

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No:- 1710 /2023

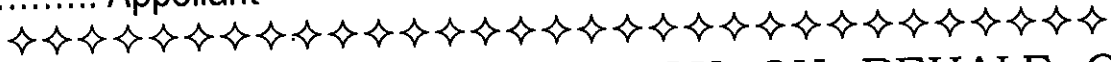
Abbas Khan

Versus

Govt: of KPK & others

..... Appellant

..... Respondents



PARA-WISE COMMENTS/REPLY ON BEHALF OF

RESPONDENT NO 5.

Khyber Pakhtunkhwa
Service Tribunal

Respectfully Sheweth:-

Diary No. 8158

The respondent humbly submits as under:-

Dated 06-10-23

Preliminary Objections:-

1. *That the appellant has no cause of action/locus standi to file the instant Service appeal, because neither any wrong has been done nor any vested right of the appellant has been infringed.*
2. *That the appellant is estopped by his own conduct to file the instant Service Appeal.*
3. *That the appellant has not come to this Honourable Tribunal with clean hands and deliberately concealed material facts from this Honourable Tribunal, hence disentitled for any relief whatsoever.*
4. *That the instant service appeal was filed by the appellant with malafide intention on his personal grudges only for the purpose to pressurize the respondent.*

5. *That the instant appeal is not maintainable in its present form.*
6. *That the instant appeal is liable to be dismissed due to mis-joinder and non-joinder of necessary parties.*
7. *That the instant appeal is hopelessly premature as the appellant cannot challenge the transfer order without completing the statutory period of 90 days after submission of departmental appeal.*

Facts:-

1. *That Para No 1 of the appeal pertains to record, furthermore, Para No 1 of the instant appeal is not relevant to the respondent No 5.*
2. *That Para No 2 of the appeal is correct to the extent that the respondent No 5 has been transferred from Food Directorate Peshawar to DFC Abbottabad (respondent No 3) as per rule and policy vide order dated 24/05/2023, furthermore, respondent No 5 has taken charge on 30/05/2023 and had also received salary from the said office and rest of the Para is relevant to respondent No 2.*
3. *That Para No 3 of the appeal needs no comments.*

Grounds:-

- A) That Para "A" of grounds of appeal is incorrect, hence denied. Moreover, the impugned transfer order is pertaining to posting and transfer of 39 officials, which is general posting and transfer order, was issued in the best interest of general public for the whole province and not specifically for respondent No 5, hence the instant appeal of the appellant may kindly be dismissed with costs.
- B-C) That in reply to Paras "B" & "C" of grounds of appeal, it is submitted that respondent No 5 has served in the office of respondent No 3 as Junior Clerk since 27/09/2017 and then the respondent No 5 was promoted in the said office from Junior Clerk to Senior Clerk on 07/06/2022 vide Office Order No 2076/PF dated 07/06/2022 and then again respondent No 5 was prematurely posted/transferred to Directorate of Food Peshawar on 22/12/2022 vide Office Order No 5045/PF-1266. (Copies of Order No 2076/PF dated 07/06/2022 & Order No 5045/PF-1266 dated 22/12/2022 are attached as annexure "A" & "B").
- D) That Para "D" of grounds of appeal is completely incorrect, hence denied. There is nothing available on case file except oral allegations, which could show that the posting and transfer of respondent No 5 to the office of

respondent No 3 was on political basis and without adopting the due course of law. Furthermore, the transfer and posting order was not only for respondent No 5 & appellant, rather the impugned order was for transfer and posting of 39 officials throughout the province for the best interest of public. Needles to mention here that the appellant himself used political influence in his Transfer Order No 11913/ET-378-IV dated 24/08/2010 by respondent No 2 in the pursuance of specific order of posting and transfer issued by Minister Food KP, Peshawar. (Copy of the Transfer Order No 11913/ET-378-IV dated 24/08/2010 is attached as annexure "C").

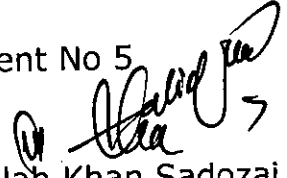
- E) That Para "E" of grounds of appeal is incorrect, hence denied, detail reply has already been given in the above Paras.
- F) That Para "F" of grounds of appeal is incorrect and mere oral allegation, nothing is available in black and white on the case file in proof of allegations of appellant. Furthermore, the appellant himself is political motivated person, the proof of transfer of appellant is already attached in Para "D".
- G) That Para "G" of grounds of appeal is legal.

- H) That Para "H" of grounds of appeal need no comments, pertains to record.
- I) That Para "I" of grounds of appeal is incorrect, hence denied. Furthermore, the Govt: Servant is supposed to resumed of his/her duty with zeal and zest as per the order of competent authority, wherever he/she may be instead of seeking the posting and transfer of his/her own choice.
- J) That Para "J" of grounds of appeal needs no comments.

It is, therefore, most humbly prayed that on acceptance of this Para-Wise Reply/Comments, the instant service appeal may kindly be dismissed.


Dated:- 06/10/2023

Through:-

Respondent No 5

 Wahid Ullah Khan Sadozai
 Advocate High Court

AFFIDAVIT

As per instruction of my client, I do hereby solemnly affirm and declare on oath that the contents of this Para-Wise Comments/Reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal. I further stated that answering Respondent no 5 has neither been placed - ex - parte, nor their defence has been struck off.

DEPONENT 



Annex "A"



Our faith, "Corruption free Pakistan"

GOVERNMENT OF KHYBER PAKHTUNKHWA

DIRECTORATE OF FOOD, PESHAWAR

No. 2076 /PF-

Dated: 27/06/2022

091-92253781 fooddirector@kpk.gov.pk fooddir@govt.pk @foodkpgovt

OFFICE ORDER

In continuation of Directorate of Food Office Order No. 1872/G-275-OPC dated 24-05-2022, on promotion of Junior Clerks (BS-11) to the post of Senior Clerks (BS-14) on regular basis, the following postings / transfers of Senior Clerks are hereby ordered with immediate effect in the interest of public.

S.No.	Name of Official	From	To
1.	Mr. Muhammad Siyab Senior Clerk (BS-14)	Office of DFC Dargai	Office of DFC Nowshera against vacant post
2.	Mr. Rifaq Ahmad Senior Clerk (BS-14)	Office of DFC Mardan	Office of DFC Hangu against vacant post
3.	Mr. Sardar Rizwan Senior Clerk (BS-14)	Office of DFC Mansehra	Office of DFC Konat against vacant post
4.	Mr. Sajid Hussain Senior Clerk (BS-14)	Office of DFC Khyber	Office of DFC South against vacant post Waziristan
5.	Noor Shahidin Senior Clerk (BS-14)	Office of DFC Chitral Lower	Office of DFC Bajaur against vacant post
6.	Miss Nabeela Alam Senior Clerk (BS-14)	Office of DFC Abbottabad	Office of DFC Abbottabad vice No. 10
7.	Mr. Muhammad Nasir Senior Clerk (BS-14)	Office of DFC Mardan	Office of DFC Kohat against vacant post
8.	Miss Amara Urooj Senior Clerk (BS-14)	Office of DFC D.I.Khan	Office of DFC D.I.Khan against vacant post
9.	Miss Khush Bakht Senior Clerk (BS-14)	Food Directorate, Peshawar.	Food Directorate, Peshawar against vacant post
10.	Mr. Muhibullah Senior Clerk (BS-14)	Office of DFC Abbottabad	Office of DFC Kohistan against vacant post

DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.

Endorsement No & Date Even

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All District Accounts Officers in Khyber Pakhtunkhwa.
3. All Officers in Directorate of Food Khyber Pakhtunkhwa.
4. All Divisional Deputy Directors Food in Khyber Pakhtunkhwa.
5. All District Food Controllers in Khyber Pakhtunkhwa.
6. The Storage & Enforcement Officers NRC Azakhel and PRC Peshawar.
7. The Rationing Controller Peshawar.
8. PS to Minister Food, Khyber Pakhtunkhwa.
9. PS to Secretary Food, Khyber Pakhtunkhwa.
10. Officials concerned.
11. The Pay Bill Assistant Food Directorate, Peshawar.
12. Personal files.

DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

ATTESTED



Our faith, "Corruption free Pakistan"

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF FOOD, PESHAWAR

No. 5045 JPF-1266

Dated: 22/12/2022

091-9225378 | fooddirectoratkpk@gmail.com | foodKPGovt | @foodkpgovt

OFFICE ORDER

The following postings / transfers of Senior Clerks are hereby ordered with immediate effect in the best public interest:

S.No.	Name of Official	From	To
1.	Mr. Abbas Khan Senior Clerk	Food Directorate Peshawar	DFC Office Abbottabad
2.	Miss Nabeela Alam Senior Clerk	DFC Office Abbottabad	Food Directorate Peshawar

[Signature] 22/12
DIRECTOR FOOD
KHYBER PAKHTUN KHWA
PESHAWAR

Endorsement No & Date Even

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa Peshawar
2. The District Accounts Officer Abbottabad
3. The Deputy Director Food Hazara Division
4. The District Food Controller Abbottabad
5. PS to Minister Food Khyber Pakhtunkhwa
6. PS to Secretary Food Khyber Pakhtunkhwa
7. The Pay Bill Assistant Food Directorate Peshawar
8. Officials concerned
9. Personal file

[Signature]
Deputy Director Food
Hazara Division Abbottabad

[Signature] 22/12
DIRECTOR FOOD
KHYBER PAKHTUN KHWA
PESHAWAR

[Signature]



(8) Annex C

**FOOD DIRECTORATE
KHYBER PAKHTUN KHWA
PESHAWAR**

No 11913 /ET-378-IV

24
Dated /08/2010

OFFICE ORDER

In pursuance to the order of Minister Food Vide No.PS/ Minist/ KPK/2010 dated 23-08-2010, the following postings and transfers of Junior Clerks are hereby ordered with immediate effect in the interest of public.

S.No	Name of Official	From	To
1	Mr Nawaz Haider Shah Junior Clerk	DFC office Abbottabad	DFC Office Mansehra
2	Mr. Abbas Khan Junior Clerk	DFC Office Shangla	DFC office Abbottabad
3	Mr. Habib ur Rehman Junior Clerk	DFC office Mansehra	DFC office Shangla

A. Shikhan
DIRECTOR FOOD
KHYBER PAKHTUN KHWA.
PESHAWAR

Endst: even No & date

Dated Peshawar, the 24 /08/2010

Copy is forwarded for information to:-

- 1 The PS to Minister Food for information of Minister Food, Khyber Pakhtun Khwa, Peshawar.
- 2 The PS to Secretary Food, Khyber Pakhtun Khwa, Peshawar.
- 3 The District Accounts Officer Abbattabad Mansehra, Shangla
- 4 The District Food Controllers Abbottabaf, Mansehra, Shangla.
- 5 Officials concerned
- 6 Personal File

A. Shikhan
DIRECTOR FOOD
KHYBER PAKHTUN KHWA.
PESHAWAR

(Signature)