Mr. Navèed (Surplus Pool Employee) by learned Khyber Pakhtunkhwa Service Tribunal in his favour and pursuant to this, Respondent No.1 also filed Appeal no.349/2017 before the Khyber Pakhtunkhwa Service Tribunal.

12. That the Appeal of Respondent No.1 before Service Tribunal Khyber Pakhtunkhwa, seeking seniority with retrospective date was accepted on 08.02.2018. However, in the instant appeal, Respondent No.1 had impleaded the official Respondents as party and the petitioners were not impleaded as party.

13. That the petitioners as well as the Department being aggrieved from the judgment dated 08.02.2018, passed in Service Appeal No.349/2017, challenged the same before the august Supreme Court of Pakistan by filing Civil Petitions no.264-P and 1676 of 2018, which were allowed vide order dated 29.06.2018. which is reproduced as under:

“Resultantly, these petitions are converted into appeals and allowed, the impugned judgment is

set-aside and the matter is remanded to the learned tribunal to implead all those who would be effected by the decision of the tribunal and pass a fresh decision after giving them an opportunity of hearing. As there is 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".

- 14. That after remand, the Respondent No.1 filed the amended Service Appeal before the learned Khyber Pakhtunkhwa Service Tribunal wherein comments were called from the petitioners as well as official Respondents, which were filed accordingly.
- 15. That the learned Service Tribunal accepted and allowed the service appeal of Respondent No.1 vide impugned judgment/order dated 15.07.2021.
- 16. That the learned Service Tribunal while passing the impugned judgment has wrongly concluded, inter alia, in Para-11 of the impugned judgment by observing that Respondent No.1 and Muhammad Naveed were adjusted in Food department after subsequent circular dated 15.2.2006 while in fact the Respondent No.1 and Muhammad Naveed who were adjusted in Food Department on 25.8.2004 & 26.1.2006 respectively, i.e. prior to issuance of subsequent circular dated 15.2.2006 and thus the illegality apparent on record committed by learned Tribunal in the impugned judgment is to be interpreted by the august Supreme Court of Pakistan.
- 17. That the petitioners seek leave to appeal against the impugned judgment and order of the learned Khyber Pakhtunkhwa Service tribunal Peshawar dated 15.07.2021 in Service Appeal No.349/2017 on the grounds/law points mentioned in Part-I of this petition.

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It is, therefore, prayed that on acceptance of this petition, leave to appeal against the impugned judgment and order of the learned Khyber Pakhtunkhwa Service tribunal Peshawar dated 15.07.2021 in Service Appeal No.349/2017 may graciously be granted.

SETTLED BY

DRAWN AND FILED BY

(ABDUL HAMEED)
Advocate
Supreme court of Pakistan

(HAJI MUHAMMAD ZAHIR SHAH)
Advocate on record

CERTIFICATE

Certified that no such petition has been filed earlier by the petitioners before this Hon'ble Court against the judgment dated 15.07.2021 passed by Khyber Pakhtunkhwa Service Tribunal in Service Appeal No.349/2017.

Advocate on record

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No.907/2022

Muhammad Saleem, Assistant Food controller, presently working as
Assistant Director (OPS)

versus

Government of Khyber Pakhtunkhwa through Secretary food Department,
Civil Secretariat, Peshawar and others

**REPLY TO STAY APPLICATION ON BEHALF OF PRIVATE RESPONDENTS
NO.3 TO 9 (DIRECT RECRUITS/SELECTEES AFC)**

PRELIMINARY OBJECTIONS

1. The applicant/appellant has neither cause of action nor locus standi to file this stay application.
2. This application has become infructuous as private respondents No.4 to 6 (direct selectees AFCs) have already been promoted to the post of District Food Controller (DFC) BPS -17 and have also taken over charge against the posts.

ON FACTS

1. Para-1 of the application needs no comments.
2. Para-2 of the application is incorrect and misconceived. Vide minutes of the DPC meeting held on 22.9.2022 (**Annex-A**), Respondents No. 4,5 & 6 were recommended for promotion to the post of DFC BPS-17 on seniority cum fitness basis and then Food Department KP notified their promotion by notification dated 12.10.2022 (**Annex-B**). Upon their promotion Respondent No.4,5 & 6 have been adjusted/posted as DFCs on regular basis through notification dated 3.10.2022 (**Annex-C**). Subsequently Respondent No.4,5 & 6 have taken their charge against the posts of DFC on 14.10.2022 and 17.10.2022 respectively (**Annex-D**). In view of this fact, this stay application has become infructuous and is liable to be rejected.
3. Incorrect and not admitted.
4. Contents of para-4 are incorrect and not admitted.
5. No comments

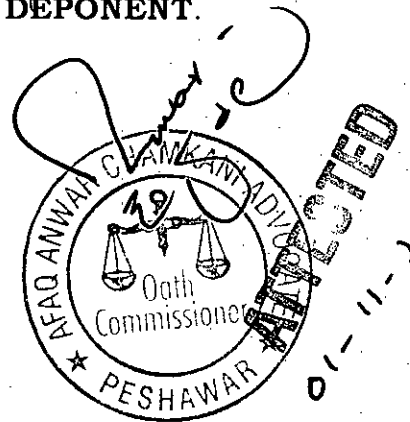
It is, therefore, most humbly prayed that on acceptance of this reply filed by private Respondents No. 3 to 9, the instant stay application may graciously be dismissed, please.

Haf
Private Respondents No.3 to 9
Through
Abdul Hameed
(ABDUL HAMEED)
Advocate Peshawar

VERIFICATION:

Verified this day on 01.11.2022 that the contents of the reply to stay application are true and correct to the best of my knowledge and nothing has been concealed or mis-stated from this Hon'ble Tribunal.

Haf
DEPONENT.





(A)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT**

☎ 001-0225373



fooddepartmentkpk@gmail.com



@foodsecretariat

@foodsecretariat

**MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD
ON 22-09-2022 AT 02:00 PM IN THE OFFICE OF THE SECRETARY FOOD, KHYBER PAKHTUNKHWA,
PESHAWAR.**

A meeting of the Departmental Promotion Committee was held under the chairmanship of Secretary Food, Khyber Pakhtunkhwa, Peshawar in the committee room on 22-09-2022 at 2:00 p.m. The following attended the meeting:

- | | |
|--|-----------|
| i. Capt: Rtd: Mushtaq Ahmad
Secretary Food, Khyber Pakhtunkhwa | Chairman |
| ii. Mr. Kashif Iqbal Jillani
Director Food Khyber Pakhtunkhwa | Member |
| iii. Mr. Amir Hassan Khan,
Deputy Secretary Food Department | Secretary |
| iv. Syed Habib Ul Hassan Gillani,
Deputy Secretary, (R-I),
Establishment Department. | Member |
| v. Syed Hamid Hussain Shah,
Section Officer, FR,
Finance Department, Peshawar. | Member |
| vi. Eng. Aftab Ahmed Awan,
Section Officer General,
Food Department | Member |

2. The meeting started with the recitation of the Holy Quran and the Chair welcomed the participants and asked the Deputy Secretary and Director Food to brief the forum over the working papers / agendas of the meeting regarding promotion of Assistant Food Controllers to District Food Controllers, Food Grain Inspectors (BS-09) / Cane Inspectors (BS-07) to the post of Assistant Food Controller (BS-16), Promotion of Assistants (BS-16) to the post of Superintendents (BS-17) on regular basis. The details of these promotion cases are as under:-

Agenda- Item No. 1

**PROMOTION OF ASSISTANT FOOD CONTROLLER (BS-16) TO THE POST OF DISTRICT
FOOD CONTROLLER, STORAGE & ENFORCEMENT OFFICER & RATIONING CONTROLLER
(BS-17) ON REGULAR BASIS**

The forum was informed that there are 35 sanctioned posts of District Food Controller in Food Department Khyber Pakhtunkhwa out of which 03 posts of District Food Controller (BPS-17) in promotion share of 75% on 03 posts for initial recruitment quota have become vacant due to the following reason.

- i. Creation of 01 post of DFC for newly established district Chitral Upper during the financial year-2019-20
- ii. Creation of 01 post of DFC for newly established district Kolai Pallas Kohistan during the financial year-2019-20
- iii. 01 post of DFC has become vacant in share of promotion quota due to retirement of Muhammad Hayal Khan DFC on attaining the age of superannuation of 60 years on 30-09-2021

- iv. 01 post of DFC has become vacant due to removal from service of Mr. Muhammad Ashfaq DFC Buner.
- v. 01 post of DFC has become vacant due to retirement from service of Mr. Muhammad Akbar DFC Mohmand w.e.f 01-03-2022.
- vi. 01 post of DFC will be vacant due to retirement of Mr. Iqbal Hussain DFC Food Directorate Peshawar with effect from 04-09-2022

The panel of 03 Assistant Food Controllers for promotion against 03 vacant posts of District Food Controllers, Storage & Enforcement Officer and Rationing Controller (BS-17) on regular basis in Food Directorate falling in the 75% promotion share, as included / explained in the working paper was discussed by the Committee at length and record was perused. Representative of Establishment Department has pointed out that the post of Assistant Food Controller is shown in the Service Rules in (BS-14) and the promotion will be to the post of DFC/RC/S&EO (BS-16) instead of BS-17. The Administrative Department is required to first amend the Service Rules and then the promotion case may be placed before the forum for consideration. He further added that as per rules, there shall be three candidate panel for promotion to each vacant post. The representatives of Food Department pointed out that the posts have been upgraded and in the recent past similar nature cases of promotion from AFC BS-16 to DFC BS-17 were considered by the DPC on 26-10-2021 (copy attached). Furthermore, the process of amendment in Service Rules has already been initiated and presently under process in Establishment Department.

Decision:

Accordingly the Chair after consultation with all the members, recommended promotion of 03 Assistant Food Controllers (BS-16) to the posts of District Food Controllers/Storage & Enforcement Officer/ Rationing Controller (BS-17) as below:-

S.No	Name of Official	Place of Posting	Recommended to be promoted as
1.	Mr. Tausif Iqbal	Food Directorate, Peshawar.	Recommended for promotion to the posts of District Food Controller/ Storage & Enforcement Officer/ Rationing Controller (BS-17) on regular basis, with immediate effect.
2.	Muhammad Shakeel	DFC Kohistan (OPS)	Recommended for promotion to the posts of District Food Controller/ Storage & Enforcement Officer/ Rationing Controller (BS-17) on regular basis, with immediate effect.
3.	Miss Uzma Kanwal	Office of DFC Mansehra	Recommended for promotion to the posts of District Food Controller/ Storage & Enforcement Officer/ Rationing Controller (BS-17) on regular basis, with immediate effect.

Agenda- Item No. 2

PROMOTION OF FOODGRAIN INSPECTORS (BS-09) TO THE POST OF ASSISTANT FOOD CONTROLLER (BS-16) ON REGULAR BASIS

The Committee was informed that there are 71 sanctioned posts of the Assistant Food Controllers (BS-16) in Food Department, Khyber Pakhtunkhwa out of which 03 posts in share of promotion quota are vacant.

A panel of 03 Food Grain Inspectors (BS-09) & Cane Inspectors (BS-07) for promotion against 03 vacant posts of Assistant Food Controllers (BS-16) on regular basis in Food Directorate, District Offices falling in the 75% promotion share, as included / explained in the working paper was discussed by the Committee at length. Representative of Establishment Department has pointed out that the post of Assistant Food Controller is shown in the Service Rules in (BS-14) and the promotion will be to the post of DFC/RC/S&EO (BS-16) instead of BS-17. The Administrative Department is required to first amend the Service Rules and then the promotion cases may be placed before the forum for consideration. He further added that as per rules, there shall be three

candidate panel for promotion to each vacant post. The representatives of Food Department pointed out that the posts have been upgraded and in the recent past similar nature cases of promotion from AFC BS-16 to DFC BS-17 were considered by the DPC on 26-10-2021 (copy attached).

Decision:-

The Chair after consultation with the members recommended official at SNo. 1 for promotions and SNo. 2 & 3 were deferred and recommended to be superseded as mentioned in below table.

S.No	Name of Official	Place of Posting	Recommended as
1.	Mr. Sami Ullah Jan	DFC Office Karak	Recommended for Promotion to the post of Assistant Food Controller BS-16 on regular basis.
2.	Mr. Dinar Wali	DFC Office Chitral Upper	The Committee examined the promotion case of Mr. Dinar Wali FGI Chitral Upper and found that a quantity of 7513 wheat bags (each bag-100 Kg) were short deducted against him, out of which the official deposited an amount of Rs.1,22,41,416/- on account of embezzlement of wheat stock and leaving behind balance of Rs.1,40,54,084/-. He was removed from service but reinstated on appeal to Khyber Pakhtunkhwa Service Tribunal on the condition of De-Novo Inquiry. The case was also reported to Anti-Corruption Establishment. At present the official is under suspension and also under judicial lock up. Due to involvement in embezzlement case, he was deferred in the previous DPC and the Chair decided to supersede him due to his involvement which resulted in huge financial loss to the Government.
3.	Abdul Mueed	DFC Office Chitral Lower	After examination, the Committee found that an outstanding amount of Rs. 32,87,330/- dues on account of shortage of wheat/ EG Bags etc. against Mr. Abdul Mueed, FGI office of DFC Chitral now Upper Chitral out of which Rs. 14,30,458/- has been recovered from the official concerned while Rs. 18,56,872/- is still outstanding/ recoverable. His PERs for the period 2018, 2019 and 2020 are also incomplete. He was deferred in the previous DPC and the Chair decided to supersede him due to his involvement which resulted in huge financial loss to the Government.

Agenda- Item No. 3

PROMOTION OF ASSISTANTS (BS-16) AND SENIOR SCALE STENOGRAPHER (BS-16) TO THE POST OF SUPERINTENDENT (BS-17) ON REGULAR BASIS.

The Committee was further informed that there are 20 sanctioned posts of Superintendents (BS-17) in Food Department Khyber Pakhtunkhwa out of which (08) posts are lying vacant in share of promotion quota, amongst which four posts were already filled on Acting Charge Basis. As per service rules, Ninety percent (90%) share is reserved for promotion of Assistants, while ten percent (10%) is reserved for promotion of Senior Scale Stenographers and Computer Operators to the post of Superintendent (BS-17). For this purpose, a joint seniority list is maintained for Senior Scale Stenographer and Computer Operators. Hence, 18 seats are allocated for Assistants under 90% Quota, whereas 02 seats are allocated to Senior Scale Stenographers and Computer Operators under 10% promotion Quota. The forum was requested to recommend 10 Assistants and 02 Senior Scale Stenographers/Computer Operators for promotion to the post of Superintendent (BS 17) on regular/acting charge basis.

Accordingly, the forum discussed the panel in each category and recommended the following for promotion.

Decision:-

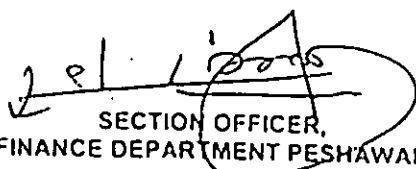
The forum recommended 10 Assistant as mentioned below for promotion to the post of Superintendent (BS-17) on regular basis and Mr Sikandar Shah S S S on regular basis while the forum recommended Mr Mian Ishfaq Ahmad Computer Operator for promotion to the post of Superintendent (BS 17) on acting charge basis

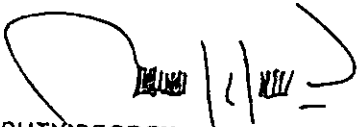
S.No	Name of Official	Place of Posting	Recommended as
1	Shehreyar Khan	Food Directorate Peshawar	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
2	Junaid Tahir Khan	DDF Office Hazara Division	Recommended for promotion to the post of Superintendent on regular basis with immediate effect
3	Asif Khan	DDF Office Bannu Division.	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
4	Naseer Ahmed	DFC Office Dir Upper	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
5	Hazrat Ullah	Food Directorate Peshawar	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
6	Zaheer Abbas	DFC Office Torghar	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
7	Malik Zahid Ali	RC Office Peshawar	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
8	Syed Faridoon	S&EO NRC Office Azakhel	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
9	Muhammad Ibrahim	DFC Office Swabi	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
10	Arshad Farooq	DDF Office Hazara Division	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
11	Mr. Sikandar Shah	Food Directorate Peshawar	Recommended for promotion to the post of Superintendent on regular basis, with immediate effect
12	Mian Ishfaq Ahmad	DFC Office Nowshera	Recommended for appointment to the post of Superintendent BS 17 on acting charge basis due to deficiency of length of service.

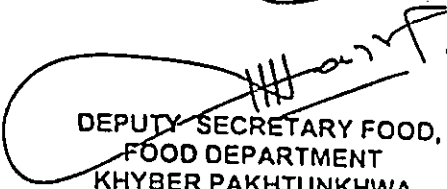
3 They will be on probation for a period of one year extendable for another year in terms of rule-15 of APT Rules, 1989.

4 The meeting ended with a vote of thanks from & the chair.



SECTION OFFICER
(GENERAL)
FOOD DEPARTMENT


SECTION OFFICER,
FINANCE DEPARTMENT PESHAWAR


DEPUTY SECRETARY (REGULATION-I)
ESTABLISHMENT DEPARTMENT
PESHAWAR


DEPUTY SECRETARY FOOD,
FOOD DEPARTMENT
KHYBER PAKHTUNKHWA


DIRECTOR FOOD
KHYBER PAKHTUNKHWA


SECRETARY FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.

(B)



Our faith, "Corruption free Pakistan"

GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Dated Peshawar, the 17/10/2022

091-9225373 fooddepartmentkpk@gmail.com @fooddepartmentkpk @foodsecretariat

NOTIFICATION

No. SOG/Food/1-3/2020/ 11902 On the recommendation of Departmental Promotion Committee in its meeting held on 22-09-2022 and on the approval of Chief Secretary Khyber Pakhtunkhwa, the competent authority is pleased to promote the following (03) Assistant Food Controllers (BS-16) to the post of District Food Controllers / Storage & Enforcement Officers / Rationing Controller, Peshawar (BS-17) on regular basis, with immediate effect.

S.No.	Name of Officer	Promoted to the Post of
1.	Mr. Tausif Iqbal Assistant Food Controller (BS-16)	District Food Controllers / Storage & Enforcement Officers / Rationing Controller, Peshawar (BS-17) on regular basis, with immediate effect
2.	Muhammad Shakeel Assistant Food Controller (BS-16)	District Food Controllers / Storage & Enforcement Officers / Rationing Controller, Peshawar (BS-17) on regular basis, with immediate effect
3.	Miss Uzma Kanwal Assistant Food Controller (BS-16)	District Food Controllers / Storage & Enforcement Officers / Rationing Controller, Peshawar (BS-17) on regular basis, with immediate effect

2 Similarly, on the recommendation of Departmental Promotion Committee in its meeting held on 22-09-2022, the competent authority is pleased to promote the following 10 Assistants (BS-16) to the posts of Superintendents (BS-17) on regular basis and 01 Senior Scale Stenographer (BS-16) (already appointed as Superintendent (BS-17) on acting charge basis) to the Superintendent (BS-17) on regular basis and appointment of 01 Computer Operator (BS-16) to the post of Superintendent (BS-17) on acting charge basis with immediate effect.

S.No.	Name of Official	Promoted to the post of
1.	Shehreyar Khan Assistant (BS-16). (Already appointed as Superintendent (BS-17) acting charge basis)	Superintendent (BS-17) on regular basis with immediate effect.
2.	Junaid Tahir Khan Assistant (BS-16). (Already appointed as Superintendent (BS-17) acting charge basis)	Superintendent (BS-17) on regular basis with immediate effect.
3.	Asif Khan Assistant (BS-16). (Already appointed as Superintendent (BS-17) acting charge basis)	Superintendent (BS-17) on regular basis with immediate effect.
4.	Nasir Ahmad Assistant (BS-16).	Superintendent (BS-17) on regular basis with immediate effect.
5.	Mr. Hazratullah Assistant (BS-16)	Superintendent (BS-17) on regular basis with immediate effect.
6.	Zaheer Abbas Assistant (BS-16)	Superintendent (BS-17) on regular basis with immediate effect.
7.	Malik Zahid Ali Assistant (BS-16)	Superintendent (BS-17) on regular basis with immediate effect.
8.	Syed Faridoon Assistant (BS-16)	Superintendent (BS-17) on regular basis with immediate effect.

9.	Muhammad Ibrahim Assistant (BS-16)	Superintendent (BS-17) on regular basis with immediate effect.
10.	Arshad Farooq Assistant (BS-16)	Superintendent (BS-17) on regular basis with immediate effect.
11.	Mr. Sikandar Shah Senior Scale Stenographer (BS-16) (Already appointed as Superintendent (BS-17) acting charge basis	Superintendent (BS-17) on regular basis with immediate effect.
12.	Mian Ishtiaq Ahmad Computer Operator (BS-16)	Appointed as Superintendent (BS-17) acting charge basis with immediate effect.

3 Upon promotion, the above name officials / officers on their regular promotion, will remain on probation for a period of one year in terms of section 6(2) of the Khyber Pakhtunkhwa Civil Servants (Promotion & Transfer) Rules 1989 and extendable to another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule-15(2) of Rules ibid.

Sd/-
SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endorsement No & Date Even

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Director Food Khyber Pakhtunkhwa, Peshawar.
3. All District Accounts Officer in Khyber Pakhtunkhwa.
4. All Divisional Deputy Directors Food in Khyber Pakhtunkhwa.
5. The Assistant Director (IT/Network) Food Directorate, Peshawar.
6. All District Food Controllers in Khyber Pakhtunkhwa.
7. The Storage & Enforcement Officers PRC Peshawar and NRC Azakhel.
8. The Rationing Controller, Peshawar.
9. Officers concerned.
10. PS to Minister Food, Khyber Pakhtunkhwa.
11. PS to Secretary Food, Khyber Pakhtunkhwa.

 13/10/2022
SECTION OFFICER (GENERAL)



(C)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT**

Dated Peshawar the 03-10-2022

091-9225373

fooddepartmentkpk@gmail.com



@fooddepartmentkpk



@foodsecretariat

NOTIFICATION

No.SOG/Food/1-2/2022/Vol.VII **11903**. The following postings/transfers amongst officers of the Directorate of Food Khyber Pakhtunkhwa are hereby ordered with immediate effect in the public interest.

S.No.	Name of Officer	From	To
1.	Mr. Muhammad Shakeel, DD (BS-18)	Deputy Director Malakand	Deputy Director, Peshawar by relieving Deputy Director A&C from additional charge.
2.	Shabir Ahmad DFC (BS-17)	(Waiting for posting)	DFC Mohmand vice S.No 14
3.	Sher Fayaz DFC (BS-17)	(Waiting for posting)	DFC Nowshera against vacant post.
4.	Salim Iqbal DFC (BS-17)	DFC Kolai Palas	DFC Chirtal Upper vice S.No13
5.	Uzma Shah DFC (BS-17)	(Newly promoted)	DFC Mansehra vice S.No11
6.	Muhammad Shakeel DFC (BS-17)	(Newly promoted)	DFC Kohistan Upper against already occupied post.
7.	Tauseef Iqbal DFC (BS-17)	(Newly promoted)	DFC Chitral Lower vice S.No 17
8.	Noor Khan DFC (BS-17)	DFC Bajaur	DFC Hangu vice S.No.18
9.	Sheraz Anwar DFC (BS-17)	DFC Shangla	DFC Torghar by relieving Mr. Amir Khalid from the post of DFC (QPS).
10.	Salahuddin DFC (BS-17)	DFC Tank	S&EO Peshawar vice S.No.12
11.	Ansar Qayum DFC (BS-17)	DFC Mansehra	DFC Shangla vice S.No.9
12.	Muhammad Arshad DFC (BS-17)	S&EO Peshawar	DFC Karak against vacant post by relieving DD Food Kohat from additional responsibilities.
13.	Arshad Hussain DFC (BS-17)	DFC Upper Chitral	Report to Directorate of Food.
14.	Muhammad Salim AFC (BS-16)	DFC Mohmand	Assistant Director (F&I) Directorate of Food (OPS)

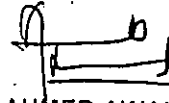
15.	Syed Shujaat Hussain Shah AFC (BS-16)	AFC Kohistan Upper	DFC Kolai Palas (OPS)
16.	Ajmal Afridi AFC (BS-16)	(waiting for posting)	DFC Bajaur vice S.No 8 (OPS).
17.	Rehmat Wali AFC (BS-16)	DFC Chitral Lower (OPS)	Retain as AFC Chitral Lower
18.	Gulab Gul AFC (BS-16)	DFC Hangu (OPS)	DFC Kurram
19.	Zafar Alam AFC (BS-16)	AD F&I (OPS)	AFC Incharge PRC Peshawar
20.	Rashid Saeed AFC (BS-16)	AFC incharge PRC Peshawar	Report to Directorate of Food.

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director Food Khyber Pakhtunkhwa, Peshawar.
3. All Divisional Deputy Director Foods
4. All District Accounts Officers.
5. Assistant Director (IT), Food Directorate for uploading on official website.
6. PS to Minister for Food, Khyber Pakhtunkhwa, Peshawar.
7. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.
8. Officers concerned.
9. Personal Files.



(AFTAB AHMED AWAN)

SECTION OFFICER (GENERAL)

KHYBER PAKHTUNKHWA FOOD DEPARTMENT

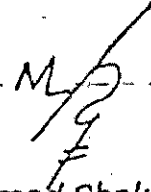
13-10-2022

(D)

OFFICE OF THE DISTRICT FOOD CONTROLLER KOHISTAN
UPPER

"CHARGE ASSUMPTION REPORT"

In compliance of Govt of Khyber PakhtunKhwa Food Department-
Notification No.SOG/Food/1-3/2020/11902 Dated 12-10-2022 and
No.SOG/Food/1-2/2022/Vol.VI/1903 Dated 13-10-2022, on promotion from
the post of Assistant Food Controller (BS-16) to the post of District Food
Controller /Storage & Enforcement Officer /Rationing Controlling
Peshawar (BS-17) I Mr. Muhammad Shakeel is hereby assume the charge
to the post of District Food Controller Kohistan Upper (BS-17) today on
14-10-2022 (F.N).

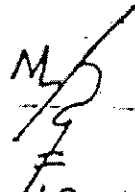


(Muhammad Shakeel)
District Food Controller
Kohistan Upper

No. _____ /PF-DFC-Shakeel Dated 14/10/2022

Copy is forwarded to:-

1. P.S to Secretary Food Khyber PakhtunKhwa Peshawar.
2. The Section Officer General Food Department Khyber PakhtunKhwa Peshawar.
3. The Director Food Khyber PakhtunKhwa Peshawar.
4. The Deputy Commissioner Kohistan Upper for information please.
5. The Deputy Director Food Hazara Division Abbottabad for information please.
6. All DFCs, S&EO & RC Peshawar for information please.
7. The Manager National Bank of Pakistan, Kohistan Upper for information please.
8. The District Account officers Kohistan for information please.
9. Personal File.



District Food Controller
Kohistan Upper

**OFFICE OF THE
DISTRICT FOOD CONTROLLER
MANSEHRA**

PHONE & FAX NO. 0997-920075

No. 3862-73 /ET(2022) Dated
Mansehra the 14/10/2022

Subject:- **CHARGE ASSUMPTION REPORT**

In compliance of Government of khyber Pakhtunkhwa Food Department notification No.SOG/Food/1-3/2020/11902 dated 12-10-2022 and No. SOG/Food/2/2022/Vol.VI/11903 dated 03-10-2022, on promotion from the post of Assistant Food Controller (BS-16) to the post of District Food Controller/ Storage & Enforcement Officer /Rationing Controller Peshawar (BS-17) and posting as District Food Controller, Mansehra I Uzma Kanwal assumed the charge of the post of District Food Controller Mansehra (BS-17) today on after noon dated 14-10-2022.


**UZMA KANWAL
District Food Controller
Mansehra**

**Endorsement No. & Date Even
Copy forwarded**

1. The Director Food Khyber Pakhtunkhwa.
2. The Deputy Commissioner Mansehra.
3. The District Account Officer Mansehra..
4. The Deputy Director Food Hazara Division.
5. The Treasury Officer Mansehra.
6. The Manager National Bank of Pakistan. Mansehra.
7. Section Officer General, Government of Khyber Pakhtunkhwa, Food Department Peshawar with reference to the Notifications noted above.
8. PS to Minister Food Khyber Pakhtunkhwa.
9. PS to Secretary Food Khyber Pakhtunkhwa.
10. The Head Clerk/Assistant Office of DFC Mansehra.
11. Concerned File


**UZMA KANWAL
District Food Controller
Mansehra**



OFFICE OF
DISTRICT FOOD CONTROLLER,
CHITRAL LOWER

No: 1786 / DFC-Chitral Lower

Dated: 17 /10/2022

CHARGE ASSUMPTION REPORT

In compliance of Government of Khyber Pakhtunkhwa Food Department Notifications No. SOG / Food /1-3/2020/11902 dated 12-10-2022 and No. SOG/Food / 1-2/2022/ Vol.VI/11903 dated 13-10-2022, on promotion from the post of Assistant Food Controller (BS-16) to the post of District Food Controller/ Storage & Enforcement Officer / Rationing Controller Peshawar (BS-17) and posting as District Food Controller, Chitral Lower, I Tausif Iqbal assumed the charge of the post of District Food Controller Chitral Lower (BS-17) today on 17 /10/2022


TAUSIF IQBAL
DISTRICT FOOD CONTROLLER (BS-17)
CHITRAL LOWER

Endorsement No & Date Even.

Copy forwarded to:-

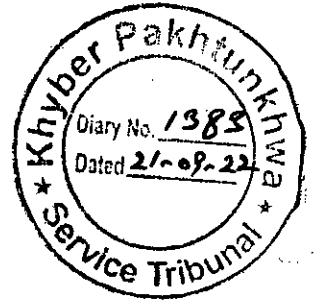
1. The Director Food Khyber Pakhtunkhwa.
2. The Deputy Commissioner, Chitral Lower
3. The District Accounts Officer, Chitral Lower
4. The Deputy Director Food Malakand Division.
5. The Treasury Officer, Chitral Lower.
6. The Manager National Bank of Pakistan Chitral Lower
7. The Section Officer General, Government of Khyber Pakhtunkhwa, Food Department Peshawar with reference to the Notifications noted above.
8. All DFCs, S&EOs and RC Peshawar.
9. PS to Minister Food Khyber Pakhtunkhwa.
10. PS to Secretary Food Khyber Pakhtunkhwa.
11. The Head Clerk / Assistant Office of DFC Chitral Lower.
12. Concerned file.


TAUSIF IQBAL
DISTRICT FOOD CONTROLLER (BS-17)
CHITRAL LOWER

(1)

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

C.M No. 595 /2022
In
Service Appeal No. 907/2022



*Put up to the court with
relevant appeal.*

Mr. Muhammad Saleem Applicant/Appellant

21/9/2022

VERSUS

Read.

Government of Khyber Pakhtunkhwa through Secretary
Food Department, Civil Secretariat Peshawar and others
..... Respondents

**APPLICATION IN RESPECT TO KINDLY
SUSPEND THE IMPUGNED LETTER NO.
SOG/1-3/DPC/2022/11787 DATED
20.09.2022, WHEREBY THE
RESPONDENTS ARE GOING TO
PROCESS THE DPC OF THE PRIVATE
RESPONDENTS/ASSISTANT FOOD
CONTROLLER (BPS-16) ON 22.09.2022
AT 1400 HOURS AND BEING JUNIOR
FROM THE APPLICANT/APPELLANT IF
THE NEEDFUL IS NOT DONE, THE
APPLICANT WILL SUFFER
IRREPARABLE LOSSES. KEEPING IN
VIEW THIS HON'BLE TRIBUNAL HAS
BEEN PLEASED TO ADMIT THE IBID
APPEAL AND NOTICE HAS ALREADY
BEEN ISSUED TO THE RESPONDENTS
FOR 19.10.2022.**

*1st
Further Pleadings
in form of ibid order*

Respectfully Sheweth:-

1. That the above titled appeal has filed before this Hon'ble Tribunal in which the main bone of contention is impugned seniority and upcoming DPC of Assistant Food Controller. In fact the same has been admitted by this Hon'ble tribunal vides 20-07-2022 and notice has also been issued to all the respondents for 19.10.2022.
2. That infact the respondent has put the applicant/appellant in dark by not showing the date of upcoming DPC and now the same has been issued vides the expounded impugned letter dated 20.09.2022, whereby the impugned DPC is going to process on 22.09.2022 at 02:00 PM. **(Copy of the impugned letter of the respondent dated 20.09.2022 is attached herewith)**
3. That infact it is the consistent view of the apex court of Pakistan that during the pendency of the appeal, no promotion order of whatsoever may be carried out, the same fact has been brought into the kind knowledge of the respondent by showing the admitted order of this Hon'ble tribunal but of no avail and finally the respondent are going to finalize the DPC on 22.09.2022.
4. That any other point will be raised at the time of argument for the best assistance of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on the basis of expounded subject, facts and circumstance the needful may kindly be done for the best administration of justice and fair play.

Through

Applicant/Appellant

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

Dated:20.09.2022

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

C.M No. _____/2022

In

Service Appeal No. 907/2022

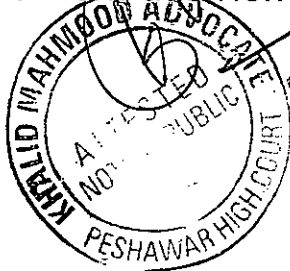
Mr. Muhammad Saleem **Appellant**

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Food Department, Civil Secretariat Peshawar and
others..... **Respondents**

AFFIDAVIT

I, **Mr. Muhammad Saleem** Assistant Food Controller,
(BPS-16), presently hold the post of District Food
Controller, (Own pay Scale) at District Mohmand,
Directorate of Food, Khyber Pakhtunkhwa, Peshawar, do
hereby solemnly affirm and declare on oath that the
contents of instant **Application** are true and correct to the
best of my knowledge and belief and nothing has been kept
concealed from this Hon'ble Court.



Khalid
DEPONENT

CNIC#17201-8404195-5



GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

NO.SOG/1-3/DPC/2022/11787
Dated Peshawar the 20-09-2022

☎ 091-9225373

✉ fooddepartmentkpk@gmail.com

📧 @fooddepartmentkpk

📧 foodsecretariat

To,

- 1) The Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
- 2) The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar.
- 3) The Secretary to Govt. of Khyber Pakhtunkhwa, Law, Parliamentary Affairs and Human Rights Department.

- Subject:-
- 1) WORKING PAPER FOR PROMOTION OF FOODGRAIN INSPECTORS (BS-09) TO THE POST OF ASSISTANT FOOD CONTROLLER (BS-16) ON REGULAR BASIS.
 - 2) WORKING PAPER FOR PROMOTION OF ASSISTANT FOOD CONTROLLERS (BS-16) TO THE POST OF DISTRICT FOOD CONTROLLER (BS-17) ON REGULAR BASIS.
 - 3) WORKING PAPER FOR PROMOTION OF ASSISTANTS (BS-16) AND SENIOR SCALE STENOGRAPHER (BS-16) ALREADY APPOINTED AS SUPERINTENDENT (BS-17) ON ACTING CHARGE BASIS FOR REGULAR PROMOTION TO THE POST OF SUPERINTENDENTS (BS-17).


Dear Sir,

I am directed to refer to the subject noted above and to state that meeting of the Departmental Promotion Committee. regarding promotion/ appointment of captioned subject on regular basis in Directorate of Food, Khyber Pakhtunkhwa will be held under the chairmanship of Secretary Food, Khyber Pakhtunkhwa in his office on 22-09-2022 at 1400 Hrs. (working papers enclosed).

2. I am, therefore, directed to request you to nominate your representative to attend the subject meeting as per schedule, please.

Encl: As above.

Yours faithfully,


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

Copy (alongwith working paper) to:-

1. Director Food Khyber Pakhtunkhwa is requested to kindly attend the subject meeting on the date, time and venue, please.
2. PS to Secretary Food Khyber Pakhtunkhwa.