

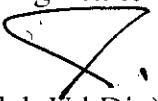
24th Aug, 2023

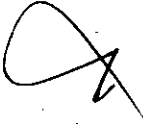
1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the official respondents No. 1 & 2 present.

2. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 20.12.2023 before

SCANNED
KPST
Peshawar

D.B. P.P given to the parties:


(Salah Ud Din)
Member(J)


(Kalim Arshad Khan)
Chairman

Adnan Shah


2023/12/20
10


11th May, 2023

1. Appellant alongwith his counsel present. Mr. Fazal Shah, Additional Advocate General for the respondents present.

2. Prayer C of the appellant's in this appeal is squarely that he was eligible for promotion before the appointment of the private respondents, recruited through initial appointment and for the purpose the total number of sanctioned posts/clear vacancies (total number) available before the appointment of the private respondents in the year, 2015, is required, besides the break-up of the posts, filled in by promotion and initial recruitment with exact ratio is also necessary before proceeding ahead. We thus direct the respondents to workout accordingly and complete/detailed breakup of the posts be provided within 15 days. To come up for arguments on 31.07.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

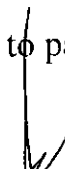
Kaleem Ullah


31.07.2023

1. Junior to counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Record mentioned vide order sheet dated 11.05.2023 not submitted. Learned Additional Advocate General seeks time for submission of record. Last chance is given. To come up for production of record as well as arguments on 24.08.2023 before D.B. P.P given to parties.

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

*KaleemUllah

08.02.2023

Learned counsel for the appellant present. Mr. Uzair Azam Khan, Additional Advocate General for the respondents present.


Mrs. Rozina Rehman, Learned Member (J) is on leave today, therefore, case is adjourned to 11.04.2023 for arguments before the D.B.

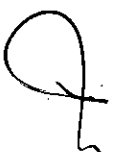
SCANNED
KPST
Peshawan


(FAREEHA PAUL)
Member (E)

11th April, 2023 | Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney alongwith Mr. Zafarullah, AD for official respondents present.

2 Adjournment is sought on behalf of private respondents No. 3 to 9. Last chance is given to the private respondents No. 3 to 9 to argue the case failing which the case will be decided on the available record. To come up for arguments on 11.05.2023 before D.B. P.P given to the parties.


(M. Akbar Khan)
Member (Executive)


(Kalim Arshad Khan)
Chairman

19.10.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for official respondents No.1 & 2 present. Abdul Hameed Advocate present and submitted Wakalat Nama on behalf of all private respondents.

File to come up alongwith connected Service Appeal No.907/2022 titled "Muhammad Salim Vs. Government of Khyber Pakhtunkhwa" on 01.11.2022 before S.B.



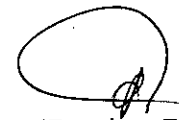
(Rozina Rehman)
Member (J)

01.11.2022

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Zafarullah A.D for official respondents No.1 & 2 present. Private respondents No.3 to 9 present through counsel.

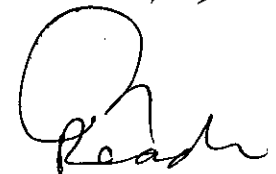
Reply on behalf of all the respondents submitted. File to come up alongwith connected Service Appeal No.907/2022 titled "Muhammad Saleem Vs. Government of Khyber Pakhtunkhwa" on 28.11.2022 before D.B.



(Rozina Rehman)
Member (J)

28/11/22

Deleted from list
to come up for the same on 08/02/23



SCANNED
KPST
Peshawar

20.07.2022

Learned counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments. To come up for reply/comments before the S.B on 19.10.2022.

Appellant Deposited
Security & Process Fee
b/f

(Mian Muhammad)
Member (E)

10th Oct, 2022

Learned counsel for the appellant present. This case was fixed for written reply/comments on 19.10.2022. On 21.09.2022, learned counsel for the appellant submitted an application for suspension of impugned order dated 20.09.2022 which was fixed for today. Case file requisitioned.

Let notice of this application be issued to the respondents for submission of written reply. To come up for written reply/comments on main appeal as well as reply/arguments on application for the date already fixed that is on 19.10.2022 before S.B.

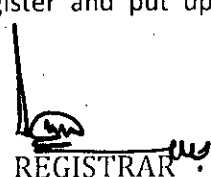


(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 908/2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/06/2022	<p>The appeal of Mr. Gulab Gul presented today by Mr. Taimur Haider Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	15.6.22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>16.6.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	16 th June, 2022	<p>Counsel for the appellant present.</p> <p>Learned counsel for the appellant wants to remove the deficiencies as required under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and other provisions of law enabling him to file appeal. He may do so within a week. To come up for preliminary hearing on 20.07.2022 before S.B.</p> <p> (Kalim Arshad Khan) Chairman</p>

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

Service Appeal No. 908/2022

Mr. Gulab Gul Appellant

VERSUS

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

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2.	Affidavit		13
3.	Application for suspension along with Affidavit		14-17
4.	Copy of the Educational along with employment Documents/orders	A	18-24
5.	Copy of the Food Department Rules,	B	25-29
6.	Copy of the Seniority list vides dated: 13.07.2021 of DFCs and appointment/promotion order of the appellant on the post of AFC (2013) on acting charge basis	C	30-47
7.	Copy of the Noor Khan's previous Judgment dated:08.02.2018, Copy of consolidated judgment of Muhammad Akbar and Muhammad Saleem Iqbal vides Appeal No.7/8 of 2017 dated:24.11.2017 along with Muhammad Naveed's Judgment dated:15.08.2016 as well as Civil petitions of the present respondents along with decision/order dated:29.06.2018 of the august Supreme Court of Pakistan	D	48-80
8.	Copy of the amended appeal along with detail judgment dated:15.07.2021 of this Hon'ble Tribunal	E	81-92
9.	Copy of the impugned seniority list of AFCs (BPS-16) vides dated:07.02.2022	F	93
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Appellant

Through

Taimur Haider Khan
Advocate, Supreme Court
Taimur Law Associates
Office: Office No.37th, 2nd Floor,
Malik Tower, Pajjagi Road,
Peshawar (0346-9192561)

①

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

Service Appeal No. _____/2022

Mr. Gulab Gul, Assistant Food Controller, (BPS-16), presently hold the post of "District Food Controller", (Own pay Scale) at District Hangu, Directorate of Food, Khyber Pakhtunkhwa, Peshawar

..... **Appellant**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Food Department, Civil Secretariat Peshawar.
2. The Director Food Khyber Pakhtunkhwa, Peshawar.
3. Mr. Muhammad Azam, AFC, Directorate of Food, Khyber Pakhtunkhwa, Peshawar
4. Mr. Tausif Iqbal, AFC, Directorate of Food, Khyber Pakhtunkhwa, Peshawar.
5. Mr. Muhammad Shakeel, AFC, Directorate of Food, Khyber Pakhtunkhwa, Peshawar
6. Miss Uzma Kanwal, AFC, Directorate of Food, Khyber Pakhtunkhwa, Peshawar
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

..... **Respondents**

(2)

APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED SENIORITY LISTS OF
ASSISTANT FOOD CONTROLLER (BPS-
16) IN DIRECTORATE, DIVISIONAL
AND DISTRICT OFFICES OF FOOD
DEPARTMENT KHYBER
PAKHTUNKHWA, PESHAWAR BEING
STOOD ON 07.02.2022 WHEREBY THE
APPELLANT HAS BEEN PLACED AT
SERIAL NO.07 INSTEAD OF SERIAL
NO.01 OF THE IBID SENIORITY LIST.
KEEPING IN VIEW 75% QUOTA FOR
IN SERVICE EMPLOYEES HAS BEEN
BADLY IGNORED BY ADOPTING
NEPOTISM.

Prayer:

It is therefore most humbly prayed by acceptance of instant appeal, on the basis of expounded subjects, facts and circumstances, the appeal may kindly be allowed i.e

- (a) The impugned seniority list of AFC dated: 07.02.2022 may kindly be declared as illegal, unlawful, coram-non-judice, against the fundamental vested right of the appellant.

- (b) Directions may kindly be given to revise the impugned seniority list vides dated: 07.02.2022 and to place the appellant at the top/serial No.01 of the seniority list.
- (c) The unjustifiable and untoward deportments of the respondents by not regularly appointing the appellant via 75% quota on the post of AFC in the year 2013 after accomplishing more than 5 years of required service may also be declared as illegal, unlawful, against the Rule-09 of APT Rules, 1989, which has badly effected the seniority /promotion of the appellant and hence, the appellant seniority via promotion on the post of AFC (BPS-16) may kindly be considered w.e.f 2013 with all retrospective back benefits being senior from the respondents (03 to 09) and their (respondents) appointments via seniority in the year 2015 may be declared without adopting the "The Khyber Pakhtunkhwa Food Department (Recruitment and appointment) Rules, 1981, may also be declared as illegal, unlawful, seriously effecting the seniority of the appellant for the best administration of justice and fair play.

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Respectfully Sheweth;

- 1) That the appellant being having Master Qualification was appointed as Food Grain Supervisor in the year 1993 vides appointment order No.13418/G/275 dated:14.07.1993, while vides further office order No.9100/ET-378 dated:17.06.2005 the appellant was further promoted to the post of Food Grain Inspector/Can Inspector (BPS-06) and vice versa for complete detail. **(Copy of the Educational along with employment Documents/orders are annexed as annexure "A")**.

- 2) That as expounded in the subject, the administration department vides Notification dated:24.05.1981 in exercise of power conferred by section 26 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (NWFP Act No.XVIII of 1973) and in supersession of all previous rules on the subject has also framed the rules for the Food Department i.e **"The Khyber Pakhtunkhwa (NWFP) Province Food Department (Recruitment and Appointment) Rules, 1981"** according to which schedule 42 of the ibid rules clearly depicts the touchstone/method of recruitment for the post of Executive Establishment **Assistant Food Controller/AFC** to have the following quota for in service employees and for direct recruits/initial recruitment i.e
"(a) 75% by promotion on the basis of seniority-cum-fitness from amongst FGIs (Food Grain Inspector) and Can inspector

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**with at-least 5 years service and such
and**

(b) 25% by initial recruitment"

but unfortunately the respondents' department has mendaciously appointed 09 candidates including the present respondents (03 to 09) as fresh recruits and non of in service employee including the appellant has been appointed/promoted on the basis of seniority-cum-fitness, which clearly depicts a gigantic erred in law. So much so, the present appellant along with other in-service employees have been made junior from the direct recruits/respondents, and hence, the ibid departments of the respondents' department is not only illegal, unlawful, the unjustifiable appointment via seniority is coram-non-judice but also has infringed the fundamental vested right of the appellant being also enshrined in the mother law of the land. **(Copy of the Food Department Rules, is annexed as Annexure "B")**.

- 3) That as mentioned above, the appellant was promoted to the post of **"Food Grain Inspector"** in the year **2005** and as per the ibid rules of the Food Department, the respondents was required to promote the appellant in the year 2010/11 on the post of AFC (Assistant Food Controller). Despite the fact, the five seats of AFCs were vacant, as the seniors/some of AFCs were promoted to the post of DFCs but unfortunately instead to appoint the appellant on the post of AFC on regular basis, being fulfilling the required touchstone, the respondents' department in the year 2013 has mendaciously appointed the

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appellant along with one Noor Khan, Muhammad Akbar, Saleem Iqbal and even Junior from the appellant i.e Muhammad Naveed etc on the post of AFC (Assistant Food Controller) but on acting charge basis instead of Regular basis. **(Copy of the Seniority list vides dated: 13.07.2021 of DFCs and appointment/promotion order of the appellant on the post of AFC (2013) on acting charge basis are annexed as Annexure "C").**

- 4) That as expounded above, one Muhammad Naveed who was Junior from the appellant, was also promoted to the post of AFC on acting charge basis vide the same promotion order, has knocked the door of this Hon'ble Tribunal and finally his stance of seniority and surplus pool matter was allowed by this Hon'ble Tribunal. Exactly on the same footing, one Noor Khan has filed a service appeal before this Hon'ble Tribunal, wherein categorically pointed out to have his seniority from the present respondents/direct recruits vides judgment dated: 08.02.2018 in service appeal No.349/2017. The same was challenged by the respondents' Department and the present respondents (03 to 09)/direct recruits before the august Supreme Court of Pakistan of having the main stance that the appellant/Noor Khan's Judgment could not affect the seniority of the direct recruits/the present respondents (03 to 09). Finally vides order dated:29.06.2018 in CPLA No.264-P/2018 and CP No.1676/2018 the Apex Court has been pleased to remand the same before this Hon'ble Tribunal of having the findings ton

(7)

constitute a larger bench and to give an opportunity to the present respondents/direct recruits i.e the same is reproduced herein below:-

"MIAN SAQIB NISAR, CJ: - The petitioners were a necessary party because they would certainly be affected by the judgment of the learned Tribunal. The learned Tribunal was apprised that they should be made a party and given an opportunity of hearing but this request was unreasonably declined. Therefore, the impugned judgment cannot be sustained as they have been condemned unheard. Resultantly, these petitions are converted into appeals and allowed, the impugned judgment is set aside and the matter remanded to the learned Tribunal to implead all those who would be affected by the decision of the Tribunal and pass a fresh decision after giving them an opportunity of hearing. As there is seemingly a conflict between two judgments of the learned Tribunal itself, therefore, the matter is referred to the Chairman of the learned Tribunal who shall constitute a larger Bench to resolve the conflict" and vice versa for complete detail. (Copy of the Noor Khan's previous Judgment dated:08.02.2018, Copy of consolidated judgment of Muhammad Akbar and Muhammad Saleem Iqbal vides Appeal No.7/8 of 2017 dated:24.11.2017 along with Muhammad Naveed's Judgment dated:15.08.2016 as well as Civil petitions of the present respondents along

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with decision/order dated:29.06.2018 of the august Supreme Court of Pakistan are annexed as Annexure "D")

5) That accordingly i.e as per the direction of the apex Supreme Court, the larger Bench was constituted by this Hon'ble Tribunal, amended appeal was submitted, wherein all the necessary party including the present respondents (03 to 09) were impleaded and after fulfilling the required touchstone; a detail arguments from both the parties were heard and finally, again this Hon'ble Tribunal decided the Noor Khan's Appeal in his favour and made Noor Khan along with Muhammad Akbar and other senior from the present respondents/direct recruits and elaborated all the stances by this Hon'ble Tribunal vides judgment dated:15.07.2021. The same has not been challenged and has gained finality.

Keeping in view the domain of "2009 SCMR PAGE-01/1996 SCMR 1185 & 2005 SCMR 499 which depicts about Article 25 of the Constitution of Islamic Republic of Pakistan 1973 i.e. "if a tribunal or court decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rules of governance demand that the benefit of the said decision be extended to other civil servants also, who may not be participated to that litigation instead of

compelling them to approach the tribunal or any other legal forum" **(Copy of the amended appeal along with detail judgment dated:15.07.2021 of this Hon'ble Tribunal is annexed as Annexure "E").**

- 6) That "had the appellant been given correct seniority **(on the basis of 75% of quota)** on the post of AFC on regular basis in the year 2013-15 then the appellant could have placed at the top of the succeeding/present impugned seniority list vides dated:07.02.2022"
- 7) That on the basis of ibid judgment and after getting the knowledge of the same, the appellant is having also the stance of seniority, especially from the present direct recruits and for the needful has "Run From Pillar To Post" via series of applications but of no avail. Infact the respondents have put the appellant in doldrums via undo and untrue commitments but actually they were dilly dallying the matter and the appellant was shocked and astonish to know that even in the recent impugned seniority list of AFC being stood on 07.02.2022, again, the appellant along with his colleagues have been placed junior from the direct recruits. **(Copy of the impugned seniority list of AFCs (BPS-16) vides dated:07.02.2022 is annexed as Annexure "F).**
- 8) That, when confronted the expounded seniority with the respondents, of having the stance to file a fresh, proper and separate representation/departmental appeal for the needful. Infact, the same was done by

the appellant and his colleagues but unfortunately even after the lapse of three months, is dilly dallying the matter and in such a doldrums sort of situation via infringing the fundamental vested right of the appellant, is having no other option but to placed his genuine grievance as per law in the mercy of this Hon'ble Tribunal to kindly do justice with the appellant.

(Copy of the Departmental appeal/application is annexed as Annexure "G").

9) That "had the appellant been given correct seniority **(on the basis of 75% of quota)** on the post of AFC on regular basis in the year 2013-15 then the appellant could have placed at the top of the succeeding/present impugned seniority list vides dated:07.02.2022". The law do depict that justice may not only be done but it should manifestly be seen to be done, keeping in view the violation of fundamental vested right of the appellant. In fact as per plethora of judgments of the higher court that seniority right could not infringed and the same could be agitated at any time, similarly the same could be given with retrospective all back benefits for the best administration of justice and fair play.

10) That the mendacious approach of the respondent department is also cleared from the fact that though the present appellant was on acting charge basis on the post of AFC till 2016 despite the fact in the year 2014-15 almost 5 seats of AFC were also lying vacant as some of the AFCs were promoted to the post of

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district food controller being cleared from the attached DFC's seniority list stood/ dated: 13.07.2021. Keeping in view, section 09 of the APT Rule, 1989 is cleared and infact the respondents are clearly violated the expounded rule. Infact, in the year 2013, the appellant do fulfill the required touchstone as per the Food Department Rules, to be appointed regularly on the post of AFC but unfortunately the same was not done.

- 11) That the expounded subject, facts and circumstances may also be considered as ground of the instant appeal and any other points may be raised at the time of arguments for the best assistance of this Honorable Tribunal.

Prayer:

It is therefore most humbly prayed by acceptance of instant appeal, on the basis of expounded subjects, facts and circumstances, the appeal may kindly be allowed i.e

- (a) The impugned seniority list of AFC dated:07.02.2022 may kindly be declared as illegal, unlawful, coram-non-judice, against the fundamental vested right of the appellant.**
- (b) Directions may kindly be given to revise the impugned seniority list vides dated:07.02.2022 and to place the appellant at the top/serial No.01 of the seniority list.**
- (c) The unjustifiable and untoward deportments of the respondents by not regularly appointing the appellant via 75% quota on the post of AFC in the year 2013 after accomplishing more than 5 years of required service may also be declared as illegal,**

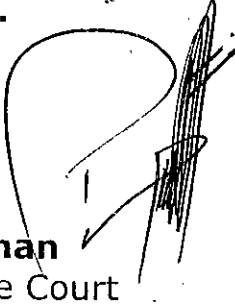
(12)

unlawful, against the Rule-09 of APT Rules, 1989, which has badly effected the seniority /promotion of the appellant and hence, the appellant seniority via promotion on the post of AFC (BPS-16) may kindly be considered w.e.f 2013 with all retrospective back benefits being senior from the respondents (03 to 09) and their (respondents) appointments via seniority in the year 2015 may be declared without adopting the "The Khyber Pakhtunkhwa Food Department (Recruitment and appointment) Rules, 1981, may also be declared as illegal, unlawful, seriously effecting the seniority of the appellant for the best administration of justice and fair play.

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


Appellant

Through


Taimur Haider Khan
Advocate, Supreme Court
Taimur Law Associates
Office: Office No.37th, 2nd Floor,
Malik Tower, Pajjagi Road,
Peshawar (0346-9192561)

CERTIFICATE:-

It is stated that no such like Service Appeal has earlier been filed before this Hon'ble Court.

ADVOCATE


13

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2022.

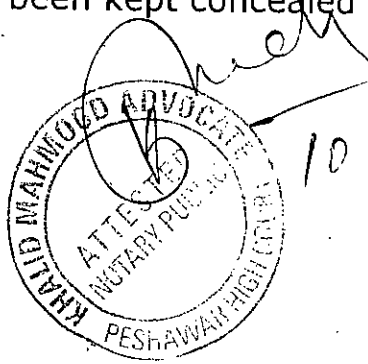
Mr. Gulab Gul Appellant

VERSUS

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

AFFIDAVIT

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



[Handwritten signature]

DEPONENT

CNIC#14203-3155132-3

(14)

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

Service Appeal No. _____/2022

Mr. Gulab Gul Appellant

VERSUS

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

**APPLICATION IN RESPECT TO KINDLY
RESTRAIN THE RESPONDENTS/FOOD
DEPARTMENT NOT TO CONDUCT ANY
SORT OF DPC ETC OF THE PRESENT
PARTIES/AFCS IN WHATSOEVER
MANNER TILL THE FINAL DISPOSAL OF
THE INSTANT SERVICE APPEAL.**

Respectfully Sheweth:-

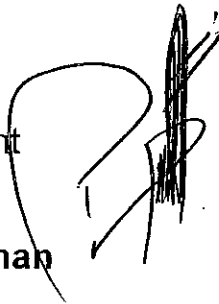
1. That the above titled appeal has filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the appellant is having good prima facie a good arguable and are sanguine about its success.
3. That already this Hon'ble Tribunal has been pleased to allow the appeal of the colleagues of the present appellant against the present respondents.
4. That if the needful is not done, the appellant will face irreparable losses via balance of convenience also lies in favour of the appellant.
5. That any other point will be raised at the time of argument for the best assistance of this Hon'ble Tribunal.

15

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.


Applicant/Appellant

Through


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

Dated: 10-06-2022

16

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

C.M No. _____/2022

In

Service Appeal No. _____/2022

Mr. Gulab Gul **Appellant**

VERSUS

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

AFFIDAVIT

I, **Mr. Gulab Gul**, Assistant Food Controller, (BPS-16), presently hold the post of "District Food Controller", (Own pay Scale) at District Hangu, 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.



DEPONENT

CNIC#14203-3155132-3

17

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2022

Mr. Gulab Gul **Appellant**

VERSUS

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

ADDRESSES OF THE PARTIES

APPELLANT:

Mr. Gulab Gul, Assistant Food Controller, (BPS-16), presently hold the post of "District Food Controller", (Own pay Scale) at District Hangu, Directorate of Food, Khyber Pakhtunkhwa, Peshawar

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Secretary Food Department, Civil Secretariat Peshawar.
2. The Director Food Khyber Pakhtunkhwa, Peshawar.
3. Mr. Muhammad Azam, AFC, Directorate of Food, Khyber Pakhtunkhwa, Peshawar
4. Mr. Tausif Iqbal, AFC, Directorate of Food, Khyber Pakhtunkhwa, Peshawar.
5. Mr. Muhammad Shakeel, AFC, Directorate of Food, Khyber Pakhtunkhwa, Peshawar
6. Miss Uzma Kanwal, AFC, Directorate of Food, Khyber Pakhtunkhwa, Peshawar
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


Appellant

Through

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

A
Amended

University of Peshawar Pakistan

This certifies that

Muhammad Saleem son of **Abdul Qayyum**

having fulfilled all the requirements is hereby admitted to the degree of

Master of Arts in International Relations

and is entitled to all the rights, honours and privileges thereunto appertaining.

Given this 26th day of February, 2014.

Roll No. 32385

Session Annual 2012

Registration No. 89-PA-33769



[Handwritten signature]
Registrar

[Handwritten signature]
Vice Chancellor

18



University of Peshawar

(Pakistan)

Session ANNUAL 2007

MORAMMAD SALEEM

Son/Daughter of ABOL QAYUM

and a ~~student~~ private candidate of DISTRICT NOWSHERA

having passed the prescribed examination held in AUGUST, 2007

is this day admitted by the University of Peshawar to the Degree of
Master of Arts

In

POLITICAL SCIENCE

In SECOND Division

The Examination was taken as a ~~whole~~ in parts

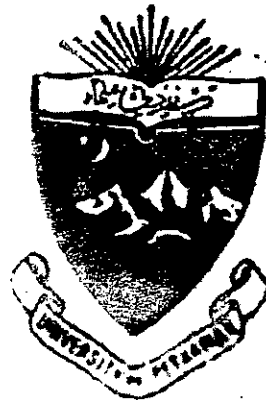
191

Serial No 0056302

Registration No. 39-PA-35769

Roll No. 40557

Result Declared on 10th MARCH, 2008



[Signature]
Registrar

Countersigned

[Signature]
Vice-Chancellor

University of Peshawar
(Pakistan)

Session Annual 1995

MUHAMMAD SALEEM Son of ABDUL QAYUM and a student
of DISTRICT NOWSHERA having passed the prescribed examination
held in APRIL, 1996, is this day admitted by the University of Peshawar

to the Degree of
Master of Arts

in the SECOND Division.

The Subject of Examination being PASHTO

The Examination was taken as a whole / in parts

Serial No. 026631

Registration No. 89-P/A-35769

Roll No. 1467

Result declared on March 14, 1996



[Signature]
Registrar

Countersigned

[Signature]
Vice-Chancellor

University of Peshawar

(Pakistan)

Session ANNUAL 1997

GULAB GUL

Son of

NUM GUL

and a student

of

DISTRICT KARAK

having passed the prescribed examination

held in

APRIL

19 98,

is this day admitted by the University of Peshawar

to the Degree of

Master of Arts

in the

THIRD

division.

The subject of Examination being

POLITICAL SCIENCE

The Examination was taken as a whole / in parts.

Serial No 024212

Registered No 91-F/D-3703

Roll No. 30790

Result declared on SEPTEMBER 24, 1998



[Signature]
Registrar

Countersigned

[Signature]
Vice-Chancellor

[Signature]

(22)

'A'

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

APPOINTMENT ORDER.

No. 13418 /G/275,

Dated Peshawar, the 14 /07/1993.

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 & Address of the appointee.</u>	<u>Posting</u>
1.	Mr. Gulab Gul S/O Inam Gul, C/O Sakhawat Khan Supdt: High Court, D.I. Khan.	Dist.: Food Controller Chitral.
2.	Mr. Mohammad Salgem S/O Abdul Qayum Moh: Khushal Colony Amangrah B.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 20.7.1993.

(Signature)
DIRECTOR APPEND N.W.F.P.
DIRECTOR FOOD, N.W.F.P.
PESHAWAR.
13/7/93 R.S.

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 details 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 Assit: Director (Adm), Govt. of NWFP, Population & Welfare Deptt Peshawar to letter No. 1(11)87-92/Adm, dated 17.5.93.

(Signature)
DIRECTOR FOOD, NWFP,
PESHAWAR.
R.S.

(Large handwritten mark)



FOOD DIRECTORATE NWFP
PESHAWAR

No. 9/00 /ET-378.

Dated 17 /06/2005.

OFFICE ORDER

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 Tariq, 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. Gulab Gul, 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**.

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

No. 9/01-5 /ET-378

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.

M/.....
Assistant Director Food (E),
Food Directorate NWFP,
Peshawar.

Dated 17 /06/2005.

No. 9/06-8 /ET-378

Copy forwarded to:-

- 1 The P.S. 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.

M/.....
Assistant Director Food (E),
Food Directorate NWFP,
Peshawar.

Salary No 205 Dtd 28.6.2005.
D.F.C. Kohat



24

14

**FOOD DIRECTORATE NWFP
PESHAWAR**

No. 4364 /ET-378-IV
Dated 03 /03/2006

OFFICE ORDER

Consequent upon the acceptance of appointment offer bearing No 2040-G-12-Deceased, dated 18 2 2006. Mr Muhammad Khalid Khan S/O Abbas Ali Khan (Late) village and post office Wadpaga, Tehsil and District Peshawar is hereby appointed as Food Grain Inspector, (BPS-6) on temporary basis against the quota reserved for the children of the deceased employees of the Department under rule 10(4) of the NWFP Civil Servants (Appointment Promotion & Transfer) Rules 1989 read with Section 19 of the NWFP Civil Servants Act, 1973 on the terms & conditions laid down in his appointment offer referred to above.

2. On appointment as Food Grain Inspector, (BPS-6), he is hereby posted in the Food Directorate, NWFP, Peshawar.
3. He shall be on probation for a period of one year which can be extended subject to his performance as per rules.

Sd/-
**DIRECTOR FOOD NWFP,
PESHAWAR**
Dated Peshawar, the 03 /03/2006

No. 4365-70 /ET-378-IV

- Copy is forwarded to:-
- 1 The Accountant General NWFP, Peshawar
 - 2 PS to Minister Food for information of the Minister Food, NWFP, Peshawar.
 - 3 PS to Secretary Food, for information of the Secretary Food, NWFP, Peshawar.
 - 4 The Budget Officer Food Directorate, NWFP, Peshawar
 - 5 Mr. Muhammad Khalid Khan S/O Abbas Ali Khan (Late), village and post office Wadpaga, Tehsil and District Peshawar
 - 6 Personal File.
 - 7 Pay Bill Assistant.

Muhammad Jh
3.3.06
Assistant Director Food (E),
Food Directorate, NWFP,

Office Order 25-02-04(S-1).doc

Service Rules

(25)

Annexure
"B"
Annexure

**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.

Handwritten notes:
A. Halim
Secretary
Government of NWFP
Peshawar
Advocate High Court

ATTESTED

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,

Handwritten signature:
A. Halim

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

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

SCHEDULE-42

Handwritten signature and stamp
ATTESTED
Sumair Haidar
Director
High Comm

(26)

(32)

S.No	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Minimum qualification for appoint by promotion.	Age Limit	Method of Recruitment
1	2	3	4	5	6
1	Director Food				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. SOP(Food Deptt)1-12/2010/388 dated 10-11-2010,					
3	Deputy Director (Accounts)				a) By selection on merit with particular reference to fitness for higher responsibilities from amongst Assistant Accounts Officer with at least 5 years service in Grade-17; or b) by transfer on deputation from the office of the Audit Department for a specified period in accordance with the terms as may be specified.

27

12/11/12

T. Amin
Advocate High Court
ATTESTED

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.

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

28

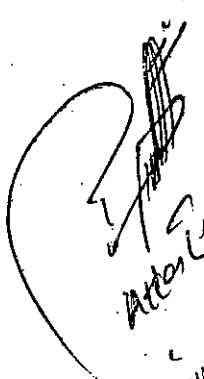
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ATTESTED
[Signature]
 18/11/2011

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

29

(11)


ATTESTED
Tammur Haider Khan
Advocate High Court

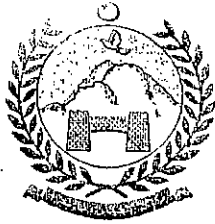
FINAL SENIORITY LIST OF DISTRICT FOOD CONTROLLERS, STORAGE & ENFORCEMENT OFFICERS AND RATIONING CONTROLLER PESHAWAR (BS-17) FOOD DEPARTMENT KHYBER PAKHTUNKHWA AS STOOD ON 13.07.2021

S.No	Name of Officer	Qualification.	Date of Birth.	Domicile	Date of entry into Government service.	Date of appointment to the present post.	Method of Recruitment /Appointment	Date of Superannuation Viz: 33 Years
1.	Nazir Rehman	M.A	05.04.1970	FR Bannu	16.11.1995	10-09-2009	BY Promotion	04.04.2030
2.	Qazi Fida Ur Rehman	B.A	05.02.1963	Bannu	22.06.1982	30-03-2011	By Promotion	04.02.2023
3.	Jawad Ali	B.A/LLB	18.03.1983	Peshawar	30.07.2005	12-01-2012	By promotion	17.03.2043
4.	Amjad Ali	B.A	01.01.1975	Charsadda	04.03.2006	12-01-2012	By promotion	31.12.2035
5.	Muhammad Shahab-ud Din	M.A (Political Science)	30.12.1987	Charsadda	25-10-2013	25-10-2013	By Initial Recruitment	01.01.2047
6.	Abu Bakar Mehmood	M.A	02-04-1986	Peshawar	25-10-2013	25-10-2013	By Initial Recruitment	01.04.2046
7.	Muhammad Ashfaq	M.A (I.R)	02-01-1985	Dir lower	25-10-2013	25-10-2013	By Initial Recruitment	01.01.2045
8.	Noor Hayat Khan	M.Sc (Hon)	23.02.1989	Mohmand Agency	25-10-2013	25-10-2013	By Initial Recruitment	22.02.2049
9.	Khan Zaman	M.A (Urdu Literature)	01-04-1976	Karak	16-08-2004	25-10-2013	By Initial Recruitment	31-03-2036
10.	Hasham Khan	M.A.	18.10.1971	Mohmand Agency	08.02.1996	16-10-2014	By Promotion	17.10.2031
11.	Sher Fayaz Khan	M.A	02-01-1969	Chitral	08.02.1996	16-10-2014	By Promotion	01-01-2029
12.	Shewaz Tariq	B.A	12.11.1981	Abbottabad	30.07.2005	16-10-2014	By Promotion	11.11.2041
13.	Adil Badshah	B.Sc.	15.04.1972	Karak	08.02.1996	16-10-2014	By Promotion	14.04.2032
14.	Shad Muhammad	M.Sc.	25.05.1966	Mansehra	08.02.1996	29-05-2015	By Promotion	24.05.2026
15.	Muhammad Hayat Khan	B.A	01.10.1961	Lakki Marwat	26.06.1982	29-05-2015	By Promotion	25.06.2021
16.	Kashif Ihsan	B.B.A (Hon)	03-01-1990	Mardan	06-12-2016	06-12-2016	By Initial Recruitment	02-01-2050
17.	Muhammad Zubair	B.A.	01.02.1970	Swat	09.05.1993	17-05-2017	By Promotion	31.01.2030
18.	Mehmood-ur-Rahman	C.Com.	02.11.1969	Kohat	09.05.1993	17-05-2017	By Promotion	01.11.2029
19.	Salah-ud-Din	B.A.	25.11.1972	Peshawar	09.05.1993	18-07-2017	By Promotion	24.11.2032
20.	Muhammad Arshad	B.A	15.09.1967	Charsadda	09.05.1993	20-09-2017	By Promotion	14.09.2027
21.	Muhammad Tariq Khan	MBA (HRM)	14.03.1981	Nowshera	09-05-2008	09-05-2008	By Initial Recruitment	13-03-2041

30

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(31)

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

OFFICE ORDER.

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

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

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

Sd/-
DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.

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

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

ATTESTED

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

ATTENDED

1	2	3	4	5	6	7	8	9	10
S.No.	Name of Govt Servant	Qualification	Date of birth	Domicile	Date of entry in to Govt service	Date of appointment to the post of FGI/ Cane Inspector	Date of appointment to the present post	Method of recruitment	Date of superannuation
1.	Shad Muhammad	M.Sc.	25.05.1966	Mansehra	08.02.1996	01.06.1996	14-12-2009	By Promotion Appointed as DFC /S&EO/RC on acting charge basis w.e.f. 16-10-2014	24.05.2026
2.	Aurangzab	F.A.	18.01.1957	M.Agency	22.06.1982	23.12.1996	14-12-2009	By Promotion Appointed as DFC /S&EO/RC on acting charge basis w.e.f. 16-10-2014	17.01.2017
3.	Muhammad Nawab	B.Sc.	16.10.1958	FR Peshawar	22.05.1982	23.12.1996	14-12-2009	By Promotion	15.10.2018
4.	Mr. Hayat Khan	B.A.	01.10.1961	Lakki Marwat	26.06.1982	23.12.1996	14-12-2009	By Promotion	25.06.2021
5.	Sher Afzal	F.A.	02.04.1960	FR Bannu	22.05.1982	23.12.1996	14-12-2009	By Promotion	01.04.2020
6.	Taj Bar Khan	B.A.	16.07.1957	Dir	23.06.1982	01.01.1997	14-12-2009	By Promotion	15.07.2017
7.	Iqbal Hussain Afridi	B.A.	05.09.1962	K.Agency	22.06.1982	25.03.1998	14-12-2009	By Promotion	04.09.2022
8.	Aman Ullah	F.A.	15.06.1957	M.Agency	22.06.1982	25.03.1998	14-12-2009	By Promotion	14.06.2017
9.	Fazli Bari	B.A.	02.02.1961	Chitral	22.05.1982	30.08.2000	14-12-2009	By Promotion	01.02.2021
10.	Muhammad Zubair	B.A.	01.02.1970	Swat	09.05.1993	30.08.2000	06-04-2010	By Promotion	31.01.2030
11.	Mehmood-ur-Rahman	C.Com.	02.11.1969	Kohat	09.05.1993	30.08.2000	06-04-2010	By Promotion	01.11.2029
12.	Salah-ud-Din	B.A.	25.11.1972	Peshawar	09.05.1993	30.08.2000	06-04-2010	By Promotion	24.11.2032
13.	Sardar Khan	B.A.	05.01.1955	FR Bannu	09.05.1993	30.11.2000	06-04-2010	By Promotion	04.01.2015
14.	Mr. Muhammad Arshad	B.A.	15.09.1967	Charsadda	09.05.1993	30.11.2000	06-04-2010	By Promotion	14.09.2027
15.	Syed Wazir Shah	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
16.	Aftab Umar Khan	MA	04-08-1985	Mahmand Agency	19-05-2010	19-05-2010	19-05-2010	By initial recruitment	03-08-2045
17.	Muhammad Tariq	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2030
18.	Ansar Qayum	B.A	11.07.1970	Mansehra	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030
19.	Abdul Hafeez	M.A	07.07.1969	Charsadda.	09.05.1993	20.12.2003	21-10-2010	By Promotion	06.07.2029
20.	Mr. Arshad Hussain	B.A	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
21.	Mr. Ali Asghar Khan	B.A	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
22.	Mr. Zamarud Khan	Matric	14.03.1955	Abbottabad	09.05.1979	20.12.2003	04-10-2011	By Promotion	13.03.2015
23.	Mr. Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026
24.	Mr. Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032
25.	Mr. Jamshed Khan Afridi	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
26.	Mr. Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
27.	Mr. Sheraz Anwar	F.A	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
28.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-10-2011	Appointed as AFC (BS-11) on acting charge basis	01.08.2028
29.	Mr. Muhammad Akbar	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	31-05-2013	Appointed as AFC (BS-11) on acting charge basis	04.12.2022
30.	Mr. Muhammad Salim Iqbal	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.2004	31-05-2013	Appointed as AFC (BS-11) on acting charge basis	14.07.2029
31.	Mr. Noor Khan	FA	12.09.1968	Peshawar	20.04.1995	25.08.2004	31-05-2013	Appointed as AFC (BS-11) on acting charge basis	11.09.2028
32.	Mr. Muhammad Salim	M.A Pol: Science	18.04.1965	Nowshera	14.07.1993	17.06.2005	31-05-2013	Appointed as AFC (BS-11) on	17.04.2025

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

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ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA,
DIRECTORATE OF FOOD,
PESHAWAR

No. 279 /ET-716

Dated 17/January, 2018

TO:-

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

Subject:-

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

Memo:-

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

DEPUTY DIRECTOR FOOD (A&C)
KHYBER PAKHTUNKHWA
PESHAWAR

Endorsement No and Even date

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

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

ATTESTED

**FINAL SENIORITY LIST OF ASSISTANT FOOD CONTROLLERS (B5-14) IN THE FOOD DIRECTORATE KHYBER PAKHTUNKHWA,
PESHAWAR AS IT STOOD ON 17-01-2018**

1	2	3	4	5	6	7	8	9	10
S.No.	Name of Govt Servant	Qualification	Date of birth	Domicile	Date of entry in to Govt service	Date of appointment to the post of FGI/ Cane Inspector	Date of appointment to the present post	Method of recruitment	Date of superannuation
1.	Syed Wazir Shah	M.A.	08.06.1959	Mansehra	09.05.1993	30.11.2000	06-04-2010	By Promotion	07.06.2019
2.	Mr. Aftab Umar Khan	MA	04-08-1985	Mohmand Agency	19-05-2010	-	19-05-2010	By initial recruitment	03-08-2045
3.	Muhammad Tariq	B.Sc	01.03.1970	Peshawar	09.05.1993	17.06.2005	21-10-2011	By Promotion	28.02.2030
4.	Mr. Ansar Qayum	B.A	11.07.1970	Mansehra	09.05.1993	20-12-2003	06-04-2010	By Promotion	10.07.2030
5.	Mr. Abdul Hafeez	M.A	07.07.1969	Charsadda.	09.05.1993	20.12.2003	21-10-2010	By Promotion	06.07.2029
6.	Mr. Aman Khan	F.Sc	02.08.1968	Bannu	09.05.1993	05-11-2008	04-08-2016	By Promotion	01.08.2028
7.	Mr. Arshad Hussain	B.A	01.01.1970	Chitral	09.05.1993	20.12.2003	04-10-2011	By Promotion	31.12.2030
8.	Mr. Ali Asghar Khan	B.A	28.02.1972	Mardan	09.05.1993	20.12.2003	04-10-2011	By Promotion	27.02.2032
9.	Mr. Shabir Ahmad Khan	LLB	30.04.1966	FR Peshawar	09.05.1993	20.12.2003	18-02-2012	By Promotion	29.04.2026
10.	Mr. Said Nawaz	B.Com	20.03.1972	Chitral	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.03.2032
11.	Mr. Jamshed Khan Afridi	B.A	20.06.1972	K/Agency	09.05.1993	20.12.2003	18-02-2012	By Promotion	19.06.2032
12.	Mr. Sohail Habib	Matric	14.02.1968	Bannu	09.05.1993	20.12.2003	21.05.2012	By Promotion	13.02.2028
13.	Mr. Sheraz Anwar	F.A	05.02.1974	Mansehra	09.05.1993	20.12.2003	21.05.2012	By Promotion	04.02.2034
14.	Mr. Muhammad Azam	B.B.A	22.11.1988	S. Waziristan Agency	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	21.11.2048
15.	Mr. Tausif Iqbal	M.B.A	01.10.1987	Karak	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	30.09.2047
16.	Muhammad Shakeel	M.B.A	10.04.1984	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2044
17.	Miss Uzma Kanwal	M.A	03.12.1990	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.12.2050
18.	Mr. Zafar Alam Riza	M.A	03.01.1987	Chitral	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	02.01.2047
19.	Mr. Shujaat Hussain Shah	M.Sc	10.04.1987	Mansehra	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	09.04.2047
20.	Mr. Hafeez-ur Rehman	B.A	18.04.1984	Dir Lower	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	17.04.2044
21.	Mr. Adnan Khan	M.A	27.06.1989	Peshawar	07.08.2015	07.08.2015	07.08.2015	By initial recruitment	26.06.2049
22.	Mr. Muhammad Akbar	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	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	23-11-2016	By Promotion	11-05-2031
34.	Syed Wasim Shah	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	22-04-2016	By Promotion	14-02-2047

36.	Mr. Attaullah	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	08.05.2004	20-10-2010	10-10-2017	By Promotion	03.04.2037

ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR

ATTESTED

Food Inspector

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

3

Total sanctioned posts	59
Held	51
Vacant	08

S.No	Name of Govt. Servant	Qualification	Date of Birth	Domicile	Date of entry into Govt. Service	Date of appointment to the Present Post	Method of recruitment	Date of Superannuation
1	Mr. Muhammad Akbar Foodgrain Inspector	BA	05.12.1962	Peshawar	01.03.1982	25.08.2004	By initial recruitment Adjustment from Surplus Pool	04.12.2022
2	Mr. Muhammad Salim Iqbal Foodgrain Inspector	D.Com	15.07.1969	Peshawar	04.08.1990	25.08.2004	By initial recruitment Adjustment from Surplus Pool	14.07.2029
3	Mr. Noor Khan Foodgrain Inspector	FA	12.09.1968	Peshawar	20.04.1995	25.08.2004	By initial recruitment Adjustment from Surplus Pool	11.09.2028
4	Mr. Muhammad Salim Foodgrain Inspector	B.A	18.04.1965	Nowshera	14.07.1993	17.06.2005	By Promotion	17.04.2025
5	Mr. Gulab Gul Foodgrain Inspector	MA Pol: Science	01.02.1967	Karak	14.07.1993	17.06.2005	By Promotion	31.12.2027
6	Mr. Muhammad Naved Foodgrain Inspector	B.A.LLB	13.01.1957	Mansehra	18.05.1978	01.02.2006	By initial recruitment Adjustment from Surplus Pool	12.01.2017
7	Mr. Muhammad Khalid Foodgrain Inspector	FA	02.05.1973	Peshawar	04.03.2006		By initial recruitment	01.05.2033
8	Mr. Usman Khan Cane Inspector	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	By Initial recruitment	31-12-2035
9	Mr. Muhammad Shoaib Foodgrain Inspector	F A	11.04.1966	Mansehra	04.07.1993	05-11-2008	By Promotion	10.04.2026
10	Mr. Amjid Khan Foodgrain Inspector	Matric	05.01.1975	Malakand	15.08.1993	05-11-2008	By Promotion	04.01.2035
11	Mr. Mohammad Zubair Foodgrain Inspector	M.A	21.09.1970	Mardan	16.08.1993	12-01-2009	By Promotion	20.09.2030
12	Mr. Saif Ali Shah Foodgrain Inspector	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	By Promotion	02.03.2029
13	Mr. Gul Zareen Shah Foodgrain Inspector	M.A	15.04.1957	Bannu	24.10.1994	12-01-2009	By Promotion	14.04.2017
14	Mr. Aurangzeb Khan Foodgrain Inspector	F.A	12.05.1971	Bannu	27.04.1997	12-01-2009	By Promotion	11.05.2031
15	Syed Wasim Shah Foodgrain Inspector	F.Sc	15-02-1987	Kohat	13-08-2009	13-08-2009	By initial recruitment	14-02-1247
16	Mr. Rashid Saeed Foodgrain Inspector	B.A	15.03.1974	DIKhan	22.05.1995	26-12-2009	By Promotion	14.03.2034

	18	Abdullah Foodgrain Inspector	Matric	02.04.1976	Dir	22.05.1995	26-12-2009	By Promotion	01.04.2036
		Mr. Ashfaq Khan Foodgrain Inspector	B.A	25.03.1977	Mardan	22.05.1995	26-12-2009	By Promotion	24.03.2037
	19	Mr. Riaz Ahmad Foodgrain Inspector	M.A	01.03.1976	Chitral	02.05.1995	26-12-2009	By Promotion	28.02.2026
	20	Mr. Ateeq-ur Rehman Foodgrain Inspector	B.A	01.05.1977	M/Agency	03.05.1995	26-12-2009	By Promotion	30.04.2037
	21	Mr. Angoor Shah Foodgrain Inspector	M.A	01.06.1963	K/Agency	06.08.1995	26-12-2009	By Promotion	31.05.2023
	22	Mr. Muhammad Nasir Ali Foodgrain Inspector	F.A	28.07.1973	Peshawar	06.08.1995	26-12-2009	By Promotion	27.07.2033
	23	Mr. Qazi Bilal Foodgrain Inspector	F.A	15.04.1969	Abbottabad	06.08.1995	26-12-2009	By Promotion	14.04.2029
	24	Mr. Farkh-uz-Zaman Foodgrain Inspector	F.A	22.04.1971	S.Waziristan	03.08.1992	26-12-2009	By Promotion	21.04.2031
	25	Mr. Rehmat Wali Foodgrain Inspector	F.A	10.01.1963	Chitral	16.12.1981	26-12-2009	By Promotion	09.01.2023
	26	Mr. Ghulam-Rasool Foodgrain Inspector	Matric	10-04-1963	Chitral	23.04.1983	26-12-2009	By Promotion	09-04.2023
	27	Mr. Muhammad Zaman Khan Foodgrain Inspector	B.A	25.11.1955	Chitral	19.10.1983	26-12-2009	By Promotion	07.08.2021
	28	Mr. Mukhtar Ahmad Foodgrain Inspector	B.A	08.08.1961	Chitral	27.12.1983	06-04-2010	By Promotion	02.03.2014
	29	Mr. Fatehudin Foodgrain Inspector	B.A	03.03.1954	Chitral	24.03.1984	06-04-2010	By Promotion	09.12.2025
	30	Mr. Mohammad Zahir Shah Foodgrain Inspector	F.A	10.12.1965	Chitral	01.09.1985	06-04-2010	By Promotion	11.04.2019
	31	Mr. Sher Ali Foodgrain Inspector	B.A	12.04.1959	Chitral	01.06.1986	06-04-2010	By Promotion	11.04.2019
	32	Mr. Dinar Wali Foodgrain Inspector	B.Com	15.02.1968	Chitral	09.09.1991	06-04-2010	By Promotion	14.02.2028
	33	Mr. Abidullah Jan Foodgrain Inspector	Matric	29.11.1984	Nowshera	08.05.2004	06-04-2010	By Promotion	28.11.2044
	34	Mr. Wajid Ali Foodgrain Inspector	Matric	18.02.1981	Nowshera	08.05.2004	06-04-2010	By Promotion	17.02.2041
	35	Mohammad Yousaf Khan Cane Inspector	D.Com	07-04-1984	FR Bannu	16-04-2010	16-04-2010	By initial Recruitment	06-04-2044
	36	Mr. Amir Khalid Foodgrain Inspector	B.A	26-03-1970	Mansehra	15-01-2009	15-01-2009	By initial Recruitment	25-11-2030
	37	Mr. Umair Ali	BA	15-11-1987	Peshawar	13-05-2010	13-05-2010	By initial Recruitment	14-11-2047

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

ASSISTANT DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.



GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Peshawar dated, the 21st January, 2022.

091-9225373 M fooddepartmentpk@gmail.com foodsecretariat @fooddepartmentpk

NOTIFICATION

No. SO(G)/Food/1-2/2021-22/ 10631 : The Competent Authority has been pleased to assign additional charge of the post of District Food Controllers (BS-17), to the following officers of the Directorate of Food Khyber Pakhtunkhwa with immediate effect in the best public interest till further orders:-

SN#	Name of Official	Present Charge	Additional Charge
1.	Mr. Gulab Gul, Assistant Food Controller	AFC, Hangu	DFC, Hangu (OPS)
2.	Mr. Ajmal Shah, District Food Controller	DFC, Kurram	DFC, Orakzai (OPS)
3.	Mr. Sohail Habib, District Food Controller	DFC, Bannu	DFC, North Waziristan
4.	Mr. Salah-ud-Din, District Food Controller	DFC, Tank	DFC, South Waziristan

SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endst. No. & Date Even.

Copy for information/necessary action to the:

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. Director Food Khyber Pakhtunkhwa, Peshawar.
3. All Deputy Directors in Directorate of Food Khyber Pakhtunkhwa, Peshawar. *ACCOUNTS -*
4. All Assistant Directors Food in Directorate of Food Khyber Pakhtunkhwa, Peshawar.
5. Assistant Director Food, Kohat.
6. Assistant Director Food, Bannu.
7. Assistant Director Food, D.I.Khan.
8. District Accounts Officer, Hangu, Kurram, Bannu and D.I.Khan.
9. Assistant Director (IT), Directorate of Food Khyber Pakhtunkhwa, Peshawar.
10. PS to Minister Food Khyber Pakhtunkhwa, Peshawar.
11. PS to Secretary Food Department Khyber Pakhtunkhwa, Peshawar.
12. Officers concerned.

(MURAD AHMAD HOTI)
SECTION OFFICER (GEN.)



GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Dated Peshawar the 17-05-2022

091-9225373

fooddepartmentkpk@gmail.com



@fooddepartmentkpk



@foodsecretariat

NOTIFICATION

No.SOG/Food/1-2/2022/Vol.VII 11082. The competent authority is pleased to order the following postings/transfers of officers of Food Department, Khyber Pakhtunkhwa with immediate effect in the public interest.

S#	Name of Officer	From	To
1.	Muhammad Zubair	DFC Malakand	Report to Food Directorate, Peshawar
2.	Muhammad Saleem	AFC Dargai	DFC Mohmand in his own pay scale (OPS)
3.	Mr. Jawad Ali	DFC Malakand	Assistant Director Food, Directorate of Food Khyber Pakhtunkhwa, Peshawar.
4.	Muhammad Imtiaz Khan		Additional Charge of Deputy Director Accounts, Directorate of Food, Khyber Pakhtunkhwa, Peshawar.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action to:-

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

ALFA
17/5/2022
(ENGR. MALIK M. AHSAN TAHIR)
SECTION OFFICER (GENERAL)



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT**

Dated Peshawar the 18-01-2022

091-9225373

fooddepartmentkpk@gmail.com



@fooddepartmentkpk



@foodsecretariat

NOTIFICATION

No.SOG/Food/1-2/2019/Vol.VII 10600 The competent authority is pleased to order the following postings/transfers of officers of Food Department, Khyber Pakhtunkhwa with immediate effect in the public interest.

S.No.	Name of Officer	From	To
1.	Mr. Muhammad Akbar, DFC (BS-17)	AFC S&EO Peshawar	DFC Mohmand against the vacant post
2.	Mr. Muhammad Salim Iqbal, DFC (BS-17)	AFC Kolai Pallas	DFC Kolai Pallas against the vacant post with additional charge of DFC Kohistan Lower.
3.	Mr. Noor Khan, DFC (BS-17)	AFC S&EO Azakhel	DFC Bajaur against the vacant post
4.	Mr. Iqbal Hussain Afridi, DFC (BS-17)	AFC D.I.Khan	DFC Khyber against the vacant post
5.	Mr. Aftab Umar Khan, DFC (BS-17)	DFC Mardan (OPS)	Retained as DFC Mardan against the vacant post.
6.	Muhammad Tariq, DFC (BS-17)	DFC Battagram (OPS)	Retained as DFC Battagram against vacant post.
7.	Mr. Ansar Qayum, DFC (BS-17)	DFC Manshera (OPS)	Retained as DFC Mansehra against the vacant post.
8.	Mr. Abdul Hafeez, DFC (BS-17)	DFC Charsadda (OPS)	Retained as DFC Charsadda against the vacant post.
9.	Mr. Aman Khan, DFC (BS-17)	DFC Lakki Marwat (OPS)	Retained as DFC Lakki Marwat against the vacant post.
10.	Mr. Arshad Hussain, DFC (BS-17)	AFC Chital Lower	DFC Chitral Upper against the vacant post.
11.	Mr. Ali Asghar Hussain, DFC (BS-17)	DFC Buner (OPS)	Retained as DFC Buner against the vacant post.
12.	Mr. Shabir Ahmad Khan, DFC (BS-17)	DFC Nowshera (OPS)	Retained as DFC Nowshera against the vacant post.
13.	Mr. Said Nawaz, DFC (BS-17)	DFC Dir Upper (OPS)	Retained as DFC Dir Upper against the vacant post.
14.	Mr. Jamshed Khan Afridi, DFC (BS-17)	Rationing Controller Peshawar (OPS)	DFC D.I.Khan
15.	Mr. Sohail Habib, DFC (BS-17)	AFC Karak	DFC Bannu against the vacant post.

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16	Mr. Sheraz Anwar, DFC (BS-17)	AFC Kohistan	DFC Shangla against the vacant post.
17	Mr. Khan Zaman, DFC (BS-17)	ADF Bannu Division (OPS)	DFC Karak against the vacant post.
18	Mr. Muhammad Arshad, DFC (BS-17)	DFC Kohat	S&EO PRC Peshawar vice Sr.No.19
19	Mr. Adil Badshah, DFC (BS-17)	S&EO Peshawar	DFC Kohat.
20	Mr. Muhammad Zubair, DFC (BS-17)	ADF Malakand Division (OPS)	DFC Malakand
21	Mr. Noor Hayat Khan, DFC (BS-17)	DFC D.I.Khan	Rationing Controller, Peshawar

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

Endst: No. & date even.

Copy for information and necessary action to:-

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

(MURAD AHMAD HOTI)
SECTION OFFICER (GENERAL)

**NOTIFICATION**

NO.SOG/Food/1-3/2020/1644 On the recommendations of Departmental Promotion Committee in its meeting held on 26-10-2021, the competent authority is pleased to promote/appoint the following (05) District Food Controllers / Storage & Enforcement Officers, Rationing Controller (BS-17) and Superintendents (BS-17) to the post of Assistant Director Food (BS-17) on acting charge/Regular basis as mentioned against each, with immediate effect:-

District Food Controllers (BS-17) promoted/appointed as Assistant Director Food (BS-17) on Regular basis	
1	Mr. Nazir Rehman
2	Mr. Qazi Fida-Ur-Rehman
3	Mr. Jawad Ali
4	Mr. Amjad Ali

Superintendent (BS-17) promoted/appointed as Assistant Director Food (BS-17) on Acting Charge.	
1	Mrs. Tahira Zaib, Superintendent (BS-17)

2. Similarly, on the recommendations of Departmental Promotion Committee in its meeting held on 26-10-2021, the competent authority is further pleased to promote/appoint the following (16) Assistant Food Controllers (BS-16) to the post of District Food Controllers /S&EO/Rationing Controller (BS-17) on regular basis, with immediate effect.

Assistant Food Controller (BS-16) promoted/appointed as District Food Controllers (BS-17) on regular basis			
1	Mr. Muhammad Akbar	9	Mr. Aman Khan
2	Mr. Muhammad Salim Iqbal	10	Mr. Arshad Hussain
3	Mr. Noor Khan	11	Mr. Ali Asghar Khan
4	Mr. Iqbal Hussain Afridi	12	Mr. Shabir Ahmad Khan
5	Mr. Aftab Umar Khan	13	Mr. Said Nawaz
6	Mr. Muhammad Tariq	14	Mr. Jamshed Khan Afridi
7	Mr. Ansar Qayum	15	Mr. Sohail Habib
8	Mr. Abdul Hafeez	16	Mr. Sheraz Anwar

3. Upon promotion, the above named officers on their promotion on regular basis, will remain on probation for a period of one year in terms of section 6 (2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for 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

SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT, PESHAWAR

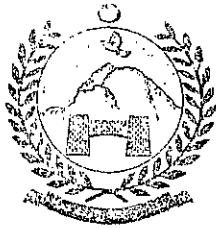
Encl: No. & date even

Dated 09-12-2021

Copies of the above is forwarded for information to -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Food, Khyber Pakhtunkhwa, Peshawar.
3. All Assistant Directors in Khyber Pakhtunkhwa.
4. All District Food Controllers.
5. P.S to Minister Food, Khyber Pakhtunkhwa.
6. Officers concerned.

(MURAD AHMAD HOTI)
SECTION OFFICER (GENERAL)



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

OFFICE ORDER.

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

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

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

Sd/-
DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR.

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

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

ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR



FOOD DIRECTORATE
KHYBER PAKHTUN KHWA,
PESHAWAR.
No. 4018 /AC-240-PSC
Dated 17/08/2015

46

The Deputy Inspector General (Special Branch)
Police Khyber Pakhtunkhwa Peshawar.

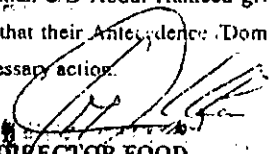
Subject: RECRUITMENT OF NINE POSTS OF ASSISTANT FOOD CONTROLLER (BS-14) IN FOOD DEPARTMENTARY LETTER NO. 01/2014, Sr. NO. 28

Memo: Please refer to Government of Khyber Pakhtunkhwa Public Service Commission letter No. PSC/SR-1081967 dated 04-06-2015 and this Directorate letter No. 3253-A/AC-240-PSC dated 18-06-2015 (Copies enclosed)

On requisition of Food Department, the Khyber Pakhtunkhwa Public Service Commission recommends the following candidates for appointment against the subject cited post. Particular of Candidates are as under:-

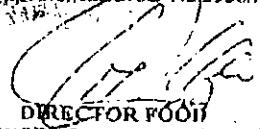
S.No.	Name with Name	Father	Domicile/Zone	Permanent Home Address
1	Mr. Zafar Alam Riza S/O Mnoor Gulab	S/O	Chitral/3	Village Kuejiali Booni Tehsil Mastuj District Chitral.
2	Mr. Tusef Iqbal S/O Khurshid Iqbal	S/O	Karak/4	House No.5 Street No.1 Faisal Town Nasir Bagh Road Peshawar.
3	Muhammad Shakoor S/O Muhammad Siddique	S/O	Abbottabad/5	G.B-56 PMA Kakul Road Abbottabad.
4	Muhammad Azam Khan S/O Saeedur Rehman	S/O	Waziristan Agency/1	House No.F-25 FG Colony Shami Road Peshawar.
5	Adnan Khan S/O Muhammad Yunus	S/O	Peshawar/2	Street No.8-B Hazrat Ali Hujra Malik Ilyas Pahari Pura Haji Camp Peshawar.
6	Hafeez ur Rehman S/O Abdul Hameed	S/O	Lower Dir/3	Village Laghari Union Council Beshigram Tehsil Lal Gilla District Lower Dir
7	Zeshan Ali Shah S/O Mirsar Ali Shuh	S/O	Bannu/4	Kotla Naimat Shah Post Office Koti Sadat Surani Bannu
8	Shujaat Hussain Shah S/O Syed Zia-ud Din Shah	S/O	Mansehra/5	Village Bari Bala Post Office Chattar Plain Tehsil & District Mansehra.
9	Mashif ur Roman S/O Dr. Mumtaz Khan	S/O	F.R Bannu/1	House No.487/C Collage Street Bannu

3 The verification of Antecedence/Domicile of Mr. Hafeez-ur Rehman S/O Abdul Hameed given at serial No.06 has been received while the remaining are still awaited. It is requested that their Antecedence/Domiciles may kindly be verified and report may be furnished to this Directorate for further necessary action.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

Endorsement No. & Date Even

- 1) The Director Recruitment Khyber Pakhtunkhwa Public Service Commission 02 Fort Road Peshawar Cantt (near Governor House Peshawar) for information with reference to his letter No. noted above.
- 2) The Section Officer Food for information with reference to his letter No. SOF/1-16/13/P-111/728 dated 26-05-2015.
- 3) The District Officer Kohat, Bannu, Kohistan & Abbottabad for information and necessary action in accordance with Directorate Appointment Order No.3936/AC-240-PSC-AFC-2015.
- 4) AC-240-PSC-IV/ Personal File.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

Legible/Clear Copy No.46

**FOOD DIRECTORATE
KHYBER PAKHTUNKHWA**
No. 4018 /AC-240-PSC
Dated 17/08/2015

To

The Deputy Inspector General (Special Branch)
Police Khyber Pakhtunkhwa, Peshawar

Subject:

**RECRUITMENT OF NINE POSTS OF ASSISTANT FOOD CONTROLLER (BS-14)
FOOD DEPARTMENT ADVERTISEMENT NO.01/2014, SR. NO.28**

Memo

Please refer to government of Khyber Pakhtunkhwa Public Service Commission letter No.PSC/SR-1/081965, dated 04.06.2015 and this Directorate letter No.3253-A/AC-240-PSC dated 18.06.2015 (Copies enclosed).

2. on requisition of Food Department, the Khyber Pakhtunkhwa Public Service Commission recommends the following candidates for appointment against the subject cited post, particular of candidates are as under:-

S#	Name with Father name	Domicile Zone	Permanent house address
1.	Mr. Zafar Alam Riza S/o Noor Gulab	Chitral/3	Village Kuejinali Booni Tehsil Mastuj District Chitral
2.	Mr. Tusif Iqbal S/o Khurshid Iqbal	Karak/4	House No.5, Street No.1 Faisal Town Nasir Bagh Road, Peshawar
3.	Muhammad Shakeel S/o Muhammad Siddique	Abbottabad/5	C.B-56 PMA Kakul Road Abbottabad
4.	Muhammad Azam Khan S/o Saeedur Rehman	S. Waziristan Agency/2	House No.F-25-FG Colony, Shami Road, Peshawar
5.	Adnan Khan S/o Muhammad Younas	Peshawar/2	Street No.8-B, Hazrat Ali Hujra Malik Ilyas Pahar Pura Haji Champ Peshawar
6.	Hafeez ur Rehman S/o Abdul Hameed	Lower Dir/3	Village Laghari Union Council Beshigram Tehsil Lal Qilla District Lower Dir
7.	Zeeshan Ali Shah S/o Mirsar Ali Shah	Bannu 4	Kotka Naimat Shah post Office Koti Sadar Surani Bannu
8.	Shujaat Hussain Shah S/o Syed Zia ud Din Shah	Mansehra 5	Village Bai Bala Post Office Chattar Plain Tehsil & District Mansehra
9.	Kashif ur Rehman S/o Dr. Mumtaz Khan	F.R Bannu/1	House No.487/C College Street Bannu

The verification of Antecedence /Domicile of Mr. Hafeez ur Rehman S/o Abdul Hameed give at serial No.06 has been received while the remaining are still awaited it is requested that their Antecedence /Domicile may kindly be verified and report may be furnished to this Directorate for further necessary action.

Sd/-
Director Food
Khyber Pakhtunkhwa
Peshawar

Endorsement No. & Date Even

- 1) The Director Recruitment Khyber Pakhtunkhwa Public Service Commission 02 Fort Road Peshawar Cantt (near Governor House Peshawar) for information with reference to his letter No. noted above.
- 2) The Section Officer Food for information with reference of his letter No.SOF/1-16/13-P-III/728 dated 26.05.2015.
- 3) The District Food Controller Mansehra, Battagram, Kohat, Bannu, Kohistan & Abbottabad for information and necessary action with reference to this Directorate Appointment Order No.3936/AC-240-PSC-AFC-2015.
- 4) AC-240-PSC-IV/Personal file.

Sd/-
DIRECTOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

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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 pleased to promote the following Foodgrain Inspectors/Cube Inspector to the post of Assistant Food Controller ((BS-14) on regular basis with immediate effect.

S. No. Name of Official with present designation

1) Promoted as
Mr. Muhammad Akbar FCI
Presently working as AFC Mardan on acting charge basis

2) Mr. Muhammad Salim Iqbal FCI
Presently working as AFC & EO NHC, Azadpur
on acting charge basis

3) Mr. Muhammad Salim FCI
Presently working as AFC Haripur on acting charge basis

4) Mr. Gulab Gul FCI
Presently working as AFC Kohat on acting charge basis

5) Mr. Muhammad Naveed FCI
Presently working as AFC Shargha on acting charge basis

6) Mr. Muhammad Khalid FCI
Presently working as AFC FC, Kohat on acting charge basis

7) Mr. Usman Khalid FCI
Presently working as AFC Haripur on acting charge basis

8) Mr. Muhammad Shoaib FCI
Presently working as AFC Haripur on acting charge basis

9) Mr. Ahsan Ali FCI
Presently working as AFC Haripur on acting charge basis

10) Mr. Muhammad Zubair FCI
Presently working as AFC Haripur on acting charge basis

11) Mr. Saif Ali Shah FCI Kohat
Presently working as AFC Haripur on acting charge basis

12) Mr. Gul Zareen Shah FCI Kohat
Presently working as AFC Haripur on acting charge basis

13) Syed Wasim Shan FCI Kohat
Presently working as AFC Haripur on acting charge basis

14) Mr. Rashid Saeed FCI D. Khan
Presently working as AFC Haripur on acting charge basis

Note: 1. They shall report production 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
KHAYBER 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. District Account Officers in Khyber Pakhtunkhwa
5. Agency Accounts Officer, Khyber Pakhtunkhwa

**FOOD DIRECTORATE
KHYBER PAKHTUNKHWA**

No. 2288-A /G-275-DPC

Dated 22/04/2016

OFFICE ORDER

On the recommendation of the Departmental Promotion Committee in its meeting held on 22.04.2016, the competent authority is pleased to promote the following Food grain inspector/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 (BPS-14) on regular basis with immediate effect
2.	Mr. Muhammad Salim FGI Presently working as AFC S&EO NRC Azakhel on acting charge basis	Promoted to the post of Assistant Food Controller (BPS-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 (BPS-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 (BPS-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 (BPS-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 (BPS-14) on regular basis with immediate effect
7.	MR. Usman Khan Cane Inspector Food Directorate, Peshawar	Promoted to the post of Assistant Food Controller (BPS-14) on regular basis with immediate effect
8.	Muhammad Shoaib FGI Presently working at AFC Haripur in his own pay & Scale	Promoted to the post of Assistant Food Controller (BPS-14) on regular basis with immediate effect
9.	Mr. Amjad Khan FGI Presently working as AFC Swabi in his own pay & scale	Promoted to the post of Assistant Food Controller (BPS-14) on regular basis with immediate effect
10.	Muhammad Zubair FGI Bunair	Promoted to the post of Assistant Food Controller (BPS-14) on regular basis with immediate effect
11.	Mr. Saif Ali Shah FGI Kohat	Promoted to the post of Assistant Food Controller (BPS-14) on regular basis with immediate effect
12.	Mr. Gul Zareen Shah FGI Bannu	Promoted to the post of Assistant Food Controller (BPS-14) on regular basis with immediate effect
13.	Syed Wasim Shah FGI Kohat	Promoted to the post of Assistant Food Controller (BPS-14) on regular basis with immediate effect
14.	Mr. Rashid Saeed FGI D.I.Khan	Promoted to the post of Assistant Food Controller (BPS-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 high scale, their postings/transfers will be made later on.

Sd/-
Director Food
Khyber Pakhtunkhwa
Peshawar

Endorsement No. & Date Even

A copy of forwarded to

1. P.S to Minister food for information of the Minister Food Government of Khyber Pakhtunkhwa Peshawar
2. P.S to Secretary food for information of the Minister 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 Officer, in Khyber Pakhtunkhwa

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Anemua

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2017

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

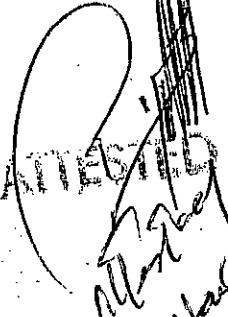
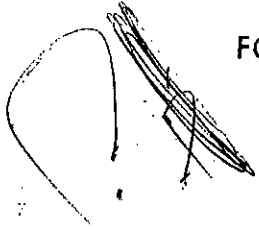
....Appellant

VERSUS

- 1) 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 06.04.2017 VIDE OFFICE LETTER
NO.1256/PF-NOOR KHAN AFC, WHEREIN
THE APPELLANT HAS NOT BEEN PLACED IN
THE TOP FOUR (04) OF THE REVISED
SENIORITY LIST OF ASSISTANT FOOD
CONTROLLERS STOOD ON 31.10.2016
KEEPING IN VIEW THE PREVIOUS SENIORITY
LIST OF FOOD GRAIN INSPECTOR IN THE
YEAR 2004 OF THE FOOD DEPARTMENT AS
FOR THE NEEDFUL THE APPELLANT'S

ATTESTED

 Attestor
 Muhammad Saadullah
 Appellant Deposited
 Priority & Process Fee
 24/4/17


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ATTESTED
TAIMUR HAIDER KHAN
Advocate High Court
Attested

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 349/2017

Date of Institution ... 13.04.2017
Date of Decision ... 08.02.2018



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

VERSUS

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

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

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

MR. NIAZ MUHAMMAD KHAN, ...
MR. MUHAMMAD AMIN KHAN KUNDI, ...
CHAIRMAN EXAMINER
MEMBER Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

JUDGMENT

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

FACTS

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

(50)

(1)

ATTESTED

TAIMUR HAIDER KHAN
Advocate High Court
Attested

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

ARGUMENTS.

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

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Advocate High Court
Attested

(2) (5)

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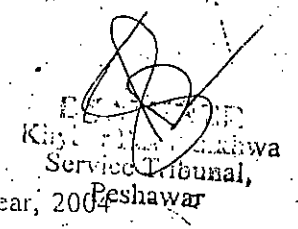

TAIMUR HAIDER KHAN
Advocate High Court
Attested

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

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

ATTESTED

CONCLUSION.


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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

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ATTESTED
TAIMUR AHMED
Advocate High Court
Attested

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

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

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(72) (S3)

TAMMUR HAIDER KHAN
Advocate High Court
Attested

ATTESTED

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

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

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copy
Peshawar

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(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(Handwritten signature)
(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
06.02.2018

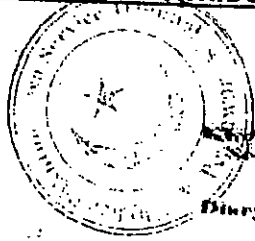
Date of Presentation of Application 13-2-18
Number of 2000
Copies 12
Urgent 12
Total 16-2-18

54

C-1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR



Service Appeal No. 7 /2017

Diry 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

TAMUR HAIDER KHAN
Advocate High Court
Attested

ATTESTED

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

Filed to-day

Registrar

3/1/2017

re-submitted to-day re-filed.

Registrar

5/1/2017

55



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 07

Service Appeal No. 8 /2017

Dated 03-07-2017


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

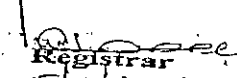
- 1) Director Food, Khyber Pakhtunkhwa, Peshawar.
- 2) Secretary to Government of Khyber Pakhtunkhwa,
Food Department, Peshawar.
- 3) Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department, Peshawar.

.....Respondents



TAIMUR HAIDER KHAN
Advocate High Court
ATTESTED
Attested

Filed to-day

Registrar
3/1/2017

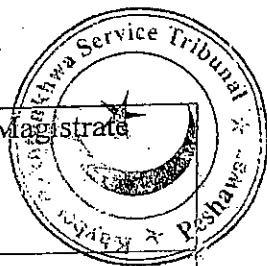
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and filed.


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5/1/2017

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

ATTESTED

Registrar
Peshawar

(93) (56)



Sr. No/	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	24.11.2017	<p align="center">BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</p> <p align="center">Service Appeal No. 07/2017</p> <p 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, Chanakani, Tehsil & District, Peshawar. Appellant</p> <p 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 align="center">JUDGMENT</p> <p>MUHAMMAD HAMID MUGHAL, MEMBER: - Learned counsel for the appellant present. Learned District Attorney for the respondents present.</p> <p>2. This single/common judgment shall also dispose of appeal bearing No. 08/2017 entitled Muhammad Saleem Iqbal versus Director Food Khyber Pakhtunkhwa and others being identical in nature having arisen out from the same law and facts.</p> <p>3. Appellants have filed the appeals under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the respondents and made impugned the seniority list of Assistant Food Controllers as it stood on 31.10.2016.</p> <p>4. Learned counsel for the appellants argued that the appellants</p>

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TAMMUR HAIDER KHAN
Advocate
ATTESTED
Court

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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(16)

& 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

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EXAMINER
 Khyber Pakhtunkhwa
 Services Tribunal,
 Peshawar

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

(Signature)

(MUHAMMAD HAMED MUGHAL)
MEMBER

(Signature)

(GUL ZEB KHAN)
MEMBER

ANNOUNCED
24/11/2017

(Signature)
ATTESTED

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

(SIF) (59)

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

Appeal No. 831/2015

Muhammad Naveed.....Appellant

Versus

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

*Tamam Hala Qar
naas qe Hqka*

APPEAL

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ATTESTED

Dated 26.06.2015

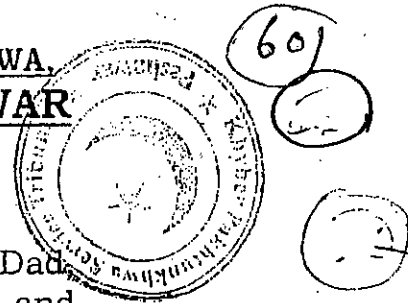
Muhammad Naveed
(Petitioner)

Through: -

[Signature]
MALIK MUHAMMAD ASIF
Advocate Supreme Court of
Pakistan (Mansehra)

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



Appeal no. 831/2015

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

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

Versus

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

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

Filed 10-6-15
6/7/15

Respected Sir,

re-submitted to-day
and filed.

Registrar

23/7/15

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

ATTESTED
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

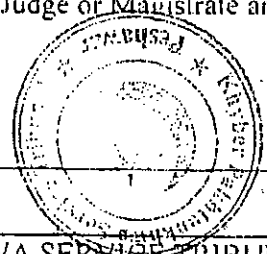
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No. Date of Order or proceedings.

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



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

CAMP COURT ABBOTTABAD

APPEAL NO. 831/2015

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

JUDGMENT

15.08.2016

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

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

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

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

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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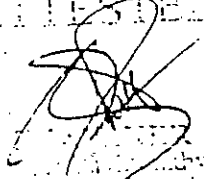
(A) (23)

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

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

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

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

ATTESTED

Assistant
Registrar


ATTESTED

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perused the record.

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

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

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

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

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

File be consigned to the record room.

Announced

15-08-2016

sd/-
(ABDUL LATIF)
MEMBER

sd/-
(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

Camp court A. Abad

Certified to be true copy
J. W. WIKER
Keyser Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Appeal 29-12-16
Number of Suits 2000
Compiling Fee 12/-
Stamp 2/-
Total 14/-
Name of Applicant J. W. Wiker
Date of Filing 29-12-16
Date of Delivery 29-12-16

ATTESTED

(80) (65)

IN THE SUPREME COURT OF PAKISTAN
(Appellate jurisdiction)

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

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

ATTESTED

(8)

(66)

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

VERSUS.

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

(S)

(67)

2016-2017

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

(DFC 3/8-17 NCC)

.(Respondents)

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

RESPECTFULLY SHEWETH

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

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

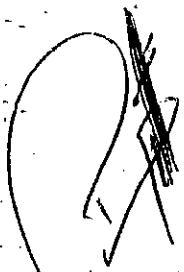
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Peshawar passed in Service Appeal No.349 of 2017 is not against law, facts and record of the case, hence untenable?

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



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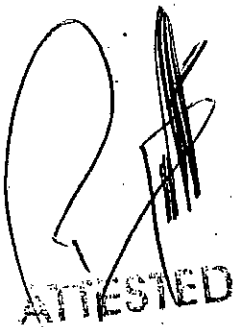
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Cadre, which is contrary to Sub-Para (c) to Para-6 of Surplus Pool Policy 2001?

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

The facts of the case is as under:-

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


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

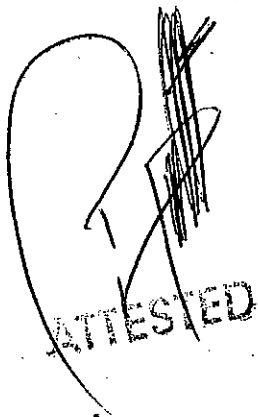
2. That the surplus pool policy for declaring Government Servants as surplus and their subsequent absorption/adjustment was introduced by the Govt. of NWFP (now Khyber Pakhtunkhwa), Establishment and Administration Department (Regulation Wing) Peshawar on 08.06.2001. This service surplus pool policy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

- i) Sub-Para (C) (V) added to Para No.5.

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

- ii) Sub-Para (D) added to Para No.6

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

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

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

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


ATTESTED

- (87) (72)
6. That Respondent No.4 (Muhammad Naveed Surplus Employee) after exhausting departmental remedies, filed a Service Appeal No.831/2015 before Khyber Pakhtunkhwa Service Tribunal seeking seniority by placing him at Serial No.1 of the Seniority List maintained in the Food Department for BS-06. The Hon'ble Service Tribunal while accepting his appeal to this effect that respondent No.4 was entitled to be placed at the Top of Seniority List at the relevant time after the clarification of surplus pool policy as he was adjusted against a post lower than his original scale.
7. That likewise Respondent No.2 and 3 (Muhammad Akbar and Muhammad Saleem Iqbal both surplus Pool Employees), also filed Service Appeal bearing No.7/2017 and 8/2017 respectively before the KPK Service Tribunal for seeking relief. Both the appeals were accepted in terms of the judgment passed in the appeal bearing No.831/2015 (Muhammad Naveed case) and Hon'ble Tribunal further directed that respondent No.2 and 3 (appellants in service appeal No.7 & 8/2017), shall still stand junior to all those persons who have been inducted as Assistant Food Controller (BS-14) by initial recruitment prior to the promotion of respondent No.2 and 3 as Assistant Food Controller on regular basis and thus seniority of the direct recruits viz a viz respondent No.2 and 3 (promotes) in the impugned seniority list shall not be disturbed.

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

ATTESTED

(2) (74) 10

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

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

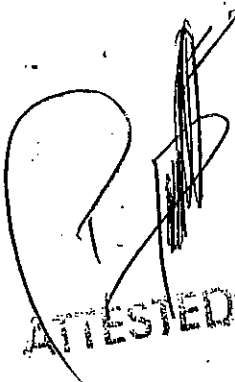
Drawn and Filed by

(HAJI MUHAMMAD ZAHIR SHAH)
ADVOCATE-ON-RECORD

CERTIFICATE

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

Advocate-on-Record.


ATTESTED

(75)

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. _____/2018

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

-----PETITIONERS

VERSUS

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

RESPONDENT

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

RESPECTFULLY SHEWETH

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

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

- (76)
3. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar is in utter violation of section 8 of the civil Servant act r/w rule 17 of Appointment, Promotion and Transfer Rules, 1989?
 4. Whether the claim of respondent is in utter disregard of surplus pool policy as the respondent was adjusted under the surplus pool policy in the Food Department in 2004 wherein only protection was given to his salary and not to seniority?
 5. Whether the respondent was much later on promoted to the post of AFC on the regular seniority list which was circulated properly among all the employees?
 6. Whether the respondent had remained silent on his seniority since 2004 till 2016 and now legally debarred from agitating the cause of 2004 in 2016?
 7. Whether the appeal of respondent regarding the seniority of 2004 is barred by time and not maintainable in the eyes of law?
 8. Whether the respondent is entitle for the benefits of mentioned judgment as there are numerous employees who had not been impleaded in the case of Muhamamd Naveed Khan?
 9. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has properly construed the record and material in its true perspective?
 10. Whether the impugned judgment and order is very much vague and does not disclose the actual dispute or having any discussion on the question /point involved in the matter?

FACTS

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

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

2. That the respondent was adjusted in the Food Department as Food Grain Inspector in BPS-6 under the surplus pool policy wherein only protection has been given to his salary.

3. That the respondent post of Food Grain Inspector was up-graded from time to time and lastly the respondent was in BPS-09 as Food Grain Inspector.

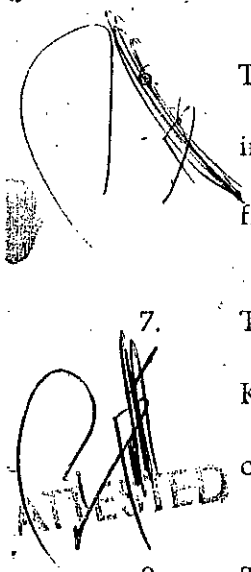
4. That in the year 2015 some disciplinary proceedings were initiated against the respondent wherein the respondent was suspended and an enquiry was initiated against him and on the conclusion of enquiry and personal hearing the respondent was awarded minor penalty of censure on 22/8/2016 and later on was promoted to the post of AFC in BPS-14.

5. That the seniority from 2016 was challenged by one Muhammad Naveed whose appeal was accepted by the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and ordered to revise the seniority from 2016.

That the respondent did not challenge the seniority of 2004 till the filling of the instant appeal and after the revision of seniority list from 2016 the respondent filed departmental appeal which was rejected.

7. That the respondent then filed service appeal No.349/2017 before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar wherein comments was called from the petitioners which were filed accordingly.

8. That the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar accepted and allowed the service appeal of respondent vide judgment and order dated 8/2/2017.

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- (78)
9. That the petitioners being aggrieved from the impugned judgment/order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 08/02/2018 in Service Appeal No.349/2017 prefer this CPLA before this august Court.
10. That the petitioners seek leave to appeal against the impugned judgment and order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 08/02/2018 in Service Appeal No.349/2017.

It is, therefore, prayed that on acceptance of this petition, leave to appeal against the impugned judgment and order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 08/02/2018 in Service Appeal No.349/2017 may graciously be granted.

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
For Government

NOTE:

Learned Advocate General, KPK/ Addl. AG /State Counsel shall appear at the time of hearing of this petition.

ADDRESS

Office of the Advocate General, KPK, High Court Building, Peshawar. (Telephone No.091-9210119, Fax No.091-9210270)

CERTIFICATE Certified that no such petition has earlier been filed by Petitioners/ Government against the impugned judgment mentioned above.

Advocate-On-Record


ATTESTED

(79)

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

"I"
Avenue

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

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

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

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

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

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

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

Date of hearing: 29.6.2018

ORDER

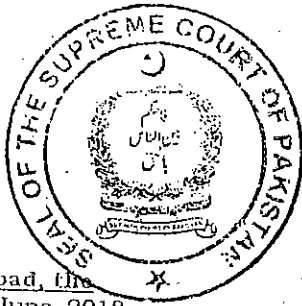
MIAN SAQIB NISAR, CJ.- The petitioners were a necessary party because they would certainly be affected by the judgment of the learned Tribunal. The learned Tribunal was apprised that they should be made a party and given an opportunity of hearing but this request was unreasonably declined. Therefore,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

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

ATTESTED

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



Sd/= Mian Saqib Nisar, CJ
Sd/= Faisal Arab, J
Sd/= Munib Akhtar

Certified to be True Copy

Islamabad, the
29th of June, 2018

Court Associate
Supreme Court of Pakistan
Islamabad

GR No: 16124/18
 Date of Presentation: 30-06-18
 No of Words: 600
 No of Folios: 6
 Requisition Fee Rs: 5.00
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 Court Fee Stamps: 8.72
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BEFORE THE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL, PESHAWAR.

Noor Khan (AFC)

VERSUS

The Director Food Khyber Pakhtunkhwa and others

INDEX

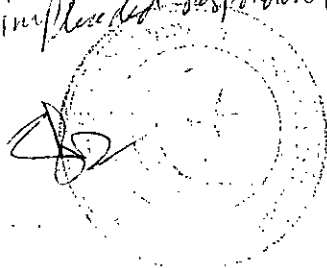
Sr#	Description	Annexure	Pages
1.	Amended Appeal		1 - 17
2.	Affidavit		18
3.	Copy of the employment documents	A	19 - 23
4.	Copy of the office order/adjusted as Inspector in Food Department	B	34 - 35
5.	Copy of 2001 Government Policy of Surplus and 2006 Amendment	C	36 - 41
6.	Copy of the impugned seniority list of DFC dated: 17.08.2018 as well as other lists of Food Grain Inspector	D	42 - 56
7.	Copy of the judgment of this Honorable Tribunal dated: 15.08.2016 (Appeal No.831/2015)	E	57 - 62
8.	Copy of the impugned revised seniority list (AFC) of the year, 2016, Departmental Appeal and impugned regretted order dated: 06.04.2017	F	63 - 65
9.	Copy of the judgment 2009 SCMR page-1 etc	G	66 - 68
10.	Copy of the Judgment dated: 08.02.2018 of this Honorable Tribunal	H	69 - 79
11.	Copy of the CPs and order of the apex court dated: 29.06.2018	I	80 - 95
12.	Copy of the Judgment dated: 24.11.2017 in appeal No.7 & 8 of this Honorable Tribunal	J	96 - 101
13.	Copy of the Minutes of the Meeting of DPC dated: 27.08.2018 along with relevant records	K	102 - 104
14.	Copy of copy of notification and service rule of AFC along with relevant record	L	105 - 109
15.	Power of Attorney		110

Petitioner
Through

[Signature]

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

RS.700/- deposited as process fee
for the impugned respondents at 50.25
to: 38,



(82)

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

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

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

..... **Appellant**

VERSUS

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

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

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

..... Respondents

(85)

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

Service Appeal No. 349/2017

Date of Institution ... 13.04.2017

Date of Decision ... 15.07.2021



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

... (Appellant)

VERSUS

Director Food, Khyber Pakhtunkhwa, Peshawar and 37 others.

... (Respondents)

Mr. TAIMUR HAIDER KHAN,
Advocate

--- For appellant.

MR. RIAZ AHMED PAINDAKHEL,
Assistant Advocate General

--- For official respondents.

Mr. ABDUL HAMEED,
Advocate

--- For private respondents.

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


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

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

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

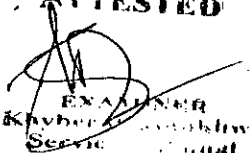
ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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

[Signature]

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

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 Peshawar

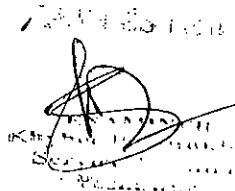
"Resultantly, these petitions are converted into appeals and allowed, the impugned judgment is set-aside and the matter is remanded to the learned Tribunal to implead all those who would be effected by the decision of the Tribunal and pass a fresh decision after giving them an opportunity of

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

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

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

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




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

J. I.

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

7. Arguments heard and record perused.

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

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

"06. FIXATION OF SENIORITY"

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

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




NOTE:

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

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

ATTESTED


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Kalyan Pathak
Service Tribunal
Bhubaneswar

9. A perusal of the above-mentioned reproduced para-6 sub-para (c) of the policy letter dated 08.06.2001 would show that in case of adjustment of a surplus employee against a post in corresponding basic pay scale with different designation/nomenclature of the post, was to be placed at the bottom of seniority list. It is no where mentioned in the said para-6 that an employee is to be placed at the bottom of the

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

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

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

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

J.T.

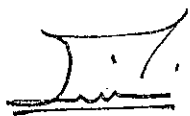
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top of seniority list pertaining to the year 2004, in which the appellant was adjusted in the Food Department. August Supreme Court of Pakistan in its judgment reported as 2009 SCMR 1 has graciously held as below:-

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



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Peshawar

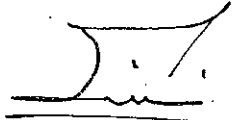
12. In the judgment delivered by this Tribunal in the case of Muhammad Naveed, no condition of placing him as junior to direct recruits was imposed, while in the later common judgment, delivered by this Tribunal in the service appeals of Muhammad Akbar and Muhammad Saleem Iqbal, the benefit of Muhammad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

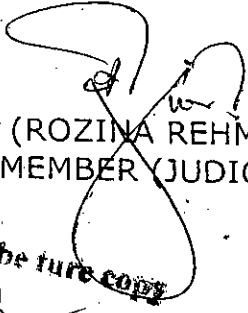
of BPS-06 in the year 2006, then he would have been promoted prior to the direct recruits that is why the Tribunal did not put the condition of placing Muhammad Naveed as junior to the direct recruits. While going through the subsequent judgment, it appears that this Tribunal had overlooked this aspect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

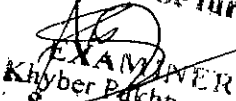
13. In its remanding order, august Supreme Court of Pakistan has held that the Tribunal shall implead all those who would be affected by the decision of the Tribunal and shall pass a fresh decision after giving them an opportunity of hearing. The contention of learned counsel for the respondents that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

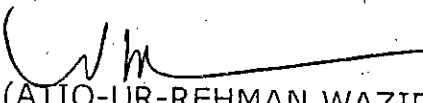
14. In light of the above discussion, the appeal in hand is allowed and the respondents are directed to grant seniority to the appellant by considering him at the top of concerned seniority list pertaining to the year 2004, with all back benefits. Parties are left to bear their own costs. File be consigned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

ANNOUNCED
15.07.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ROZINA REHMAN)
MEMBER (JUDICIAL)

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar


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

(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 07-12-2022.

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 FGU Cane Inspector	Date of appointment to the present post	Method of recruitment	Date of superannuation Vtz. 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	10.04.1984	Abbottabad.	07.08.2015	07.08.2015	07.08.2015	By Initial recruitment	09.04.2044
3.	Miles 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. Shujaat Hussain Shah	M.Sc(Honr)	07.04.1987	Mansehra	07.08.2015	07.08.2015	07.08.2015	By Initial recruitment	06.04.2047
6.	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
7.	Mr. Muhammad Safiq	M.A Pol. Science	18.04.1965	Nowshera	14.07.1993	17.08.2005	22-04-2018	By Promotion	17.04.2028
8.	Mr. Gulab Gul	MA Pol. Science	01.02.1967	Karak	14.07.1993	17.08.2005	22-04-2018	By Promotion	31.01.2027
9.	Mr. Muhammad Khalid	FA	02.06.1973	Peshawar	04.03.2008	04-03-2008	22-04-2018	By Promotion	01.05.2033
10.	Mr. Usman Khan	B.A	01-01-1975	Dir	03-11-2008	03-11-2008	22-04-2018	By Promotion	31.12.2036
11.	Mr. Muhammad Shoaib	FA	11.04.1966	Mansehra	04.07.1993	05-11-2008	22-04-2018	By Promotion	10.04.2028
12.	Mr. Amjad Khan	Matric	05.01.1975	Malakand	18.08.1993	05-11-2008	22-04-2018	By Promotion	04.01.2035
13.	Mr. Mohammad Zubair	M.A	21.09.1970	Mardan	18.08.1993	12-01-2009	22-04-2018	By Promotion	20.09.2030
14.	Mr. Saif Ali Shah	B.Sc	03.03.1969	Kohat	19.08.1993	12-01-2009	22-04-2018	By Promotion	02.03.2029
15.	Mr. Aurangzeb Khan	FA	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	22.05.1995	28-12-2009	22-04-2018	By Promotion	14.03.2034
18.	Mr. Abduallah	Matric	02-04-1978	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	22.05.1995	28-12-2009	04-08-2018	By Promotion	24.03.2037
20.	Mr. Riaz Ahmad	M.A	01.03.1968	Chitral	02.05.1995	28-12-2009	04-08-2018	By Promotion	28.02.2028
21.	Mr. Ateeq-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 Badai	FA	15-04-1969	Abbottabad	08-08-1985	28-12-2009	28-11-2018	By Promotion	14-04-2029
23.	Mr. Lal Bacha	B.A	09.04.1989	Mardan	08-12-2018	-	08-12-2018	By Initial recruitment	08.04.2048
24.	Mr. Fakhar Zaman	FA	22.04.1971	S.Waziristan	03.08.1992	28-12-2009	10-01-2017	By Promotion	21.04.2031
25.	Mr. Rehmat Wali	FA	10.08.1983	Chitral	18.12.1981	28-12-2009	23-05-2017	By Promotion	08.08.2023
26.	Mr. Ghulam Rasool	Matric	10-04-1963	Chitral	23.04.1983	28-12-2009	23-05-2017	By Promotion	09-04.2023
27.	Mohammad Zahir Shah	FA	10.12.1963	Chitral	01.09.1985	08-04-2010	23-05-2017	By Promotion	09-12-2023
28.	Mr. Abidullah Jan	Matric	29.11.1984	Nowshera	08.05.2004	08-04-2010	12-04-2018	By Promotion	28.11.2044
29.	Mr. Waheed Ali	Matric	18.02.1981	Nowshera	08.05.2004	08-04-2010	23-05-2017	By Promotion	17.02.2041
30.	Mohammad Yousef Khan	D.Com	07-04-1984	FR Bannu	18-04-2010	18-04-2010	19-09-2017	By Promotion	08-04-2044
31.	Mr. Aamir Khalid	B.A	28-03-1970	Mansehra	15-01-2009	14-05-2010	19-09-2017	By Promotion	25-03-2030
32.	Mr. Umair Ali	BA	15-11-1987	Charsadda	13-05-2010	14-05-2010	19-09-2017	By Promotion	14-11-2047
33.	Mr. Numan Amir	BA	28-12-1993	Peshawar	13-05-2010	14-05-2010	19-09-2017	By Promotion	24-12-2043
34.	Mr. Shoukat Ali	FA	04.04.1977	Mansehra	08.05.2004	20-10-2010	10-10-2017	By Promotion	03.04.2037
35.	Sir. Arif ur Rehman	BS (Hons) Geology	06-08-1991	Karak	01-08-2013	01-08-2018	01-08-2018	By Initial recruitment	05-08-2051
36.	Mr. Saif ur Rehman	MBA	02-01-1990	Bannu	18-03-2019	-	18-03-2019	By Initial recruitment	01-01-2050
37.	Kamal Ahmad	M.A	01-02-1994	Charsadda	28-05-2021	-	28-05-2021	By Initial recruitment	31-01-2054
38.	Aashir Emmanuel Javed	B.A	07-08-1987	Kohat	28-05-2021	-	28-05-2021	By Initial recruitment	08-08-2037

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DIRECTOR FOR FOOD
KHYBER PAKHTUNKHWA
PESHAWAR

93

F
Anam

To,

(34)

Amir
G

The Secretary
Government of KP
Food Department, Peshawar

DEPARTMENTAL APPEAL/REPRESENTATION IN
RESPECT OF IMPUGNED SENIORITY LIST OF
ASSISTAN FOOD CONTROLLER (BPS-16) AS
STOOD ON 07.02.2022 BY PLACING THE
APPELLANT BELOW FROM DIRECT RECRUITS IN
THE IBID LIST OF SENIORITY

Respected Sir,

With profound veneration and respect, it is hereby in
the third departmental appeal humbly submit that the
undersigned again aggrieved from the expounded
impugned seniority list (tentative) of Assistant Food
Controller (BPS-16) vides dated: 07.02.2022 issued by
the Directorate of Food Khyber Pakhtunkhwa .

As submitted in the heading, that as per
Establishment via Food Department Rules, 1981, the
undersigned do fulfill the required touchstone to be
permanently promoted on the ibid post of AFC in the
year 2012/2013 but unfortunately instead to have
regularly promotion, your good self department,
purposely promoted the undersigned on acting charge
basis, in the year 2013 on the ibid post of AFC. The
shocking aspect of the matter is, unfortunately, the
appellant was promoted regularly in the year 2016
vides dated: 22.4.2016

It is also rudimentary to bring into the kind
knowledge of your good self that purposely, the food
department has pensile the regular promotion since
2013 till the arrival of direct recruits in the year, 2015
by completely infringed the prima facie crystal cleared
rules of having only 25 % Quota for direct Recruits.

M. Saleem

(95)

In Such a scenario, the undersigned do confront the worthy Director Food Depart with all the annexed rules and seniority but of no avail and having turned to a deaf ear all the previous appeal against all the previous seniority list of AFC. So much so, one Noor Khan, who was also placed junior from the present direct recruits but till supreme court his lis was adjudicated and finally the Honorable Larger Bench of the KP Service Tribunal has been pleased to allow his service Appeal No.349/2017 vides Judgment Dated:15.07.2021.

Keeping in view the domain of "2009 SCMR PAGE-01/1996 SCMR 1185 & 2005 SCMR 499 which depicts about Article 25 of the Constitution of Islamic Republic of Pakistan 1973 i.e. "if a tribunal or court decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rules of governance demand that the benefit of the said decision be extended to other civil servants also, who may not be participated to that litigation instead of compelling them to approach the tribunal or any other legal forum" and requested the Food department to kindly do same relief to the undersigned and placed higher in the ibid list from the direct recruits but dilly dallying the matter and hence the instant appeal for the needful for the best administrating of justice and fair play

It will be highly obliged that if an opportunity of personnel hearing may be given to the undersigned.

18.02.2022

Yours truly



Muhammad Salim AFC

Directorate of Food
Department, Peshawar

96

To,

The Secretary
Government of KP
Food Department, Peshawar

**DEPARTMENTAL APPEAL/REPRESENTATION IN
RESPECT OF IMPUGNED SENIORITY LIST OF
ASSISTAN FOOD CONTROLLER (BPS-16) AS
STOOD ON 07.02.2022 BY PLACING THE
APPELLANT BELOW FROM DIRECT RECRUITS
IN THE IBID LIST OF SENIORITY**

Respected Sir,

With profound veneration and respect, it is hereby in the third departmental appeal humbly submit that the undersigned again aggrieved from the expounded impugned seniority list (tentative) of Assistant Food Controller (BPS-16) vides dated: 07.02.2022 issued by the Directorate of Food Khyber Pakhtunkhwa

As submitted in the heading, that as per Establishment via Food Department Rules, 1981, the undersigned do fulfill the required touchstone to be permanently promoted on the ibid post of AFC in the year 2012/2013 but unfortunately instead to have regularly promotion, your good self department, purposely promoted the undersigned on acting charge basis, in the year 2013 on the ibid post of AFC. The shocking aspect of the matter is, unfortunately, the appellatant was promoted regularly in the year 2016 vides dated: 22.4.2016

It is also rudimentary to bring into the kind knowledge of your good self that purposely, the food department has pensile the regular promotion since 2013 till the arrival of direct recruits in the year, 2015 by completely infringed the prima facie crystal cleared rules of having only 25 % Quota for direct Recruits.

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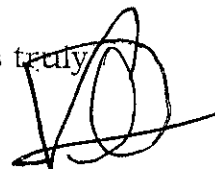
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It will be highly obliged that if an opportunity of personnel hearing may be given to the undersigned.

18.02.2022

Yours truly



Gulab Gul AFC

**Directorate of Food
Department, Peshawar**

98

To,

The Secretary
Government of KP
Food Department, Peshawar

**DEPARTMENTAL APPEAL/REPRESENTATION IN
RESPECT OF IMPUGNED SENIORITY LIST OF
ASSISTAN FOOD CONTROLLER (BPS-16) AS
STOOD ON 07.02.2022 BY PLACING THE
APPELLANT BELOW FROM DIRECT RECRUITS
IN THE IBID LIST OF SENIORITY**

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Khaliq

99

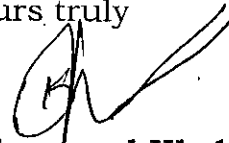
In Such a scenario, the undersigned do confront the worthy Director Food Depart with all the annexed rules and seniority but of no avail and having turned to a deaf ear all the previous appeal against all the previous seniority list of AFC. So much so, one Noor Khan, who was also placed junior from the present direct recruits but till supreme court his lis was adjudicated and finally the Honorable Larger Bench of the KP Service Tribunal has been pleased to allow his service Appeal No.349/2017 vides Judgment Dated:15.07.2021.

Keeping in view the domain of "2009 SCMR PAGE-01/1996 SCMR 1185 & 2005 SCMR 499 which depicts about Article 25 of the Constitution of Islamic Republic of Pakistan 1973 i.e. "if a tribunal or court decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rules of governance demand that the benefit of the said decision be extended to other civil servants also, who may not be participated to that litigation instead of compelling them to approach the tribunal or any other legal forum" and requested the Food department to kindly do same relief to the undersigned and placed higher in the ibid list from the direct recruits but dilly dallying the matter and hence the instant appeal for the needful for the best administrating of justice and fair play

It will be highly obliged that if an opportunity of personnel hearing may be given to the undersigned.

18.02.2022

Yours truly



Muhammad Khalid

Assistant Food Controller
Directorate of Food
Department, Peshawar

(100)

To

The Secretary to
Government of Khyber Pakhtunkhwa,
Food Department Peshawar.

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

R/Sir

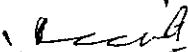
With reference to Food Directorate letter No.; 4021/ET-716 dated 13-09-2021 (Copy enclosed).

With due reverence and immense regards we the undersigned yearn to submit that having been aggrieved of the Tentative Seniority List of the Assistant Food Controller (BS016) issued by the Directorate of Food Khyber Pakhtunkhwa review appeal against the same were submitted to your worth self in the month of November, 2020 for ratification of record. However, outcome of the case have not been shared with the undersigned by the Department till date.

In this regard it is again requested that we have shown at Serial No. 24,25 and 26 of the Seniority List of AFC issued in November, 2020, whereas we were promoted on acting charge basis through Department Promotion of Directorate of Food Khyber Pakhtunkhwa, Peshawar on 31-05-2013 against vacant posts in spite of the fact that we were promoted / inducted as Foodgrain Inspectors on 17-06-2005 and 04-03-2006, so we fill full the prescribed 05 years length of service for regular promotion to the post of AFC, while our regular promotion were considered on 22-04-2016, by this way we were kept AFCs on acting charge basis till the recruitment of 09 AFCs through Public Service Commission in 2015 under 25% initial recruitment quota which is un justice.

Following the above, it is very humbly prayed to kindly decide the above cited subject appeal of the undersigned in case the same has not attained any finality as yet, likewise, we the undersigned will remain highly obliged if outcome of the same shared upon disposal of case for our personal record.

Dated ___/11/2021


Muhammad Salim AFC
Now DFC Shangla
(OPS)


Gulab Gul
AFC Office of DFC
Hangu


Muhammad Khalid
AFC Office of DFC
Mardan

To

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

101

Subject: APPEAL AGAINST THE ISSUANCE OF SENIORITY LIST

Memo:.


With reference to Director Food Khyber Pakhtunkhwa issuance of tentative seniority list of AFCs vide his office letter No.4486/ET-716 dated 05-11-2020.

With due reverence, it is submitted that I Mr. Gulab Gul AFC stands at S.No.25 in the instantly compiled tentative seniority list of AFCs (BS-16) in Food Directorate Peshawar. In this regard, it is submitted that grave deviation from my due right had been observed in between my acting charge promotion and regular promotion to the post of AFC and consequently, I suffered grave injustice by getting a push down in the seniority list. It is elaborated for your convenience please that I was promoted on acting charge to the post of AFC through DPC in 2013 which was lying vacant by that time and I qualified the laid down criteria in all respects for the same posts. It is worth elaborating that I deserved this post by promotion in 75% departmental quota but to the utmost injustice to me, I was kept AFC on acting charge till the recruitment of 8 AFCs through KPPSC in 2015 in 25% initial recruitment quota. Subsequently, I was promoted in 75% departmental promotion quota to the post of AFC after the recruitment of 25% KPPSC initial recruitment quota. Consequently, I got a position in the seniority list below the KPPSC recruitment AFCs which is obvious injustice to the afterwards promoted. I therefore, appeal you for due place in the seniority list.


Gulab Gul 11.11.2020

Assistant Food Controller Bannu

A copy is forwarded to Director Food with similar request please.


Gulab Gul 11.11.2020

Assistant Food Controller Bannu



GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD DEPARTMENT

102

NO.SOG/Food/1-27/2020/
Peshawar dated, the 08-12-2021

091-9225376

fooddepartmentkpk@gmail.com

@FoodKPGovt

@foodkpgovt

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 (copy enclosed) and the personal hearing was conducted by the Competent Authority.

2. Brief history of the case is that the appellants has been appointed as Assistant Food Controllers on acting charge basis vide notification dated 31/05/2013 (Flag-A) 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 year 2014/2015 (Flag-B), but their acting charge appointed has not been actualized and no DPC meeting was called till April, 22-2016.

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

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 on regular basis in the year 2014-15.

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

i. The appeal of 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.

Submitted for immediate response as per Laws/Rules, Please.

Encl: A.A.

Yours faithfully,

(MURAD AHMAD HOTI)
SECTION OFFICER (GENERAL)

Copy forwarded for information to the:-

1. PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar.

(MURAD AHMAD HOTI)
SECTION OFFICER (GENERAL)

بعد الت حیات جتہ جتہ نوریہ سروس ٹرانسپورٹ ایشیا اور

BC-10-7605

913
Respondents
2022

گلاب گل AFC
حکیم خورشید جتہ جتہ نوریہ
بنام حکومت

موزخہ 2022-19-10
مقدمہ No 908/22
دعوی
جرم

R.No.8

Shujaat Hussain AFC

باعث تحریر آئیکہ

مقدمہ مشدوہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی مکمل کارروائی متعلقہ
شاہد عبدالحمید اور کورٹ کے حکم کے تحت اپنے ہاں

آن مقام
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی مکمل کارروائی کا کامل اختیار ہوگا۔ نیز
دیکھل صاحب کو راضی نامہ کرنے و تقرر حالت فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک درو پیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کیٹرفرنہ یا اپیل کی برادگی اور منسوخ
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 با اختیار حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو شرط چرہ ہر جانہ 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.3
Azeem Khan AFC

Hafiz
AFC R.No.9

R.No.5

Muhammad Shukael AFC

R.No.6

Uzma Kanwal AFC

R.No.4

Tausif Iqbal AFC

R.No.4

Attested & Accepted 2022

19 اکتوبر

Advocate Saffar
Court of Pakistan (AFC)

0343-9025029

BC-10-7605

R.No.7

Zafar Alam Raza AFC

15602-6763807-1