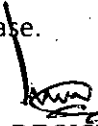




Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1076 /2020

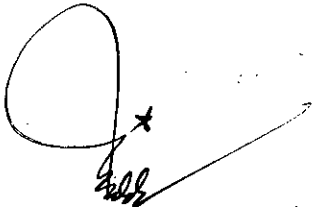
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/02/2020	<p>The appeal of Mr. Rauf Khan presented today by Mr. Umar Farooq Mohmand Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR 25/2/2020</p>
2-	02/03/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/04/2020</u>.</p> <p> MEMBER</p>
	02.04.2020	<p>Due to public holiday on account of COVID-19, the case is adjourned for the same on 26.06.2020 before S.B.</p> <p> Reader</p>

26.06.2020

None for the appellant present.

On the last date of hearing the case was adjourned through Reader note. The office shall, therefore, issue notices to the appellant and his counsel for next date of hearing.

Adjourned to 02.09.2020 before S.B.


MEMBER

02.09.2020

Counsel for the appellant present.

Contends that the appellant was appointed as Khasadar in the year 1995 and has been performing duty till date. After the merger of erstwhile FATA he was redesignated as constable in the Police Department, however from November, 2019 the appellant has not been paid his monthly salary and allowances etc. The stoppage of salary is an unconstitutional act on the part of respondents which requires to be undone.

Subject to all just exceptions, instant appeal is admitted to regular hearing. 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 on 02.11.2020 before S.B.

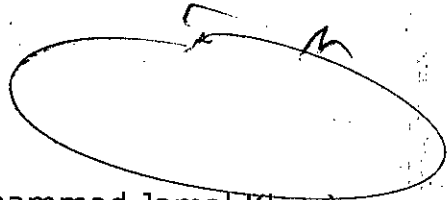
Appellant Deposited
Security & Process Fee -


Chairman

02.11.2020

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is present.

Written reply on behalf of respondents not submitted. Learned Additional AG request for further time to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 24.12.2020. File to come up for written reply/comments before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

24.12.2020

Counsel for the appellant and Asstt. AG alongwith Abdul Khaliq, Naib Court for the respondents present.

Representative of the respondents seeks time to furnish reply/comments. Adjourned to 10.02.2021 on which date the requisite reply/comments shall positively be furnished.

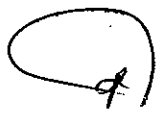

Chairman

10.02.2021

Junior to counsel for appellant present.


Kabir Ullah Khattak learned Additional Advocate General alongwith Abdul Khaliq Naib Court for respondents present.

Written reply of respondents is still awaited. Representative of respondents made a request for time for furnish written reply/comments. Last chance is given. To come up for written reply/comments on 08.04.2021 before S.B:


(Rozina Rehman)
Member (J)

08.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 01.07.2021 for the same as before.


READER

01.07.2021

Counsel for the appellant and Addl. AG for the respondents present.

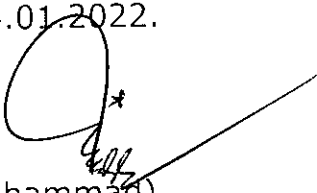
Learned AAG seeks time to submit reply/comments. He is required to contact the respondents and submit written reply/comments within 10 days in office, positively. In case written reply/comments are not submitted within the stipulated time, office shall submit the file with a report of non-compliance. To come up for arguments on 15.11.2021 before the D.B.


Chairman

15.11.2021

Learned counsel for the appellant present. Mr. Aziz Shah, Reader alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment for arguments. Adjourned. To come up for arguments before the D.B on 24.01.2022.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

24.01.2022

Learned counsel for the appellant present. Mr. Abdul Khaliq Reader alongwith Mr. Muhammad Riaz Khan Paindakheil Assistant Advocate General for the respondents present.

Mrs. Rozina Rehman learned Member (Judicial) is on leave, therefore, case is adjourned. To come up for arguments on 31.03.2022 before D.B.



(Salah-Ud-Din)
Member (J)


S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	31 st March, 2022	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <p style="text-align: center;">Service Appeal No. 1176/2020</p> <p>Mr. Rauf Khan, Constable Bat Meena, Tehsil Ambar, District Mohmand. ... (Appellants)</p> <p style="text-align: center;"><u>Versus</u></p> <p>Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others. ... (Respondents)</p> <p>Mr. Umar Farooq, Advocate ... For appellant</p> <p>Mr. Kabirullah Khattak, Addl. Advocate General ... For respondents.</p> <p style="text-align: center;">----</p> <p>MR. KALIM ARSHAD KHAN, ... CHAIRMAN MR. MIAN MUHAMMAD, ... MEMBER(E)</p> <p style="text-align: center;"><u>JUDGMENT.</u></p> <p style="text-align: center;"><u>KALIM ARSHAD KHAN CHAIRMAN.-</u> The appellant Rauf Khan, Constable has filed the instant appeal against the alleged inaction of the respondents for not releasing his monthly salaries w.e.f. 01.11.2019 alleging the same to be violative of the law/rules.</p> <p>02. Brief facts of the case are that the appellant was initially appointed as Khasadar vide order dated 19.12.1995 in the office of political agent Tribal District Mohmand. After merger of FATA with Province of Khyber Pakhtunkhwa, the Khasadar Force was placed at the</p>

disposal of respondent department and he was performing duties as constable. That the appellant was also serving the respondent department quite efficiently and with zeal and zest. That he received salaries till the month of October 2019. From 01.11.2019, the concerned Accounts Office had stopped the monthly salaries of the appellant without any plausible reason and justification.

03. Feeling aggrieved, he preferred departmental appeal before respondent No. 03 on 01.11.2019 which was not decided within the stipulated period, hence, the present appeal on 25.02.2020.

04. After admission of the appeal reply was sought from the respondents, which was accordingly submitted, wherein it was contended that before merger of the Khasadar in the Khyber Pakhtunkhwa Police, pay was drawn in the name of appellant but duty was performed by someone else (iwazi) Khasadar namely Ahmad Shah, who embraced Shahadat on 21.11.2013 while performing his duties at Dawezi, Tehsil Pandiali.

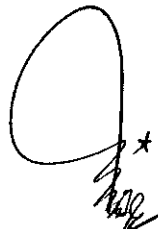
05. The appointment/absorption of substitute (Iwazi Ahmad Shah) could not be controverted by the appellant and when confronted with the situation whether the appellant had taken any proceedings against the


31/3/22

appointment of Iwazi/substitute, which he claim to be his right, learned counsel for the appellant submits that he would take appropriate legal steps for challenging the same. Even otherwise, the appellant had filed departmental representation to the District Police Officer, Momand on 01.11.2019 against the alleged inaction of the concerned Accounts Officer, who has not been arrayed as party in this appeal. Besides there is no order, either original or appellate, to enable the appellant to approach this Tribunal through this appeal.

06. For the stated reasons this appeal is not well-founded and is dismissed. The appellant is at liberty to seek any other steps provided under any law. Consign.

07. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 31st day of March, 2022.

*

(MIAN MUHAMMAD)
Member (E)



(KALIM ARSHAD KHAN)
Chairman



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1176 /2020

RAUF KHAN

VS

POLICE DEPARTMENT

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Appointment order	A	4. 4A
3	Pay slip	B	5.
4	Departmental appeal	C	6
6	Vakalat nama	7.

APPELLANT

THROUGH:


UMAR FAROOQ MOHMAND,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0313-8901647

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1176 /2020

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1320

Mr. Rauf Khan, Constable
Bat Meena, Tehsil Ambar, District Mohmand

Dated 25/02/2020

.....**APPELLANT**

VERSUS

- 1- Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- Additional Inspector General (Police Establishment), Khyber Pakhtunkhwa, Peshawar.
- 3- The District Police Officer, District Mohmand.

.....**RESPONDENTS**

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS FOR NOT RELEASING THE MONTHLY SALARIES OF THE APPELLANT W-E-F 01-11-2019 AND BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUARY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the respondent may please be directed to release the salaries of the appellant w-e-f 01-11-2019 with all back benefits. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to day
Registrar
25/2/2020

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant was initially appointed as Khasadar vide order dated 19-12-1995 in the office of Political Agent Tribal District Mohmand. Copy of the appointment order dated 19-12-1995 is attached as annexure.....**A.**
- 2- That it is important to mention here that after the merger of FATA with Province of Khyber Pakhtunkhwa, the Khasadar Force are placed at the disposal of respondent department and now performing duties as Constable. That appellant is also serving the respondent department as Constable quite efficiently and with zeal and zest.

- 3- That appellant received salaries till the month of October 2019. Copy of the pay slip is attached as annexure.....**B.**
- 4- That it is worth to mention here that the concerned account officer of the respondent department had stopped the monthly salaries of the appellant without any plausible reasons and justification w-e-f 01-11-2019.
- 5- That appellant felling aggrieved from action and inaction of the respondents by not releasing the monthly salaries, preferred departmental appeal before respondents No. 3. Copy of the departmental appeal is attached as annexure**C.**
- 6- That having no other remedy the appellant preferred the instant appeal on the following grounds amongst others.

GROUND:

- A- That by not releasing the monthly salaries of the appellant with w-e-f 01-11-2019 is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and mala fide manner by not releasing the monthly salaries as such the inaction of the respondents is violation of law and rules.
- D- That the inaction of the respondents is discriminatory and against the norms of natural justice, therefore not tenable in the eye of law.
- E- That by not releasing the monthly pay the respondents are violating the Fundamental Rights of the appellant.
- F- That as per the judgments of the apex court work done must be paid, so appellant is entitled to be paid his monthly salaries.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

3

Dated: 25/02/2020

APPELLANT

رؤف خان

RAUF KHAN

THROUGH:



UMER FAROOQ MOHMAND

&



**KAMRAN KHAN
ADVOCATES**

(A) (4) 28

OFFICE OF THE POLITICAL AGENT MOHMANDS AT GHALLANAI

OFFICE ORDER

As recommended by the Assistant Political Agent Lower Mohmands, Ekkaghana the following persons are hereby appointed as Khassadars in the RPS No. 1(1245-35-1770) plus usual allowances with effect from 1st January 1996 against the newly sanctioned Posts meant for Ambar area, subject to the production of age and Medical fitness Certificates:-

- | | | |
|--|---|--------------------------|
| 1. Taj Mohammad son of Bahader | ✓ | Adam Ker Wali Beg |
| 2. Yad Gul son of Ajab Gul | | Isa Ker Shams Ker |
| 3. Hazir Mohammad son of Dawi Gul | | - do - - do - |
| 4. Tanzeem son of Mateen | | - do - - do - |
| 5. Faheedullah son of H. Muzam Khan | | Musa Ker Miran Khan Ker |
| 6. Mir Aman Shah s/o Mehtar Khan | | - do - - do - |
| 7. Nawab Khan s/o Imam Khan | | - do - - do - |
| 8. Mahabat Shah s/o Sas Khan | | Musa Ker Yar Khan Ker |
| 9. <u>Fazali Mullah s/o Zaeerullah</u> | | - do - - do - |
| 10. Hazir Gul s/o Ali Akbar | | Shati Ker Kherwandi Bail |
| 11. Umar Hayat s/o Shah Mir | | - do - - do - |
| 12. Qadiry Khan s/o Mehmood | | - do - - do - |
| 13. Gul Sahib Shah s/o Yad Gul | | Masser Ker Nawal Ker |
| 14. Dabeer Khan s/o Maleek Khan | | - do - Jehangir Ker |
| 15. Wahid Gul s/o Bacha Gul | | - do - Nawal Ker |
| 16. Hamza Khan s/o Taza Khan | | - do - Lajar Ker |
| 17. Sultan Shah s/o Shona | | - do - Randai Ker |
| 18. Mohammad Afzal s/o Hazrat Khan | | - do - Lajar Ker |
| 19. Mohammad Shah s/o Awal Shah | | - do - Sadullah Ker |
| 20. Fazali Akbar s/o Sahib Gul | | Bahader Ker Qajira Lala |
| 21. Sardar Mohammad s/o Aman Gul | | - do - Qajira Manai |
| 22. Faazalullah s/o Fazal Waseed | | Aker Ker |
| 23. Umar Khan s/o Sadullah Khan | | Bahai Umar Khel Hamza |
| 24. Sherzada s/o Mohammad Jan Khan | | Mamad Ker Adam Khairo |
| 25. Hazrat Khan s/o Rahmat Khan | | Faizullah Ker Ahinga |

Page.... 2

26. Rauf Khan son of Zarawar Khan	Miangan Bate Maina
27. Rahim Shah son of Mustaqim	- do -
28. Madar son of Chat	- do -
29. Ali Mehsan s/o Wali Khan	- do -
30. Shagal son of Mehammda Gul	- do -
31. Israr Ali s/o Qazi	Narai Miangan
32. Lal Bahader s/o Amin Khan	- do -
33. Bakht Zada s/o Hassan Wali	- do -
34. Saleh Uddin s/o Mian Mohd Khan	- do -
35. Mian Gul s/o Hakim Mian	- do -
36. Said Mohd Khan s/o Gul Mohd Khan	Pair Miangan
37. Fazali Rehman son of Sas Mir	Kherwandai Mian
38. Fazali Akbar s/o Ali Mullah Qazi	- do -

(Ishfaq Ahmad Khan)
 Political Agent Mehmads,
 Ghallanai

No. 18499-500/KC,

Dated Ghallanai the 19/12/1995

Copy forwarded to:

1. The A.P.A Lower Mehmads, Ekkaghund for information w/r to his letter No. 1687/APA/LM, dated 12-12-1995.
2. The Agency Accounts Officer Mehmads, Ghallanai for information and necessary action.

(Ishfaq Ahmad Khan)
 Political Agent Mehmads, at
 Ghallanai

[Handwritten mark]

[Handwritten mark]

To

(6)

The District Police Officer
District Mohmand.

Subject

Departmental Appeal/Representation against the
inaction of the concerned account officer
for not releasing the monthly salaries of
the Appellant w.e.f. 07.11.2019 with out
any Justifiable reason.

Respected Sir,

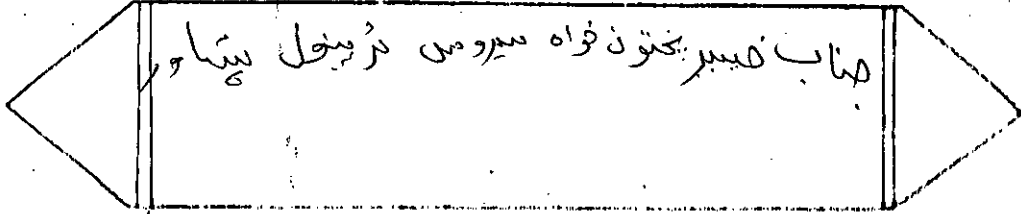
With most respectfully it is stated that I was appointed as Khasadar vide order dated 19/12/1995 in the office of Political Agent Tribal District Mohmand. That after the merger of FATA with the Province of Khyber Pakhtoon Khwa, the Khasadar Force were placed with the disposal of your good self department and now performing duties as constable. That I am also serving your department as constable with zeal and zest and upto the entire satisfaction of the superior. That it is pertinent to mention here that my salaries have been stopped with out any reason and justification by the concerned account officer for about four months i.e. w.e.f. 11/11/2019.

It is therefore, most humbly requested that my departmental appeal may please be accepted and the salaries be released w.e.f. 1/11/2019 with all back benefits.

Dated: 1/11/2019

Applicant
RAUF KHAN
Constable

بعدالت



20 مہماہ
بنام

سورہ
مقدمہ
دعویٰ
برہم

باعث تخریب آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی و جواب دہی و کل کاروائی متعلقہ
آن مقام فیصلہ کیلئے محمد خاں و وفا مہمند اور دیگر
مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
ڈیکلریشن صاحب کو رضی نامہ کر... نے و تفریبات ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک بروپسیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائرہ کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی 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 اختیارات حاصل ہوں گے اور اس کا ساتھ
پر اخذ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیردی
مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

الرتوم 25 ماہ 20

المہماہ 20 ماہ 20

کے نظیر ہے۔

مقام شہاد

attested

دعویٰ خان و لا اور میاں ساکن بن علی انبیا و قلع و قمع
دعویٰ خان

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1176/2020

Rauf Khan.....(Appellant)

Versus

Provincial Police Officers& others.....(Respondents)

I N D E X

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Para-wise comments		1-3
2.	Affidavit		4
3.	Authority Letter		5
4.	Copy of report statement of SDPO, Ambar	A	6
5.	Copy of Khyber Pakhtunkhwa Khasadar Force Amendment Act, 2020	B	7-8
6.	Copy of pay slip	C	9-13

Respondents through



ABDUL KHALIQ

Focal Person

for DPO, Mohmand

CNIC NO: 21407-1965811-9

Mobile No: 0345-9426323

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

SERVICE APPEAL No. 1176/2020

Mr. Rauf Khan.....**APPELLANT****VERSUS**Inspector General of Police, KPK and other.....**RESPONDENTS****PARAWISE REPLY BY RESPONDENT NO. 1 TO 3.**

RESPECTFULLY SHEWETH:

Preliminary Objections:-

1. That the instant service appeal is not maintainable under the law.
2. That the appeal is not based on facts.
3. That the appellant has got no cause of action and locus standi.
4. That the appellant has concealed the real fact from the honorable Tribunal.
5. That the service appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
6. That the appellant is estopped to file the service appeal by his own conduct.
7. That the appeal is barred by law & limitation.

REPLY ON FACTS:-

1. Pertains to record of ex Political Agent, Mohmand Agency. Before merging of Khasadar in KP Police, pay was drawn in the name of appellant but duty was performed by iwazi Khasadar namely Ahmad Shah, now he is regular employee of Khyber Pakhtunkhwa Police after merging.
2. Correct to the extent that after the merger of FATA with Province of Khyber Pakhtunkhwa, the Khasadar Force are placed at the disposal of respondent department and now performing duties as KP Police employees, while the remaining Para is incorrect, Khasadari was in the name of the appellant but he never personally performed duties.
In facts duties were performed by substitute (Iwazi) khasadars

namely Muhammad Shah s/o Fateh Shah and Ahmad Shah on behalf of appellant.

It is pertinent to mention that Iwazi Khasadar Muhammad Shah S/O Fateh Shah while performing his duties at Dawezi, Tehsil Pandiali dated 21/11/2013 embraced Shahadat. After the Shahadat of Iwazi Khasadar Muhammad Shah S/O Fateh Shah his brother Ahmad Shah was performing duties as Iwazi Khasadar. When Khasadar Force was merged in KP Police the District Scrutiny Committee recommended Iwazi Khasadar Ahmad Shah for absorption in KP Police, hence Iwazi Khasadar Ahmad Shah absorbed in KP Police and performing his duties as KP Police employee.

copy of Report/Statement of SDPO Ambar (**Annexuer A**)

3. Correct to the extent that salary was drawn in the name of the appellant but never paid to the appellant, in-fact salary was paid to the Iwazi Khasadar who was actually performing duty in place of the appellant. Copy of THE KHYBER PAKHTUNKHWA KHASADAR FORCE (AMENDMENT) ACT, 2020 dated 12th August, 2020 and the term "Ewazi" was defined in Clause (e-i) (**Annexure B**) is enclosed.
4. Incorrect, the salaries were regularly paid to the Iwazi khasadars as they were performing duties on behalf of appellant. Copy of pay slips are attached as Annexure C.
5. Already explained in Para 4.
6. Appellant has got no cause of action, therefore, the instant appeal may kindly be dismissed.

REPLY ON GROUNDS:-


- A.** Incorrect, monthly salaries were regularly paid to substitute (iwazi) Khasadar who was regularly merged in Khyber Pakhtunkhwa Police and answering respondent did not violated any law/ rules and policy.
- B.** Incorrect, no record available with answering respondent regarding appellant's duty and answering respondent did not violated any article of the Constitution of Islamic Republic of Pakistan.
- C.** Incorrect, already explained in Para A.

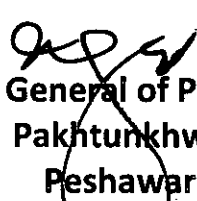
- D.** Incorrect, appellant being not regular employee of Police was treated in accordance with law/ rules. and policy. The answering respondents have not violated any provision of law/ policy of Govt.
- E.** Incorrect, monthly pay was regularly paid to substitute (iwazi) Khasadar and answering respondent did not violated the Fundamental Rights of the appellant.
- F.** Correct to the extent of judgment of apex Court but the appellant has not done duty before and after merging of Khasadar in Khyber Pakhtunkhwa Police. Appellant is not employee of KP Police and he is not entitled for any payment under the rules. Detail reply has already been given in Paras ibid.
- G.** Respondent may kindly be allowed to add any other grounds/ documents at the time of hearing.

PRAYERS:

Keeping in view the above stated facts it is humbly prayed that the appeal being not maintainable, barred by law/ limitation may kindly be dismissed with costs, please.


**District Police Officer,
 Mohmand
 (Respondent No. 3)**


**Assistant Inspector General of Police,
 Establishment, Khyber Pakhtunkhwa,
 Peshawar
 (Respondent No. 2)**


**Inspector General of Police, Khyber
 Pakhtunkhwa,
 Peshawar.
 (Respondent No. 1)**

4

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1176/2020

Rauf Khan.....(Appellant)

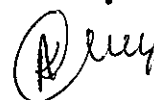
Versus

Provincial Police Officers & others.....(Respondents)

AFFIDAVIT

I, Abdul Khaliq Focal Person of Legal Branch, District Police Officer, Mohmand do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents No. 1 to 3 are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

DEPONENT



ABDUL KHALIQ

Focal Person

for DPO, Mohmand

CNIC # 21407-1965811-9

cell NO: 0345-9426323



OFFICE OF THE DISTRICT POLICE OFFICER,
MOHMAND TRIBAL DISTRICT AT HQ GHALLANAI

Email: dpo mohmand@gmail.com
Ph: 0924-290179 Fax: 0924-290056

5

No. 211 /DPO/M
Dated:- 24/03/2021

AUTHORITY LETTER

I do hereby authorized Mr. Abdul Khaliq No.1154 (Focal Person for District Police Officer Mohmand), to submit legal documents, comments and affidavit on my behalf before the Honorable Service Tribunal, Peshawar.

(SALAH UD DIN KUNDI)
DISTRICT POLICE OFFICER
MOHMAND TRIBAL DISTRICT

Attested

(6)

Annexure A (6)

رپورٹ غرض ہے کہ رائف خان پر سٹل نمبر 105799 بحیثیت حاصداری بھرتی تھا۔ اور ان کے قبیلے کی طرف سے کسی مذکورہ کا نام حاصداری نوکری کیلئے متفقہ طور پر دیا گیا تھا۔ جو اس وقت قومی مراعات تھی۔ لیکن شروع ہی سے کسی مذکورہ حاصداری پر ان کے چچا زاد بھائی محمد شاہ ولد فتح شاہ اپنی ڈیوٹی سرانجام دیتا تھا۔ جو کہ علاقائی رواج میں غرضی حاصداری کہا جاتا تھا۔ ہورخہ 2013۔ 11۔ 21 کو کسی محمد شاہ بدوران ڈیوٹی بمقام دوپڑی تحصیل پنڈیالی میں اپنی تین ساتھیوں سمیت ایک ریوٹ بم دھماکے میں شہید ہو گیا۔ اس کے بعد مذکورہ شہید کے دوسرے بھائی کسی احمد شاہ نے ان کی جگہ پر ڈیوٹی شروع کیا۔ اور اس کے بعد حاصداری فورس جب خیر پختو خواہ پولیس میں ضم ہونے کا عمل شروع ہوا۔ تو سکروٹنی کمیٹی نے ان کے حاندان والوں کی رضامندی سے پولیس میں ضم کرنے کیلئے بھیج دیا اور اب مذکورہ نوکری کسی احمد شاہ کے نام پر منتقل ہو گیا۔

سب ڈویژنل/فیسر تحصیل امبدا
مہند فرائیڈ سٹرک

Attested
Remy

Attested
Remy

Annexure "B"

7

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 12th AUGUST, 2020.

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 12th August, 2020.

No. PA/Khyber Pakhtunkhwa/Bills-109/2020/3266.-- The Khyber Pakhtunkhwa Khasadar Force (Amendment) Bill, 2020 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 31st July, 2020 and assented to by the Governor of the Khyber Pakhtunkhwa on 10th August, 2020 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA KHASADAR FORCE (AMENDMENT) ACT, 2020. (KHYBER PAKHTUNKHWA ACT NO. XXX OF 2020)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 12th August, 2020).

AN ACT

to amend the Khyber Pakhtunkhwa Khasadar Force Act, 2019.

WHEREAS it is expedient to amend the Khyber Pakhtunkhwa Khasadar Force Act, 2019 (Khyber Pakhtunkhwa Act No. XXXIV of 2019), for the purposes hereinafter appearing:

It is hereby enacted as follows:-

1. **Short title and commencement.**--- (1) This Act may be called the Khyber Pakhtunkhwa Khasadar Force (Amendment) Act, 2020.
(2) It shall come into force at once.
2. **Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XXXIV of 2019.**--- In the Khyber Pakhtunkhwa Khasadar Force Act, 2019 (Khyber Pakhtunkhwa Act No. XXXIV of 2019), hereinafter referred to as the said Act, in section 2, after clause (e), the following new clause shall be inserted, namely:

Assented,

8

“(e-i) “Iwazi” means a surrogate member of the Khasadar Force, who is actually performing duties in place of a member of the Khasadar Force and is getting full or split remuneration for the services rendered, whereas the salary is still drawn in name of the one in whose place he is performing such duties in the Khasadar Force;”.

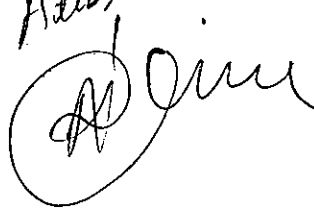
3. **Amendment of section 3 of the Khyber Pakhtunkhwa Act No. XXXIV of 2019.**--- In the said Act, in section 3, in sub-section (1), after the word “members”, occurring at the end, the words and comma “or Iwazis, as the case may be” shall be inserted.

4. **Repeal of the Khyber Pakhtunkhwa Ordinance No. VIII of 2020.**---- The Khyber Pakhtunkhwa Khasadar Force (Amendment) Ordinance, 2020 (Khyber Pakhtunkhwa Ordinance No. VIII of 2020) is hereby repealed.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar

Attested


Annexure "B"
"C"
9

00105799 AHMAD SHAH
CONSTABLE (80904223) Grade: 07 NTN:
Gazetted/Non-Gazetted: N

Untitled
CNIC: 740000000026
Desig:
Buckle No.:

PAYMENTS	AMOUNT	DEDUCTIONS
AMOUNT	LOAN/FUND	PRINCIPAL
BALANCE		REPAID

Accounts Office GHALANAI

PAYROLL REGISTER

Page : 561

For

the month of February ,2021
Date : 22.02.2021

DDO : MG4025 Inspector Mohmand (Khasadar) Payroll
Section : 001 Payroll 1

0001 Basic Pay	11,600.00	3007 GPF Subscription
1,010.00-		GPF#:
18,180.00		
1000 House Rent Allowance	1,589.00	3530 Police wel:Fud BS-1 t
232.00-		
1210 Convey Allowance 20	1,932.00	4004 R. Benefits & Death C
450.00-		
1300 Medical Allowance	1,500.00	
1528 Unattractive Area A	1,000.00	
1547 Ration Allowance	681.00	
1567 Washing Allowance	150.00	
1646 Constabulary R Allow	300.00	
1901 Risk Allowance (Poli	3,530.00	
1902 Special Incentive Al	775.00	
2168 Fixed Daily Allowanc	2,730.00	
2211 Adhoc Relief All 201	901.00	
2224 Adhoc Relief All 201	1,160.00	
2247 Adhoc Relief All 201	1,160.00	
2264 Adhoc Relief All 201	1,160.00	

PAYMENTS	30,168.00	DEDUCTIONS
1,692.00-		NET PAY
		28,476.00

01.02.2021 28.02.2021
Branch Code:080153 IBB GHALANI BRANCH KHYBER BANK
LIMITED IBB GHALANI BRANCH MOHMAND
Accnt.No: 3159

Assesed
Deputy

10

00105799 AHMAD SHAH
CONSTABLE (80904223) Grade: 07 NTN: .
Gazetted/Non-Gazetted: N
CNIC: 740000000026
Desig:
Buckle No.:

P A Y M E N T S A M O U N T B A L A N C E	A M O U N T L O A N / F U N D	D E D U C T I O N S	
		PRINCIPAL	REPAID
0001 Basic Pay 1,010.00- 17,170.00	11,600.00	3007 GPF Subscription GPF#:	
1000 House Rent Allowance 232.00-	1,589.00	3530 Police wel:Fud BS-1 t	
1210 Convey Allowance 20 450.00-	1,932.00	4004 R. Benefits & Death C	
1300 Medical Allowance	1,500.00		
1528 Unattractive Area A	1,000.00		
1547 Ration Allowance	681.00		
1567 Washing Allowance	150.00		
1646 Constabulary R Allow	300.00		
1901 Risk Allowance (Poli	3,530.00		
1902 Special Incentive Al	775.00		
2168 Fixed Daily Allowanc	2,730.00		
2211 Adhoc Relief All 201	901.00		
2224 Adhoc Relief All 201	1,160.00		
2247 Adhoc Relief All 201	1,160.00		
2264 Adhoc Relief All 201	1,160.00		

PAYMENTS 30,168.00
1,692.00- NET PAY
01.01.2021 31.01.2021 DEDUCTIONS 28,476.
Branch Code:080153 IBB GHALANI BRANCH. KHYBER BAN
LIMITED IBB GHALANI BRANCH MOHMAND
Accnt.No: 3159

1
Attested
[Signature]

00105799 AHMAD SHAH
 CONSTABLE (80904223) Grade: 07 NTN:
 Gazetted/Non-Gazetted: N

Untitled
 CNIC: 740000000026

Desig:
 Buckle No.:

11

P A Y M E N T S		A M O U N T	D E D U C T I O N S	
A M O U N T	LOAN/FUND		PRINCIPAL	REPAI
BALANCE				
0001 Basic Pay		11,600.00	3007 GPF Subscription	
1,010.00-			GPF#:	
16,160.00				
1000 House Rent Allowance		1,589.00	3530 Police wel:Fud BS-1 t	
232.00-				
1210 Convey Allowance 20		1,932.00	4004 R. Benefits & Death C	
450.00-				
1300 Medical Allowance		1,500.00		
1528 Unattractive Area A		1,000.00		
1547 Ration Allowance		681.00		
1567 Washing Allowance		150.00		
1646 Constabulary R Allow		300.00		
1901 Risk Allowance (Poli		3,530.00		
1902 Special Incentive Al		775.00		
2168 Fixed Daily Allowanc		2,730.00		
2211 Adhoc Relief All 201		901.00		
2224 Adhoc Relief All 201		1,160.00		
2247 Adhoc Relief All 201		1,160.00		
2264 Adhoc Relief All 201		1,160.00		
PAYMENTS		30,168.00	DEDUCTIONS	
1,692.00-			NET PAY	28,476.0
01.12.2020 31.12.2020				
Branch Code:080153	IBB GHALANI BRANCH			KHYBER BANK
LIMITED	IBB GHALANI BRANCH		MOHMAND	
Accnt.No: 3159				

Attested
[Signature]

12

00105799 AHMAD SHAH
 CONSTABLE (80904223) Grade: 07 NTN:
 Gazetted/Non-Gazetted: N

Untitled
 CNIC: 7400000000026
 Desig:
 Buckle No.:

P A Y M E N T S A M O U N T B A L A N C E	A M O U N T L O A N / F U N D	D E D U C T I O N S P R I N C I P A L	R E P A I D
0001 Basic Pay 1,010.00- 15,150.00	10,990.00	3007 GPF Subscription GPF#:	
1000 House Rent Allowance 220.00-	1,589.00	3530 Police wel:Fud BS-1 t	
1210 Convey Allowance 20 450.00-	1,932.00	4004 R. Benefits & Death C	
1300 Medical Allowance	1,500.00		
1528 Unattractive Area A	1,000.00		
1547 Ration Allowance	681.00		
1567 Washing Allowance	150.00		
1646 Constabulary R Allow	300.00		
1901 Risk Allowance (Poli	3,530.00		
1902 Special Incentive Al	775.00		
2168 Fixed Daily Allowanc	2,730.00		
2211 Adhoc Relief All 201	901.00		
2224 Adhoc Relief All 201	1,099.00		
2247 Adhoc Relief All 201	1,099.00		
2264 Adhoc Relief All 201	1,099.00		
PAYMENTS 1,680.00-	29,375.00	DEDUCTIONS	27,695.00
01.11.2020 30.11.2020		NET PAY	
Branch Code:080153	IBB GHALANI BRANCH		KHYBER BANK
LIMITED	IBB GHALANI BRANCH	- MOHMAND	
Accnt.No: 3159			

Attested


13

00105799 AHMAD SHAH
CONSTABLE

(80904223)

Untitled
CNIC: 7400000000026
Grade: 07 NTN:

Desig:
Buckle No.:

Gazetted/Non-Gazetted: N

PAYMENTS

AMOUNT

BALANCE

AMOUNT

LOAN/FUND

DEDUCTIONS

PRINCIPAL

REPAID

0001 Basic Pay 220.00-	10,990.00	3530 Police wel:Fud BS-1 t
1000 House Rent Allowance 450.00-	1,589.00	4004 R. Benefits & Death C
1210 Convey Allowance 20	1,932.00	
1300 Medical Allowance	1,500.00	
1528 Unattractive Area A	1,000.00	
1547 Ration Allowance	681.00	
1567 Washing Allowance	150.00	
1646 Constabulary R Allow	300.00	
1901 Risk Allowance (Poli	3,530.00	
1902 Special Incentive Al	775.00	
2168 Fixed Daily Allowanc	2,730.00	
2211 Adhoc Relief All 201	901.00	
2224 Adhoc Relief All 201	1,099.00	
2247 Adhoc Relief All 201	1,099.00	
2264 Adhoc Relief All 201	1,099.00	
5801 Adj Basic Pay 1,010.00-	29,375.00	3007 GPF Subscription GPF#:
14,140.00		

PAYMENTS

1,680.00-

01.10.2020 31.10.2020

Branch Code:

DDO

Accnt.No:

58,750.00

NET PAY

DEDUCTIONS

57,070.00

Payment through

Attested
[Signature]