


30<sup>th</sup> Nov. 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Ijaz Ahmad, Assistant for the respondents present.

SCANNED  
KPST  
Peshawar

Learned counsel for the appellant wants to submit rejoinder. He may do so within a week. To come up for arguments on 03.02.2023 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

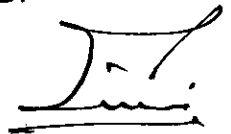
07.06.2022

Clerk of learned counsel for the appellant present. Mr. Mushtaq Khan, Junior Clerk alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for submission of reply/comments as well as arguments on 10.08.2022 before the D.B.



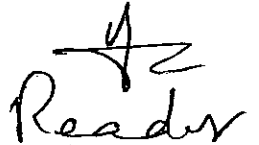
(Fareeha Paul)  
Member (E)



(Salah-ud-Din)  
Member (J)

10.8.2022

Proper DB not available the case is adjourned to 2.11.2022

  
Reader

*[Faint handwritten notes]*

2nd Nov., 2022

Assistant to learned counsel for the appellant present. Mr. Muhammad Riaz Khan Painsakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Last opportunity is granted. To come up for arguments on 30.11.2022 before the D.B.



(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

29.07.2021


Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

  
Chairman

09.11.2021

Mr. Muhammad Amin Ayub, Advocate, for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Reply/comments on behalf of respondents not submitted, therefore, notices be issued to the respondents for submission of reply/comments as well as arguments before the D.B on 10.02.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

10-2-2022

Due to retirement of the Honorable  
Chairman the case is adjourned to come up  
for the same as before on 7/6/2022

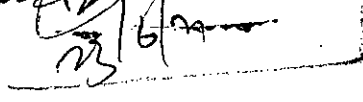
  
Ready

22.06.2021

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 in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 09.11.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

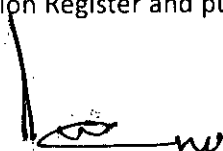




  
Chairman

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. - 826 /2021 21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/01/2021	<p>The appeal of Mr. Abdullah resubmitted today by Mr. Khaled Rehman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	15.03.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/03/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 22.06.2021 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Reader</p>


SCANNED  
 KPST  
 Peshawar

The present appeal was submitted on 02.12.2020 without annexures which was referred to in the memo of appeal the same was returned to the counsel for the appellant for completion and resubmission. Today i. e on 14.12.2020 the counsel for the appellant resubmitted the same which was scrutinized and the following deficiencies were found therefore, the same is returned again to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned original order dated 28.07.2016 and rejection order of departmental appeal dated 24.02.2017 mentioned in para-5 & 6 of the memo of appeal in respect of appellant are not attached with the appeal which may be placed on it.
- 2- In the judgment dated 11.5.2015 (Annexure-A) and order in review petition 04.12.2019 the name of the appellant may be highlighted/tick marked.

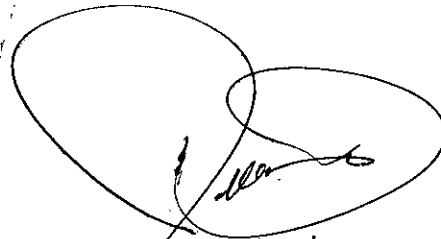
No. 4061 /S.T,

DT. 15/12 /2020

  
Registrar  
Service Tribunal  
Khyber Pakhtunkhwa  
Peshawar.

Mr. Khaled Rehman Adv. Pesh.

*Resubmitted after compliance -*


  
11/01/2021

The appeal of Mr. Abdullah Sepoy Bajur Levis Bajaur Agency Khar received today i.e. on 02.12.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Addresses of respondent no. 3&4 of the appeal are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copy of impugned original order dated 28.07.2016 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 4- Copy of departmental appeal against the impugned order is not attached with the appeal which may be placed on it.
- 5- Annexures referred to in the memo of appeal are not annexed with the appeal which may be placed on it.
- 6- Annexures of the appeal may be flagged.
- 7- Wakalat nama in favour of appellant be placed on file.
- 8- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3950 /S.T,

Dt. 03/12 /2020.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Khaled Rehman Adv., Pesh.

صوبہ خیبر پختونخوا  
مجلس عالیٰ عدالت سروسز  
پشاور



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 826 /2020

Abdullah ..... Appellant

Versus


The Govt. of KPK and others.....Respondents

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-8
2.	Consolidated Judgment of the Federal Service Tribunal	11.05.2015	A	9-26
3.	Order of the Hon'ble Supreme Court of Pakistan	20.10.2015	B	27-32
4.	Findings/Report of the Inquiry Committee	22.07.2016	C	33-35
5.	Impugned original order	28.07.2016	D	36-39
6.	Order rejecting the Representation/Appeal of appellant	24.02.2017	E	40
7.	Final Order of the FST	25.04.2017	F	41
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9.	Impugned final appellate order	03.11.2020	H	58-59
10.	Wakalat Nama			60

Appellant

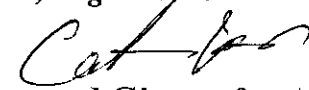
Through

  
Khaled Rahman  
Advocate,  
Supreme Court of Pakistan

&

  
Muhammad Amin Ayub  
Advocate, High Court

&

  
Muhammad Ghazanfar Ali  
Advocate, High Court

4-B, Haroon Mansion  
Khyber Bazar, Peshawar  
Off: Tel: 091-2592458  
Cell # 0345-9337312

Dated: \_\_\_/12/2020



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2020

Khyber Pakhtunkhwa  
Service Tribunal

Discy No. 16047

Dated 2/12/2020

**Abdullah**  
Sepoy (BPS-07),  
Bajaur Levis, Bajaur Agency Khar ..... **Appellant**

Versus

1. **The Govt. of Khyber Pakhtunkhwa**  
through Chief Secretary,  
Civil Secretariat, Peshawar.
2. **The Secretary,**  
Govt. of Khyber Pakhtunkhwa  
Home & Tribal Affairs,  
Civil Secretariat, Peshawar.
3. **The Deputy Commissioner**  
District Khar.
4. **District Police Officer,**  
District Khar..... **Respondents**

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORIGINAL ORDER DATED 28.07.2016 AND THE IMPUGNED FINAL APPELLATE ORDER DATED 03.11.2020 OF RESPONDENT NO.2 WHEREBY DEPARTMENTAL REPRESENTATION OF THE APPELLANT WAS UNLAWFULLY DISMISSED.

Filed today  
2/12/2020  
Registrar

**PRAYER:**

On acceptance of the instant appeal, by modifying the impugned original order dated 28.07.2016 and setting aside the impugned final appellate order dated 03.11.2020, the appellant may be reinstated into service with effect from 20.03.2008 with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. That the appellant alongwith others were appointed as Sepoys in the Respondent Department. Since the date of taking over charge appellant was not

proceeded against departmentally and was not subjected even to any minor penalty thus, rendered meritorious service to the department to the entire satisfaction of the high-ups.

2. That while discharging his duty against the said post, all of sudden vide order dated 20.03.2008 appellant alongwith others were visited with major penalty of dismissal from service, against which they availed the departmental remedy followed by the Service Appeals before the Federal Service Tribunal, Islamabad. Since all the appeals were almost identical in their characteristics, having similar facts involving common question of law, therefore, the same were disposed off jointly through a consolidated judgment dated 11.05.2015 (*Annex:-A*). The operative part of the judgment is reproduced herein below:-

*“15. Consequently upon what has been discussed above, we are of the considered view that the impugned orders whether verbal or written, are not sustainable in the eyes of law as they are in violation of the dictum laid down by the Hon'ble Supreme Court of Pakistan. The impugned orders are, therefore, accordingly set aside and resultantly the instant appeals are accepted and the appellants are ordered to be reinstated into service from the date of impugned orders. However, the question of back benefits shall be decided by the competent authority in accordance with the instructions contained at Serial No. 155, VoL.II of Civil Establishment Code (Estacode, 2007 Edition), and the dictum of law as laid down in judgment of the Hon'ble Supreme Court of Pakistan, reported as 2010 SMCR 11.”*

3. That Respondent/Department being dissatisfied from the Judgment assailed the same before the Hon'ble Apex Court by way of filing CPLAs which came up for final adjudication on 20.10.2015 and the Apex Court was pleased to uphold (*Annex:-B*) the Judgment dated 11.05.2015 of the learned Federal Service Tribunal by directing the Respondents to hold an inquiry as per the law and proceed to take appropriate action after issuance of notices to the Respondents/Appellants. It was further maintained that after the inquiry if any adverse action is taken against the Respondents/appellant they may approach the appropriate forum with further directions that the issue of back benefits of the respondents/appellants shall be depended upon the inquiry conducted and the result thereof.
4. That pursuant to which Respondents/Department reinstated the appellant into service with immediate effect vide office order dated 08.12.2015 and thereby

constituted Inquiry Committee to probe into the matter. It is clarified that in continuation of the order *ibid*, another office order dated 11.12.2015 was issued whereby it was held that the reinstatement order of the 242 Levies/Khasadar personnel is only for the purpose of conducting of proper inquiry and till finalization of the inquiry none of them will be entitled for any financial or other benefits including back benefits.

5. That eventually, the Inquiry Committee conducted the inquiry and submitted its Findings (*Annex:-C*) to the competent authority which are as under:-

- "i. *The competent authority may take action/ decision in the light of available record which is placed in the main file on serial numbers as mentioned in the notification *ibid* and which is also summarized in Para No.7/N above and remove/dismiss those who remained absent from duty.*
- ii. *The Competent Authority may keep in consideration the pervious precedents where some other Levies personnel who were dismissed/removed alongwith the Levy personnel who are now under subject inquiry, the earlier had already been reinstated into service within pervious year or two.*
- iii. *The Competent Authority may also keep into notice the situation prevailed during 2007 to 2010 which also pertinent from their written statements and expressed in their personal hearing that it was next to impossible to compete with huge number of miscreants with almost no resources in such a situation, sympathetic consideration may be given to theses 242 Levy personnel and to be reinstated in service with immediate effect subject to the certification of the superior officers wherein each and every person may be passed through verification process, necessary refreshing course/training and probation period.*
- iv. *The Competent Forum/ Authority may take any other decision in light of the above points if agreed and which is best public interest."*

Pursuant to which appellant alongwith other though were reinstated into service vide impugned original order dated 28.07.2016 (*Annex:-D*) but with immediate effect with further burden to keep them at the bottom of the seniority list which is not only against the recommendation of the Inquiry Committee but also unlawful and discriminatory.

6. That appellant being aggrieved from the impugned original order dated 28.07.2016, moved a Representation to the Respondents/Department on 29.07.2016 which was not responded thus the appellant filed Service Appeal before the Federal Service Tribunal, Islamabad which was disposed of with directions to Respondents to pass an appropriate order upon the pending Departmental Representation of the appellant strictly in accordance with law but not later than one month. Respondents failed to comply with the direction of the Federal Service Tribunal hence, appellant alongwith other again filed Service Appeal before the Federal Service Tribunal, Islamabad wherein during pendency of their respective appeals the counsel for the Respondents apprised the Tribunal in respect of the office order dated 24.02.2017 (*Annex:-E*) therein Departmental Representation of the appellant alongwith other were dismissed, when counsel for the appellant was confronted he intended to have challenged the same through fresh appeals, resultantly the Service Appeal was disposed off vide order sheet dated 25.04.2017 (*Annex:-F*).
7. That thereafter having no other efficacious and adequate remedy appellant alongwith other invoked the jurisdiction of the Federal Service Tribunal, Islamabad by preferring their respective Service Appeals. In the meantime, Federal Government through 25<sup>th</sup> Constitutional Amendment, passed in May, 2018 paved the way for merger of FATA in the Province of Khyber Pakhtunkhwa. As a result the Government of Khyber Pakhtunkhwa issued an Ordinance-I of 2019. Furthermore, on 12.03.2019 the Government of Khyber Pakhtunkhwa promulgated two Ordinances whereby the Federal Levy Force and Khassadar Force, stood Provincialized. Therefore, by virtue of judgment dated 04.12.2019 (*Annex:-G*) which lead to Review Petitions remanded back to the Competent Authority/Respondent No.2 to treat the same as Departmental Appeals and decided fresh after giving the appellants opportunity of personal hearing.
8. That after obtaining the attested copies of the judgment *ibid* appellant provided the same alongwith other relevant record to the Respondent No.2 for further legal remedies, who vide impugned final appellate order dated 03.11.2020 (*Annex:-H*) turned down the relief sought without giving appellant a meaningful chance of personal hearing and that too with applying judicial mind.
9. That appellant, being aggrieved of the impugned appellate order *ibid*, files this appeal, *inter-alia*, on the following grounds:-

Grounds:

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned appellate order and refused to allow the back benefits to the appellant, which is unjust, unfair and hence not sustainable in the eye of law.
- B. That the appellant was dismissed from service on account of the charge of alleged absence from duty. The appellant's absence from duty till the date of reinstatement was neither willful nor deliberate rather appellant was unlawfully shown absent from duty. It is momentous to apprise that dismissal orders of appellant and others was/were set aside by the Federal Service Tribunal by reinstating them into service from the date of impugned orders which were maintained by the Hon'ble Apex Court. It is further adduced that as per contents of the verdict *ibid*, the question of the back benefits had to be resolved in accordance with the instructions contained at Serial No.155, Vol.II of Civil Establishment Code (Estacode, 2007 Edition) and the dictum as laid down in judgment of the Hon'ble Apex Court reported in **2010 SCMR 11**. Therefore, this crucial aspect of the matter was outright discarded by the Appellate Authority/Respondent No.2 without conducting an inquiry into the matter that whether during that period appellant was running any business or otherwise hence, the Respondents were supposed to conduct an inquiry into matter as per the directions of the Hon'ble fora.
- C. That clear contravention of Section-17 of the Khyber Pakhtunkhwa Civil Servants Acts, 1973 has been made which caters for:- *“Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.* The learned Federal Service Tribunal, Islamabad left no room for any uncertainty regarding the seniority of the appellant as he was reinstated into service from the date of imposition of major penalty of dismissal from service. Furthermore, during that period appellant had got no other employment or engaged in any profitable business but the same was not appreciated.
- D. That the appellant is entitled to back benefits as the other colleagues of the appellant similarly placed were reinstated into service as mentioned in the

findings of the Inquiry Committee and they were also allowed the same. Therefore, the impugned final appellate order dated 03.11.2020 is against the principle of consistency and equality before law and thus is not sustainable.

- E. **That** as per Article-13 of the Constitution of the Islamic Republic of Pakistan 1973 read with Section-26 of the General Clauses Act, 1897 "*No person shall be prosecuted or punished for the offence more than once,*" therefore, appellant by means of impugned final appellate order dated 03.11.2020 was not only denied the arrears but was also subjected to lower position in seniority hence, the same amounts to *double jeopardy* and is thus ultra vires of the Constitutional mandate and as such is liable to be struck down.
- F. That the refusal to the appellant of the same relief which has already been granted to the other colleagues of the appellant is an act of utter discrimination in violation of Article-25 read with Article-27 of the Constitution of the Islamic Republic of Pakistan-1973 and therefore cannot be maintained under the law of the land.
- G. That Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 read with Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provides for the right of fair trial as per prescribed law and Rules. Even the meaningful opportunity of personal hearing was not provided to appellant and issued the impugned final appellate order dated 03.11.2020 and dismissed the Departmental Appeal of the appellate that too without any cogent reasons hence appellant was condemned unheard, thus the impugned appellate order is void, ab-initio as well as against the principle of natural justice. Furthermore, Rule-5 of the Khyber Pakhtunkhwa Civil Servant (Appeals) Rules, 1986 stipulates that:-

*"5.(1) The appellate authority, after making such further inquiry or calling for such information or record or giving the appellant an opportunity of being heard, as it may consider necessary, shall determine-*

- (a) Whether the facts on which the order appealed against was based have been established.*
- (b) Whether the facts established afford sufficient grounds for taking action; and*
- (c) Whether the penalty is excessive, adequate or inadequate.*

Therefore, the mandatory requirements of the cited Rule have been bypassed by the appellate authority/Respondent by issuing impugned final appellate order dated 03.11.2020 which is clear negation of the set procedure.

- H. That the bare reading of the Section-17 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 reveals that the word "may" has been used which makes the Competent Authority/Respondent No.2 responsible to exercise the discretion fairly and in structured manner as prescribed by the law. Under the law when something is required to be done in a manner then the same must be done in the required manner.
- I. That as per Section-16 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 "*A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.*" Procedure has been embodied in the Government Servants (Efficiency and Discipline) Rules, 1973. Moreover, a civil servant cannot be treated against the prescribed procedure/law, until and unless he contravenes the provision of Rule-2(4) which defines "misconduct". The Respondents have imposed upon the major penalties upon the appellant by way of impugned final appellate order dated 03.11.2020 irrespective of the fact that the same does not cover the definition of the misconduct. Thus the penalty imposed upon the appellant does not come within the ambit of Rule- 4 of the Rules *ibid*.
- J. That the appellant was not issued any Charge Sheet, Statement of Allegations and Show Cause Notice which are mandatory requirements of law for imposition of any penalty upon the civil servant. Thus without wriggling out the conditions as prescribed by law, the impugned appellate order is highly arbitrary, unlawful and hence cannot be sustained under any canons of law, justice and fair-play.
- K. That period of absence from duty has already been treated as extraordinary leave without pay meaning thereby that the said period has been regularized and when the civil servant is considered on leave then he could not be treated absent from duty, therefore, the impugned appellate is illegal, unlawful and hence not sustainable in the eye of law.
- L. That there is no provision in the law, rules regulating the seniority of the Levies/ Khassadar Force which provide placing of an employee at the bottom of the Seniority List on his reinstatement in service with effect from the date of

imposition of penalty. It is inalienable right of the appellant under the law to be dealt with under the law, therefore, the impugned appellate order of the Respondents of placing appellant at the bottom of the Seniority List is contravention of the above provisions.

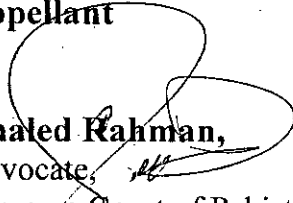
M. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through


  
Appellant

  
Khaled Rahman,  
Advocate,  
Supreme Court of Pakistan

&

  
Muhammad Amin Ayub  
Advocate, High Court

&

  
Muhammad Ghazanfar Ali  
Advocate, High Court

Dated: \_\_\_/12/2020





Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department  
(Levy & Khassadars Wing)

No. CS(F)/L&K/4-Levy/Appeal/ 2558-80  
Dated: 03.11.2020

ORDER:

1. Appeal No 711(P)CS/2017, Review Petition No: 78/2019 Asghar Vs SAFRON.
2. Appeal No 720(P)CS/2017, Review Petition No: 84/2019 Umer Ayub Vs SAFRON.
3. Appeal No 721(P)CS/2017, Review Petition No: 85/2019 Imran Vs SAFRON.
4. Appeal No 722(P)CS/2017, Review Petition No: 86/2019 Nowshad Vs SAFRON.
- x 5. Appeal No 723(P)CS/2017, Review Petition No: 87/2019 Noorzada Vs SAFRON.
6. Appeal No 724(P)CS/2017, Review Petition No: 88/2019 Ghulam Younas Vs SAFRON.
7. Appeal No 725(P)CS/2017, Review Petition No: 89/2019 Najeebullahr Vs SAFRON.
8. Appeal No 726(P)CS/2017, Review Petition No: 90/2019 Shamur Rehman Vs SAFRON.
9. Appeal No 760(P)CS/2017, Review Petition No: 91/2019 Said Habib Jan Vs SAFRON.
10. Appeal No 761(P)CS/2017, Review Petition No: 92/2019 Abdullahr Vs SAFRON.
11. Appeal No 762(P)CS/2017, Review Petition No: 93/2019 Mozamin Vs SAFRON.
12. Appeal No 763(P)CS/2017, Review Petition No: 94/2019 Saeed ullah Vs SAFRON.
13. Appeal No 764(P)CS/2017, Review Petition No: 95/2019 Imran Vs SAFRON.
- x 14. Appeal No 766(P)CS/2017, Review Petition No: 96/2019 Muhammad Ayub Vs SAFRON.
15. Appeal No 767(P)CS/2017, Review Petition No: 97/2019 Faizullah Vs SAFRON.
16. Appeal No 768(P)CS/2017, Review Petition No: 98/2019 Imranullah Vs SAFRON.
17. Appeal No 776(P)CS/2017, Review Petition No: 99/2019 Tila Muhammad Vs SAFRON.
18. Appeal No 777(P)CS/2017, Review Petition No: 100/2019 Adbul Rahim Vs SAFRON.
19. Appeal No 778(P)CS/2017, Review Petition No: 101/2019 Rohul Amin Vs SAFRON.

1. Whereas, the above captioned appeals along with Miscellaneous Petitions having identical question of Law and facts have been clubbed together.
2. And whereas, Appellants have impugned orders of Political Agent/Commandant Levy Force Bajaur dated 29.04.2016, 14.06.2016 and 28.07.2016, regarding placement of their services at the bottom of seniority list and withholding of back benefits.
3. And whereas, during militancy in Bajaur Agency, 242 personnel of Levy/Khassadars including appellants were removed from service due to absconding/desertion from duties. In compliance with Supreme Court of Pakistan Judgment dated 20.10.2015, appellants were reinstated and a Departmental Enquiry was conducted vide order dated 08.12.2015. Consequent upon recommendation of the Enquiry Committee, appellants reinstated in service with immediate effect and placed them at the bottom of Seniority with no Back Benefits etc vide order dated 29.04.2016, 14.06.2016 and 28.07.2016. The intermission period in between their termination and reinstatement was treated as leave without pay.



Judgment Sheet  
IN THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD

AWN & A'  
-9-

S. No.	Appeals No.	Appellants	Date of Institution
1.	16(P)CS/2014	Ajmal s/o Nadar Khan, Ex-Sepoy No.4303, Bajaur Levies r/o Ghar Shamozai Tehsil Baring Bajaur Agency.	26.02.2014
2.	17(P)CS/2014	Amir Zada s/o Shamsher Khan, Ex-Sepoy No.4305, Bajaur Levies r/o Ghar Shamozai Tehsil Baring Bajaur Agency.	26.02.2014
3.	18(P)CS/2014	Nazir Zada s/o Abdullah Khan, Ex-Sepoy No.5043, Bajaur Levies r/o Islam Dhari, Usman Khalil Tehsil Salarzai, Bajaur Agency.	26.02.2014
4.	19(P)CS/2014	Hameedullah s/o Muzammil Khan, Ex-Sepoy No.4263, Bajaur Levies r/o Alizo Dag, Tehsil Khar, Bajaur Agency.	26.02.2014
5.	20(P)CS/2014	Rehan-ud-Din s/o Shahbudin, Ex-Sepoy No.5216, Bajaur Levies r/o Kohi, Tehsil Salarzai, Bajaur Agency.	26.02.2014
6.	21(P)CS/2014	Abdul Mujeeb s/o Akbar Saiti, Ex-Sepoy No.3466, Bajaur Levies r/o Sharbatay Tehsil Barang Bajaur Agency.	26.02.2014
7.	22(P)CS/2014	Zarwar s/o Minn Gul, Ex-Sepoy No.3621, Bajaur Levies r/o Sharbatay Tehsil Barang Bajaur Agency.	26.02.2014
8.	23(P)CS/2014	Niaz Muhammad s/o Painda, Ex-Sepoy No.5208, Bajaur Levies, r/o Kohi, Tehsil Salarzai, Bajaur Agency.	26.02.2014
9.	24(P)CS/2014	Abdur Rashid s/o Shamsher Khan, Ex-Sepoy No.5766, Bajaur Levies, r/o Geelay Dag, Tehsil Mamoid, Bajaur Agency.	26.02.2014
10.	25(P)CS/2014	Khalil-ur-Rehman s/o Haji Gul, Ex-Sepoy, Bajaur Levies, r/o Sadiq Abad, Tehsil Salarzai, Bajaur Agency.	26.02.2014
11.	26(P)CS/2014	Nostad s/o Noor Muhammad, Ex-Sepoy No.4201, Bajaur Levies r/o Sadiq Abad, Tehsil Salarzai, Bajaur Agency.	26.02.2014
12.	27(P)CS/2014	Nawab Khan s/o Gul Qayoum, Ex-Sepoy No.4721, Bajaur Levies r/o Nogay Tehsil Khar, Bajaur Agency.	26.02.2014
13.	28(P)CS/2014	Mukamil Shah, Ex-Sepoy No.4192, Bajaur Levies r/o Village Esar Totakanm, P/o Totakan, Malakand Agency.	26.02.2014
14.	29(P)CS/2014	Waqif Khan s/o Yur Zaman, Ex-Sepoy No.5283, Bajaur Levies, r/o Talai Tehsil Salarzai, Bajaur Agency.	26.02.2014
15.	510(P)CS/2013	Abdur Rauf s/o Ghafoor, Ex-Sepoy No.4346, Bajaur Levies r/o Hilal Khalil Charming P.O. Loe Sim Tehsil Nawagai, Bajaur Agency.	30.09.2013
16.	511(P)CS/2013	Abdullah s/o Muhammad Rehman, Ex-Sepoy No.3413, Bajaur Levies r/o Village Batwar & PO: Pasht, Tehsil Salarzai, Bajaur Agency.	02.07.2013
17.	512(P)CS/2013	Bashirullah s/o Muhammad Yousof, Ex-Sepoy No.4250, Bajaur Levies r/o Village Inayat Kalay & PO: Nyayg, Tehsil Moimand, Bajaur Agency.	02.07.2013
18.	513(P)CS/2013	Abdul Subhan s/o Rehman Khan, Ex-Sepoy No.3415, Bajaur Levies r/o Village Batwar & PO: Pasht, Tehsil Salarzai, Bajaur Agency.	02.07.2013
19.	514(P)CS/2013	Jamshid Khan s/o Subir. Shah, Ex-Sepoy No.4196, Bajaur Levies r/o Village Musa Bena & PO: Dargal, District: Malakand.	02.07.2013

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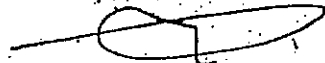
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20.	515(P)CS/2013	Abdul Qayyum s/o Bahadar Shah, Ex-Sepoy No.4296, Bajaur Levies r/o Village Navay Kalay & PO: Garl Usman Kahil, District: Malakand.	02.07.2013
21.	516(P)CS/2013	Javid s/o Akhwan Zada, Ex-Sepoy No.4228, Bajaur Levies r/o Niaz PO: Inayat Kalay, Tehsil Mamond, Bajaur Agency.	03.07.2013
22.	517(P)CS/2013	Hayat-ur-Rehman, Ex-Sepoy No.3459, Bajaur Agency r/o Bajawar Agency.	03.07.2013
23.	518(P)CS/2013	Sher Badshah s/o Imam Sharif, Ex-Sepoy No.5196, Bajaur Levies r/o Village: Manio Daihre, Tehsil Utman Khail, Bajaur Agency.	03.07.2013
24.	519(P)CS/2013	Ghulam Younis s/o Hazrat Munir, Ex-Sepoy No.4642, Bajaur Levies r/o Village Khar, Tehsil Khar, Bajaur Agency.	03.07.2013
25.	520(P)CS/2013	Asghar Khan s/o Jehangir Khan, Ex-Sepoy No.4336, Bajaur Levies r/o Village Khar, Tehsil Khar, Bajaur Agency.	03.07.2013
26.	521(P)CS/2013	Imran Sharif s/o Khista Malik, Ex-Sepoy No.3912, Bajaur Levies r/o Koz Kaly, Tehsil Jaloz, Bajaur Agency.	03.07.2013
27.	578(P)CS/2013	Fazali Wahid, Ex-Sepoy No.4185, Bajaur Levies r/o Khar, Tehsil Nawagai, Bajawar Agency.	25.07.2013
28.	579(P)CS/2013	Niamatullah, Ex-Sepoy No.4524, Bajaur Levies c/o Khalid r/o Civil Colony Ghare, Tehsil Nawagai, Bajawar Agency.	25.07.2013
29.	580(P)CS/2013	Attaullah, Ex-Sepoy No.4529, Bajaur Levies c/o Khalid r/o Civil Colony Ghare, Tehsil Nawagai, Bajawar Agency.	25.07.2013
30.	581(P)CS/2013	Sartaj, Ex-Sepoy No.5105, Bajaur Levies c/o Khalid r/o Civil Colony Ghare, Tehsil Nawagai, Bajawar Agency.	25.07.2013
31.	582(P)CS/2013	Kalimullah, Ex-Sepoy No.5134, Bajaur Levies c/o Khalid r/o Civil Colony Ghare, Tehsil Nawagai, Bajawar Agency.	25.07.2013
32.	583(P)CS/2013	Taj Wali s/o Tor Lali, Ex-Sepoy No.4874, Bajaur Levies r/o Mano Dairy P.O. Gardal, Tehsil Utman Khail, Bajawar Agency.	25.07.2013
33.	584(P)CS/2013	Akhtar Ali s/o Gul Zaman, Ex-Sepoy No.4621, Bajaur Levies c/o Taj Wali r/o Mano Dairy P.O. Onrdai, Tehsil Utman Khail, Bajawar Agency.	25.07.2013
34.	585(P)CS/2013	Rohullah, Ex-Sepoy No.5106, Bajaur Levies c/o Khalid r/o Civil Colony Ghare, Tehsil Nawagai, Bajawar Agency.	25.07.2013
35.	586(P)CS/2013	Liaqat Ali s/o Muhammad Hanif, Ex-Sepoy No.4714, Bajaur Levies r/o Zulam Kotay Mandal, P.O. Khar, Tehsil Salarzai, Bajawar Agency.	25.07.2013
36.	587(P)CS/2013	Abdul Akbar Khan s/o Mir Akbar Shah, Ex-Sepoy No.4163, Bajaur Levies r/o Aman Kot, P.O. Khar, Tehsil Barang, Bajawar Agency.	25.07.2013
37.	588(P)CS/2013	Zarwar, Ex-Sepoy No.4233, Bajaur Levies c/o Khalid r/o Civil Colony Ghare, Tehsil Nawagai, Bajawar Agency.	25.07.2013
38.	589(P)CS/2013	Fazal Manah, Ex-Sepoy No.4000, Bajaur Levies r/o Kotkay, Salarzai, Bajawar Agency.	25.07.2013
39.	590(P)CS/2013	Muhammad Karim s/o Gul Karim, Ex-Sepoy No.4534, Bajaur Levies r/o Khar, Tehsil Nawagni, Bajawar Agency.	25.07.2013
40.	591(P)CS/2013	Niaz Wali, Ex-Sepoy No.4353, Bajaur Levies c/o Khalid r/o Civil Colony Ghare, Tehsil Nawagai, Bajawar Agency.	25.07.2013
41.	592(P)CS/2013	Aziz-ur-Rohman s/o Saeedullah, Ex-Sepoy	25.07.2013

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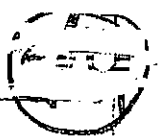
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63.	672(P)CS/2013	No.3535, Bajaur Levies r/o Loe Sim / Inayat Kaly, Tehsil Momiand, Bajaur Agency.	26.09.2013
64.	673(P)CS/2013	Mamoor Khan s/o Toor Khan, Ex-Sepoy No.4554, Bajaur Levies r/o Wara Kharkay / Inayat Kaly, Tehsil Momiand, Bajaur Agency.	26.09.2013
65.	674(P)CS/2013	Hassan Khan s/o Iniran Khan, Ex-Sepoy No.4569, Bajaur Levies r/o Ghnrai / Inayat Kaly, Tehsil Momiand, Bajaur Agency.	26.09.2013
66.	675(P)CS/2013	Ruffat s/o Feth Khan, Ex-Sepoy No.4222, Bajaur Levies r/o Tarako Tehsil Momiand, Bajaur Agency.	26.09.2013
67.	676(P)CS/2013	Muhammad Younas s/o Dilawar, Ex-Sepoy No.4539, Bajaur Levies r/o Sharif Khana, Tehsil Momiand, Bajaur Agency.	26.09.2013
68.	677(P)CS/2013	Jamshid s/o Said Raheem, Ex-Sepoy No.4561, Bajaur Levies r/o Momoond, Tehsil Inayat Kaly, Bajaur Agency.	26.09.2013
69.	678(P)CS/2013	Moza Ameen s/o Toor Khan, Ex-Sepoy No.4384, Bajaur Levies r/o Bagh dant, Tehsil Inayat Kaly, Bajaur Agency.	26.09.2013
70.	679(P)CS/2013	Azeem Jan s/o Noor Ahmed, Ex-Sepoy No.4670, Bajaur Levies r/o Zogay, Tehsil Inayat Kaly, Bajaur Agency.	26.09.2013
71.	680(P)CS/2013	Shah Nawaz s/o Shuh Zaman, Ex-Sepoy No.4850, Bajaur Levies r/o Khar, Tehsil Salar Zai, Bajaur Agency.	26.09.2013
72.	681(P)CS/2013	Muhammad Inayat s/o Shamsur Rehman, Ex-Sepoy No.4295, Bajaur Levies r/o Doda, Bajaur Agency.	26.09.2013
73.	682(P)CS/2013	Liaqat Ali s/o Ashraf Ali, Ex-Sepoy No.4274, Bajaur Levies r/o Dola, Bajaur Agency.	26.09.2013
74.	683(P)CS/2013	Saida Khan s/o Muhammad Khan, Ex-Sepoy No.3966, Bajaur Levies r/o Doda, Tehsil Nawagai, Bajaur Agency.	26.09.2013
75.	684(P)CS/2013	Bakhtai s/o Dachu, Ex-Sepoy No.3407, Bajaur Levies r/o Loq Shi Tehsil Khar, Bajaur Agency.	26.09.2013
76.	685(P)CS/2013	Ashraf Khan s/o Bakhat Zareen, Ex-Sepoy No.4623, Bajaur Levies r/o Sara Cheena, Tehsil Khar, Bajaur Agency.	26.09.2013
77.	686(P)CS/2013	Iniran, Ex-Sepoy No.4775, Bajaur Levies c/o Qari Farooq Mahboob, Masjid Abdara Road, University Town, Peshawar.	26.09.2013
78.	687(P)CS/2013	Habibullah s/p Ihsanullah, Ex-Sepoy No.4571, Bajaur Levies r/o Bala Chingi, Tehsil Momiand, Bajaur Agency.	26.09.2013
79.	688(P)CS/2013	Maroof s/o Muhammad Muheer, Ex-Sepoy No.3694, Bajaur Levies r/o Wara Kharkay P.O. Inayat Kaly, Tehsil Momiand, Bajaur Agency.	26.09.2013
80.	689(P)CS/2013	Fazal Maula, Ex-Sepoy No.3538, Bajaur Levies c/o Qari Farooq Mahboob Masjid Abdara Road, University Town, Peshawar.	26.09.2013
81.	690(P)CS/2013	Jamal Nasar, Ex-Sepoy No.4867, Bajaur Levies r/o Loe Sim Tharkay Tehsil Nawagai, Bajaur Agency.	26.09.2013
82.	691(P)CS/2013	Amir Khan s/o Ala Khan, Ex-Sepoy No.3406, Bajaur Levies r/o Loe Sim Tehsil Khar, Bajaur Agency.	26.09.2013
83.	692(P)CS/2013	Luqman s/o Noor Zaman, Ex-Sepoy No.4964, Bajaur Levies r/o Sheikh Kaly, Tehsil Khar, Bajaur Agency.	26.09.2013
84.	693(P)CS/2013	Sher Muhammad s/o Masood Khan, Ex-Sepoy No.4708, Bajaur Levies r/o Sheikh Kaly, Tehsil Khar, Bajaur Agency.	26.09.2013
		Muhammad Aslam s/o Gul Rehman, Ex-Sepoy	26.09.2013

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		No.4290, Bajaur Levies r/o Dabar P.O: Inayat Kalay, Tehsil Momand, Bajaur Agency.	
85.	695(P)CS/2013	Zareen s/o Tehsildar, Ex-Sepoy No.4354, Bajaur Levies r/o Hilal Khail Charming P.O. Loe Sim Tehsil Nawagai, Bajaur Agency.	30.09.2013
86.	696(P)CS/2013	Abdur Rauf s/o Ghafoor, Ex-Sepoy No.4346, Bajaur Levies r/o Hilal Khail Charming P.O. Loe Sim Tehsil Nawagai, Bajaur Agency.	30.09.2013
87.	697(P)CS/2013	Muhammed Sahib s/o Shabir, Ex-Sepoy No.4917, Bajaur Levies r/o Hilal Khail Charming P.O. Loe Sim Tehsil Nawagai, Bajaur Agency.	30.09.2013
88.	710(P)CS/2013	Hayat Khan s/o Bakhtsingh, Ex-Sepoy No.4872, Bajaur Levies r/o Kolala P.O. Gardai, Tehsil Utmankhail, Bajaur Agency.	01.10.2013
89.	719(P)CS/2013	Alan Zeb s/o Gul Sultan, Ex-Sepoy No.3984, Bajaur Levies r/o Nawagai, Bajaur Agency.	11.10.2013
90.	720(P)CS/2013	Muhammad Noor s/o Gul Karim, Ex-Sepoy No.3771, Bajaur Levies r/o Nawagai, Bajaur Agency.	11.10.2013
91.	721(P)CS/2013	Khan Wali s/o Sharif, Ex-Sepoy No.3730, Bajaur Levies r/o Nawagai, Bajaur Agency.	11.10.2013
92.	722(P)CS/2013	Sabitullah s/o Zar Muhammad, Ex-Sepoy No.4021, Bajaur Levies r/o Nawagai, Bajaur Agency.	11.10.2013
93.	747(P)CS/2013	Said Aziz s/o Said Rahim Khan, Ex-Sepoy No.4876, Bajaur Levies r/o Aman Kot, P.O.Khar, Bajaur Agency.	21.11.2013
94.	748(P)CS/2013	Farman s/o Pacha Gul, Ex-Sepoy No.4630, Bajaur Levies r/o Yousaf Abul P.O. Khar, Bajaur Agency.	21.11.2013
95.	756(P)CS/2013	Jahangir Hayat s/o Hayat Khan, Ex-Sepoy No.3745, Bajaur Levies r/o Khar, Tehsil Khar, Bajaur Agency.	29.11.2013
96.	757(P)CS/2013	Noor Rehman s/o Sherwan, Ex-Sepoy No.3562, Bajaur Levies r/o Darra, Tehsil Salarzai, Bajaur Agency.	29.11.2013
97.	758(P)CS/2013	Ibrahim s/o Zafar Khan, Ex-Sepoy No.3479, Bajaur Levies r/o Ghughly, Tehsil Salarzai, Bajaur Agency.	29.11.2013
98.	759(P)CS/2013	Noorullah s/o Ibrahim, Ex-Sepoy No.3723, Bajaur Levies r/o Nawagai, Bajaur Agency.	29.11.2013
99.	760(P)CS/2013	Sanaullah s/o Bahadr, Ex-Sepoy No.5619, Bajaur Levies r/o Qila, Tehsil Salarzai, Bajaur Agency.	29.11.2013
100.	761(P)CS/2013	Gul Qasim s/o Abdul Malik, Ex-Sepoy No.3506, Bajaur Levies r/o Chinar, Tehsil Salarzai, Bajaur Agency.	29.11.2013
101.	764(P)CS/2013	Munasib Khan s/o Miralam Khan, Ex-Sepoy No.5909, Bajaur Levies r/o Laghari, Tehsil Manound, Bajaur Agency.	05.12.2013
102.	765(P)CS/2013	Mohammad Kalam s/o Ghulam Khan, Ex-Sepoy No.3788, Bajaur Levies r/o Chowra, Tehsil Salarzai, Bajaur Agency.	05.12.2013
103.	792(P)CS/2013	Dilawar Khan s/o Habib Said, Ex-Sepoy No.4374, Bajaur Levies r/o Faqeer Abad, P.O. Inayat Kalay, Tehsil Manound, Bajaur Agency.	23.12.2013
104.	793(P)CS/2013	Ahmad Yousaf s/o Abdul Wakeel Khan, Ex-Sepoy No.4854, Bajaur Levies r/o P.O. Khar, Tehsil Khar, Bajaur Agency.	23.12.2013
105.	794(P)CS/2013	Shafiqullah s/o Sarfaraz, Ex-Sepoy No.4664, Bajaur Levies r/o Faqeer Abad, P.O. Inayat Kalay, Momand, Bajaur Agency.	23.12.2013

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106.	795(P)CS/2013	Habibullah s/o. Rehmanullah, Ex-Sepoy No.4333, Bajaur Levies r/o Naway Kalay, P.O. Khar, Tehsil Khar, Bajaur Agency.	23.12.2013
107.	796(P)CS/2013	Muqafar Khan s/o Fajoon Khan, Ex-Sepoy No.3437, Bajaur Levies r/o Khar, P.O. Inayat Kaly, Tehsil Mamond, Bajaur Agency.	23.12.2013
108.	797(P)CS/2013	Ismail s/o Gulshar, Ex-Sepoy No.4557, Bajaur Levies r/o Malunay, P.O. Inayat Kaly, Tehsil Mamond, Bajaur Agency.	23.12.2013
109.	798(P)CS/2013	Faizullah s/o Karzem, Ex-Sepoy No.4366, Bajaur Levies r/o Inayat Kaly, Tehsil Mamond, Bajaur Agency.	23.12.2013
110.	806(P)CS/2013	Mansoor Ahmed s/o Said Muneer, Ex-Sepoy No.6217, Bajaur Levies r/o Barani (Kandaro, P.O. Khar, Tehsil Khar, Bajaur Agency.	31.12.2013
111.	808(P)CS/2013	Shah Khalid s/o Gul Muhammad, Ex-Sepoy No.6196, Bajaur Levies r/o Sabar Shah P.O. Khar, Tehsil Khar, Bajaur Agency.	31.12.2013
112.	50(P)CS/2014	Inayatullah s/o Manoond, Ex-Sepoy No.4456, Bajaur Levies, r/o But Maly, Tehsil Salarzai, Bajaur Agency.	14.04.2014
113.	51(P)CS/2014	Sahib Zada s/o Abdul Sattar, Ex-Sepoy No.4468, Bajaur Levies, r/o Raghgan, Tehsil Salarzai, Bajaur Agency.	14.04.2014
114.	52(P)CS/2014	Fezul Rehman s/o Malak Ameer, Ex-Sepoy No.3589, Bajaur Levies, r/o But Maly, Tehsil Salarzai, Bajaur Agency.	14.04.2014
115.	53(P)CS/2014	Chinar s/o Sher Muhammad, Ex-Sepoy No.4453, Bajaur Levies, r/o But Maly, Tehsil Salarzai, Bajaur Agency.	14.04.2014
116.	54(P)CS/2014	Bakhtawar s/o Dad Karim Khan, Ex-Sepoy No.5042, Bajaur Levies, r/o Palosi, Tehsil Salarzai, Bajaur Agency.	14.04.2014
117.	55(P)CS/2014	Abdul Wakil s/o Sultan Muhammad, Ex-Sepoy No.6489, Bajaur Levies, r/o Alizo, Tehsil Khar, Bajaur Agency.	14.04.2014
118.	56(P)CS/2014	Muhammad Zubir s/o Saeeduddin, Ex-Sepoy No.3756, Bajaur Levies, r/o Raghgan, Tehsil Salarzai, Bajaur Agency.	14.04.2014
119.	57(P)CS/2014	Subhanullah s/o Ghafoor, Ex-Sepoy No.4454, Bajaur Levies, r/o But Maly, Tehsil Salarzai, Bajaur Agency.	14.04.2014
120.	58(P)CS/2014	Khan Alam s/o Ajab Khan, Ex-Sepoy No.5443, Bajaur Levies, r/o Rajgan, Tehsil Salarzai, Bajaur Agency.	14.04.2014
121.	59(P)CS/2014	Khayesta Gul s/o Gul Khan, Ex-Sepoy No.4449, Bajaur Levies, r/o But Maly, Tehsil Salarzai, Bajaur Agency.	14.04.2014
122.	173(P)CS/2014	Asad Khan s/o Fazali Rehman, Ex-Sepoy No.4535, Bajaur Levies, r/o Chirming, P.O. Loe Sim / Nawagai, Bajaur Agency.	27.06.2014
123.	174(P)CS/2014	Ejaz Ali, Ex-Sepoy No.4042, Bajaur Levies, r/o Tehil Baring, P.O. Khar, Bajaur Agency.	27.06.2014
124.	175(P)CS/2014	Masim Khan s/o Kisher Khan, Ex-Sepoy No.3505, Bajaur Levies, r/o Salarzai / Raghgan, Bajaur Agency.	27.06.2014
125.	176(P)CS/2014	Rafiq s/o Niazbeen Khan, Ex-Sepoy No.5109, Bajaur Levies, r/o Khar, Salarzai, Bajaur Agency.	27.06.2014
126.	177(P)CS/2014	Bahadar s/o Gul Zaman, Ex-Sepoy No.4197, Bajaur Levies, r/o Bara Nawagi P.O. and Tehsil Nawagai,	27.06.2014

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		Bajaur Agency.	
127.	178(P)CS/2014	Mahb ulah s/o Kasha Gul, Ex-Sepoy No.5085, Bajaur Levies, r/o Mir Ali Qala, Tehsil Khar, Bajaur Agency.	27.06.2014
128.	179(P)CS/2014	Noor Zada s/o Muhammad Aziz, Ex-Sepoy No.5916, Bajaur Levies, r/o Cham, P.O. Khar, Bajaur Agency.	27.06.2014
129.	180(P)CS/2014	Bacha Rahim s/o Abdul Saeed, Ex-Sepoy No.4710, Bajaur Levies, r/o Mandil Dianga P.O. Khar, Bajaur Agency.	27.06.2014
130.	197(P)CS/2014	Fazal Subhan s/o Muzafar Khan, Ex-Sepoy No.4515, Bajaur Levies, r/o AlimanoZaly, P.O. Pashl, Tehsil Salarzai, Bajaur Agency.	16.09.2014
131.	198(P)CS/2014	Fareedullah s/o Lal Muhammad, Ex-Sepoy No.5764, Bajaur Levies, r/o Mola Katy, Loy Momond, Bajaur Agency.	16.09.2014
132.	199(P)CS/2014	Nadir Shah s/o Haji Momen, Ex-Sepoy No.4011, Bajaur Levies, r/o Chormang Monogay, P.O. Loe Sim, Tehsil, Nawagai, Bajaur Agency.	16.09.2014
133.	200(P)CS/2014	Rahmanullah s/o Unifurrah, Ex-Sepoy No.4016, Bajaur Levies, r/o Loe Sim, P.O. and Tehsil Khar, Bajaur Agency.	16.09.2014
134.	201(P)CS/2014	Gul Badshah s/o Jahan Zeb, Ex-Sepoy No.3804, Bajaur Levies, r/o Galkay P.O. Raghan, Tehsil Salarzai, Bajaur Agency.	16.09.2014
135.	202(P)CS/2014	Hammadullah s/o Khalil-ul-Rehman, Ex-Sepoy No.4415, Bajaur Levies, r/o Chorak P.O. Pashl, Tehsil Salarzai, Bajaur Agency.	16.09.2014
136.	203(P)CS/2014	Tilla Muhammad s/o Muhammad Rasol, Ex-Sepoy No.4508, Bajaur Levies, r/o Shankar Gul, P.O. Pashl, Tehsil Salarzai, Bajaur Agency.	16.09.2014
137.	204(P)CS/2014	Israr Khan s/o Nowsherwan, Ex-Sepoy No.5279, Bajaur Levies, r/o Shenky Ali Zai, P.O. and Tehsil Khar, Bajaur Agency.	16.09.2014
138.	205(P)CS/2014	Abdur Rahim s/o Reimat Jan, Ex-Sepoy No.5883, Bajaur Levies, r/o Igrab P.O. Nakhjo, Tehsil Loi Marbond, Bajaur Agency.	16.09.2014
139.	145(P)CS/2014	Wali Khan s/o Saeed Khan, Ex-Sepoy No.4147, Bajaur Levies r/o Khar, Bajaur Agency.	30.04.2014
140.	146(P)CS/2014	Umar Ayub s/o Minn Gul, Ex-Sepoy No.4614, Bajaur Levies r/o Khar, Bajaur Agency.	30.04.2014
141.	208(P)CS/2014	Shams-ur-Rehman s/o Saif-ur-Rehman, Ex-Sepoy No.4615, Bajaur Levies r/o Khar, P.O. and Tehsil Khar, Bajaur Agency.	26.09.2014
142.	209(P)CS/2014	Saeedullah s/o Muroof Shah, Ex-Sepoy No.4279, Bajaur Levies r/o Irnh Tehsil, Loe Momond, Bajaur Agency.	26.09.2014
143.	210(P)CS/2014	Zareen Snid s/o Pacha Said, Ex-Sepoy No.3504, Bajaur Levies r/o Tarkho, Tehsil Momond, Bajaur Agency.	26.06.2014
144.	211(P)CS/2014	Ghulam Qadar s/o Kamal Khan, Ex-Sepoy No.5578, Bajaur Levies r/o Alkay P.O. Raghgan, Tehsil Salarzai, Bajaur Agency.	26.06.2014
145.	254(P)CS/2014	Shakirullah s/o Mandali Khan, Ex-Sepoy No.4347, Bajaur Levies r/o Hilal Khal Chormang Tehsil Nawagai, Bajaur Agency.	24.10.2014
146.	255(P)CS/2014	Fazal Karim s/o Gul Karim, Ex-Sepoy No.4008, Bajaur Levies r/o Chormang Tehsil Nawagai, Bajaur Agency.	24.10.2014

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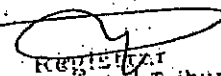
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147.	256(P)CS/2014	Khan Shor s/o Aman Khan, Ex-Sepoy No.4356, Bajaur Levies r/o Hilal Khal Charmang Tehsil Nawagai, Bajaur Agency.	24.10.2014
148.	257(P)CS/2014	Azizullah s/o Noor Hashim, Ex-Sepoy No.4357, Bajaur Levies r/o Charmang Tehsil Nawagai, Bajaur Agency.	24.10.2014
149.	258(P)CS/2014	Shamroz Khan s/o Amir Said, Ex-Sepoy No.4348, Bajaur Levies r/o Hilal Khal Charmang Tehsil Nawagai, Bajaur Agency.	24.10.2014
150.	259(P)CS/2014	Inayat Zaimo, Ex-Sepoy No.4203, Bajaur Levies r/o Ghar Shamoza Tehsil Barang, Bajaur Agency.	24.10.2014
151.	260(P)CS/2014	Zahidullah, Ex-Sepoy No.4203, Bajaur Levies r/o Ghar Shamoza Tehsil Barang, Bajaur Agency.	24.10.2014
152.	261(P)CS/2014	Imran Khan s/o Saif-ur-Rehman, Ex-Sepoy No.4616, Bajaur Levies r/o Khar, Tehsil Khar, Bajaur Agency.	24.10.2014
153.	262(P)CS/2014	Abid s/o Amanullah, Ex-Sepoy No.3481, Bajaur Levies r/o Barina Dargal, Tehsil Nawagai, Bajaur Agency.	24.10.2014
154.	263(P)CS/2014	Rehmat Din Jan s/o Abdulhamd, Ex-Sepoy No.4645, Bajaur Levies r/o Inayat Kalay, Tehsil Khar, Bajaur Agency.	24.10.2014
155.	264(P)CS/2014	Raiz Wali s/o Ajmeer, Ex-Sepoy No.4528, Bajaur Levies r/o Asghir Charmang Tehsil Nawagai, Bajaur Agency.	24.10.2014
156.	265(P)CS/2014	Rehman Wali s/o Skhee Gul, Ex-Sepoy No.3445, Bajaur Levies r/o Chinar Charmang Tehsil Nawagai, Bajaur Agency.	24.10.2014
157.	266(P)CS/2014	Muhammad-ul-Din s/o Aziz-ul-Haqueem, Ex-Sepoy No.5057, Bajaur Levies r/o Khar, Tehsil Khar, Bajaur Agency.	24.10.2014
158.	267(P)CS/2014	Muhammad Iqbal s/o Sher Muhammad, Ex-Sepoy No.3544, Bajaur Levies r/o Khar, Tehsil Khar, Bajaur Agency.	24.10.2014
159.	268(P)CS/2014	Safdar Khan s/o Mehtab Ali, Ex-Sepoy No.5176, Bajaur Levies r/o Takht Tehsil Barang, Bajaur Agency.	24.10.2014
160.	269(P)CS/2014	Imran s/o Amanullah, Ex-Sepoy No.4769, Bajaur Levies r/o Barina Dargal, Tehsil Nawagai, Bajaur Agency.	24.10.2014
161.	270(P)CS/2014	Hidayatullah s/o Habibullah, Ex-Sepoy No.3872, Bajaur Levies r/o Khar, Tehsil Khar, Bajaur Agency.	24.10.2014
162.	271(P)CS/2014	Fareedullah s/o Habibullah, Ex-Sepoy No.8084, Bajaur Levies r/o Khar, Tehsil Khar, Bajaur Agency.	24.10.2014
163.	272(P)CS/2014	Fazli Subhan s/o Khista Rehman, Ex-Sepoy No.4083, Bajaur Levies r/o Khar, Tehsil Khar, Bajaur Agency.	24.10.2014
164.	300(P)CS/2014	Muhammad Zada s/o Mashi, Ex-Sepoy No.5373, Bajaur Levies r/o Alizo Dag Tehsil Utman Khil, Bajaur Agency.	17.11.2014
165.	301(P)CS/2014	Anwar Zeb s/o Said Karim, Ex-Sepoy No.5219, Bajaur Levies r/o Qamqar Dag Tehsil Khar, Bajaur Agency.	17.11.2014
166.	302(P)CS/2014	Rehmat Gul s/o Alcom, Ex-Sepoy No.3781, Bajaur Levies r/o Khar Tehsil Nawagai, Bajaur Agency.	17.11.2014
167.	303(P)CS/2014	Muhammad Nazeer s/o Muhammad Sultan, Ex-Sepoy No.4265, Bajaur Levies r/o Azhar Charmang Tehsil Nawagai, Bajaur Agency.	17.11.2014

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168.	304(P)CS/2014	Abdur Roof s/o Said, Ex-Sepoy No.3782, Bajaur Levies r/o Nawagi, Bajaur Agency.	17.11.2014
169.	305(P)CS/2014	Rootullah s/o Abdul Wakeel, Ex-Sepoy No.3639, Bajaur Levies r/o Bara Khlozo, P.O. Inayat Kaly, Tehsil Mamond, Bajaur Agency.	17.11.2014
170.	306(P)CS/2014	Amir Zada s/o Khan Sardar, Ex-Sepoy No.5282, Bajaur Levies r/o Suro Wono Tehsil Salarzai, Bajaur Agency.	17.11.2014
171.	307(P)CS/2014	Rahim Gul s/o Muhammad Saeed, Ex-Sepoy No.3477, Bajaur Levies r/o Nawagi Tehsil Nawagi, Bajaur Agency.	17.11.2014
172.	308(P)CS/2014	Qadir Khan s/o Masroof Khan, Ex-Sepoy No.4155, Bajaur Levies r/o Islam Khwaro Kaly, Tehsil Mamond, Bajaur Agency.	17.11.2014
173.	309(P)CS/2014	Said Nawab s/o Shor Muhammad, Ex-Sepoy No.3278, Bajaur Levies r/o Khan Dahri, Tehsil Khar, Bajaur Agency.	17.11.2014
174.	310(P)CS/2014	Jalil-ud-Din s/o Fozal Karim, Ex-Sepoy No.3784, Bajaur Levies r/o Malkana Tehsil Nawagai, Bajaur Agency.	17.11.2014
175.	311(P)CS/2014	Imran Khan s/o Saad Channay Khan, Ex-Sepoy No.4111, Bajaur Levies r/o Qozanli Tehsil Utman Khil, Bajaur Agency.	17.11.2014
176.	312(P)CS/2014	Sahib Zada s/o Mandali Jan, Ex-Sepoy No.5291, Bajaur Levies r/o Islam Dahri, Utman Khil, Bajaur Agency.	17.11.2014
177.	313(P)CS/2014	Idrees s/o Shehzada, Ex-Sepoy No.4924, Bajaur Levies r/o Zawarbandar, Tehsil Khar, Bajaur Agency.	17.11.2014
178.	314(P)CS/2014	Taj Muhammad s/o Farooq, Ex-Sepoy No.5075, Bajaur Levies r/o Chargo, Tehsil Salarzai, Bajaur Agency.	17.11.2014
179.	315(P)CS/2014	Rayaz s/o Hukam Khan, Ex-Sepoy No.5551, Bajaur Levies r/o Rasha Dhari, Tehsil Salarzai, Bajaur Agency.	17.11.2014
180.	316(P)CS/2014	Fuzal Wadood s/o Fazal Hayan, Ex-Sepoy No.5446, Bajaur Levies r/o Baro Tehsil Salarzai, Bajaur Agency.	17.11.2014
181.	317(P)CS/2014	Khan Zeb s/o Jehranzeb, Ex-Sepoy No.5040, Bajaur Levies r/o Skindro Hayati, Tehsil Utman Khil, Bajaur Agency.	17.11.2014
182.	318(P)CS/2014	Rahat Muhammad s/o Dil Muhammad, Ex-Sepoy No.5090, Bajaur Levies r/o Haji Lowang Tehsil Khar, Bajaur Agency.	17.11.2014
183.	319(P)CS/2014	Iqbal s/o Dil Muhammad, Ex-Sepoy No.4661, Bajaur Levies r/o Haji Lowang, Tehsil Khar, Bajaur Agency.	17.11.2014
184.	320(P)CS/2014	Kamal Habib s/o Muhammad Habib, Ex-Sepoy No.3646, Bajaur Levies r/o Malkana, Tehsil Nawagai, Bajaur Agency.	17.11.2014
185.	321(P)CS/2014	Sajjad Ali s/o Ghulam Jan, Ex-Sepoy No.4845, Bajaur Levies r/o Kulala Tehsil Utman Khil, Bajaur Agency.	17.11.2014
186.	322(P)CS/2014	Ali Rehman s/o Mursaleen, Ex-Sepoy No.3691, Bajaur Levies r/o Shenay, Tehsil Mamond, Bajaur Agency.	17.11.2014
187.	323(P)CS/2014	Muhammad Ijaz s/o Saeed Muhammad Khan, Ex-Sepoy No.3313, Bajaur Levies r/o Kolala, Tehsil Utman Khil, Bajaur Agency.	17.11.2014

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188.	324(P)CS/2014	Noor Muhammad s/o Saleh Muhammad, Ex-Sepoy No.3531, Bajaur Levies r/o Khas, Tehsil Nawagai, Bajaur Agency.	17.11.2014
189.	337(P)CS/2014	Badshah Munir s/o Masood, Ex-Sepoy No.4363, Bajaur Levies r/o Kaga Tehsil, Lal Mamond, Bajaur Agency.	24.11.2014
190.	338(P)CS/2014	Mr. Alam Zeb s/o Pachai Khan, Ex-Sepoy No.4371, Bajaur Levies r/o Kaga Tehsil, Mamond, Bajaur Agency.	24.11.2014
191.	339(P)CS/2014	Muhammad s/o Ajali Khan, Ex-Sepoy No.4209, Bajaur Levies r/o Memon Inter, Tehsil Mamond, Bajaur Agency.	24.11.2014
192.	340(P)CS/2014	Shoaib s/o Gulab Karim, Ex-Sepoy No.5265, Bajaur Levies r/o Kot Kay Tehsil Salar Zai, Bajaur Agency.	24.11.2014
193.	341(P)CS/2014	Tahir s/o Muhammad Zada, Ex-Sepoy No.5210, Bajaur Levies r/o Ali Zo Shankay Tehsil Khar, Bajaur Agency.	24.11.2014
194.	342(P)CS/2014	Khista Muhammad s/o Amir Muhammad, Ex-Sepoy No.5634, Bajaur Levies r/o Shagi Tehsil Salar Zai, Bajaur Agency.	24.11.2014
195.	343(P)CS/2014	Sharifullah s/o Sahib Zada, Ex-Sepoy No.4388, Bajaur Levies r/o Kaga Tehsil Mamond, Bajaur Agency.	24.11.2014
196.	344(P)CS/2014	Obaidullah s/o Kashmir Khan, Ex-Sepoy No.4246, Bajaur Levies r/o Kaitol Tehsil Khar, Bajaur Agency.	24.11.2014
197.	345(P)CS/2014	Munir Khan s/o Wazir Gul, Ex-Sepoy No.3470, Bajaur Levies r/o Kaga Tehsil Mamond, Bajaur Agency.	24.11.2014
198.	346(P)CS/2014	Abdul Wadood s/o Wahab, Ex-Sepoy No.3950, Bajaur Levies r/o Kaga Tehsil Mamond, Bajaur Agency.	24.11.2014
199.	347(P)CS/2014	Najib s/o Usman Khan, Ex-Sepoy No.5222, Bajaur Levies r/o Kaitol Tehsil Khar, Mamond, Bajaur Agency.	24.11.2014
200.	348(P)CS/2014	Muhabat Khan s/o Rehmat Khan, Ex-Sepoy No.5574, Bajaur Levies r/o Qilla Ail Jan, Tehsil Khar, Bajaur Agency.	24.11.2014
201.	349(P)CS/2014	Jahangir Khan s/o Sher Ali, Ex-Sepoy No.5141, Bajaur Levies r/o Ali Zo Dag, Tehsil Khar, Bajaur Agency.	24.11.2014
202.	350(P)CS/2014	Ajab Noor s/o Said Noor, Ex-Sepoy No.5917, Bajaur Levies r/o Ali Zo Dag, Tehsil Khar, Bajaur Agency.	24.11.2014
203.	351(P)CS/2014	Bacha Rehman s/o Muhammad Yousof, Ex-Sepoy No.5187, Bajaur Levies r/o Mandal, Tehsil Khar, Bajaur Agency.	24.11.2014
204.	352(P)CS/2014	Hannif-ur-Rehman s/o Khista Muhammad, Ex-Sepoy No.5256, Bajaur Levies r/o Chinor, Tehsil Salar Zai, Bajaur Agency.	24.11.2014
205.	353(P)CS/2014	Sajjad Ahmed s/o Lal Badshah, Ex-Sepoy No.5228, Bajaur Levies r/o Delay, Tehsil Khar, Bajaur Agency.	24.11.2014
206.	354(P)CS/2014	Rizwanullah s/o Gul Nabi, Ex-Sepoy No.5642, Bajaur Levies r/o Ali Zo Dag, Tehsil Khar, Bajaur Agency.	24.11.2014
207.	355(P)CS/2014	Muzaffar Khan s/o Zer Ali, Ex-Sepoy No.5205, Bajaur Levies r/o Bar Trns, Tehsil Salar Zai, Bajaur Agency.	24.11.2014

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208.	366(P)CS/2014	Alamgoer s/o Ahmad Shah, Ex-Sepoy No.4199, Bajaur Levies r/o Nawagi Dodha, Tehsil Nawagi, Bajaur Agency.	04.12.2014
209.	367(P)CS/2014	Liaqat Ali s/o Ashiq, Ex-Sepoy No.4709, Bajaur Levies r/o Mandai Lala Khasha, Tehsil Starazai, Bajaur Agency.	04.12.2014
210.	368(P)CS/2014	Sayed Zareen s/o Nazar Jan, Ex-Sepoy No.4698, Bajaur Levies r/o Pindah Khalona Village, Tehsil Barang, Bajaur Agency.	04.12.2014
211.	369(P)CS/2014	Muhammad Idrees s/o Abdullah, Ex-Sepoy No.2009, Bajaur Levies r/o Dhocel, Tehsil Khar, Bajaur Agency.	04.12.2014
212.	370(P)CS/2014	Riaz Khan s/o Khan Syed, Ex-Sepoy No.4688, Bajaur Levies r/o Pindah Khalona Village, Tehsil Barang, Bajaur Agency.	04.12.2014
213.	371(P)CS/2014	Fazl Rehman s/o Muhammad Ali, Ex-Sepoy No.4328, Bajaur Levies r/o Sadiqa, Tehsil Khar, Bajaur Agency.	04.12.2014
214.	372(P)CS/2014	Hayatullah s/o Sher Muhammad, Ex-Sepoy No.4772, Bajaur Levies r/o Ghar Shomazi, Tehsil Barang, Bajaur Agency.	04.12.2014
215.	373(P)CS/2014	Anwar-ud-Din s/o Gul Malo Din, Ex-Sepoy No.4009, Bajaur Levies r/o Tangi, Tehsil Khar, Bajaur Agency.	04.12.2014
216.	374(P)CS/2014	Fateh Muhammad s/o Slicerullah, Ex-Sepoy No.4722, Bajaur Levies r/o Mandai Markhorai, Tehsil Starazai, Bajaur Agency.	04.12.2014
217.	375(P)CS/2014	Hayatullah s/o Abdur Rauf Khan, Ex-Sepoy No.4651, Bajaur Levies r/o Dag Qilla, Tehsil Khar, Bajaur Agency.	04.12.2014
218.	42(P)CS/2015	Zafar Ali s/o Yar Muhammad, Ex-Sepoy No.3862, Bajaur Levies r/o Kolala Utman Khail, Tehsil Utman Khail, Bajaur Agency.	23.01.2015
219.	43(P)CS/2015	Muslimar Khan s/o Fateh Gul, Ex-Sepoy No.5920, Bajaur Levies r/o Shankai, Tehsil Khar, Bajaur Agency.	23.01.2015
220.	44(P)CS/2015	Khaisia Jan s/o Noor Ahmed, Ex-Sepoy No.4665, Bajaur Levies r/o Khoro Rashkai Dag, Tehsil Khar, Bajaur Agency.	23.01.2015
221.	45(P)CS/2015	Rehan Yousaf s/o Rehman Yousaf, Ex-Sepoy No.4212, Bajaur Levies r/o Yousafabad, Tehsil Khar, Bajaur Agency.	23.01.2015
222.	46(P)CS/2015	Nasir Ali Khan s/o Gulam Nabi Khan, Ex-Sepoy No.4072, Bajaur Levies r/o Kot Ke Charmang, Tehsil Nawagai, Bajaur Agency.	23.01.2015
223.	47(P)CS/2015	Attaullah s/o Sher Muhammad, Ex-Sepoy No.4193, Bajaur Levies r/o Hayati, Tehsil Utman Khail, Bajaur Agency.	23.01.2015
224.	48(P)CS/2015	Ashfaq s/o Dost Muhammad, Ex-Sepoy No.4912, Bajaur Levies r/o Inayat Kaly, Tehsil Khar, Bajaur Agency.	23.01.2015
225.	49(P)CS/2015	Inron s/o Abdur Rashid, Ex-Sepoy No.4836, Bajaur Levies r/o Charmang Asghar, Tehsil Nawagai, Bajaur Agency.	23.01.2015
226.	50(P)CS/2015	Abulir Rashid s/o Hazrat Wali Khan, Ex-Sepoy No.5172, Bajaur Levies r/o Khar, Tehsil Khar, Bajaur Agency.	23.01.2015
227.	51(P)CS/2015	Noor Hakeem s/o Sher Muhammad, Ex-Sepoy No.4677, Bajaur Levies r/o Ghar Shomazi, Tehsil Barang, Bajaur Agency.	23.01.2015

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228.	52(P)CS/2015	Aminullah s/o Din Muhammad, Ex-Sepoy No.4705, Bajaur Levies r/o Mamond, Tehsil Salarzai, Bajaur Agency.	23.01.2015
229.	53(P)CS/2015	Dost Rehman s/o Bukhari, Ex-Sepoy No.3750, Bajaur Levies r/o Lalai Dure, Tehsil Salarzai, Bajaur Agency.	23.01.2015
230.	54(P)CS/2015	Muhammad Israr s/o Khoshnima, Ex-Sepoy No.4951, Bajaur Levies r/o Chargo, Tehsil Salarzai, Bajaur Agency.	23.01.2015
231.	55(P)CS/2015	Said Ghani s/o Pendu Gul, Ex-Sepoy No.3470, Bajaur Levies r/o Takhat, Tehsil Khar, Bajaur Agency.	23.01.2015
232.	56(P)CS/2015	Syed Habib Jan s/o Syed Pao. Jan, Ex-Sepoy No.4322, Bajaur Levies r/o Gambat, Tehsil Salarzai, Bajaur Agency.	23.01.2015
233.	57(P)CS/2015	Taj Meer s/o Taveez Khan, Ex-Sepoy No.4631, Bajaur Levies r/o Shikh Baba, Tehsil Khar, Bajaur Agency.	23.01.2015
234.	58(P)CS/2015	Rafi-ud-Din s/o Amcer, Ex-Sepoy No.4682, Bajaur Levies r/o Sar Sir Ghar Shomazi Hayati, Tehsil Utman Khail, Bajaur Agency.	23.01.2015
235.	59(P)CS/2015	Ayub Khan s/o Lawang, Ex-Sepoy No.4682, Bajaur Levies r/o Hilal Khail Charnag, Tehsil Nawagai, Bajaur Agency.	23.01.2015
236.	60(P)CS/2015	Moghtabar Khan s/o Zagran Khan, Ex-Sepoy No.4843, Bajaur Levies r/o Dhnoc, Tehsil Khar, Bajaur Agency.	23.01.2015
237.	61(P)CS/2015	Zahid Hussain s/o Shahbuddin, Ex-Sepoy No.4667, Bajaur Levies r/o Salarzai, Bajaur Agency.	23.01.2015
238.	62(P)CS/2015	Muhammad Ayub s/o Alim Zeb, Ex-Sepoy No.5806, Bajaur Levies r/o Khoro Chinn Qui, Tehsil Utman Khail, Bajaur Agency.	23.01.2015
239.	63(P)CS/2015	Bahar-ud-Din s/o Abdur Rehman, Ex-Sepoy No.5112, Bajaur Levies r/o Inayat Kaly, Tehsil Khar, Bajaur Agency.	23.01.2015
240.	64(P)CS/2015	Sajjad Ahmed s/o Dilwar Jan, Ex-Sepoy No.5296, Bajaur Levies r/o Yousaf Abad, Tehsil Khar, Bajaur Agency.	23.01.2015
241.	65(P)CS/2015	Fazal Malik s/o Afreedi, Ex-Sepoy No.3512, Bajaur Levies r/o Barang, Tehsil Mamond, Bajaur Agency.	23.01.2015
242.	66(P)CS/2015	Hussain Shah s/o Namit Khan, Ex-Sepoy No.3628, Bajaur Levies r/o Gad Mar, Tehsil Barang, Bajaur Agency.	23.01.2015

Date of Hearing: 11.05.2015

Date of Judgment: 11.05.2015

- RESPONDENTS: 1. The Secretary, SAFRON, Islamabad.  
2. The Additional Chief Secretary, FATA, Civil Secretariat (FATA), Warsak Road, Peshawar.  
3. The Political Agent / Commandant Bajaur Levies, Bajaur Agency at Khar.

BEFORE: Syed Rafique Hussain Shah, and  
Syed Muhammad Hamid, Members.

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PRESENT: Mr. Misbahullah Khan and Mrs. Samreen Akhtar, Advocates for the appellants.  
Mr. Iqbal Waheed, Advocate for respondent No.1.  
Mr. Iqbal Durrani, Advocate for Respondents No.2, 3 & 4 with Mian Zahid Jan, Reader as departmental representative.

### JUDGMENT

SYED RAFIQUE HUSSAIN SHAH, MEMBER: - Since all the titled appeals are almost identical in their characteristics, having similar facts and involving common questions of law, therefore, we intend to dispose them off jointly through this single judgment, to be recorded in the instant appeal No.16(P)CS/2014.

2. Briefly, the appellants started their career as Sepoy in Bajaur Levies, Bajaur Agency, Khyber Pukhtoonkhwa. The period spreading over 2007 onward was very turbulent for the said region and the whole area remained under the constant raids and attacks of the miscreants who had taken shelter in the neighbouring Afghanistan. The life of the people of the area became so unsafe that majority of them migrated to down districts for the protection of their life, property and honour. The personnel of security forces i.e. local levies, etc. also remained under threat and attacks of the militants. Suicide attacks, bomb blasts and abduction for ransom became fashion of the day. The people of the area had to face great hardships and miseries. The Levy personnel who are normally not well-equipped used to come under the attack of the militants as they were deployed on front line at different security posts spreading along with the boarder.

3. It is alleged that the Levy Force could not properly resist the onslaught of the militants and did not fight the miscreants with courage rather they surrendered to the miscreants after laying down their arms to display their cowardice. On this allegation quite a large number of Levy personnel were terminated from their service. So many persons were sent home through verbal orders while so many others were terminated from service without conducting proper inquiry against them.

4. In this background, the affectedes firstly approached their authority for reinstatement in service, denying the allegations of cowardice

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against them. But on failure to get relief from the authority, they knocked the door of this Tribunal where their grievances were redressed accordingly on the ground that the authority proceeded against them without following the procedure required for dismissal of civil servants. In so many cases the concerned department of government failed to get the verdict of the Federal Service Tribunal reversed. In all those cases it was laid down that a civil servant could not be imposed major penalty of dismissal from service without holding a regular inquiry. So many cases were sent back to authority for conducting *denovo* inquiry against the accused officials but the directions of the Tribunal were not followed in letter and spirit. The authority on the strength of its might again repeated similar orders. So, for quite some time legal battle between the poor Levy personnel and the mighty political authority continued.

5. The titled appeals were also filed in the above-mentioned backdrop.

6. While assailing the authenticity, validity and legality of the impugned orders whereby the appellants were terminated / dismissed from service, the appellants submitted that the said orders were illegal because they were issued without any show cause notice to them and without conducting proper inquiry into the matter. It was further alleged by the appellants that neither the statement of allegations were issued to them nor charge sheets were served upon them and, as such, the dismissal orders were unlawful, arbitrary, void *ab initio* and ineffective against their rights. The appellants also made reference to identical cases vide which their colleagues were reinstated into service by this Tribunal. The judgments of this Tribunal dated 12.03.2013, 17.11.2011, 16.07.2010 and 15.02.2012 were cited by the appellants in support of their claim. It was categorically submitted by the appellants that in view of the judgment of the August Supreme Court of Pakistan reported as 1996SCMR 1185, they were entitled to the same benefits of the judgment, passed in favour of their colleagues.

7. The respondents vehemently contested the appeals filed by the appellants. In their parwise comments the respondents described the appeals as time barred and alleged that the appellants deserted and abandoned the important posts to the militants and in this way they

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displayed cowardice and, thus, they were dismissed from service. The respondents, however, in their parawise comments admitted that show cause notice could not be issued to the appellants because after their desertion they disappeared and despite repeated calls they did not appear before the competent authority.

8. We have heard the learned counsel for the parties and have gone through the case file.

9. We have also perused the judgments of this Tribunal dated 01.03.2013 passed in Appeals No.184 to 190, 196, 197, 200, 201, 227 to 234, 241 to 245, 247, 256 to 267, 318, 340 to 345, 366, 367, 402 to 414, 419 to 438, 438-A, 439 to 443, 446 to 454(P)CS/2012 and judgment, dated 12.02.2015 delivered in Appeals No.197, 198, 200 to 203 & 120(P)CS/2011.

10. Mr. Misbahullah Khan and Mrs. Samreen Akhtar, Advocates appeared on behalf of the appellants and addressed their arguments mainly stressing upon the point that it was settled principle of law that where nature of charges were serious and where these charges were denied by the accused officials, then holding of a regular inquiry was mandatory and without holding such inquiry no major punishment could be awarded. In this respect the learned counsel for the appellants placed reliance on 2004 SCMR 316, 2004 PLC (CS) 524, 2002 SCMR 57, 2001 SCMR 1566, 2000 SCMR 1321 & 1868, 1994 PLC (CS) 1717 and 1993 SCMR 603. It was next argued by the learned counsel for the appellants that the appellants were neither issued any show cause notice nor they were provided any opportunity of personal hearing and, as such, in this view of the matter the impugned orders lost their authenticity, legality and validity. They made reference to judgments of August Supreme Court of Pakistan reported as 2000 SCMR 1034 and 1994 SCMR 2232 in this connection. The learned counsel for the appellants further pointed out that the dismissal orders had made large number of people jobless thereby depriving them of the means of livelihood without considering their viewpoint, which was against the constitutional guarantee imposed upon the State regarding promotion of social justice. Reference in this respect was made to 1994 SCMR 2232.

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Federal Service Tribunal  
Islamabad

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11. Mrs. Samreen Akhter, Advocate further pleaded the case of Gulab Khan and ten others regarding their claim of pension and contended that the said appellants were quite entitled to pensionary benefits.

12. On the contrary, the learned counsel M/s Iqbal Durrani and Iqbal Waheed, Advocates while appearing on behalf of the respondents gave much stress on the point that the appellants were Levy personnel and they were duty bound to resist the militants to their hilt but instead they showed cowardice in the discharge of their duties, hence, they were rightly sent home by the authority because there was no place of such coward people in the Force. In view of the learned counsel for the respondents the retention of the appellants in the Levy Force was not in the interest of the Force as their presence could demoralize the other Force. The learned counsel for the respondents, however, did not deny the fact that the appellants were not issued show cause notice and that no regular inquiry was held against them. According to their contention since the appellants were not available and had gone in desertion, it was not possible for the authority to send them show cause notices or to hold regular inquiry against them.

13. We deem it appropriate to mention here that in the judgment of this Tribunal in Appeals No. 197, 198, 200 to 203 & 120(P)CS/2011, dated 12.02.2015 the question of jurisdiction of this Tribunal had been settled, holding that this Tribunal had got jurisdiction to entertain and adjudicate upon the appeals of such nature. So, we feel it unnecessary to discuss the jurisdictional issue.

14. Admittedly, the appellants were charged for displaying cowardice, surrendering to the militants and deserting from their places of duty. These charges, no doubt, were very serious and of factual nature, which were denied by the appellants, hence, oral evidence was needed to be recorded to prove these allegations, onus of which was totally upon the authority (prosecution). In the instant appeals, no record of any inquiry has been produced rather it has been admitted by the respondents in their comments that no inquiry was conducted because the appellants were not available. To prove that the respondents had issued notices to the appellants in any shape, whatsoever, nothing has been brought on the file

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 Islamabad

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to substantiate the said version. There is no record available on the file to show that disciplinary proceedings were initiated against the appellants but they could not be completed due to non-availability of the appellants. We find no record of any inquiry on the file which was conducted prior to the imposition of the major penalty. Needless to explain that as per consistent view of the Hon'ble Supreme Court of Pakistan major penalty cannot be imposed without holding a regular inquiry. In this regard we may respectfully refer to the judgment of the Hon'ble Supreme Court of Pakistan reported as 2008 SCMR 1362 wherein it has been declared that regular inquiry should have been conducted to unveil the reality and major penalty of removal / dismissal from service should not have been imposed, being too harsh, in view of the nature of allegations, which could not be substantiated without adducing any cogent and concrete evidence. It may not be out of place to mention here that the Political Agent / Commandant Bajour Agency as well as Secretary FATA Peshawar have already reinstated a number of officials of Bajour Levies against whom similar allegations of desertion from duty were leveled. In this respect orders of the authority dated 23.12.2008, 06.08.2009, 12.01.2010 and 20.04.2009 were referred to by the appellants whereby certain officials of Bajour Levies were reinstated into service by the Political Agent / Commandant and Secretary FATA Peshawar. For this reason too the appellants deserved equal treatment because discriminatory treatment against them is violative of Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.

15. Consequent upon what has been discussed above, we are of the considered view that the impugned orders whether verbal or written, are not sustainable in the eyes of law as they are in violation of the dictum laid down by the Hon'ble Supreme Court of Pakistan. The impugned orders are, therefore, accordingly set aside and resultantly the instant appeals are accepted and the appellants are ordered to be reinstated into service from the date of the impugned orders. However, the question of back benefits shall be decided by the competent authority in accordance with the instructions contained at Serial No. 155, Vol. II of Civil Establishment Code [Estacode, 2007 Edition], and the dictum of law as laid down in judgment of the Hon'ble Supreme Court of Pakistan reported as 2010 SCMR 11.

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Federal Service Tribunal  
Islamabad

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16. Parties to bear their own costs and they be informed in accordance with rule 21 of the Service Tribunals (Procedure) Rules, 1974.

*[Signature]*  
MEMBER

*H. Raza Hussain*  
MEMBER

ISLAMABAD  
11.05.2015

\*Saeed\*

Approved for reporting.

*H. Raza Hussain*  
MEMBER

CERTIFIED TRUE COPY

*[Signature]*  
Registry  
Federal Service Tribunal  
Islamabad



ATTESTED

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR  
MR. JUSTICE GULZAR AHMED  
MR. JUSTICE MAQBOOL HAQAR

CIVIL PETITIONS NO. 1653, 1884 TO 2069, 2100 TO 2149 AND 2326  
TO 2332 OF 2015

Against the judgment dated 11.5.2015 of the Federal Service Tribunal Islamabad passed in Service Appeals  
No. 1653/CS/2014, 510/PCS to 521/PCS, 574/PCS to 607/PCS, 738/PCS, 740/PCS, 600/PCS to  
693/PCS, 693/PCS to 697/PCS, 710/PCS, 711/PCS to 722/PCS, 747/PCS, 748/PCS, 750/PCS to 761/PCS,  
764/PCS, 765/PCS, 782/PCS to 798/PCS, 806/PCS to 808/PCS, 2001/CS/2015, 31/PCS to 59/PCS, 17/PCS to  
100/PCS, 197/PCS to 205/PCS, 145/PCS, 146/PCS, 2001/CS to 211/PCS, 28/PCS to 37/PCS, 100/PCS to  
22-PCS, 23-PCS to 253/PCS, 264/PCS to 272/PCS/2015 and 13/PCS to 60/PCS/2015.

27  
ANSWER

1. Additional Chief Secretary FATA, Peshawar  
(in C.Ps. 1653, 2005 to 2020, 2050 to 2069, 2100 to 2149 & 2326 to 2332/2015)
2. The Political Agent/Commissioner Bajaur Levies, Bajaur Agency at  
Khar and another  
(in C.Ps. 1884 to 2004 & 2021 to 2049/2015)

VERSUS

...Petitioner(s)

1. Ajmal and another ...in C.P. 1653/2015
2. Amir Zada and another ...in C.P. 1884/2015
3. Nazir Zada and another ...in C.P. 1885/2015
4. Hameedullah and another ...in C.P. 1886/2015
5. Rehman-ul-Din and another ...in C.P. 1887/2015
6. Abdul Majeed and another ...in C.P. 1888/2015
7. Zaravar and another ...in C.P. 1889/2015
8. Niaz Muhammad and another ...in C.P. 1890/2015
9. Abdul Rasheed and another ...in C.P. 1891/2015
10. Khalil-ur-Rehman and another ...in C.P. 1892/2015
11. Noushad and another ...in C.P. 1893/2015
12. Nawab Khan and another ...in C.P. 1894/2015
13. Mukamil Shah and another ...in C.P. 1895/2015
14. Waqif Khan and another ...in C.P. 1896/2015
15. Sher Muhammad and another ...in C.P. 1897/2015
16. Abdullah and another ...in C.P. 1898/2015
17. Bashirullah and another ...in C.P. 1899/2015
18. Abdul Subhan and another ...in C.P. 1900/2015
19. Jamshed Khan and another ...in C.P. 1901/2015
20. Abdul Qayyum and another ...in C.P. 1902/2015
21. Javed and another ...in C.P. 1903/2015
22. Hayat-ur-Rehman and another ...in C.P. 1904/2015
23. Sher Badshah and another ...in C.P. 1904/2015
24. Ghulam Younas and another ...in C.P. 1906/2015
25. Asghar Khan and another ...in C.P. 1906/2015
26. Imam Sharif and another ...in C.P. 1907/2015
27. Fozli Wahid and another ...in C.P. 1908/2015
28. Niamatullah and another ...in C.P. 1909/2015
29. Attaullah and another ...in C.P. 1910/2015
30. Sartaj and another ...in C.P. 1911/2015  
...in C.P. 1912/2015

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By: [Signature]  
Sd/- Associate  
Supreme Court of Pakistan  
Islamabad

ATTESTED

31.	Kalimullah and another	...in C.P.1913/2015
32.	Taj Wali and another	...in C.P.1914/2015
33.	Akhtar Ali and another	...in C.P.1915/2015
34.	Roghayyah and another	...in C.P.1916/2015
35.	Liaquat Ali and another	...in C.P.1917/2015
36.	Zarwar and another	...in C.P.1918/2015
37.	Fazal Munon and another	...in C.P.1919/2015
38.	Muhammad Karim and another	...in C.P.1920/2015
39.	Niaz Wali and another	...in C.P.1921/2015
40.	Aziz-ur-Rehman and another	...in C.P.1922/2015
41.	Khadisa Rehman and another	...in C.P.1923/2015
42.	Ishanullah and another	...in C.P.1924/2015
43.	Syed Ahmed and another	...in C.P.1925/2015
44.	Zafar Khan and another	...in C.P.1926/2015
45.	Khalid and another	...in C.P.1927/2015
46.	Muhammad Asif and another	...in C.P.1928/2015
47.	Zafar and another	...in C.P.1929/2015
48.	Yar Muhammad Khan and another	...in C.P.1930/2015
49.	Ghulam Yousaf and another	...in C.P.1931/2015
50.	Wilayat and another	...in C.P.1932/2015
51.	Alaragir and another	...in C.P.1933/2015
52.	Lal Zaman and another	...in C.P.1934/2015
53.	Nizam-ud-Din and another	...in C.P.1935/2015
54.	Nisar Khan and another	...in C.P.1936/2015
55.	Roohul Ami and another	...in C.P.1937/2015
56.	Said Shah and another	...in C.P.1938/2015
57.	Muhammad Imran and another	...in C.P.1939/2015
58.	Zahir Shah and another	...in C.P.1940/2015
59.	Abdur Roblin and another	...in C.P.1941/2015
60.	Jan Muhammad and another	...in C.P.1942/2015
61.	Muhammad Ayaz and another	...in C.P.1943/2015
62.	Munoor Khan and another	...in C.P.1944/2015
63.	Hassan Khan and another	...in C.P.1945/2015
64.	Riffat and another	...in C.P.1946/2015
65.	Muhammad Younas and another	...in C.P.1947/2015
66.	Jamshed and another	...in C.P.1948/2015
67.	Maza Ameen and another	...in C.P.1949/2015
68.	Azccm Jan and another	...in C.P.1950/2015
69.	Shah Nawaz and another	...in C.P.1951/2015
70.	Muhammad Hayat and another	...in C.P.1952/2015
71.	Liaquat Ali and another	...in C.P.1953/2015
72.	Saida Khan and another	...in C.P.1954/2015
73.	Rakhtai and another	...in C.P.1955/2015
74.	Asmat Khan and another	...in C.P.1956/2015
75.	Imran and another	...in C.P.1957/2015
76.	Habibullah and another	...in C.P.1958/2015
77.	Maroof and another	...in C.P.1959/2015
78.	Fazal Maula and another	...in C.P.1960/2015
79.	Junaid Nair and another	...in C.P.1961/2015
80.	Amira Khan and another	...in C.P.1962/2015
81.	Luqman and another	...in C.P.1963/2015
82.	Sher Muhammad and another	...in C.P.1964/2015
83.	Muhammad Aalam and another	...in C.P.1965/2015
84.	Zareen and another	...in C.P.1966/2015
85.	Abdur Rauf and another	...in C.P.1967/2015
86.	Muhammad Sahib and another	...in C.P.1968/2015

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*[Signature]*  
 and Associate  
 Solicitor General of Pakistan  
 Islamabad

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29

- 87. Hayat Khan and another ...in C.P.1969/2015
- 88. Alamzeb and another ...in C.P.1970/2015
- 89. Muhammad Hoor and another ...in C.P.1971/2015
- 90. Khan Wali and another ...in C.P.1972/2015
- 91. Sabitullah and another ...in C.P.1973/2015
- 92. Said Aziz and another ...in C.P.1974/2015
- 93. Farman and another ...in C.P.1975/2015
- 94. Jehangir Hayat and another ...in C.P.1976/2015
- 95. Noor Rehman and another ...in C.P.1977/2015
- 96. Ibrahim and another ...in C.P.1978/2015
- 97. Nourullah and another ...in C.P.1979/2015
- 98. Sanasullah and another ...in C.P.1980/2015
- 99. Gul Qasim and another ...in C.P.1981/2015
- 100. Munasib and another ...in C.P.1982/2015
- 101. Muhammad Kalam and another ...in C.P.1983/2015
- 102. Dilawar Khan and another ...in C.P.1984/2015
- 103. Ahmad Younis and another ...in C.P.1985/2015
- 104. Shafiqullah and another ...in C.P.1986/2015
- 105. Habibullah and another ...in C.P.1987/2015
- 106. Musafir Khan and another ...in C.P.1988/2015
- 107. Ismail and another ...in C.P.1989/2015
- 108. Fazlullah and another ...in C.P.1990/2015
- 109. Mansoor Ahmed and another ...in C.P.1991/2015
- 110. Shah Khalid and another ...in C.P.1992/2015
- 111. Inayatullah and another ...in C.P.1993/2015
- 112. Sahibzada and another ...in C.P.1994/2015
- 113. Fazlur Rehman and another ...in C.P.1995/2015
- 114. Chinar and another ...in C.P.1996/2015
- 115. Bakhtawar and another ...in C.P.1997/2015
- 116. Abdul Wakil and another ...in C.P.1998/2015
- 117. Muhammad Zubair and another ...in C.P.1999/2015
- 118. Subhanullah and another ...in C.P.2000/2015
- 119. Khan Alam and another ...in C.P.2001/2015
- 120. Khayesta Gul and another ...in C.P.2002/2015
- 121. Asad Khan and another ...in C.P.2003/2015
- 122. Ejaz Ali and another ...in C.P.2004/2015
- 123. Masim Khan and another ...in C.P.2005/2015
- 124. Rafiq and another ...in C.P.2006/2015
- 125. Mahibullah and another ...in C.P.2007/2015
- 126. Noor Zada and another ...in C.P.2008/2015
- 127. Shuma-ur-Rehman and another ...in C.P.2009/2015
- 128. Saeedullah and another ...in C.P.2010/2015
- 129. Zareen Said and another ...in C.P.2011/2015
- 130. Ohulam Qadar and another ...in C.P.2012/2015
- 131. Azizullah and another ...in C.P.2013/2015
- 132. Hayat Zaimo and another ...in C.P.2014/2015
- 133. Zahid Ullah and another ...in C.P.2015/2015
- 134. Imran Khan and another ...in C.P.2016/2015
- 135. Abid and another ...in C.P.2017/2015
- 136. Rchmat Din Jan and another ...in C.P.2018/2015
- 137. Muhammad Zada and another ...in C.P.2019/2015
- 138. Anwar Zeb and another ...in C.P.2020/2015
- 139. Muhammad Nazzer and another ...in C.P.2021/2015
- 140. Badshah Munir and another ...in C.P.2022/2015
- 141. Alamzeb and another ...in C.P.2023/2015
- 142. Shoab and another ...in C.P.2024/2015

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Joint Associate  
Court of Pakistan  
Islamabad

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143. Tahiq and another	...in C.P.2025/2015
144. Sharifullah and another	...in C.P.2026/2015
145. Obaidullah and another	...in C.P.2027/2015
146. Musharaf Khan and another	...in C.P.2028/2015
147. Abdul Wadood and another	...in C.P.2029/2015
148. Najeebullah and another	...in C.P.2030/2015
149. Mohabat Khan and another	...in C.P.2031/2015
150. Jhangir Khan and another	...in C.P.2032/2015
151. Ajab noor and another	...in C.P.2033/2015
152. Bacha Rehman and another	...in C.P.2034/2015
153. Hanif-ur-Rehman and another	...in C.P.2035/2015
154. Sajjad Ahmed and another	...in C.P.2036/2015
155. Rizwan Ullah and another	...in C.P.2037/2015
156. Muzaffar Khan and another	...in C.P.2038/2015
157. Alamger and another	...in C.P.2039/2015
158. Liaquat Ali and another	...in C.P.2040/2015
159. Sayed Zareen and another	...in C.P.2041/2015
160. M. Idrees and another	...in C.P.2042/2015
161. Riaz Khan and another	...in C.P.2043/2015
162. Fazal Rehman and another	...in C.P.2044/2015
163. Hayat Ullah and another	...in C.P.2045/2015
164. Anwar-ud-Din and another	...in C.P.2046/2015
165. Fatch Muhammad and another	...in C.P.2047/2015
166. Hayatullah and another	...in C.P.2048/2015
167. Zafar Ali Khan and another	...in C.P.2049/2015
168. Mustamar Khan and another	...in C.P.2050/2015
169. Khaisa Jan and another	...in C.P.2051/2015
170. Rehman Yousof and another	...in C.P.2052/2015
171. Nasir Ali Khan and another	...in C.P.2053/2015
172. Attaullah and another	...in C.P.2054/2015
173. Ashfaq and another	...in C.P.2055/2015
174. Imran and another	...in C.P.2056/2015
175. Noor Hakeem and another	...in C.P.2057/2015
176. Muhammad Israr and another	...in C.P.2058/2015
177. Sajid Ghani and another	...in C.P.2059/2015
178. Syed Habib Jan and another	...in C.P.2060/2015
179. Taj Meer and another	...in C.P.2061/2015
180. Rafi-ud-Din and another	...in C.P.2062/2015
181. Moghtaber Khan and another	...in C.P.2063/2015
182. Zahid Hussain and another	...in C.P.2064/2015
183. Muhammad Ayub and another	...in C.P.2065/2015
184. Bahar-ud-Din and another	...in C.P.2066/2015
185. Sajjad Ahmed and another	...in C.P.2067/2015
186. Fazal Malik and another	...in C.P.2068/2015
187. Hussain Shah and another	...in C.P.2069/2015
188. Bahadar and another	...in C.P.2100/2015
189. Bacha Rahim and another	...in C.P.2101/2015
190. Fazal Subhan and another	...in C.P.2102/2015
191. Faredullah and another	...in C.P.2103/2015
192. Nadir Shah and another	...in C.P.2104/2015
193. Rehmanullah and another	...in C.P.2105/2015
194. Gul Badshah and another	...in C.P.2106/2015
195. Inshanullah and another	...in C.P.2107/2015
196. Tilla Muhammad and another	...in C.P.2108/2015
197. Israr Khan and another	...in C.P.2109/2015
198. Abdur Rahman and another	...in C.P.2110/2015

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Court Associate  
Supreme Court of Pakistan  
Islamabad

ATTESTED



199. Wali Khan and another	...in C.P.2111/2015
200. Umair Ayub and another	...in C.P.2112/2015
201. Shalirullah and another	...in C.P.2113/2015
202. Fazal Karim and another	...in C.P.2114/2015
203. Khan Sher and another	...in C.P.2115/2015
204. Shamroz Khan and another	...in C.P.2116/2015
205. Raiz Wali and another	...in C.P.2117/2015
206. Rehman Wali and another	...in C.P.2118/2015
207. Ilham-ud-Din and another	...in C.P.2119/2015
208. Muhammad Iqbal and another	...in C.P.2120/2015
209. Safdar Khan and another	...in C.P.2121/2015
210. Imran and another	...in C.P.2122/2015
211. Hidayatullah and another	...in C.P.2123/2015
212. Fareedullah and another	...in C.P.2124/2015
213. Fazali Subhan and another	...in C.P.2125/2015
214. Rehmat Gul and another	...in C.P.2126/2015
215. Abdur Rauf and another	...in C.P.2127/2015
216. Roshullah and another	...in C.P.2128/2015
217. Amir Zaka and another	...in C.P.2129/2015
218. Rahim Gul and another	...in C.P.2130/2015
219. Qadir Khan and another	...in C.P.2131/2015
220. Said Nawab and another	...in C.P.2132/2015
221. Jalil-ud-Din and another	...in C.P.2133/2015
222. Imran Khan and another	...in C.P.2134/2015
223. Sahibzada and another	...in C.P.2135/2015
224. Idrees and another	...in C.P.2136/2015
225. Taj Muhammad and another	...in C.P.2137/2015
226. Rayaz and another	...in C.P.2138/2015
227. Fazal Wadood and another	...in C.P.2139/2015
228. Khunzel and another	...in C.P.2140/2015
229. Rahat Muhammad and another	...in C.P.2141/2015
230. Iqbal and another	...in C.P.2142/2015
231. Kamal Habib and another	...in C.P.2143/2015
232. Sajjad Ali and another	...in C.P.2144/2015
233. Ali Rehman and another	...in C.P.2145/2015
234. Muhammad Ijaz and another	...in C.P.2146/2015
235. Noor Muhammad and another	...in C.P.2147/2015
236. Muhammad and another	...in C.P.2148/2015
237. Khaista Muhammad and another	...in C.P.2149/2015
238. Ayub Khan	...in C.P.2328/2015
239. Abdur Rashid and another	...in C.P.2329/2015
240. Dost Rehman and another	...in C.P.2330/2015
241. Aminullah and another	...in C.P.2331/2015
242. Abdul Akbar Khan and another	...in C.P.2332/2015
	...Respondent(s)

31

For the petitioner(s): Mr. M. Waqar Ahmed Khan, Addl.A.G. KPK  
(in all cases)

For the respondent(s): Not represented  
(in all cases)

Date of hearing: 20.10.2015

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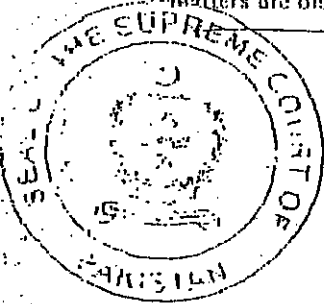
*[Signature]*  
Secretary  
Court of Pakistan  
Islamabad

ATTESTED

ORDER

MIAN SAQIB HISAR, J. Having considered the submissions made by the learned counsel for the petitioners, we are of the view that before the imposition of major penalty upon the respondents qua dismissal, regular inquiry should have been conducted in the matter and this is also what has been stated by the learned Tribunal. Thus the petitioners shall after issuance of notice to the respondents hold an inquiry as per the law and proceed to take appropriate action. This, however, shall in no manner be considered to be waiving off of the objection of the petitioners regarding the jurisdiction of learned Tribunal which according to the petitioners' case is lacking on account of the bar contained in Article 217 of the Constitution of Islamic Republic of Pakistan, 1973. However, after the inquiry if any adverse action is taken against the respondents, they may approach the appropriate forum available to them under the law. The back benefits of the respondents shall be dependent upon the inquiry completed and the result thereof. The inquiry should be completed within six months from today. Limitation is contained in those cases which are barred by time. All these matters are disposed of accordingly.

39



Sd/- Mian Saqib Hisar, J.  
 Sd/- Gulzar Ahmed, J.  
 Sd/- Maqbool Baqir, J.

Certified to be True Copy  
 [Signature]  
 Court Associate  
 Supreme Court of Pakistan  
 Islamabad

Islamabad, the  
 20<sup>th</sup> October, 2015  
 Not Approved For Reporting  
 Kona, Unassu

Case No: 14700/15  
 Date of presentation: 20-10-15  
 No. of pages: 10  
 No. of Exhibits: 18  
 Date of filing: 20-10-15  
 Date of receipt of Court: 20-10-15  
 Date of completion of case: 27/10/15  
 Date of judgment by: 27-10-15  
 Date of disposal: 27-10-15

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Phone # (9942-220559)

ANNEX C 33 -  
**OFFICE OF THE**

**ASSTT: POLITICAL AGENT BAJAUR/  
Addl: District Magistrate, Khar.  
DEPUTY COMMANDANT BAJAUR LEVIES.**

No. 4340 /APA/ADM Khar Dated 22-07-2016.

To,

**The worthy Political Agent,  
Bajaur/ Authority.**

**Subject: NOTIFICATION/ INQUIRY OF THE 242 PERSONNEL OF BAJAUR LEVIES FORCE.**

Memo:

Kindly refer to your good office notification No. 1688/BL dated 14-12-2015 and in continuation of this office memo: No. 3628/APA/ADM (K) dated 08-06-2016, on the caption cited above.

In obedience of the judgment dated 20-10-2015 of the honourable Supreme Court of Pakistan in a Civil Petition No. 1653, 1884 to 2069, 2100 to 2149 and 2328 to 2332 of 2015, general findings/ recommendations of inquiry conducted by the committee constituted for the purpose vide notification under reference and verification conducted by the Security Agencies vide No. 5347/2/Verification/IS/BA dated 21<sup>st</sup> April, 2016, the proposal for re-instatement of the following personnel of Bajaur Levies/ Khassadars is forwarded herewith for further orders under the rules. please:

S#	Name of the personnel	Regiment No.	Classification of the Security Agencies	Remarks/ reasons recorded by the committee during the course of inquiry
1.	Sepoy Fazal Wahid	4185	Clear	Recommended for minor penalties.
2.	Sepoy Nazir Zada	5043	Clear	Recommended for minor penalties.
3.	Sepoy Khalilur Rehman	5358	Clear	Recommended for minor penalties.
4.	Sepoy Sher Muhammad	4708	Clear	Recommended for minor penalties.
5.	Sepoy Abdullah	3413	Clear	Recommended for minor penalties.
6.	Sepoy Abdul Subhan	3415	Clear	Recommended for minor penalties.
7.	Sepoy Sher Badshah	5196	Clear	Recommended for minor penalties.
8.	Sepoy Taj Wali	4874	Clear	Recommended for minor penalties.
9.	Sepoy Akhtar Ali	4621	Clear	Recommended for minor penalties.
10.	Sepoy Khaisia Rehman	5140	Clear	Recommended for minor penalties.
11.	Sepoy Nisar Khan	5077	Clear	Recommended for minor penalties.
12.	Sepoy Roshul Amin	4293	Clear	Recommended for minor penalties.
13.	Sepoy Said Shah Ali	4140	Clear	Recommended for minor penalties.
14.	Sepoy Mozamin	4384	Clear	Recommended for minor penalties.
15.	Sepoy Shah Nawaz	4850	Clear	Recommended for minor penalties.
16.	Sepoy Muhammad Hayat	4295	Clear	Recommended for minor penalties.
17.	Sepoy Luqman	4964	Clear	Recommended for minor penalties.
18.	Sepoy Sabitullah	4021	Clear	Recommended for minor penalties.
19.	Sepoy Ibrahim	3390	Clear	Recommended for minor penalties.
20.	Sepoy Dilawar Khan	4374	Clear	Recommended for minor penalties.
21.	Sepoy Habibullah	4333	Clear	Recommended for minor penalties.
22.	Sepoy Faizullah	4366	Clear	Recommended for minor penalties.
23.	Sepoy Mansoor Ahmad	6217	Clear	Recommended for minor penalties.

**ATTESTED**

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24.	Sepoy Shah Khalid	6196	Clear	Recommended for minor penalties.
25.	Sepoy Sahib Zada	4468	Clear	Recommended for minor penalties.
26.	Sepoy Rafiq	5109	Clear	Recommended for minor penalties.
27.	Sepoy Muhibullah	5085	Clear	Recommended for minor penalties.
28.	Sepoy Saeedullah	4279	Clear	Recommended for minor penalties.
29.	Sepoy Badshah Munir	4368	Clear	Recommended for minor penalties.
30.	Sepoy Alam Zeb	4371	Clear	Recommended for minor penalties.
31.	Sepoy Sharifullah	4388	Clear	Recommended for minor penalties.
32.	Sepoy Sajjad Ahmad	5228	Clear	Recommended for minor penalties.
33.	Sepoy Muhammad Idrees	5009	Clear	Recommended for minor penalties.
34.	Sepoy Anwaruddin	4009	Clear	Recommended for minor penalties.
35.	Sepoy Hayatullah	4651	Clear	Recommended for minor penalties.
36.	Sepoy Ashfaq	4912	Clear	Recommended for minor penalties.
37.	Sepoy Said Habib Jan	4322	Clear	Recommended for minor penalties.
38.	Sepoy Bacha Rahim	4710	Clear	Recommended for minor penalties.
39.	Sepoy Fazal Subhan	4515	Clear	Recommended for minor penalties.
40.	Sepoy Faridullah	5764	Clear	Recommended for minor penalties.
41.	Sepoy Nadar Shah	4011	Clear	Recommended for minor penalties.
42.	Sepoy Rahmanullah	4016	Clear	Recommended for minor penalties.
43.	Sepoy Ihsanullah	4415	Clear	Recommended for minor penalties.
44.	Sepoy Fazal Karim	4008	Clear	Recommended for minor penalties.
45.	Sepoy Riaz Wali	4528	Clear	Recommended for minor penalties.
46.	Sepoy Taj Muhammad	5075	Clear	Recommended for minor penalties.
47.	Sepoy Khan Zeb	5040	Clear	Recommended for minor penalties.
48.	Sepoy Rahat Muhammad	5090	Clear	Recommended for minor penalties.
49.	Sepoy Muhammad Eijaz	3313	Clear	Recommended for minor penalties.
50.	Sepoy Amin Ullah	4705	Clear	Recommended for minor penalties.

#### GENERAL RECOMMENDATIONS OF THE INQUIRY COMMITTEE:

- i. The Competent Authority may take action/ decision in light of available record which is placed in the main file on serial numbers as mentioned in the notification cited and which is also summarized in Para No. 7/N above and remove/ dismiss those who remained absent from duty.
- ii. The Competent Authority may keep in consideration the previous precedents where some other levy personnel who were dismissed/ removed along with the levy personnel who are now under the subject inquiry, the earlier had already been reinstated into services within previous year or two.
- iii. The Competent Authority may also keep into notice the situation prevailed during 2007 to 2010, which is also pertinent from their written statement and expressed in their personal hearing that it was next to impossible to compete with huge number of miscreants with almost no resources. In such a situation, sympathetic consideration may be given to these 242 Levy personnel and to be reinstated in service with immediate effect subject to the satisfaction of the Superior Officers wherein each and every person may be passed through verification process, necessary refresher courses/ training and probation period.

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iv. The Competent Forum/ Authority may take any other decision in light of the above points, if agreed and with is in best public interest.

v. Para-7/N stated in the aforementioned Para-i is reproduced below:

"VII. This is also surprising to note that when they (242 Levies Personnel) were dismissed/ removed from their services because of their absentees from duty or because of some miscreants attacked on a levy piquet or Civil Colony Nawagai which was entrusted to them for protection, or either they were frightening from the militants activities and left the duty places or they remained away from their duty because they were shifting their families to a safe places during the period to 2007 to 2010; the question is why they remained disinterested for such a long time to be reinstated.  
Explanation: A Levy personnel dismissed from his service in 2007, 2008, 2009 or in 2010 and he did not struggle to submit his appeal/ application for his reinstatement into service to his competent forum/ authority but intentionally remained reluctant from initiative shows their irresponsible attitude and kept themselves aloof from the affairs and they were waiting for godot"

vi. Keeping in view the judgment of the honourable Supreme Court of Pakistan and Para. ii and iii of the general recommendation of the inquiry committee, all the 50 personnel mentioned above are recommended for re-instatement, please.

(Inquiry Officer)  
Asstt: Political Agent  
Addl: District Magistrate,  
Khar, Bajaur Agency.

Inquiry Officer  
Asstt: Political Agent  
Addl: District Magistrate,  
Khar, Bajaur Agency

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ATTESTED

BETTER COPY

OFFICE OF THE  
ASSIST POLITICAL AGENT KHAR  
DEPUTY COMMANDANT BAJKUR LEVIES

Phone # (0942-220559)

Office order

No.4451/APA(K)/B.L

Dated Khar the 28.07.2016.

36  
ANNEX D

In continuation of this office order No.3725/APA (K)/ B.L dated 14.06.2016 and in pursuance of the judgment dated 20.10.2015 of the honourable Supreme Court of Pakistan in a Civil Petition No.1653, 1884 to 2069, 2100 to 2149 and 2328 to 2332 of 2015, consequent upon the indringy recommendation No.ii, iii & vi of the inquiry conducted by the committee constituted for the purpose vide notification No.1688/B.L dated 14.12.2016, verification conducted by the Security Agencies vide No.5347/2/Verification/BA dated 21<sup>st</sup> April 2016, approval of the worthy Political Agent/commandant Bajaur Levies, the following personal are hereby re-instated into service with immediate effect at the bottom of the seniority with no back benefit etc. The intervening period between date of dismissal and dated of re-instatement will be treated as leave without pay:

Sr #	Name of the Personnel	Regiment No.
1.	Sepoy Fazal Wahid	4185
2.	Sepoy Nazir Zada	5043
3.	Sepoy Khalil ur Rehman	5358
4.	Sepoy Sher Muhammad	4708
5.	Sepoy Abdullah	3413
6.	Sepoy Abdul Subhan	3415
7.	Sepoy Sher Badshah	5196
8.	Sepoy Taj Wali	4874
9.	Sepoy Akhter Ali	4621
10.	Sepoy Khaista Rehman	5140
11.	Sepoy Nisar Khan	5077
12.	Sepoy Roohul Amin	4293
13.	Sepoy Said Shah Ali	4140
14.	Sepoy Mozamin	4384
15.	Sepoy Shah Nawaz	4850
16.	Sepoy Muhammad Hayat	4295
17.	Sepoy Luqman	4964
18.	Sepoy Sabiullah	4021
19.	Sepoy Ibrahim	3390
20.	Sepoy Dilawar Khan	4374
21.	Sepoy Habibullah	4333
22.	Sepoy Faizullah	4366
23.	Sepoy Mansoor Ahmed	6217
24.	Sepoy Shah Khlid	6196
25.	Sepoy Sahib Zada	4468
26.	Sepoy Rafiq	5109
27.	Sepoy Muhibullah	5085
28.	Sepoy Saeedullah	4279
29.	Sepoy Badshah Munir	4368
30.	Sepoy Alam Zair	4371

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31.	Sepoy Sharifullah	4388
32.	Sepoy Sajjad Ahmed	5228
34.	Sepoy Anwaruddin	4009
35.	Sepoy Hayatullah	4651
36.	Sepoy Ashfaq	4912
37.	Sepoy Said Habib Jan	4322
38.	Sepoy Bacha Rahim	4710
39.	Sepoy Fazal Subhan	4515
40.	Sepoy Faridullah	5764
41.	Sepoy Nadar Shah	4011
42.	Sepoy Rahmanullah	4016
43.	Sepoy Ihsanullah	4415
44.	Sepoy Fazal Karim	4008
45.	Sepoy Riaz Wali	4528
46.	Sepoy Taj Muhammad	5075
49.	Sepoy Muhammad Eijaz	3313
50.	Sepoy Amin Ullah	4705

This order is hereby considered as last chance and if any such negligence happened in future on the part of any the above, he will be treated as dismissed. This is further hereby ordered that they will go through compulsory training, so as to restore their energies and to develop their professionalism being a force.

ASSTT. POLITICAL KHAR/  
Deputy Commandant Bajaur Levies.

No.4452/APA (K)/B.L.

Dated Khar the 28.07.2016.

Copies forwarded to: -

1. The honourable Registrar, Supreme Court of Pakistan, for information.
2. The Secretary Safron Division, Islamabad.
3. The Registrar Federal Service Tribunal, Islamabad.
4. The Secretary Home and Interior Department, Peshawar.
5. The Secretary law & order, FATA Secretariat, Peshawar.
6. The Commissioner Malakand Division at Swat.

For Information please.

7. The worthy Political Agent/Commandant Bajaur Levies, for information and with the remark that though the process of inquiry has been completed. However, recommendation in respect of the remaining personnel will be submitted soon after receipt of clearance from the Security/Agencies.
8. The Asstt: Political Agent, Nawagai for information.
9. Agency Accounts Officer, Bajaur for information and necessary action.
10. SM Bajaur Levies for information and necessary action.
11. Personnel concerned for information and compliance, immediately.

ASSTT. POLITICAL KHAR/  
Deputy Commandant Bajaur Levies.

**ATTESTED**

**OFFICE OF THE  
ASSTT. POLITICAL AGENT KHAR/  
DEPUTY COMMANDANT BAJAUR LEVIES.**

**OFFICE ORDER.**

No. 445/1/PA (K)/ B.L.

Dated Khar the 28-07-2016.

-38

In continuation of this office order No. 7725/PA (K)/ B.L. dated 14-06-2016 and in pursuance of the judgment dated 20-10-2015 of the honourable Supreme Court of Pakistan in a Civil Petition No. 1653, 1884 to 2069, 2100 to 2149 and 2328 to 2332 of 2015, consequent upon the findings/ recommendations No. ii, iii & vi of the inquiry conducted by the committee constituted for the purpose vide notification No. 1688/B.L dated 14-12-2016, verification conducted by the Security Agencies vide No. 5347/2/Verification/IS/BA dated 19<sup>th</sup> July, 2016, approval of the Worthy Political Agent/ Commandant Bajaur Levies, the following 50 personnel are hereby reinstated into service with immediate effect at the bottom of the seniority with no back benefits etc. The intermission between date of dismissal and dated of reinstatement will be treated as leave without pay:

Sr.	Name of the personnel	Regiment No.	Remarks
1	Sepoy Fazal Wahid	4185	R-2458/BL dt: 10-8-2008 ✓
2	Sepoy Nazir Zada	5043	Vp No. 2415/BL dt: 5-12-2008 ✓
3	Sepoy Khalilur Rehman	5358	D-2197/BL dt: 18-7-2008 ✓
4	Sepoy Sher Muhammad	4708	D-No. 2367/BL dt: 17-11-2008 ✓
5	Sepoy Abdullāh	3413	D-2252-69/BL dt: 3-8-2008 ✓
6	Sepoy Abdul Subhan	3415	R-No. 2961/BL dt: 11-12-2009 ✓
7	Sepoy Sher Badshah	5196	Vd-No. 1877/BL dt: 27-9-2008 ✓
8	Sepoy Taj Wali	4871	R-No. 2253/BL dt: 17-12-2007 ✓
9	Sepoy Akhtar Ali	4621	R-513 dt: 23-2-2008 ✓
10	Sepoy Khaista Rehman	5140	✓
11	Sepoy Nisar Khan	5077	P-No. 2252/BL dt: 3-8-2009 ✓
12	Sepoy Rasool Amir	4293	(6073) D-No. 216/BL dt: 20-2-2008 ✓
13	Sepoy Said Shah Ali	4140	D-No. 2032/BL dt: 20-10-2008 ✓
14	Sepoy Mozammin	4384	✓
15	Sepoy Shah Nawaz	4850	R-No. 556/BL dt: 26-2-2008 ✓
16	Sepoy Muhammad Hayat	4295	D-No. 2202/BL dt: 26-11-2007 ✓
17	Sepoy Luqman	4964	R-No. 2167/BL dt: 7-12-2007 ✓
18	Sepoy Sabitullah	4021	P-No. 1317/BL dt: 27-6-2008 ✓
19	Sepoy Ibrahim	3390	✓
20	Sepoy Dilawar Khan	4374	D-No. 2415/BL dt: 5-12-2008 ✓
21	Sepoy Habibullah	4333	D-No. 2032/BL dt: 20-10-2008 ✓
22	Sepoy Faizullah	4366	D-No. 2415/BL dt: 5-12-2008 ✓
23	Sepoy Mansoor Ahmad	6217	D-No. 264/BL dt: 17-2-2011 ✓
24	Sepoy Shah Khalid	6196	✓
25	Sepoy Sahib Zada	4468	✓
26	Sepoy Rafiq	5109	D-No. 1877/BL dt: 27-9-2008 ✓
27	Sepoy Muhibullah	5085	R-No. 2961/BL dt: 11-12-2009 ✓
28	Sepoy Saadullah	4279	✓
29	Sepoy Badshah Munir	4368	D-No. 216/BL dt: 20-2-2008 ✓
30	Sepoy Alam Zai	4371	R-No. 642/BL dt: 3-3-2009 ✓
31	Sepoy Sharifullah	4388	D-No. 2032/BL dt: 20-10-2008 ✓
32	Sepoy Sajjad Ahmad	5228	D-No. 1816/BL dt: 15-8-2008 ✓

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35	Sepoy Anwaruddin	4009 R. No. 2161/BL dt. 6-12-2007 ✓
	Sepoy Hayatullah	4651
36	Sepoy Ashfaq	4912 R. No. 2161/BL dt. 6-12-2007 ✓
	Sepoy Saïd Habib Jan	4322 D. No. 444/BL dt. 20-3-2008 ✓
38	Sepoy Bacha Rafim	4710 R. No. 471/BL dt. 6-1-2009 ✓
	Sepoy Fazal Subhan	1515 R. No. 2161/BL dt. 6-12-2007 ✓
40	Sepoy Faridullah	5764 R. No. 393/BL dt. 16-3-2010 ✓
	Sepoy Nadar Shah	1011 R. No. 2155/BL dt. 6-12-2007 ✓
42	Sepoy Rahimullah	4016 D. No. 1441/BL dt. 12-7-2008 ✓
	Sepoy Ihsanullah	4415 D. 698/BL dt. 24-1-2008 ✓
44	Sepoy Fazal Karim	4008 R. No. 2195/BL dt. 13-12-2007 ✓
45	Sepoy Riaz Wali	4528 R. No. 2167/BL dt. 7-12-2007 ✓
46	Sepoy Taj Muhammad	5075 D. No. 1135/BL dt. 7-12-2008 ✓
47	Sepoy Khari Zeb	5040 R. No. 513/BL dt. 2-3-2-2009 ✓
48	Sepoy Rahat Muhammad	5090 D. No. 1935/BL dt. 8-10-2008 ✓
49	Sepoy Muhammad Eijaz	3313 R. No. 297/BL dt. 10-2-2009 ✓
50	Sepoy Amin Ullah	4705 R. No. 223/BL dt. 2-2-2009 ✓

This order is hereby considered as last chance and if any such negligence happened in future on the part of any of the above, he will be treated as dismissed. It is further hereby ordered that they will go through compulsory training, so as to store their energies and to develop their professionalism being a force.

  
Asstt Political Agent Khar/  
Deputy Commandant Bajaur Levies.

11/15/2016 APA (K)/B.L.

Dated Khar the 28-07-2016.

Copies forwarded to: -

1. The honourable Registrar, Supreme Court of Pakistan, for information.
2. The Secretary SAFRON Division, Islamabad.
3. The Registrar Federal Service Tribunal Islamabad.
4. The Secretary Home and Interior Department, Peshawar.
5. The Secretary Law & Order, FATA Secretariat, Peshawar.
6. The Commissioner Malakand Division at Saidu Sharif Swat.

For Information please.

7. The worthy Political Agent/ Commandant Bajaur Levies, for information and with the remark that though the process of inquiry has been completed, however, recommendation in respect of the remaining personnel will be submitted soon after receipt of clearance from the Security Agencies.
8. The Asstt. Political Agent, Nawagai for information.
9. Agency Accounts Officer, Bajaur for information and necessary action.
10. SM Bajaur Levies for information and necessary action.
11. Personnel concerned for information and compliance, immediately.

  
Asstt Political Agent Khar/  
Deputy Commandant Bajaur Levies.

**ATTESTED**

DECISION ON THE REPRESENTATION DATED 28/07/2016 OF SAID HABIB  
JAN R.NO 4322 SEPOY BAJAUR LEVIES KHAR.

ORDER

Dated of personnel hearing 21/02/2017

Date of Order. 24/02/2017

Being aggrieved of the order dated 28/07/2016, Said Habib Jan Sepoy Bajaur levies filed representation dated 29/07/2016 to secretary SAFRON which is now received to this office for passing an order.

Said Habib Jan Sepoy was summoned for hearing who attended this office on 21/02/2017, he was questioned to explain his 08 Days, 04 Months and 08 years absence from duty without permission and to explain whether during absence he was involved in any beneficial business/Services, and to also explain the service break for the stipulated period.

The appellant/applicant did not explained his unauthorized absence from duty and he admitted that during the aforementioned period of his absence he had not turned to attend his duty nor has filed any departmental appeal before the political Agent/Secretary Law & Order PATA Secretariat Peshawar while according to the secret inquiry conducted established that he was running a Health clinic at Salarzai and then he went for business to Karachi till his re-instatement into service.

The appellant heard and record perused. The services of the levies personnel is governed by levies service rules and according to rule 14, there is only 10 days long leave provision in the levies service rules that too with the permission of the competent authority. In service discipline he can earn leave on his own right, but for its grant, he must have followed proper procedure provided under the rules. He was not supposed to avail any kind of leave entirely in his discretion and choice in departure to the rules and service discipline. Absence from duty without leave, even if not willful, but same being an act of disorder in service would constitute gross misconduct. His absence from duty was converted into extra ordinary leave without pay. It is well established fact that extra ordinary leave without pay causes break in service, more so during that period such person does not render service to Government, nor it can be treated as qualifying service for the purpose of pension and gratuity involving financial implication to the Govt, and it cause unnecessary illegal loss to public treasury.

In such like situation his services shall not be treated at par with those personnel who performed their duties perfectly, without break and regularly, and they should not be suffered and disturbed for a person who did not care of his service. Thus I am not inclined to interfere or modify order dated 28/07/2016, therefore, his representation/Appeal is hereby dismissed.

  
POLITICAL AGENT/  
COMMANDANT BAJAUR LEVIES.

Said Habib Jan Sepoy Regt.No.4322

Address .....

**ATTESTED**

40-  
ANNEX E

26 APR 2017

Order Sheet

IN THE FEDERAL SERVICE TRIBUNAL ISLAMABAD

Appeals No.599 to 602(P)CS/2016

Tila Muhammad and others

Vs.

Ministry of States and Frontier Regions (SAFRON) etc.

-41-

ANWER F<sup>o</sup>

25.04.2017 BEFORE: Mr. Justice (R) Sayed Zahid Hussain, Chairman and  
Dr. Nazir Saeed, Member

Miscellaneous Petition No.2354/2016:

PRESENT: Rana Samreen Akhtar, Advocate for the petitioner  
Syed Sardar Hussain, Advocate for the respondents  
Mian Zahid Jan, Reader as DR.

\*\*\*\*

A copy of the order dated 24.02.2017 of the decision on representation of the petitioner has been produced today and has been delivered to the learned counsel for the petitioners also. In such view of the matter, the order dated 28.10.2016 stands implemented and this petition has become infructuous. The learned counsel however states that the petitioners would avail remedy against the above mentioned order in accordance with law.

The petition is disposed of accordingly.

Sd-  
MEMBER

Sd-  
CHAIRMAN

*Ausma*

897/2017  
26-4-2017

**ATTESTED**

IN THE FEDERAL SERVICE TRIBUNAL, 47-ATTATURK AVENUE, SECTOR. G-5/2,  
ISLAMABAD.

\*\*\*\*\*

42- D. No. 11874  
Dated 06 DEC 2019

Subject:- ORDER PASSED IN APPEAL NO. 87 to 89(P)CS-2019, 1118, 1221(P)CS-2017, 862(P)CS-2018, 85, 86, 93, 94, 95, 264(P)CS-2019, 1008, 1010, 1011, 1019, 1022, 1023 to 1026, 1028, 1030, 1031, 1032, 1033, 1035 to 1038, 1042 to 1044, 1088, 1349 to 1351(P)CS-2018, 377(P)CS-2019, 781(P)CS-2017, 742 to 744, 1441(P)CS-2018, 527, 546(P)CS-2016, 857, 858, 974 to 976, 980, 1409 to 1412, 1431, 1503(P)CS-2018, 877 to 880(P)CS-2017, 263, 91, 178, 252, 344, 831 to 835(P)CS-2019, 13(P)CS-2017, 777(P)CS-2019, MISC. PETITIONS NO. 320, 321, 2488, 2487, 2098, 2099, 342 to 359/18, 2144/16, 352 to 354, 1017, 935, 936, 937, 934, 938/17 & 2118/18 IN APPEAL NO.1106, 1116(P)CS-17, 591(P)CS-2015, 38(P)CS-2016, 19(P)CS-2014, 348(P)CS-2014, 1117, 1119 to 1123, 1125 to 1136(P)CS-2017, 340(P)CS-2014, 211(P)CS-2014, 301(P)CS-2014, 312(P)CS-2014, 584(P)CS-2015, 635(P)CS-2015, 10, 14, 24 & 27(P)CS-2016, 27(P)CS-2014, REVIEW PETITIONS NO.78 & 84 to 101/19 IN APPEAL NO. 711, 720 to 726, 760 to 764, 766 to 768 & 776 to 778(P)CS-2017 FILED BY MR. SHER GULAB & OTHERS VS SAFRON ETC.

A certified copy of the judgment passed by this Honourable Tribunal in the appeals/Misc. Petitions/Review Petitions noted in the subject is sent herewith for your information/compliance.

By Order

REGISTRAR

To,

1. Mr. Sher Gulab Khan S/o Bacha Syed, R/o Shandai Morh, Shandai, P.O. Khar, Tehsil Khar, District Bajaur.
2. Mr. Najeeb Ullah S/o Shina, R/o Bara Laghary, P.O. Tarkho, Tehsil Mamund, District Bajaur, Khyber Pakhtunkhwa.
3. Mr. Saleem S/o Saeed ur Rehman, R/o Meena Mamund, P.O. Tarkho, Tehsil Mamund, District Tribal Bajaur.
4. Mr. Bacha Muhammad S/o Gul Muhammad R/o Gang, P.O. Khar, Tehsil Khar, District Bajaur Agency.
5. Mr. Muhammad Yar, R/o P.O. Reghangan, Odigerum, Salarzai, District Bajaur Agency.
6. Mr. Shireen S/o Painsa Khan, R/o Pashat, P.O. Khar, Tehsil Salarzai, District Bajaur Agency.
7. Mr. Saur Khan S/o Chamni Khan, R/o Mano Dherai, P.O. Gharday Tehsil Utman Khel, District Bajaur, Khyber Pakhtunkhwa.
8. Mr. Jamal ud Din S/o Munawar, R/o Odigram, P.O. Raghgan, Tehsil Salar Zai, District Bajaur, Khyber Pakhtunkhwa.
9. Mr. Ummer Rehman S/o Wali Muhammad R/o Lagha Post Office Annayat Kalay, Tehsil Memond, District Bajaur Agency.
10. Mr. Mudeer Khan S/o Muhammad Noor R/o Lagha Post Office Annayat Kalay, Tehsil Memond, District Bajaur Agency.
11. Mr. Abdul Azim Jan, Ex-Khasadar, Reg # 3700, Bajaur Levies.
12. Mr. Hayat Khan S/o Mian Gul Jan, R/o GAGA, P.O. Inayat Kalay, Tehsil Momand, Bajaur Agency.
13. Baz Muhammad s/o Sher Muhammad, Ex-Sepoy R.No.4057, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
14. Muhammad Khan s/o Muhammad Ahaz, Ex-Sepoy R.No.4482, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
15. Fos Khan s/o Ahwn, Ex-Sepoy R.No.5822, Bajaur Levies R/o Kat Kot P.O.Tarkho, Bajaur Agency.
16. Mr. Abdul Rehman S/o Nadir Khan, R/o Bati Khar, Bajaur Agency.
17. Muhammad s/o Murad Gul, Ex-Sepoy R.No.4437, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
18. Wazir Khan s/o Khial Gul, Ex-Sepoy R.No.4474, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
19. Faiz Khan s/o Shehzada, Ex-Sepoy R.No.4715, Bajaur Levies R/o Mandal Tehsil Khar, Bajaur Agency.

ATTESTED

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20. Abdul Hadi s/o Muhammad Hassan, Ex-Sepoy R.No.4497, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
21. Shoukatullah s/o Musafar Ex-Sepoy R. No.5821 Bajaur Levies R/o Kat Kot P.O. Tarkho, Bajaur Agency.
22. Sultan Muhammad s/o Abdul Ameen, Ex-Sepoy R.No.5425, Bajaur Levies R/o Khar, Tehsil Salarzai, Bajaur Agency.
23. Sardar Alam s/o Muhammad Alam, Ex-Sepoy R.No.4490, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
24. Noor Sim s/o Saz Noor, Ex-Sepoy R.No.4425, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
25. Waheedullah s/o Lal Khan, Ex-Sepoy R.No.4436, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
26. Qadir Khan s/o Hazrat Gul, Ex-Sepoy R.No.4426, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
27. Niaz Muhammad s/o Taj Muhammad Said, Ex-Sepoy R.No.4498, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
28. Gul Bar Gul s/o Alam Khail, Ex-Sepoy R.No.4493, Bajaur Levies R/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
29. Naeem s/o Behram Khan Ex-Sepoy R. No.4466 Bajaur Levies R/o Dabar Barsadin P.O. Pasht Salarzai, Bajaur Agency.
30. Asmad Yar s/o Syed Akber Khan, Ex-Sepoy R.No.4431, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
31. Noor Muhammad s/o Niaz Muhammad, Ex-Sepoy R.No.4433, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
32. Naseeb Shah s/o Gul Said, Ex-Sepoy R.No.4472, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.
33. Mr. Anwar S/o Chaman, R/o Tarkho, P.O. Khar, Tehsil Barang, Bajaur Agency.
34. Mr. Fazal Ameen, S/o Musharaf, R/o Sadiq Abad Paktak, P.O. Khar, Bajaur Agency.
35. Mr. Siraj ud Din S/o Malak Toor Khan, R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency.
36. Mr. Muhammad Zada S/o Lajbar, R/o Kher, Tehsil Salarzai, District Bajaur Agency.
37. Mr. Gul Zada S/o Pachay, R/o Hayat e Skandar, P.O. Karooe, Tehsil Utmankhel, District Bajaur Agency.
38. Mr. Nisar Khan S/o Nadir Khan, R/o Mano Dheri, P.O. Gardai, Tehsil Utman Khel merged District Bajaur Agency.
39. Mr. Abdullah Jan, R/o Reedo Shah Gai, Yusuf Abad, P.O. Khar, Raado Shah Gai, Tehsil Khar, District Bajaur Agency.
40. Mr. Abdullah Jan S/o Bakhtiar, Reedo Shah Gai, Yusuf Abad, P.O. Khar, Raado Shah Ghai, Tehsil Khar, District Bajaur Agency.
41. Mr. Munasib Khan, R/o Mir Afzal Khan Labour Colony, Asar Khan S/o Mashoq Khan, Quarter No.10, District Mardan, Khyber Pakhtunkhwa.
42. Mr. Jan Alam S/o Mashoq Khan, R/o Mir Afzal Khan Labour Colony Asar Khan S/o Mashoq Khan, Quarter No.07, District Mardan, Khyber Pakhtunkhwa.
43. Mr. Rehmat Gul S/o Bakhtiar, Reedo Shah Gai, Yusuf Abad, P.O. Khar, Raado Shah Ghai, Tehsil Khar, District Bajaur Agency.
44. Mr. Naeem Khan S/o Akbar Khan R/o Muharram Ghundai, P.O. Khar, Tehsil Khar, Bajaur Agency.
45. Mr. Muhammad Younas R/o Mohallah Eid Gah, Tehsil Khar Bajaur Agency.
46. Mr. Muhammad Shah S/o Noor Zamin, R/o Ghar Shamoza Barkalay, P.O. Qalangai Sher Batai, Tehsil Barang, District Bajaur Agency.
47. Mr. Saeed Gul S/o Ajab Gul R/o Sher Batai, P.O. Qalangai, Tehsil Barang, District Bajaur Agency.
48. Mr. Muhammad S/o Itbar Gul R/o Tarkho, P.O. Khar, Tehsil Barang, Bajaur Agency.
49. Mr. Abdul Haq S/o Rofat Khan R/o Muslim Bagh, P.O. Inayat Kalay, District Bajaur Agency.
50. Mr. Waheed Ullah S/o Gul Nazir R/o Shah Sary, P.O. Pashat Salarzai, Bajaur Agency.
51. Mr. Muhammad Jamshed Khan S/o Muhammad Shah, R/o Garodi, P.O. Gazafi, Bajaur Agency.
52. Mr. Muhammad Farooq, R/o Ladaee Tarkho, Tehsil Momand, District Bajaur, Bajaur Agency.
53. Mr. Shah Hussain, Ex-Sepoy, Reg # 5155, Bajaur Levies.
54. Mr. Ikram S/o Syed Ahmad, R/o Ladaee Tarkho, Tehsil Momand, District Bajaur, Bajaur Agency.
55. Mr. Abdullah, R/o Village Shanki, Tehsil Khar, District Bajaur, Bajaur Agency.
56. Mr. Shahzad ur Rehman S/o Haji Rehmat Karim R/o Moh. Kass, P.O. Dir, Dir Town, Tehsil Dir, Upper Dir.
57. Mr. Laiq Rehman, R/o Village Kot Tehsil Batkhela District Malakand Khyber Pakhtunkhwa.
58. Mr. Feroz S/o Muhammad Shah R/o Hilal Khail Charmang, Tehsil Nawagai, Bajaur Agency.
59. Mr. Aziz Ullah S/o Gul Zaman, C/o Fazal Haq R/o Khar, Tehsil Khar, Bajaur Agency.
60. Mr. Fazal Haq S/o Muhammad Hakeem R/o Khar, Tehsil Khar, Bajaur Agency.
61. Mr. Burhan S/o Gul Zaman, R/o Khar, Tehsil Khar, Bajaur Agency.
62. Mr. Muhammad Ameen, GAGA Post Office, Tehsil Mamond Bajaur Agency.
63. Mr. Said Aziz S/o Saeed Rahim Jan, R/o Aman Kot, District Tribal Bajaur.
64. Mr. Liaqat Khan S/o Abdullah R/o Dag Qilla P.O. Raghan Tehsil Salarzai, Bajaur Agency.
65. Mr. Habib Rasool S/o Bahri Mulk, R/o Mohallah Boodha Baba Oach, Tehsil Adin Zai & District Dir Lower, Khyber Pakhtunkhwa.
66. Mr. Amir Nawab, Subedar (BPS-13) Malakand Levies at Malakand.
67. Mr. Shaifullah, Sepoy, R/o Anayat Kalay, Kakah Tehsil Momand, District Bajaur Agency.
68. Mr. Khan Alam, Sepoy, R/o Anayat Kalay, Kakah Tehsil Momand, District Bajaur Agency.
69. Mr. Abdul Qayum, Sepoy, R/o Anayat Kalay, Kakah Tehsil Momand, District Bajaur Agency.
70. Mr. Alam Zeer, Sepoy, R/o Anayat Kalay, Kakah Tehsil Momand, District Bajaur Agency.
71. Mr. Dilawar Khan, Sepoy, R/o Anayat Kalay, Kakah Tehsil Momand, District Bajaur Agency.
72. Mr. Muhammad Ayaz, Moharrir/Sepoy No.5010, Malakand Levies, District Malakand.

**ATTESTED**

73. Mr. Sajjad Ali S/o Ghulam Jan, R/o Village Kulala, P.O. Gardai, Tehsil Utman Khel, Tribal Bajaur District.
  74. Mr. Nasir Khan S/o Fateh Mul Khan R/o Village Qazafi, Bandagai, Marano Sha, Tehsil Utmankhel, Bajaur Agency.
  75. Mr. Nawab Zada S/o Nadir Khan, R/o Shinkay, Utmankhel, Tehsil Utmankhel, Bajaur Agency.
  76. Mr. Ismail, S/o Imtiaz Jan R/o Badi Samar P.O. Inayat Kalay, Bajaur Agency.
  77. Fazal Malik S/o Ghulam Rabani, R/o Kaga, Landai Tehsil Mamond, Bajaur Agency.
  78. Mr. Hameed Ullah S/o Muzammil Khan, R/o Alizo Dag, Tehsil Khar, Bajaur Agency.
  79. Mr. Mohabat Khan S/o Rehmat Khan, R/o Qilla Ail Jan, Tehsil Khar, Bajaur Agency.
  80. Mr. Fazal I Wahid, R/o Khar, Tehsil Nawagai, Bajaur Agency.
  81. Mr. Bacha Rahim S/o Abdul Saeed R/o Mandil Dianga, P.O Khar, Bajaur Agency.
  82. Mr. Mansoor Ahmed S/o Said Muneer R/o Barani Kandaro, P.O Khar, Tehsil Khar, Bajaur Agency.
  83. Mr. Nisar Khan S/o Khan Bachai R/o Salarzi, Koi, P.O Raghan, Tehsil Khar, Bajaur Agency.
  84. Mr. Bacha Reman S/o Muhammad Yousaf R/o Mandal Dianga, P.O Khar, Tehsil Khar, Bajaur Agency.
  85. Mr. Amin Ullah S/o Din Muhammad R/o Momand, Tehsil Salarzai, Bajaur Agency.
  86. Mr. Gulab Khan S/o Razi Khan, R/o Village Bajigrm, Tehsil Salarzai, Bajaur Agency.
  87. Mr. Alif Khan S/o Sharif Khan, R/o Village Siya Baran, Tehsil Barang, Bajaur Agency.
  88. Mr. Yar Muhammad S/o Ali Muhammad R/o Village Haryan Kot, Tehsil Barang, Bajaur Agency.
  89. Mr. FAiz Ullah S/o Zubair Khan, R/o Village Khar, Tehsil Khar, Bajaur Agency.
  90. Mr. Amir Badshah S/o Shah Zad Mir R/o Village Takht Barang, Tehsil Khar, Bajaur Agency.
  91. Mr. Abdul Hakim S/o Ahmed Jan R/o Village Mano Dherai, Tehsil Utmankhel, Bajaur Agency.
  92. Mr. Muhammad Zada S/o Ali Muhammad, R/o Village Shinko, Tehsil Utmankhel, Bajaur Agency.
  93. Mr. Ahmed Yousaf S/o Abdul Wakeel Khan R/o P.O Khar, Tehsil Khar, Bajaur Agency.
  94. Mr. Rizwan Ullah S/o Gul Nabi, R/o Ali Zo Dag, Tehsil Khar, Bajaur Agency.
  95. Mr. Abdul Wakeel, S/o Sultan Muhammad, R/o Ali Zo, P.O & Tehsil Khar, Bajaur Agency.
  96. Mr. Israr Khan S/o Nowhsrwan R/o Shenky, Ali Zai, Tehsil Khar, Bajaur Agency.
  97. Mr. Asmat Khan S/o Bakht Zareen R/o Sara Cheena, Tehsil Khar, Bajaur Agency.
  98. Mr. Shoaib S/o Gulab Karim, Ex-Sepoy, R/o Kot Kay Tehsil Salarzai, District Bajaur Agency.
  99. Ghulam Qadar S/o Kamal Khan, Ex-Sepoy No.5578, Bajaur Levies R/o Atkay P.O. Raghan, Tehsil Salarzai, Bajaur Agency.
  100. Anwar Zeb S/o Said Karim, Ex-Sepoy No.5219, Bajaur Levies R/o Qamqr Dag Tehsil Khar, Bajaur Agency.
  101. Sahib Zada S/o Mandali Jan, Ex-Sepoy No.5291, Bajaur Levies R/o Islam Dahri, Utman Khil, Bajaur Agency.
  102. Mr. Hussain Badshah S/o Amir Nawab, R/o Dag Qalia, P.O. Khar, Bajaur Agency.
  103. Hafiz ur Rehman, Ex-Sepoy No.3752, S/o Shams ur Rehman, R/o Khar, P.O Khar, Bajaur Agency.
  104. Firdoos Khan s/o Zar Muhammad, Ex-Sepoy R.No.3708, Bajaur Levies r/o Guman Kot P.O. Khar Tehsil Barang, Bajaur Agency
  105. Muhammad Sarwar Khan s/o Naik Muhammad, Ex-Sepoy R.No.5509, Bajaur Levies r/o Rod Soli Khar Tehsil Salarzi, Bajaur Agency.
  106. Suleman Khan s/o Muhammad Gul, Ex-Sepoy R.No.5169, Bajaur Levies r/o Skandaro, Tehsil Utmankhail, Bajaur Agency
  107. Sarwar s/o Ameer Gul, Ex-Sepoy R.No.3719, Bajaur Levies R/o Qumber P.O. Khar, Tehsil Barang, Bajaur Agency.
  108. Mr. Nawab Khan S/o Gul Qayum R/o Nogay Tehsil Khar Bajaur Agency.
  109. Mr. Asghar Khan, R. No. 4336, Sepoy (BS-05), Bajaur Levies, Bajaur Agency, Khar.
  110. Mr. Umer Ayub R. No. 4614 Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  111. Mr. Imran, R. No. 4616 Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  112. Mr. Nowshad, R. No. 4201 Sepoy (BS-05), R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  113. Mr. Noor Zada, R. No. 5916 Sepoy (BS-05) R/o Tehsil Chum, Khar, Bajaur Agency.
  114. Mr. Ghulam Younis, R. No. 4642 Sepoy (BS-05), R/o Sadiqabad, P.O. Khar, Tehsil Khar, District Bajaur Agency.
  115. Mr. Najeed Ullah, R. No. 5222 Sepoy (BS-05), R/o P.O. Anayat Kalay, Katkoot, Tehsil Mamond, Bajaur Agency.
  116. Mr. Shams ur Rehman, R. No. 4615 Sepoy (BS-05), P.O. Anayat Kalay, Katkoot, Tehsil Mamond, Bajaur Agency.
  117. Mr. Saeed Habib Jan, R. No. 43.22, Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  118. Mr. Abdullah, R. No. 3413, Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  119. Mr. Mozamin, R. No. 4384 Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  120. Mr. Saeed Ullah, R. No. 4279 Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  121. Mr. Imran, R. No. 4769 Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  122. Mr. M. Ayub, R. No. 5806 Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  123. Mr. Faizullah, R. No. 4366 Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  124. Mr. Imran Ullah, R. No. 4775 Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  125. Mr. Tilla Muhammad, R. No. 4508 Sepoy (BS-05) R/o Khar Tehsil Khar, Bajaur Agency, District Bajaur.
  126. Mr. Abdur Rahim, R. No. 5883 Sepoy (BS-05) R/o Loe Same, Sharif Khana, Tehsil Nawagai, District Bajaur Agency, Bajaur.
  127. Mr. Rohul Amin, R. No. 4293 Sepoy (BS-05) R/o Loe Same, Sharif Khana, Tehsil Nawagai, District Bajaur Agency, Bajaur.
- 
128. The Secretary, SAFRON, Islamabad.
  129. The Additional Chief Secretary, FATA, Civil Secretariat (FATA) Warsak Road, Peshawar.
  130. The Deputy Commissioner/Commandant, Bajaur Levies, District Bajaur at Khar.
  131. The Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
  132. Secretary, Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
  133. The Commandant, Levies Force, Khyber Pakhtunkhwa.
  134. The Secretary, Establishment Division, Government of Pakistan, Islamabad.

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135. The Advocate General, Khyber Pakhtunkhwa, Peshawar.
136. The Secretary, Law & Order, Governor's Secretariat, Peshawar.
137. Muhammad Hussain, N/Subedar Reg No. 3164, Posted in the Office of the Political Agent, Bajaur Agency.
138. The Commandant/Commissioner, Dir Upper.
139. The Government of Pakistan through Interior Ministry, Pak. Secretariat, Islamabad.
140. Mr. Farid Ullah, Subedar Major (BPS-16) Malakand Levies at Malakand.
141. The District Accounts Officer, District Malakand.
142. The D.P.O. Bajaur, Tribal District, Bajaur, Khyber Pakhtunkhwa.
143. The Secretary, Establishment Division, Government of Pakistan, Islamabad.
144. The Solicitor, Law & Justice Division, Islamabad.

**ATTESTED**

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**Judgement Sheet**  
**IN THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD**

BEFORE : **Oazi Khalid Ali, Chairman and**  
: **Raja Hasan Abbas, Member**

S. No.	Appeals No.	Appellants	Date of Institution
1.	87(P)CS/2019	Mr. Sher Gulab, Ex-Sepoy, S/o Bacha Syed, R/o Shandai Morh, Shandai, P.O. Khar, Tehsil Khar, District Bajaur	18.01.2019
2.	88(P)CS/2019	Najeeb Ullah, Ex-Sepoy, S/o Shina R/o Bara Laghary, P.O. Tarkho, Tehsil Mamund, District Bajaur	18.01.2019
3.	89(P)CS/2019	Saleem, Ex-Sepoy, S/o Saeed ur Rehman, R/o Meena Mamund P.o. Tarkho, Tehsil Mamond, District Bajaur Agency	18.01.2019
4.	1118(P)CS/2017	Bacha Muhammad, Ex-Sepoy S/o Gul Muhammad, R/o Gang, P.O. Khar, Tehsil Khar, District Bajaur Agency.	18.10.2017
5.	1221(P)CS/2017	Muhammad Yar, Ex-Sepoy, R/o P.O. Raghagan, Odigerum, Salarzai, District Bajaur Agency.	06.12.2017
6.	862(P)CS/2018	Shireen, Havaladar, S/o Painsa Khan R/o Pashat P.O. Khar, Tehsil Salarzai, District Bajaur Agency.	15.05.2018
7.	85(P)CS/2019	Saur Khan, Ex-Sepoy, S/o Chamni Khan, R/o Mano Dherai, P.O. Gharday Tehsil Utman Khel, District Bajaur Agency.	18.01.2019
8.	86(P)CS/2019	Jamal ud Din, Ex-Sepoy, S/o Manawar, R/o Odigram, P.O. Raghgan, Tehsil Salarzai, District Bajaur Agency.	18.01.2019
9.	93(P)CS/2019	Ummer Rehman S/o Wali Muhammad, Ex-Khasadar, R/o Lagha Post Office Annayat Kalay, Tehsil Memond, District Bajaur Agency.	07.02.2019
10.	94(P)CS/2019	Mudeer Khan S/o Muhammad Noor, Ex-Sepoy R/o Lagha Post Office Annayat Kalay, Tehsil Memond, District Bajaur Agency.	07.02.2019
11.	95(P)CS/2019	Abdul Azim Jan, Ex-Khasadar, Reg # 3700, Bajour Levies	07.02.2019
12.	264(P)CS/2019	Hayyat Khan S/o Mian Gul Jan Ex-Khasadar, R/o Gaga Post Office Teshil Mamond, District Bajaur Agency.	21.03.2019
13.	1008(P)CS/2018	Baz Muhammad, Ex-Sepoy, S/o Sher Muhammad R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
14.	1010(P)CS/2018	Muhammad Khan, Ex-Sepoy, S/o Muhammad Ahaz, R/o Tarkho P.O. Khar, Tehsil Barang, Ex-Sepoy, District Bajaur Agency. District Bajaur Agency.	08.06.2018
15.	1011(P)CS/2018	Fos Khan, Ex-Sepoy, S/o Ahwan, R/o Kat Kot P.O. Tarkho Tehsil Barang, District Bajaur Agency.	08.06.2018
16.	1019(P)CS/2018	Abdul Rehman, Ex-Sepoy, S/o Nadir Khan, R/o Bati Khar, District Bajaur Agency.	08.06.2018
17.	1022(P)CS/2018	Muhammad, Ex-Sepoy, S/o Murad Gul R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018

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18.	1023(P)CS/2018	Wazir Khan, Ex-Sepoy, S/o Khial Gul, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
19.	1024(P)CS/2018	Faiz Khan, Ex-Sepoy, S/o Shehzada R/o Mandal Tehsil Khar, District Bajaur Agency.	08.06.2018
20.	1025(P)CS/2018	Abdul Hadi, Ex-Sepoy, S/o Muhammad Hassan, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
21.	1026(P)CS/2018	Shoukatullah, Ex-Sepoy, S/o Musafar R/o Kat Kot, P.O. Tarkho, District Bajaur Agency.	08.06.2018
22.	1028(P)CS/2018	Sultan Muhammad, Ex-Sepoy, S/o Abdul Ameen, R/o Khar, Tehsil Salarzai, District Bajaur Agency.	08.06.2018
23.	1030(P)CS/2018	Sardar Alam, Ex-Sepoy, S/o Muhammad Alam, R/o Tarkho, P.O. Khar, Tehsil Khar, District Bajaur Agency.	08.06.2018
24.	1031(P)CS/2018	Noor Sim, Ex-Sepoy, S/o Saz Noor, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
25.	1032(P)CS/2018	Waheed Ullah, Ex-Sepoy, S/o Lal Khan, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
26.	1033(P)CS/2018	Qadir Khan, Ex-Sepoy, S/o Hazrat Gul R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
27.	1035(P)CS/2018	Niaz Muhammad, Ex-Sepoy, S/o Taj Muhammad Said, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
28.	1036(P)CS/2018	Gul Bar Gul, Ex-Sepoy, S/o Alam Khail R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.	08.06.2018
29.	1037(P)CS/2018	Naeem Ex-Sepoy, S/o Behram Khan R/o Dabar Barsadin, P.O. Pasht Salarzai, District Bajaur Agency.	08.06.2018
30.	1038(P)CS/2018	Asmad Yar, Ex-Sepoy, S/o Syed Akbar Khan, R/o Tarkho P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
31.	1042(P)CS/2018	Noor Muhammad, Ex-Sepoy, S/o Niaz Muhammad, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
32.	1043(P)CS/2018	Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o Tarkho, P.O. Khar Tehsil Barang, District Bajaur Agency.	08.06.2018
33.	1044(P)CS/2018	Anwar Ex-Sepoy, S/o Chaman R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency.	08.06.2018
34.	1088(P)CS/2018	Fazal Ameen, Ex-Sepoy, S/o Musharaf, R/o Sadiq Abad Paktak, P.O. Khar, District Bajaur Agency	10.07.2018
35.	1349(P)CS/2018	Siraj ud Din, Ex-Sepoy, s/o Malak Toor Khan R/o P.O. Khar, Tehsil Salarzai, District Bajaur Agency	16.08.2018
36.	1350(P)CS/2018	Muhammad Zada, Ex-Sepoy, S/o Lajbar, R/o Kher Kano, P.O. Khar, Tehsil Salarzai, District Bajaur Agency	16.08.2018
37.	1351(P)CS/2018	Gul Zada, Ex-Sepoy, S/o Pachay, R/o Hayat e Skandaro, P. O Karooe, Tehsil Utmankhel, District Bajaur Agency	16.08.2018
38.	377(P)CS/2019	Nisar Khan Ex-Sepoy, S/o Nadir Khan R/o	23.04.2019

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		Mano Dheri, P.O. Gardai, Tehsil Utman Khel, merged District Bajaur Agency	
39.	781(P)CS/2017 with MP	Abdullah Jan, Naib Subedar, R/o Reedo Shah Gai, Yusuf Abad, P.O. Khar, Raado Shah Ghai, Tehsil Khar, District Bajaur Agency	26.05.2017
40.	742(P)CS/2018	Abdullah Jan, Ex-Naib Subedar, S/o Bakhtiar, Reedo Shah Gai, Yusuf Abad, P.O. Khar Raado Shah Ghai, Tehsil Khar, District Bajaur Agency	18.04.2018
41.	743(P)CS/2018	Munasib Khan, Ex-Naib Subedar, R/o Mir Afzal Labour Colony C/o Asar Khan S/o Mashoq Khan Qarter No. 10, District Mardan	18.04.2018
42.	744(P)CS/2018	Jan Alam, Ex-Naib Subedar, R/o Mir Afzal Labour Colony C/o Asar Khan S/o Mashoq Khan Qarter No. 10, District Mardan	18.04.2018
43.	1441(P)CS/2018	Rehmat Gul, Ex-Subedar Major, S/o Hameed Gul R/o P/o Khar Narai, Tehsil Khar District Bajaur Agency	19.10.2018
44.	527(P)CS/2016	Naeem Khan, Ex-Sepoy, S/o Akbar Khan R/o Muharram Ghundai, P.O. Khar, Tehsil Khar, District Bajaur Agency	11.08.2016
45.	546(P)CS/2016	Mohammad Younas, Ex-Sepoy, R/o Mohallah Eid Gah, Tehsil Khar, District Bajaur Agency	26.08.2016
46.	857(P)CS/2018	Muhammad Shah, Ex-Sepoy, S/o Noor Zamin, R/o Ghar Shamoza Barkalay, P.o Qalangai Sher Batai, Tehsil Barang, District Bajaur Agency	11.05.2018
47.	858(P)CS/2018	Saeed Gul, Ex-Sepoy S/o Ajab Gul, R/o Sher Batai, P.O. Qalangai, Tehsil Barang, District Bajaur Agency	11.05.2018
48.	974(P)CS/2018	Muhammad, Ex-Sepoy, S/o Itbar Gul, R/o Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency	25.05.2018
49.	975(P)CS/2018	Abdul Haq, Ex-Sepoy, S/o Rofat Khan R/o Muslim Bagh, P.O. Inayat Kalay, District Bajaur Agency.	25.05.2018
50.	976(P)CS/2018	Waheed Ullah, Ex-Sepoy, S/o Gul Nazir, R/o Shah Saray P. O. Pashat Salarzai, District Bajaur Agency.	25.05.2018
51.	980(P)CS/2018	Muhammad Jamshed, Ex-Sepoy, S/o Muhammad Shah, R/o Garodi, P.O. Gazafi, District Bajaur Agency.	25.05.2018
52.	1409(P)CS/2018	M. Farooq, Ex-Sepoy, R/o ladaee Tarkho, Tehsil Mamond, District Bajour Agency	28.09.2018
53.	1410(P)CS/2018	Shah Hussain, Ex-Sepoy, Reg # 5155, District Bajour Agency	28.09.2018
54.	1411(P)CS/2018	Ikram S/o Syed Ahmad, Ex-Sepoy, R/o Ladaee Tarkho, Tehsil Mamond District Bajour Agency	28.09.2018
55.	1412(P)CS/2018	Abdullah Ex-Sepoy, R/o Village Shanki, Tehsil Khar, District Bajour Agency	28.09.2018
56.	1431(P)CS/2018	Shahzad ur Rehman, Ex-Assistant/Reader, S/o Haji Rehmat Karim R/o Moh. Kass, P.O. Dir, Dit Town, Tehsil Dir, Upper Dir.	09.10.2018
57.	1503(P)CS/2018	Laiq Rehman, Ex-Levy Sepoy, R/o Village Kot Tehsil Bathkela District Malakand	14.11.2018
58.	877(P)CS/2017	Feroz S/o Muhammad Shah, Ex-Sepoy R/o Hilal Khai Charamang, Tehsil Nawagai,	21.06.2017

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		Bajaur Agency.	
59.	878(P)CS/2017	Aziz Ullah S/o Gul Zaman, Sepoy, C/o Fazal Haq R/o Khar, Tehsil Khar, Bajaur Agency	21.06.2017
60.	879(P)CS/2017	Fazal Haq S/o Muhammad Hakeem, Sepoy, R/o Khar, Tehsil Khar Bajaur Agency.	21.06.2017
61.	880(P)CS/2017	Burhan S/o Gul Zaman, Sepoy, C/o Fazal Haq, R/o Khar, Tehsil Khar, Bajaur Agency.	21.06.2017
62.	263(P)CS/2019	Muhammad Ameen, Ex-Khasadar, R/o Gaga Post Office, Tehsil Mamond, District Bajaur Agency	21.03.2019
63.	91(P)CS/2019	Said Aziz, Sepoy, S/o Saeed Rahim Jan, R/o Aman Kot, District Tribal Bajaur.	04.02.2019
64.	178(P)CS/2019	Liaqat Khan, Ex-Sepoy, s/o Abdullah R/o Dag Qila P.O. Raghan Tehsil Salarzai, District Bajaur Agency	14.02.2019
65.	252(P)CS/2019	Habib Rasool, Ex-Sepoy, S/o Bahri Mulk, R/o Mohallah Boodha Baba Oach, Tehsil Adin Zai & District Dir Lower.	20.03.2019
66.	344(P)CS/2019 With MP	Amir Nawab, Subedar, Malakand Levies at Malakand.	03.04.2019
67.	831(P)CS/2019	Shaifullah, Sepoy, R/o Anayat Kalay, Kakah Tehsil Mamond, District Bajaur Agency	08.11.2019
68.	832(P)CS/2019	KhanAlam, Sepoy, R/o P.O. Anayat Kalay, Kakah, Tehsil Mamond District Bajour Agency.	08.11.2019
69.	833(P)CS/2019	Abdul Qayyum, Sepoy, R/o P.O. Anayat Kalay, Kakah, Tehsil Mamond District Bajour Agency.	08.11.2019
70.	834(P)CS/2019	Alam Zeer, Sepoy, R/o P.O. Anayat Kalay, Kakah, Tehsil Mamond District Bajour Agency.	08.11.2019
71.	835(P)CS/2019	Dilawar Khan, Sepoy, R/o P.O. Anayat Kalay, Kakah, Tehsil Mamond District Bajour Agency.	08.11.2019
72.	13(P)CS/2017	Muhammad Ayaz, Moharrir/Sepoy No.5010, Malakand Levies, District Malakand.	11.01.2017
73.	777(P)CS/2019	Sajjad Ali, Sepoy, S/o Ghulam Jan, Villag Kulala, P/o Gardai Tehsil utaman Khel, Tribal Bajaur District	

**Misc. Petition for Implementation**

74.	MP No.320/2018 1106(P)CS/2017	Nasirhan S/o Fateh Mul Khan R/o Village Qazafi, Bandagai Marano Sha, Tehsil Utmankhel, District Bajaur Agency	16.02.2018
75.	MP No.321/2018 1116(P)CS/2017	Nawab Zada S/o Nadir Khan R/o Shiinkay Utmankhel, Tehsil Utmankhel, District Bajaur Agency	16.02.2018
76.	MP No.2488/2018 591(P)CS/2015	Ismail S/o Imtiaz Jan, Ex-Sepoy, R/o Badi Samar P.O. Inayat Kaly, District Bajaur Agency	28.12.2018
77.	MP No.2487/2018 38(P)CS/2016	Fazal Malik Ex-Sepoy S/o Ghulam Rabani, R/o Kaga Landi, Tehsil Mamond District Bajaur Agency	28.12.2018
78.	MP No.2098/2018 19(P)CS/2014	Hameed Ullah S/o Muzammil Khan Ex-Sepoy, R/o Alizo Dag, Tehsil Khar, District Bajaur Agency	13.11.2018
79.	MP No.2099/2018	Muhabat Khan, Ex-Sepoy, S/o Rehmat	14.11.2018

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	348(P)CS/2014	Khan R/o Qillah Ali Jan Tehsil Khar, District Bajaur Agency	
80.	<u>MP No.342/2018</u> <u>1117(P)CS/2017</u>	Fazal i Wahid r/o Khar, Tehsil Nawagai, District Bajaur Agency	21.02.2018
81.	<u>MP No.343/2018</u> <u>1119(P)CS/2017</u>	Bacha Reahim S/o Abdul Saeed R/o Madil Dianga, P.O. Khar, District Bajaur Agency	21.02.2018
82.	<u>MP No.344/2018</u> <u>1120(P)CS/2017</u>	Mansoor Ahmed S/o Said Muneer R/o Barani Kandaro P.O. Khar Tehsil Khar, District Bajaur Agency	21.02.2018
83.	<u>MP No.345/2018</u> <u>1121(P)CS/2017</u>	Nisar Khan S/o Khan Bachai R/o Salarzai, Koi, P.O. Raghan Tehsil Khar, District Bajaur Agency	21.02.2018
84.	<u>MP No.346/2018</u> <u>1122(P)CS/2017</u>	Bacha Rehman s/o Muhammad Yousaf R/o Mandal Dianga, P.O Khar, Tehsil Khar, District Bajaur Agency	21.02.2018
85.	<u>MP No.347/2018</u> <u>1123(P)CS/2017</u>	Amin Ullah S/o Din Muhammad R/o Momand, Tehsil Salarzai District Bajaur Agency	21.02.2018
86.	<u>MP No.348/2018</u> <u>1125(P)CS/2017</u>	Gulab Khan S/o RAzi Khan, R/o Village Bajigrm, Tehsil Salarzai, District Bajaur Agency	21.02.2018
87.	<u>MP No.349/2018</u> <u>1126(P)CS/2017</u>	Alif Khan S/o Sharif Khan R/o Village Siya Baran, Tehsil Barang, District Bajaur Agency	21.02.2018
88.	<u>MP No.350/2018</u> <u>1127(P)CS/2017</u>	Yar Muhammad S/o Ali Muhammad R/o Village Haryan Kot, Tehsil Barang, District Bajaur Agency	21.02.2018
89.	<u>MP No.351/2018</u> <u>1128(P)CS/2017</u>	Faiz Ullah S/o Zubair Khan R/o Village Khar, Tehsil Khar, District Bajaur Agency	21.02.2018
90.	<u>MP No.352/2018</u> <u>1129(P)CS/2017</u>	Amir Badshah S/o Shah Zad Mir, R/o Village Takht Barang, Tehsil Khar, District Bajaur Agency	21.02.2018
91.	<u>MP No.353/2018</u> <u>1130(P)CS/2017</u>	Abdul Hakim S/o Ahmed Jan R/o Village Mano Dherai, Tehsil Utmankhel, District Bajaur Agency	21.02.2018
92.	<u>MP No.354/2018</u> <u>1131(P)CS/2017</u>	Muhammad Zada S/o Ali Muhammad R/o Village Shinko, Tehsil Utmankhel, District Bajaur Agency	21.02.2018
93.	<u>MP No.355/2018</u> <u>1132(P)CS/2017</u>	Ahmad Yousaf S/o Abdul Wakeel Khan R/o P.O. Khar, Tehsil Khar, District Bajaur Agency	21.02.2018
94.	<u>MP No.356/2018</u> <u>1133(P)CS/2017</u>	Rizwan Ullah S/o Gul Nabi, R/o Ali Zo Dag, Tehsil Khar, District Bajaur Agency	21.02.2018
95.	<u>MP No.357/2018</u> <u>1134(P)CS/2017</u>	Abdul Wakeel S/o Sultan Muhammad R/o Ali Zo, P.O. & Tehsil Khar, District Bajaur Agency	21.02.2018
96.	<u>MP No.358/2018</u> <u>1135(P)CS/2017</u>	Israr Khan S/o Nowsherwan R/o Shenky, Ali Zai, Tehsil Khar, District Bajaur Agency	21.02.2018
97.	<u>MP No.359/2018</u> <u>1136(P)CS/2017</u>	Asmat Khan S/o Bakht Zareen R/o Sara Cheena Tehsil Kharn, District Bajaur Agency	21.02.2018
98.	<u>MP No.2144/2016</u> <u>340(P)CS/2014</u>	Shoaib S/o Gulab Karim, Ex-Sepoy, R/o Kot kay Tehsil Salarzai, District Bajaur Agency	04.11.2016
99.	<u>MP No.352/2017</u> <u>211(P)CS/2014</u>	Ghulam Qadir S/o Kalam Khan, Ex-Sepoy, R/o Atkay P.O. Raghgan, Tehsil Salarzai, District Bajaur Agency	10.02.2017
100.	<u>MP No.353/2017</u> <u>301(P)CS/2014</u>	Anwar Zeb S/o Said Karim, Ex-Sepoy, R/o Qamar Dag, Tehsil Khar, District Bajaur Agency	17.11.2014

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101.	<u>MP No.354/2017</u> <u>312(P)CS/2014</u>	Sahib Zada S/o Madali Jan, Ex-Sepoy, R/o Islam Dahri, Utman Khil, District Bajaur Agency	10.02.2017
102.	<u>MP No.1017/2017</u> <u>584(P)CS/2015</u>	Hussain Badshah, Ex-Sepoy, S/o Amir Nawab, R/o Dag Qila P.O Khar, District Bajaur Agency.	17.04.2017
103.	<u>MP No.935/2017</u> <u>635(P)CS/2015</u>	Hafiz ur Rehman, Ex-Sepoy, S/o Shams ur Rehman R/o Khar P.O. Khar, District Bajaur Agency.	06.04.2017
104.	<u>MP No.936/2017</u> <u>10(P)CS/2016</u>	Firdoos Khan, Ex-Sepoy, S/o Zar Muhammad, R/o Guman Kot, P.O. Khar, Tehsil Barang, District Bajaur Agency.	06.04.2017
105.	<u>MP No.937/2017</u> <u>14(P)CS/2016</u>	Muhammad Sarwar Khan, Ex-Sepoy, S/o Naik Muhamamd R/o Rod Soli Khar Tehsil Salarzai, District Bajaur Agency.	06.04.2017
106.	<u>MP No.934/2017</u> <u>24(P)CS/2016</u>	Suleman Khan, Ex-Sepoy, S/o Muhammad Gul R/o Skandaro Tehsil Utman Khail District Bajaur Agency.	06.04.2017
107.	<u>MP No.938/2017</u> <u>27(P)CS/2016</u>	Sarwar Ex-Sepoy, S/o Ameer Gul, R/o Qumber P.O. Khar, Teshil Barang, District Bajaur Agency	06.04.2017
108.	<u>MP No.2118/2018</u> <u>27(P)CS/2014</u>	Nawab Khan S/o Gul Qayum Ex-Sepoy, R/o Nogay Tehsil Khar, District Bajaur Agency	19.11.2018

**Review Petitions.**

109.	<u>RP No.78/2019</u> <u>711(P)CS/2017</u>	Asghar Khan, Sepoy, Tehsil Khar, District Bajaur Agency.	19.06.2019
110.	<u>RP No.84/2019</u> <u>720(P)CS/2017</u>	Umer Ayub, Sepoy, Tehsil Khar, District Bajaur Agency.	28.06.2019
111.	<u>RP No.85/2019</u> <u>721(P)CS/2017</u>	Imran, Sepoy, Tehsil Khar, District Bajaur Agency.	28.06.2019
112.	<u>RP No.86/2019</u> <u>722(P)CS/2017</u>	Nowshad, Sepoy, Tehsil Khar, District Bajaur Agency.	28.06.2019
113.	<u>RP No.87/2019</u> <u>723(P)CS/2017</u>	Noor Zada, Sepoy, Tehsil Chum, Khar, District Bajaur Agency.	28.06.2019
114.	<u>RP No.88/2019</u> <u>724(P)CS/2017</u>	Ghulam Younis, Sepoy, Sadiqabad, Tehsil Khar, District Bajaur Agency.	28.06.2019
115.	<u>RP No.89/2019</u> <u>725(P)CS/2017</u>	Najeeb Ullah, P.O. Sepoy Annayat Kalay, Katkoot Tehsil Momand, Bajour Agency.	28.06.2019
116.	<u>RP No.90/2019</u> <u>726(P)CS/2017</u>	Shams ur Rehman, Sepoy Annayat Kalay, Katkoot Tehsil Momand, Bajour Agency.	28.06.2019
117.	<u>RP No.91/2019</u> <u>760(P)CS/2017</u>	Saeed Habib Jan, R. No. 4322, Sepoy, Bajaur levies, Bajaur Agency Khar	28.06.2019
118.	<u>RP No.92/2019</u> <u>761(P)CS/2017</u>	Abdullah R. No. 3413, Sepoy, Bajaur levies, Bajaur Agency Khar	28.06.2019
119.	<u>RP No.93/2019</u> <u>762(P)CS/2017</u>	Mozamin, R. No. 4384, Sepoy, Bajaur levies, Bajaur Agency Khar	28.06.2019
120.	<u>RP No.94/2019</u> <u>763(P)CS/2017</u>	Saeed Ullah, R. No. 4279, Sepoy, Bajaur levies, Bajaur Agency Khar	28.06.2019
121.	<u>RP No.95/2019</u> <u>764(P)CS/2017</u>	Imran, R. No. 4769, Sepoy, Bajaur levies, Bajaur Agency Khar	28.06.2019
122.	<u>RP No.96/2019</u> <u>766(P)CS/2017</u>	M. Ayub, R. No. 5806, Sepoy, Bajaur levies, Bajaur Agency Khar	28.06.2019
123.	<u>RP No.97/2019</u> <u>767(P)CS/2017</u>	Faizullah R. No. 4366. Sepoy, Bajaur levies, Bajaur Agency Khar	28.06.2019
124.	<u>RP No.98/2019</u> <u>768(P)CS/2017</u>	Imran Ullah, R. No. 4775, Sepoy, Bajaur levies, Bajaur Agency Khar	28.06.2019

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125.	<u>RP No.99/2019</u> <u>776(P)CS/2017</u>	Tilla Muhammad, R. No. 4508, Sepoy, Bajaur levies, Bajaour Agency Khar	28.06.2019
126.	<u>RP No.100/2019</u> <u>777(P)CS/2017</u>	Abdul Rahim, R. No. 5883, Sepoy, Bajaur levies, Bajaour Agency Khar, R/o P.O. Loe Same Sharif Khan Tehsil Nawagai, District Bajour Agency.	28.06.2019
127.	<u>RP No.101/2019</u> <u>778(P)CS/2017</u>	Rohul Amin, R. No.4293, Sepoy, Bajaur levies, Bajaour Agency Khar, R/o P.O. Loe Same Sharif Khan Tehsil Nawagai, District Bajour Agency.	28.06.2019

Date of Hearing	:	28.11.2019
Date of Judgement		04.12.2019

:-VS:-

**RESPONDENTS**

1. The Secretary, SAFRON, Islamabad.
2. The Additional Chief Secretary, FATA Civil Secretariat (FATA), Warsak Road, Peshawar.
3. The Political Agent/Commandant/Deputy Commissioner Bajaur Levies, District Bajaur at Khar.
4. Mr. Fared Ullah, Subedar Major (BS-16), Malakand Levies at Malakand.
5. Mr. Muhammad Hussain, N/Subedar, Reg. No.3164, posted in the office of Political agent/commandant/Deputy Commissioner, Bajaur Levies, District Bajaur at Khar.

**PRESENT**

Mr. Misbahullah Khan, Rana Samreen Akhtar, Noor Muhammad Khattak, Sardar Saleem Akhtar and Amaad Nasir Kundi, Advocates for the Appellants.  
Ch. Ishtiaq Meherban, Deputy Attorney General for the Federation, Mr. Siraj Haider, Legal Coordinator, M/o SAFRON, Mr. Nisar Khan, Asstt. Accounts Officer, District Accounts Office, Malakand and Mr. Sajjad Ahmad, Litigation Clerk, Deputy Commissioner's Office, Bajaur as DRs and Mian Gulzar Hussain, Advocate for Respondent No.4

**JUDGEMENT**

**RAJA HASAN ABBAS, MEMBER:-**

These appeals and petitions can be categorized into appeals, implementation petitions and review petitions.

2. Appellants are ex-employees of Federal Levies Force. The Competent authority imposed major penalty of dismissal from service in most of the cases on charge of misconduct, whereas in some other cases they were retired. Aggrieved by these orders instant appeals were filed before Federal Service Tribunal which are pending decision. Notices were issued to the respondents i.e. M/o SAFRON, FATA Secretariat through Additional Chief Secretary, FATA and the concerned Political Agent/Commandant.

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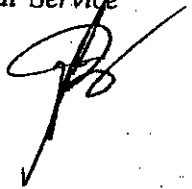
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Comments/objections were received partially and in most of the cases notices were being issued for submission of the same. In the meantime, Federal Government through 25<sup>th</sup> Constitutional Amendment Act passed in May, 2018 paved the way for merger of FATA in the province of Khyber Pakhtunkhwa. As a result thereof Government of KPK issued Ordinance I of 2019 (later passed as an Act), in order to allow Federal Levies Force to continue their functions and to regulate and maintain them under the administrative control of Government of KPK. The force was renamed as Khyber Pakhtunkhwa Levies Force under Section 3 of the Act, comprising the Director General, the Deputy Director General, Commandant and all existing strength of members of the Levies Force, working in the merged Districts and Sub-divisions. Above mentioned Officers would be the Officers from Police. Section 9 of the Act provided for absorption of the members of Federal Levies in the Police. Section 9 (2) stipulates that "until their absorption in the police, the members of the Levies Force shall be governed by their existing terms and conditions of service under Federal Levies Force (Service) Rules, 2012.

3. It is important to refer to a letter from M/o SAFRON dated 24<sup>th</sup> April, 2019 addressed to Secretary Home & Tribal Area Department, Government of KPK on the subject pertaining to service matters regarding Levies/Khassadars, admitted in Federal Service Tribunal, Islamabad. It is imperative to reproduce para 2-3 of the letter:-

*"2. It is stated that consequent to the 25<sup>th</sup> Constitutional Amendment, the erstwhile PATA and FATA have been merged into the province of Khyber Pakhtunkhwa. Furthermore, on 12<sup>th</sup> March, 2019 the Government of Khyber Pakhtunkhwa has promulgated two Ordinances whereby the Federal Levy Force and Khassadar Force, stand provincialized. We had already written to the concerned Registrars of Courts and Service Tribunals to delete the name of Secretary, SAFRON from the array of respondents.*

*3. It is requested that these alongwith future appeals in connection to the Federal Levy Force and Khassadar Force, may now be addressed at your end while ensuring that reports/comments are submitted to Honorable Federal Service Tribunal, Islamabad on the scheduled date of hearings.*



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Another Memorandum from M/o SAFRON dated 18<sup>th</sup> March, 2019 addressed to Chief Secretary, KPK, Advocate General, KPK and Additional Chief Secretary, Merged Areas Secretariat states as under:-

*"Now, therefore all the administrative, legal and ancillary matters, including service appeals, promotions and litigation in respect of both the forces i.e. Levies Force and Khasadar Force have been transferred to the Government of Khyber Pakhtunkhwa and its relevant forums from 12<sup>th</sup> March, 2019, the date of the issuance of above said Ordinance.*

*It is clarified that Ministry of States and Frontier Regions (SAFRON) has ceased to be the controlling authority in respect of Levies Force and Khasadar Force working in erstwhile FATA & PATA. All concerned commandants and others Forums may kindly be informed accordingly".*

4. It was in this back drop that we had issued Notices to the learned Attorney General for Pakistan in accordance with Orders 27 Rule 1 of CPC to assist the Tribunal with regard to the point of jurisdiction as well s 25<sup>th</sup> Constitutional Amendment including interpretation of Levies Amendment Rules, 2013. After hearing the learned Deputy Attorney General and counsels of the appellants on 30.07.2019 a detailed order was passed. Relevant portion is reproduced:-

*"7. We have carefully considered the arguments. Notwithstanding, the submissions made by the learned counsels, fact of the matter is that Government of Pakistan Ministry of States and Frontier region has made a formal request for their deletion from the list of the respondents in all these appeals with a further request that these matters may now be addressed to Secretary, Home and Tribal Areas Department, Government of Khyber Pakhtunkhwa.*

*8. By operation of the Ordinance supra and 25<sup>th</sup> Constitutional Amendment, employees of the Federal Levies and Khassadar Force have become provincial Government employees. In several implementation petitions, which are pending at the moment before the Tribunal, provincial Home and Tribal Area Department have been issued notices of appearance, however, they have shown very lukewarm response. This is despite the fact that notices were served through Chief Secretary, KPK. We are cognizant of the fact that Constitutional and legal provisions allow continuation of proceedings before the Tribunal, however, we are concerned*

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about the practical aspects of the issue. Since the petitioners have become provincial Government employees, no proceedings can move unless the respondent Provincial Government discharges its legal responsibilities.

9. It is therefore, imperative and prudent to direct Secretary Ministry of States and Frontier Region to depute an officer not below the rank of J.S to appear and assist the Tribunal in the matter.

10. Chief Secretary KPK Government is required to direct Secretary Home and Tribal Areas Department to depute an officer not below the rank of Additional Secretary (BS-19) to appear in the pending proceedings before the Tribunal.

11. Advocate General KPK is directed to depute a law officer to appear and assist the Tribunal in the matter on the next date".

5. Since then Provincial Government of KPK has been represented twice by learned Assistant Advocate General. He was not present today nor on 18.11.2019. We have not received any written statement on behalf of Government of KPK since 30.07.2019 despite clear direction vide order dated 18.11.2019.

6. Today we have heard learned Counsels of the appellants who are also present in large number. Learned Counsels of the appellants stated that the appellants are poor low paid employees. Since their dismissal in 2007-2008, they have been running from pillar to post for getting justice. The constitutional amendment and subsequent legislation has further complicated matters for them. However, the Tribunal is still vested with the jurisdiction as already determined vide order dated 30.07.2019 and the appeals may be decided on merits of each case.

7. We are conscious of the fact that the appellants are facing hardship on account of prolonged judicial proceedings. It is however, more dismaying that the respective provincial authorities are not paying due attention to these matters, pending before us. There is an attitude of indifference towards these proceedings. We are afraid even if the pending issues are decided on merit, their implementation would be still more complicated as is the case even now. No meaningful proceedings can take place in the absence of a positive response from Government of Khyber Pakhtunkhwa.

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8. We have apprised the learned Counsels of the practical aspects/difficulties and with their consent remand all the pending appeals to the respective competent authority to treat them as pending departmental appeals and decide them afresh after giving the appellants opportunity of personal hearing. These appeals are disposed of in the above terms.

Misc. Petition Nos.320, 321, 2488,2487,2098,2099./2018, 342 to 359/2017, 2144/2016, 352 to 354, 1017, 935 to 937, 934, 938/2017, 2118/2018

in  
Appeal No.1106, 1116(P)CS/2017, 591(P)CS/2015, 38(P)CS/2016, 19, 348(P)CS/2014, 1117, 1119, 1120 to 1123, 1125 to 1136(P)CS/2017, 340, 211,304, 312(P)CS/2014, 584, 635, 10, 14, 24, 27(P)CS/2016 & 27(P)CS/2014

Above Misc. Petitions were filed seeking implementation of judgement dated 11.05.2015 and 30.10.2017. Whereas vide order dated 30.10.2017 direction were given for deciding pending departmental appeals, vide judgment dated 11.05.2015 directions were given for reinstatement of the appellants. However, for the question of back benefits it was directed to decide the same in accordance with instructions contained in Sl. No. 155 of ESTACODE (Edition 2007 Volume-II). The Petitioner have been reinstated however, through these petitions the issue of implementation of the order for determination of back benefits was raised. The respondents, despite repeated notices failed to respond and provide the latest status about implementation of the judgement.

10. These petitions are also remanded to the competent authority for implementation in the light of the direction of the Tribunal in Judgements dated 11.05.2015 and order dated 30.10.2017. A compliance report be furnished to the Registrar of the Federal Service Tribunal by first week of February, 2020. The petitions stand disposed of.

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Review Petition Nos.78, 84 to 101/2019in  
Appeal No.711, 720 to 726, 760 to 764, 766 to 768, 776 to 778(P)CS/2017

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This brings us to the above titled review petitions which were disposed of vide order dated 20.05.2019.

12. It is contended that the appellants were given to understand that with the promulgation of 25<sup>th</sup> Amendment, Federal Service Tribunal had been divested of jurisdiction. The provincial authorities were not inclined to listen to their grievances and it would be travesty of justice if they are left without any forum to seek justice.

13. Strictly legally speaking the petition could not be entertained because of the limitation of scope of review. However, keeping in view the facts that finer legal aspects of the issues arising out of the merger of tribal areas and their administrative setup in KPK were beyond their comprehension and they might not have got the necessary assistance to pursue their appeals, we are inclined to *accept* these review petitions. As a result thereof the appeals are restored to their original numbers. The directions in para 8 of the judgement would apply mutatis mutandis in these appeals also.

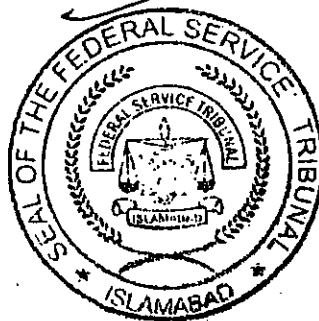
14. Copies of the orders be sent to Chief Secretary KPK, Secretary, Home KPK, Commandant Levies Force, KPK for ensuring implementation of the judgment and submission of a report within three months to Registrar of the Federal Service Tribunal. Copy of the judgment be also sent to Secretary, M/o SAFRON and Secretary, Establishment Division.

15. No order as to costs. Parties will be informed.

\*Gulzar\*  
04.12.2019

*Sd/-* MEMBER  
*Sd/-* CHAIRMAN

CERTIFIED TRUE COPY  
*[Signature]*  
Registrar  
Federal Service Tribunal  
Islamabad



ATTESTED



Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department  
(Levy & Khassadars Wing)

No.CS(F)/L&K/4-Levy/Appeal/ 2558-80  
Dated:03.11.2020

ORDER

1. Appeal No 711(P)CS/2017, Review Petition No: 78/2019 Asghar Vs SAFRON.
2. Appeal No 720(P)CS/2017, Review Petition No: 84/2019 Umer Ayub Vs SAFRON.
3. Appeal No 721(P)CS/2017, Review Petition No: 85/2019 Imran Vs SAFRON.
4. Appeal No 722(P)CS/2017, Review Petition No: 86/2019 Nowshad Vs SAFRON.
5. Appeal No 723(P)CS/2017, Review Petition No: 87/2019 Noorzada Vs SAFRON.
6. Appeal No 724(P)CS/2017, Review Petition No: 88/2019 Ghulam Younas Vs SAFRON.
7. Appeal No 725(P)CS/2017, Review Petition No: 89/2019 Najeebullah Vs SAFRON.
8. Appeal No 726(P)CS/2017, Review Petition No: 90/2019 Shamiur Rehman Vs SAFRON.
9. Appeal No 760(P)CS/2017, Review Petition No: 91/2019 Said Habib Jan Vs SAFRON.
10. Appeal No 761(P)CS/2017, Review Petition No: 92/2019 Abdullaehr Vs SAFRON.
11. Appeal No 762(P)CS/2017, Review Petition No: 93/2019 Mozamin Vs SAFRON.
12. Appeal No 763(P)CS/2017, Review Petition No: 94/2019 Saeed ullah Vs SAFRON.
13. Appeal No 764(P)CS/2017, Review Petition No: 95/2019 Imran Vs SAFRON.
14. Appeal No 766(P)CS/2017, Review Petition No: 96/2019 Muhammad Ayub Vs SAFRON.
15. Appeal No 767(P)CS/2017, Review Petition No: 97/2019 Faizuliah Vs SAFRON.
16. Appeal No 768(P)CS/2017, Review Petition No: 98/2019 Imranullah Vs SAFRON.
17. Appeal No 776(P)CS/2017, Review Petition No: 99/2019 Tila Muhammad Vs SAFRON.
18. Appeal No 777(P)CS/2017, Review Petition No: 100/2019 Abdul Rahim Vs SAFRON.
19. Appeal No 778(P)CS/2017, Review Petition No: 101/2019 Rohul Amin Vs SAFRON.

1. Whereas, the above captioned appeals along with Miscellaneous Petitions having identical question of Law and facts have been clubbed together.
2. And whereas, Appellants have impugned orders of Political Agent/Commandant Levy Force Bajaur dated 29.04.2016, 14.06.2016 and 28.07.2016, regarding placement of their services at the bottom of seniority list and withholding of back benefits.
3. And whereas, during militancy in Bajaur Agency, 242 personnel of Levy/Khassadars including appellants were removed from service due to absconding/desertion from duties. In compliance with Supreme Court of Pakistan Judgment dated 20.10.2015, appellants were reinstated and a Departmental Enquiry was conducted vide order dated 08.12.2015. Consequent upon recommendation of the Enquiry Committee, appellants reinstated in service with immediate effect and placed them at the bottom of Seniority with no Back Benefits etc vide order dated 29.04.2016, 14.06.2016 and 28.07.2016. The intermission period in between their termination and reinstatement was treated as leave without pay.

**ATTESTED**

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4. And whereas, aggrieved from the order of Political Agent, the appellants filed appeals in the Hon'ble Federal Service Tribunal, Islamabad. Federal Service Tribunal vide judgment dated 04.12.2019 remanded Appeals/Misc. Petitions/Review petitions to the Competent Authority to treat it as Departmental Appeals and decide it afresh after giving the appellant opportunity of personal hearing
5. And whereas, appellants were called for hearing by the Committee on 20.10.2020 and heard in person, the record of the case perused
6. And whereas, after merger of erstwhile FATA with Khyber Pakhtunkhwa the Home & Tribal Affairs, Department, Khyber Pakhtunkhwa has been entrusted with the affairs of the Levies & Khassadars.
7. And whereas, appellants assailed the orders of the Political Agent Bajaur dated 29.04.2016, 14.06.2016 and 28.07.2016 and argued that respondent department has placed them at the bottom of seniority list and also withheld Back Benefits. They further contended that imposition of two penalties simultaneously are unlawful and needs to be cancelled.
8. Now therefore, the appellants did not performed duty during period of their termination and reinstatement, hence it would be unfair/injustice to treat them at par with those Levy/Khassadar personnel who performed duties perfectly and remained on front line with the Security Agencies in war against terrorism and offered sacrifices for the Nation. Therefore, orders of the Political Agent dated 29.04.2016, 14.06.2016 and 28.07.2016 are upheld and instant appeals are dismissed.

Secretary  
to Government of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Endst. No. & date even.

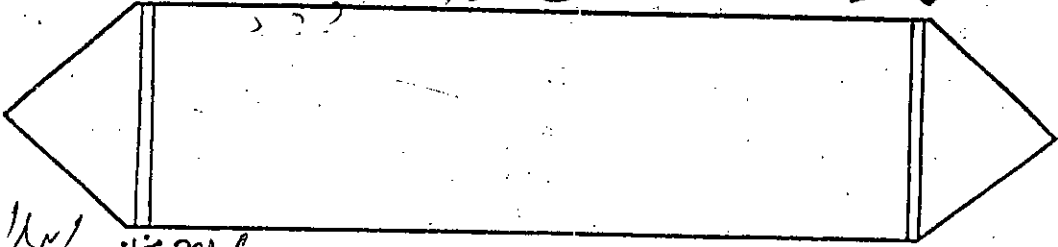
CC to:

1. Registrar, Federal Service Tribunal, 47-Attaturk Avenue, Sector G-5/2, Islamabad.
2. Deputy Commissioner, Bajaur Tribal District.
3. District Police Officer, Bajaur Tribal District.
4. Deputy Secretary (Judicial), Home & TAs Department, Khyber Pakhtunkhwa

  
Section Officer (Levy & Khassadars)

**ATTESTED**

# بعدالت سروس لنڈ سبویل کی



2020ء منجانب اسپرائٹ  
بنام ٹورنٹ

صبر اللہ

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکھ

محمد سعید احمد

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام \_\_\_\_\_ کیلئے خالد رحمان اسٹریٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ 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 پیروی نہ کوز کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم (۱۶) ماہ دسمبر 2020ء

واہ العب

کے لئے منظور ہے۔

بمقام سند

محمد سعید احمد