30th Nov. 2022

'SC Nat Resha'

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

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)

10.8.2022

Proper DB not available the case is adjourned to 2.11.2022 Assistant to learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, 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

(Salah-ud-Din)

Member (J)



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

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)

Reader

10-02-2022

to refirement of the Honoble Chairman Due The case is adjourned to come up for the same before on 7/6/2022 as

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 lega! 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/coniments 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 of 09.11.2021 before the D.B.

Accellant Deposited Security Process Fee

Form- A

FORM OF ORDER SHEET

Court of 830 7τ Case No.-/2021 Date of order Order or other proceedings with signature of judge S.No. proceedings 2 3 1 The appeal of Mr. Imran resubmitted today by Mr. Khaled Rehman 13/01/2021 1-Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR This case is entrusted to S. Bench for preliminary hearing to be put 2up there on 15/03/24 CHAÏŘMAN Due to tour of Camp Court Abbottabad and shortage 15.03.2021 of Members at Prinipal Bench Peshawar, the case is adjourned to 22.06.2 for preliminary hearing before S.B. éader

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.

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- 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. 4073 /S.T. DT.15/12 /2020

Registrar Service Tribunal

Khyber Pakhtunkhwa Peshawar.

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Mr. Khaled Renman Adv. Pesh.

Carbonetted a) Er Cocompluer

The appeal of Mr. Imran 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.

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No. \$3958 /S.T. Dt. 03 /2020.

REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

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Mr. Khaled Rehman Adv., Pesh.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 830 /2020

Imran..... 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	Α	9-26
3.	Order of the Hon'ble Supreme Court of Pakistan	20.10.2015	В	27-32
4.	Findings/Report of the Inquiry Committee	22.07.2016	С	33-35
5.	Impugned original order	©∉ 07.2016	D	36-39
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10.	Wakalat Nama			60

٤ ٢٢, Appellant

Through

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Khaled Rahman Advocate, NI Supreme Court of Pakistan

Muhamma 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 Pakhtukhw Diary No. 1601

.<u>Appellant</u>

Imran Sepoy (BPS-07), Bajaur Levis, Bajaur Agency Khar

Versus

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

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.

TrapRAYER:

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, VoI.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 filling 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.

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.

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.

ii.

5.

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 28.67.2016 (*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.

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 the counsel for the Respondents apprised the Tribunal in respective appeals the counsel for the Respondents apprised the same through fresh appeals, resultantly the Service Appeal was disposed off vide order sheet dated 25.04.2017 (Annex:-F).

4

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 25th 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.

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:-

7.

8.

6.

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.
- Β. 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, VoI.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

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Appellant

&

haled 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,

Appeal No 711(P)CS/2017, Review Petition No: 78/2019 Asphar Vs SAFRON. 1. Appeal No 720(P)CS/2017, Review Petition No: 84/2019 Umer Ayub Vs SAFRON. 2. 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, x5. 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 YounasVs SAFRON, Appeal No 725(P)CS/2017, Review Pelition No: 89/2019 Najeebullahr Vs SAFRON, 7. 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 Petillon 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. AppealNo766(P)CS/2017, ReviewPetitionNo:96/2019MuhammadAyub 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 Imranuliah 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 Pelition 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 abscor.ding/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.

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)

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. 13	1.	26(P)CS/2014	Noshad s/o Noor Muhammad, Ex-Sepoy No. 4201, 26	00 0014	l •• •			
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12		27(P)CS/2014					- 1	
	·		Nawab Khan s/o Gul Qayoum, Ex-Sepoy No4721, 26 Bajaur Levies r/o Nogay Tehsil Khar, Bajaur Agency.	02.2014			•	
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1.3.	1 '	28(P)CS/2014	Mukamil Shah, Ex-Senay No 4101 Det	02.00.1	•	•		
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16.	5	11(P)CS/2013		• • •				
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17.	51	2(P)CS/2013		1				
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18.	51		Abdul Subhan 2/2 Balaur Agency.	· [
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19.			Pasht, Tohsil Salarzai, Balaya A and A start					
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	53	1.	604(P)CS/2013	
	· .		(1)0012013	Lai Zamian s/o Gui Zaman, Bajawai Agency. Bajaur Levies c/o Toi Walt of No.1803, 25.07.2013
		·		Bajaur Levies c/o Taj Wali r/o Mano Dairy, P.O.
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			•	No.4840, Bajnur Lovies i/o Randono P.O. Raghgan, Bajawar Agency
ſ	58.	1 7	40(P)CS/2013	Bajawar Agency.
	• •	1	-0.10012013	Muhammad Imran s/o Zar Mula Kahn Pachay, Ex- 05.11.2013 Sepoy No.5093, Bajaur Levies - 6 D
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	59.	6	58(P)CS/2013	Ragligan, Bajaiwat Agency. Zabir Shab e/o More Cart
ŀ		.		Zahir Shah s/o Musafar Khan, Ex-Sepoy No.4522, 26.09.2013 Bajaur Levies r/o Kohe Tebell March 19
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	•	63,	672(1)(8/2013	Mamoor Khau s/o Toor Khan, Bx-Sepoy No.4554.	26.09.2013
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· •	2			Farooq Mehboob, Masjid Abdara Road, Unversity	26.09.2013
<u>Э</u> Г	₹ · L			Town, Peshaiwar.	• •
. Ş)	77.	686(P)CS/2013	Habibullah s/p Ihsanullah, Ex-Sepoy No.4571,	26.09.2013
1		•	:	Bajaur Levies, no Bala Chingi, Tehsil Mamond,	20.03.2013
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		•	:	No.3694, Balaur Levics r/o Wara Khrkav PO	• . • •
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• .	•		·	NO.4708, Bajaur Levies r/o Sheikh Kalv. Tehsil	
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÷.,	· · · ·			Muhammad Aslam s/o Gul Rehman, Ex-Sepoy	26.09.2013

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	93.	747(P)CS/2013	Bajaur Levies i/o Nawagai, Bajaur Agency.	
			Said Aziz s/o Said Rahim Khan, Ex-Sepoy No.4876,	21.11.2013
			Bajaur Levies no Aman Kot, P.O.Khar, Bajaur Agency.	
	94.	748(P)CS/2013	Farman s/o Pacha Gul, Ex-Sepoy No.4630, Bajaur	
		ļ	Levies 1/0 Yoush Abul P.O. Khar, Unjaur Agency.	21.11.2013
	95.	756(P)CS/2013		
			Jahangir Hnyat s/o Hayat Khaa, Ex-Sepoy No.3745, Bajaur Lovies r/o Khar, Tehsil	29.11.2013
Ŀ			Khar, Bajour Agency.	.
ŀ	96.	757(P)CS/2013	Noor Reliman s/o Sherwan Ex-Senou No 3562	29.11.2013
		· ·	Dejaur Levies 1/0 Darm, Tesil Salarzai, Refour l	43.11.2013
H	97.	758(P)CS/2013	I Agoncy.	· · .
		/30(1)C3/2013	Ibrahim s/o Zafar Khan, Ex-Sepoy No.3479, Bajaur	29.11.2013
		750(0)000000	Levies r/o Ghnghy, Tchsil Salarzai, Bajaur Agency.	.
	50.	759(P)CS/2013	Noorullah s/o Ibrahim, Ex-Sepoy No. J723, Bajaur	29.11.2013
			Lovios no Nawagal, Dajatir Agency.	
	99.	769(P)CS/2013	Sanaullah s/o Bahadr, Ex-Sepoy No.5619, Bajaur	29.11.2013
	· .	•	Levies 1/0 Qila, Telisil Salarzai, Bajaur Agency.	29.11.2015
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			Bajaur Levies i/o Chinar, Tehsil Salarzai, Bajaur	29.11.2013
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1	101.	764(P)CS/2013	Munasib Khan s/o Miralam Khan, Ex-Sepoy	05.12.2013
1	· ·		NO.3909, Balaur Levies r/o Leobari Tebrit	
F	102.	765(P)CS/2013	Manoond, Bajaur Agency.	
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	·	,	No.3788, Bajaur Lovies r/o Chowira, Tohsil Salurzai, Bajaur Agency.	
	103.	792(P)CS/2013	Dil	
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	104.	793(P)CS/2013	Allmad Yoush So Alubit Wakant Khap En Same	3.12.2013
		1	NO.9859, Unimit Loyios t/o P.O. Khar, Pabill Khan	·····
· ·	105.	794(P)CS/2013	Sha Gull 1	
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		<u> </u>	Levies n/o Faqeer Abad, P.O. Inayat Kaly, Momand, Bajawar Agency.	· · · · [.
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	12	27. 178(P)C\$/2014	4 Mahlb ullah s/o Kashar Gul, Bx-Sepoy No.5085 Bajaur Lavles, r/o Mir All Qala, Tehall Khar, Bajaur Agency.	, 27.06.2014
	12	8. 179(P)CS/2014	Noor Zada s/o Muhammad Aziz, Ex-Sepoy No.5916, Bajaur Lovies, r/o Cham, P.O. Khar	27.06.2014
	12	9. 180(P)CS/2014	Bacha Rahlm s/o Abdul Saced, Bx-Sepoy No.4710, Bajaur Levies, i/o Mandil Dianga P.O. Kher Bajaur	27 04 2014
ŀ	13	0. 197(P)CS/2014	Fozal Subhan s/o Muzafar Khan Ex Second	1600 2014
ŀ	13	I. 198(P)CS/2014	No.4515, Bajaur Levies, t/o AlimanoZaly, P.O. Pasht, Tehsil Salarzai, Bajaur Agency. Fareedullah s/o Lal Muhammid, Ex-Sepoy No.5764, Bajaur Levies, r/o Mola Kaly, Loy	16 00 2014
	132	2. 199(P)CS/2014	Nadir Shah s/o Haji Momen, Ex-Senov No 4011	16 00 2014
-	113	. 200(P)CS/2014	Bajaur Leviës, no Charmang Monogey, P.O. Loe Sin; Tehsil, Nawagal, Bajaur Agency. Rohumanilah no Chill/arush, Ex-Saniy No.4016,	16.09.201-1
	134	. 201(P)CS/2014	Bajaur Levies, r/o Loe Sim, P.O. and Tehsil Khar, Bajaur Agericy. Gul Badshah s/g Jahan Zeh, Ex. Sprov. No 2004	16.09.2014
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-	136	. 20J(P)CS/2014	No.4415, Bajaur Levies, r/o Chorak P.O. Pashi, Tehsil Salarzai, Bajaur Agency. Tilla Muhammad s/o Muhammad Resol. Ex Second	16.09.2014
-	137	204(P)CS/2014	No.4508, Bajnur Levies, r/o Shankar Gul, B.Seppy Pashi, Tehšil Salaržai, Bajaur Agericy. Israr Khan s/o Nowsherwan, Ex-Sepoy No.5279, Baiar Shan s/o Nowsherwan, Ex-Sepoy No.5279,	
-	138.	205(P)CS/2014	Khar, Bajaur Levies, r/o Slienky Ali Zai, P.O. and Tehsil	16.09.2014
-	139.	145(P)CS/2014	Abdur Rahim s/o Rehmat Jan, Ex-Sepoy No.5883, Bajant Levies, r/o Igrab P.O. Nakhjo, Tehsil Loi Manond, Bajaur Agéncy.	16.09.2014
-	140.	145(P)CS/2014	Wali Khan s/o Saeed Khan, Ex-Sepoy No.4147, Bajaur Levies r/o Khar, Bajaur Agency.	30.04.2014
-	141.	208(P)CS/2014	Umat Ayub s/o Minn, Gul, Ex-Sepoy No.4614, Bajaur Levies r/o Khar, Bajour Agency. Shams-ur-Rehman s/o Saif-ur-Rehman, Ex-Sepoy	30.04.2014
\vdash	142.	209(P)CS/2014	Khar, Bajaur Agency.	
-	143.	210(P)CS/2014	Agency.	26.09.2014
-		211(P)CS/2014	Agency.	26.06.2014
Ľ			Ghulam Qadar s/o Kamal Khan, Ex-Sepoy No.5578, Bajaur Levies i/o Alkay P.O. Raghgan, Tehsil Salarazai, Bajaur Agency.	26.06.2014
l.	145.	254(P)CS/2014	Shakirullah s/o Mandali Khan, Ex-Sepoy No.4347, Bajaur Levies r/o Hilal Khal Charming Totali	24.10.2014
	146.		Frank Kalant Agency.	4.10.2014
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			Dajour Levies 1/0 Hila Khal Charmany Telisi)
	1	48. 257(P)CS/20	Nawagai, Hajnur Agency.
	Ι.		Bajaur Levies t/o Charinang Tebsil Namenai Bajaur
	<u> </u>	49. 258(P)CS/201	Agency,
·			14 Shamroz Khan a/o Amir Said, Ex-Sepoy No.4348, 24.10.2014 Bajaur Levies r/o Hilal Khal, Charmang Tehsil
		10. 259(P)CS/201	(NAWARA), Dalayr Andrew
•			 I Inyait Zaluno, Ex-Sopoy No. 4203, Bajaur Lovies r/o Ghar Shamozai Telisil Barang, Bajaur Agency.
	15	1. 260(P)CS/201	
			Onur Snamozni Tehsil Barang, Bajaur Ageney.
-	15	261(P)CS/201	4 Hnimn Khan s/o Sniftur-Rehman Er Sauti 24 12 and
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	15	4. 263(P)CS/2014	Rehmot Din Jon s/o Abdulhamd By Same Di to ant
			Khar Balaur Acoust r/o. Inayat Kalay, Tehsil
	15	5 264(P)CS/2014	Raiz Wali s/o Aimeer, Ex-Senov No 4529, Deine 24 10 court
			Levies no Asghir Charmang Tellsil Nawagai, Bajaur Agency.
	156	5. 265(P)CS/2014	Reluman Wali s/o. Skhee Gul. Ex Sanau M. 2445
	-		Dejaur Levies No Uninar Charmano Tabeit Naminati
Γ	157	266(P)CS/2014	Uline wid D'
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Γ	158	267(P)CS/2014	Muhammad Jobal s/o Sher Muhammad D
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Ē	159	268(1')CS/2014	Solidar Khan s/o Metilouth All Dy Same March 2017
			Balantr Khan a/o Melibixub All, Ex-Sopoy No.5176, 24.10.2014 Balantr Lavles r/o Takht Tebsil Barang, Bajaur Agency:
	160.	269(P)CS/2014	linran s/o Amanullali Ex-Senou No 4760 Det
	_	· · ·	Levies i/o Barana Dargal, Tolsil Nawagal, Bajaur 24.10.2014 Agency.
	161.	270(P)CS/2014	Hidatullah s/o Habibullah Ex-Seney Ma 2872 Latin Form
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Γ	162.	271(P)CS/2014	Foreedullah s/o Hakibullah Ex Seren NE 2024
			i Unigoui, Lovies 1/0 Khar. Teheil Khar Datata
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L			No.4083, Bajaur Levies t/o Khar Tabail Khar
Γ	164.	300(P)CS/2014	Muhammad Zada s/o Mashi By Santa at 5200
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			Bajaur Levics n/o Qamor Dag Tehsil Khar, Bajaur Agency.
	166.	302(P)CS/2014	Refinat Gul s/o Alconi Ex-Senov bla 1781 p
	167.	301000000	and the second reason intervalsar, Dajaur Agency
	107.	303(P)CS/2014	Muhammad Nazeer s/o Muhammad Pattern To Line and
			Sepoy No.4265, Bajaur Levies t/o Azhar Charmang Tehsil Nawagai, Bajaur Agency.

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	1		204(1)03/2	2019	Abdur Rnof s/o Said, Ex-Sepoy No.3782, Baja	ur 17.11.2	014
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	1 .	169.	305(P)CS/2	014	Roohullah Na Abdul Wakash E. O.		
			· ·	•	Balaur Levies i/o Bara Khiozo, P.O. Inayot Kal	9 17.11.2	014
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	l · ∣	170.	306(P)CS/2	014	Amir Zada s/o Khan Sardar, Ex-Sepoy No.5282 Bainur Layles r/o Sara Marine Line Port		
	[1			Bainur Levies r/o Sara Waite T Livie Sepoy No.5282	17.11.20	014
•					Bajaur Levies no Saro Wono Tchsil Salarzai, Bajau Agency.	a	
	1	71.	307(P)CS/2	014			
	1	•			Rahim Gul s/o Muhammad Saeed, Ex-Sepo	y 17.11.20)[4
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•		72. 3	08(P)CS/2(
		1 -		/14	Qadir Khan so Masroof Khan, Ex-Sepoy No.4155 Bajaur Levies for Jahan VI	17.11.20	in l
	•	1		- · [1 1 1 1 1 1 2 0	14
	1	73. 3	09(1º)CS/20				1
•] -	-7(-700/20	14.2	Said Nawah bio Sher Muhammad, Ex-Sonoy No.5278, Bajaur Levies of Muhammad, Ex-Sonoy	17.11.20	
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- 1	17	74. 3	10(P)CS/20	14	Khar, Bajaur Agency.	· ·	
			() = 0.00		Jalil-ud-Din s/o Fozal Karim, Ex-Sepoy No.3784, Beinur Levies /o Molium	17.11.201	1
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1	17	6 31	2(P)CS/20			1 N.	
		1			Sahib Zada s/o Mandali Jan, Ex-Sepoy No.5291,	17.11.201	a l
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		1	•		ayaz s/o Hukam Khan, Ex-Sepoy No.5551, Bajaur	17.11.2014	-
			·; ,	1 4	evies r/o Rasha Dhari, Tehsil Salarzai, Bajaur gency.		1
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		I .			vieš r/o Skindro United Provident	17.11.2014	1.
Ļ-					vies r/o Skindro Hayati, Tchsil Utman Khil, Jaur Agency.		Ľ
	182.	318	(P)CS/2014		but Muhammad at 15th		
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	183.	219(P)CS/2014	[IQD	a s/o Dil Muhammad E o		ł
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				No.		7.11.2014	
					Vagai, Bajaur Anenou		l
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	186.	322()CS/2014			Į	·
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			. • •		ar Levies r/o Shenay, Tehsil Mamond, Bajaur		
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		188.	324(P)CS/2	
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•			[.]	No.3531, Bajaur Lévies n/o Khas, Tehsil Nawagai, Bajaur Agency.
•	$\left[\cdot \right]$	89.	337(F)CS/20	14 Dadibat Martin Contractor
· · ·	· .	· ·		Baushall Munit' s/o Masood, Ex-Sepoy No.4363, 24.11.2014 Bajaur Lovies r/a Kaga Tolisil, Lol Mamonil, Bajaur
			0000	Agency.
	6	90.	338(P)CS/20	
				Dajaur Lovies no Kaga Telisil, Mamond Balaur I
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	19	72.	340(P)CS/201	4 Singib de Out I V
Ľ				Levies r/o Kot Kay Telisil Salar Zai, Bajaur Agency.
Γ	19	0.	341(P)CS/201	Table No Multimined 2.1 B
Ļ		\bot		Bijaur Levies i/o Ali-Zo Shankay Tehsil Khar, Bejaur Agency.
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			•	No.5634, Bajaur Levies r/o Shagi Tehsil Salar Zai,
-		-1-		Dajaur Agency, 1
	19	2.	343(P)CS/201	Sharifullah s/o Sahib Zada Ex-Senov No 4398 24 11 2011
÷				Dajata Levies 170 Kagha Telisi Mamond Bajaur
	19	:+-	344(P)CS/2014	Ageincy.
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·L		Ŀ	<u>.</u>	Bajaur Levies no Katkol Tehsil Khár, Bajaur Agency.
- I	197	1.	145(P)CS/2014	Mushraf Khan n/o Wazir Chil Hy Sama No 1470 - 24 H Sama
		1		Digatif Covies f/o Kagha Tehsil Manuand Dalatin
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		_		Binjaur Levies r/o Kngha Tolisii Mamohd, Bajaur
	199	·	147(1')CS/2014	Najoob s/o Uguan Khan Ry Seven No 6000 to to
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				No.5574, Bejaur Levies n/o Qills Ail Jan, Tehsil Khar, Bajaur Agency.
	201.	3	49(P)CS/2014	Jahangir Khan s/o Sher Ali Ex-Senov No Stati 24 11 2011
	. ·			Udian Levies No All Zo Dar, Talisil Khar, Brinnel
	202.		50(P)CS/2014	I REGICY.
		-	50(1)C3/2014	Ajab Noor s/o Said Noor, Ex-Sepoy No.5917, 24.11.2014
				Bajaur Levies i/o Ali Zo Dag, Tehsil Khar, Bajaur Agency.
	203.	3	51(P)CS/2014	Beach- D-tu
	1			No.5187, Bajaur Levies t/o Mandal, Tehsil Khar,
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	204,	32	52(P)CS/2014	Ilanif-ur-Rehman s/o Khoista Muhammad En 2444 and
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	205.	35	3(P)CS/2014	Real Au, Dullin Avency.
				Sajjad Ahmed s/o Lal Badshah, Ex-Sepoy No.5228, 24.11.2014
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· .	206.	35	4(P)CS/2014	Rizwanullah s/o Gul Nahi Ex-Saray No 6642
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				Muzaffar Khah s/a Zer Ali, Ex-Sepoy No.5205, 24.11.2014
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	200	. 366(P)CS/2014	Alamgeer s/n Ahmad Shah, Ex-Sepoy No.4199,	04.12.2014
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ŀ	209	367(P)CS/2014	Bajaur Agency.	
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F	211	369(P)CS/2014	Barang, Bajaur Agency. Muhammad Idrees s/o Abdullah Ex Senou	
				04.12.2014
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Γ	213.	371(P)CS/2014	Fazi Rahatir Agency.	
	•		Fazi Rehman s/o Muhammad Ali, Ex-Sepoy	04.12.2014
ŀ			No.4328, Bajaur Levies r/o Sadiqa, Telisil Khar,	· ·
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\vdash	215.	373(P)CS/2014	Barang, Bajaur Agency.	
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	217.	375(P)CS/2014	Hayyatullah s/o Abdur Rauf Khan, Ex-Sanau	04.12.2014
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	218.	42(P)CS/2015	Dalaur Agency	· · ·
	210.	42(1)(3/2015	Zafar Ali s/o Yar Muhammad, Ex-Sepoy No.3862,	23.01.2015
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1	219.	43(P)CS/2015	J Ulman Khall, Dafaur Airency	
		-3(1)03/2013	Muslamar Klan a/o Fatch Gul, Ex-Sepoy No.5920,	23:01.2015
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1	220.	44(P)CS/2015	Agency.	-
			Khaista Jan s/o Noor Ahmed, Ex-Sepoy No.4665,	23.01.2015
	· ·	•. •	Bajaur Levies n/o Khoro Rashkai Dag, Tehsil Khor, Bajaur Agency.	
	221.	45(P)CS/2015	Babas Manuf	
1		,-(-)-0.2015	Rehan Yousaf s/o Rehman Yousaf, Ex-Sepoy	23.01.2015
	.: [No.4212, Bajaur Levies r/o Yousafabad, Tehsil	
	222.	46(P)CS/2015	Khar, Bajaur Agency.	
1			Nasir Ali Khan s/o Gulam Nabi Khan, Ex-Sepoy	23.01.2015
		•	No.4072, Bajaur Levies r/o Kot Ke Charmang,	· ·
F	223.	47(P)CS/2015	Tehsil Nawagai, Bajaur Agency.	
	·.	()	Altaullah s/o Sher Muhammad, Ex-Sepoy No.4193,	23.01.2015
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	224.	48(P)CS/2015	A-LC	
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	226.	50(P)CS/2015	Abdur Rushhl s/o Elazarat Wall Khan Da Vana-	<u></u>
ŀ		· ·	No.5172, Bujaur Levies no Khar, Tehsil Khar,	23.01.2015
			Bajaur Agency.	
	227.	51(P)CS/2015	Noor Hebrer 11 at the second second	
		•	No.4677, Bajaur Levies r/o Ghar Shamozai, Tehsil	23.01.2015
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	237.	61(P)CS/2015	Zahid Hussain s/o Shnhbuddin, Ex-Sepoy No.4667, 23.01.2015
			Bajaur Levies no Salarzai, Bajaur Agency.
	238.	62(P)CS/2015	Muhammad Aud / Litt
	·		Muhammad Ayub s/o Alim Zeb, Ex-Sepoy 23.01.2015
	-		No.5806, Bajaur Lovies n/o Khoro China Gai, Tehsil Ulunan Khall, Bajaur Agency.
•	239.	6J(P)CS/2015	
			Bajaur Levies rio haiyat Kaly, Tehsil Khar, Dajaur
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·	*10.	64(P)CS/2015	Sajjad Ahmed s/o Dilawar Jan, Ex-Sepoy No.5296, 23.01.2015
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	Z41.	65(P)CS/2015	Fazal Malik s/o Alreedi, Ex-Sepoy No.3512, Bajaur 23.01.2015
			Levies n/o Barang, Tehsil Mamond, Bajaur Agency.
	242.	66(P)CS/2015	Hussenin Shah -/2 al - 1 - 1
•	- 1		Hussain Shah s/o Namit Khan, Ex-Sepoy No.3628, 23.01.2015
			Bajaur Levies r/o Gada Mar, Tchsil Barang, Bajaur Agency. 23.01.2015
			rigency.

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 / Commanduat Balaur 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 Akhiar, Advocales for the appellants. Mr. Iqbal Waheed, Advocale 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 Seboy 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 millitunts. Suicide attacks, bomb blasts and abduction for ransom became fashion of the day. The people of the area had to face great hordships 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 affectees 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 distriissal 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 denove 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 mithority continued.

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

While assailing the authenticity, validity and legality of the 6. 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 ciled 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.

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

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displayed converdice 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. Il 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 Supremic 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.

11. Mrs. Samteen Akhter, Advocate further pleaded the case of Gulnb Khan and ten others regarding their claim of jension and contended that the sold appellants were quite entitled to pensionary benefits.

On the contrary, the learned counsel M/s Iqbal Durrani and 12. Iqual Waheed; Advocates while appearing on behalf of the respondents gave much stress on the point that the appellants were Levy personnel and they were duly 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 litem.

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 millionts 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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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 engent and conducte 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 Inid down by the Hon'hile 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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Parties to bear their own costs and they be informed in 16. accordance with rule 21 of the Service Tribunals (Procedure) Rules, 1974.

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ISLAMABAD 11.05.2015

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Approved for reporting.

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IN THE SUPREME COURT OF PARISTAN APPELLATE JURISDICTION -24

<u>PRESENT:</u> MR. JUSTICE MIAN SAQILI NISAR MR. JUSTICE GULZAR AHMED MR. JUSTICE MAQBOOL PAQAR

<u>СІVIL РЕТІПОНВ №. 1653, 1884 ТО 2069, 2100 ТО 2149</u> ТО 2332 ОГ 2015

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Additional Chief Secretary FATA, Feshquar fo C.a. 1653, 2005 to 2020, 2050 to 2069; 2160 to 2149 to 2020 to 2032/2015 1. 2.

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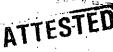
The Political Agent/Commissioner Bajmir Levica, Dajour Agency at Ichar and another in C.P. 1084 to 2001 & 2021 to 2049/2015)

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URALIA 9 2013 87. Hayat Khan and another Alamzeb and another 88. ...in C.P. 1969/2015 89. Muhammad Noor and another ...in C.P.1970/2015 Khan Weli end enother ...in C.P.1971/2015 90. 91. Sabituliah and another 92. Said Aziz and another ...in C.P.1973/2015 99. ...in C.P.1974/2015 Ferman and another 94. Jehangir Hayat and another ...in C.P.1975/2015 95. Noor Rehman and another ...in C.P.1976/2015 Ibrahim and another ...in C.P.1977/2015 96. 97. Noorullah and another Sanasilah and another ...in C.P.1978/2015 98. ...in C.P.1979/2015 Qui Qasim and another 99, ...in C.P.1980/2015 Munasib and another Muhammad Kalam and another ...in C.P.1981/2015 ...in C.P.1982/2013 ...in C.P.1983/2015 100.1 101. Dilawar Khan and another Ahmud Younal and another 102. 103, ...in C.P. 1904/2015 104. Shafiullah and another ...in C.P. 1985/2015 105. Habibullah and another ...in C.P. 1986/2015 ...in C.P. 1987/2015 ...in C.P. 1988/2015 106. Musafar Khan and another 107. Ismail and anotherin C.P.1989/2015 108. Faizullah and another ...in C.P.1990/2015 109. Mansoor Ahmed and another Shah Khalid and another ...in C.P.1991/2015 110. ...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 Chinar and another 114. Bakhtawar and another Abdul Wakil and another 115. ...in C.P.1996/2015 116 ...in C.P.1997/2015 Muhammad Zubair and another ...in C.P.1998/2015 117 118. Subhanullah.and another ...in C.P.2000/2015 119. Khan Alam and another ...in C.P.2001/2015 ...in C.P.2002/2015 120. Khayesta Gul and another 121, Acad Khan and another Ejaz Ali and another 122 ...in C.P.2003/2015 Masim Khan and another Rafig and another 123. ...in C.P.2004/2015 ...in C.P.2005/2015 ...in C.P.2006/2015 124. 125. Mahibullah and another Noor Zada and another Shama-ur-Rehman and another ...in C.P.2007/2015 126. ...in C.P.2008/2015 ...in C.P.2009/2015 ...in C.P.2009/2015 127 128. Sacedullah and another 129, Zarcen Said and another ...in C.P.2011/2015 ...in C.P.2013/2015 130. Chulam Qadar and another Azizullah and another Hayat Zalmo and another 131, .in C.P.2013/2015 132. ...in C.P.2014/2015 Zahid Ullah and another 133. ".in C.P.2015/2015 ...in C.P.2016/2015 134. Imran Khan and another 135 Abid and another ...in C.P.2017/2015 Rchmat Din Jan and another 136. ...in C.P.2018/2015 Muhammad Zada and another 137. ...in C.P.2019/2015 ...in C.P.2020/2015 138. Anwar Zeb and another Muhammad Nazcer and another Badshah Munir and another 139. ...in C.P.2021/2015 140. ...in C.P.2022/2015 141. Alamzeb and another ...in C.P.2023/2015 142. Shoaib and mother C.P.2024/2015

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...In C.P.2025/2015 143. Tahir and another 144. Sharifullah and another ...in C.P.2026/2015 Obsidullah and mother ...in C.P.2027/2015 145. Mushet af Khan and another Abdul Wadood and another ...in C.P.2028/2015 ...in C.P.2029/2015 1.17. ...in C.P.2030/2015 148. Naicebullah and another ...in C.P.2001/2015 149. 150. Mohabat Khan and another ...in C.P.2032/2015 Jehangir Khan and another Ajab noor and another ...in C.P.2033/2015 151. ...iii C.P.2034/2015 152. Bacha Rehman and another Hanif-ur-Rehman and another ...in C.P.2035/2015 153. ...in C.P.2036/2015 Sajjad Ahmed and another 154. Rizwan Ullah and another ...in C.P.2037/2015 155. ...in C.P.2038/2015 156. Muzaffar Khan and another ...in C.P.2039/2015 ...in C.P.2040/2015 Alamger and another 157. Liekat Ali and another 156. Sayed Zareen and another ...in C.P.2041/2015 159. ...in C.P.2042/2015 M. Idrees and another 160. 161. Riaz Ichan and another ...in C.P.2043/2015 ...in C.P.2044/2015 162. Fazal Rehman and another 163. Hayat Ullah and another ...in C.P.2045/2015 164. Anwar-ud-Din and another ...in C.P.2046/2015 ...in C.P.2047/2015 165. Fatch Muhammad and another ...in C.P.2048/2015 Hayatullah and another 166. ...in C.P.2049/2015 167. Zafar Ali Khan and another ...in C.P.2050/2015 Mustamar Khan and another 168. ...in C.P.2051/2015 Khointe Jan and another 169. ...in C.P.2052/2015 170. Rehman Yousaf and another ...in C.P.2053/2015 ...in C.P.2054/2015 ...in C.P.2055/2015 Nasir Ali Khan and another Attaullah and another 171. 172. 173. Ashfaq and another ...in_C.P.2056/2015 174. Imran and another ...In C.P.2057/2015 175. Noor Hakeem and another ...in C.P.2058/2015 176. Muhammad Israr and another ...in C.P.2059/2015 Said Ghani and another Synd Habib Jan and another 177. 178. .in C.P.2060/2015 Taj Meer and another ...in C.P.2061/2015 179. ...in C.P.2062/2015 Rafi-ud-Din and another 180. Moghtaber Khan and another ...in C.P.2063/2015 181. ...in C,P.2064/2015 Zalud Hussain and another 182. Muhammad Ayub and another ...ін С.Р.2065/2015 183. Bahar-ud-Din and another Sajjad Ahmed and another ...ін С.Р.2066/2015 184. ...in C.P.2067/2015 185. ...in C.P.2068/2015 Fazal Malik and another 186. ...In C.P.2069/2015 187. Hussain Shah and another ...in C.P.2100/2015 Bahadar and another 188. ...in C.P.2101/2015 Bucha Rahim and another Fazal Subhan and another 189. ...in C.P.2102/2015 ...in C.P.2103/2015 190. Farcedulian and another 191. ...in C.P.2104/2015 Nadir Shah and mother Rehmanullah and another 192. ...in C.P.2105/2015 193. Gul Badshah and another ...in C.P.2106/2015 194 ...in C.P.2107/2015 Insanullah and another 195. Tilla Muhammad and another ...in C.P.2108/2015 (196) 197 Ister Khan and enother ...in C.P.2109/2015 ...in C.P.2110/2015 198. Abdur Kahm and another ATTESTED 42

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.199.	Wali Khan god - di		
200.	Wali Khan and another		in C.P.2111/2015
200.	Umer Ayub and another		in C.P.2112/2015
	Shaltirullah and another		in C.P.2113/2015
202,	Fazal Kerim 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.2115/2015
205,	Kaiz Wali and another	·	in C.P.2110/2015
· 206.	Rehman Well and another	•	in C.P.2116/2015
207.	Ilham-ud-Din and another	·	in C P 2110/2015
208.	Muhammad Iqbel and another	•	in C.P.2119/2015
209.	Suidar Khan and unother	·.	in C.P.2121/2015
210.	lorran and another	· .	in C.P.2122/2015
211.	Hidatullah and another		in C.P.2123/2015
212.	Farecdullah and another	•••	in C.P.2124/2015
.213.			in C.P.2125/2015
214.			in C.P.2126/2015
215.	Abdur Rauf and another		in C.P.2127/2015
216.	Roohullah and another		n C.P.2128/2015
217.	Aroir Zaoa 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.2131/2015
221.	Jalil-ud-Din and another		in C.P.2133/2015
222.	Imran IChan and another		Jin C.P.2133/2015
223.	Sahibzada and another		in C.P.2135/2015
224.	ldrees and another		in C.P.2136/2015
225:	Taj Muhammad and another		in C.P.2137/2015
226. 227.		• •	in C.P.2138/2015
227.	Fazal Wadood and another Klumzeb and mother		in C.P:2139/2015
	Ruhat Muhammad mid another		
. 230,	Iqbal and mother		in C.P.214172015
231.	Kamal Habib and another		in C.P.2142/2015
232.	Sajjad Ali and another	•	in C.P.2143/2015
233.	Ali Rehman and another	·	in C.P.2144/2015
234.	Muhammad Ijaz and another		in C.P.2145/2015
235.	Noor Muhammad and another		in C.P.2146/2015
236.	Muhammad and another		in C.P.2147/2015
237.	Khaista Muhammad and another	. ·	in C.P.2148/2015
238.		•	in C.P.2149/2015
239.	Abdur Rashid and another		in C.P.2328/2015
24D.	Dosti Rehman and another	-	in C.P.2329/2015
241.	Aminuliah and another		in C.P.2330/2015 in C.P.2331/2015
242.	Abdul Akbar Khan and another .		in C.P.2331/2015
			Respondent(s)
			teshorgerd(e)

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For the petitioner(s): (In all cases) Mr. M. Woger Ahmed Khan, Addi.A.G. KPK

For the respondent(s): (in all cases)

Date of hearing:

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ORDER MIAN SAQIE MISAR, J.: Using 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 dismissui, 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 lield 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 abjection 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 247 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 inautry should be equipleded within six months from todayle Multitution is condoned in those coses which are barred by time. All these reatters are disposed of accordingly. EUPREN Sd4 Mian Saqib Hisar,J -Sd/- Gulzar Ahmed, J. Sd/- Maqbool Baqur, J

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<u>Islanda, the</u> 20th October, 2015 Not Approved For Reporting Kanas United

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ASSTT: POLITICAL AGENT BAJAUR/ Addl: District Magistrate, Khar. <u>DEPUTY COMMANDANT BAJAUR LEVIES.</u> No. 4 240 (APRIADMYCAR Data Magistrate)

4340 /APA/ADM Khar Dated 22-02-2016.

The worthy Political Agent, Bajaur/ Authority.

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

Memo:

Τо,

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 21st 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:

	54	Name of the personnel	Regiment	Clarification	
٠.	į.		-No.	of the Security	
	İ			Agenules	committee during4 the course of
	1.	Sepoy Fazal Wahid	4000		inquiry
	2:		4185	Clear	Recommended for minor penalties.
	3	Sepoy Nazir Zada	5043	Clear	Recommended for minor penalties.
		Sepcy Khalilur Rehman	5358	Clear	Recommended for minor penalties.
	4	Sepey 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 penallies.
Ì	8.	Sepoy Taj Wali	4874	Clear	Recommended for minor penalties.
	9.	Sepoy Akhitar Ali	4621		Recommended for minor penalties.
	10.	Sepoy Khaista Rehman	5140	Clear	Recommended for minor penalties.
	11.	Sepoy Nisar Khari	5077	Clear	Recommended for minor penalties
	12.	Sepoy Roohul Amin	• •	Clear	Recommended for minor penalties.
	13.	Sepoy Said Shah: Ali	4293	Clear	Recommended for minor penalties
	14.		4140-	Clear	Recommended for minor penalties
	15.	Sepoy Shah Nawaz	4384	Clear	Recommended for ininor penalties
1	16.	Sepoy Muhammad Hayat	4850	Clear	Recommended for minor penalties
	17		4295	Clear	Recommended for minor penallies
I	18	lease continuer of	4964	Clear	Recommended for minor penalties.
	19		4021	Clear	Recommended for minor penalties.
ł	20	Sepoy Ibrahim	3390	Clear	Recommended for minor penalties.
	!	Y concrete to table -	4374	Clear	Recommended for minor penalties.
1.	21.	Sepoy Habibullah	4333	Clear	Recommended for minor penalties.
	22			** =*	Recommended for minor penalties.
ļ	-2-5-	Sepicy Mansoni Ahmad		Clear	Recommended for minor penalties.
	÷				interest in the happings?

y Shah Khalid y Sahib Zada	6196 4468	Clear	Recommended for minor penalties.
The state of the second sec	1168		recommended for minor penames.
- De C.	7700	Clear	Recommended for minor penalties.
	5109	Clear	Recommended for minor penalties.
y Muhibullah	5085	Clear	Recommended for minor penalties.
ý Saeedullah	4279	Clear	Recommended for minor penalties.
y Badshah Munir	4368	Clear	Recommended for minor penalties.
y Alam Zeb 🕠	4371	Clear	Recommended for minor penalties.
y Sharifullah	4388	Clear	Recommended for minor penalties.
y Sajjad Ahmad	5228	Clear	Recommended for minor penalties.
y Muhammad Idrees	5009	Clear	Recommended for minor penalties.
y Anwaruddin	4009	Clear	Recommended for minor penalties.
	4651	Clear	Recommended for minor penalties.
	I i i i i e e a e a	Clear	Recommended for minor penalties.
		Clear	Recommended for minor penalties.
· · · · · · ·	1	-	Recommended for minor penalties.
· · · · · · · · · · · · · · · · · · ·	[1] A. A. A. M.		Recommended for minor penalties.
the second s			Recommended for minor penalties.
وريها ومعرومهم والمريح والمراجع الألام الألام			Recommended for minor penalties.
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	1		Recommended for minor penalties.
· .	1 1 1		Recommended for minor penalties.
y Amin Ollan,	4705	Llear	Recommended for minor penalties.
	y Rafig by Muhibullah by Saeedullah by Saeedullah by Sadshah Munir by Alam Zeb by Sharifullah by Sajjad Ahmad y Sajjad Ahmad y Muhammad Idrees by Anwaruddin by Yajjad Ahmad by Hayatullah by Said Habib Jan by Sa	by Rafig5109by Muhibullah5085by Saeedullah4279by Badshah Munir4368by Badshah Munir4368by Saeedullah4371by Badshah Munir4368by Sharifullah4388by Sharifullah4388by Sajjad Ahmad5228by Muhammad Idrees5009by Anwaruddin4009by Hayatullah4651by Said Habib Jan4322by Said Habib Jan4322by Said Habib Jan4322by Fazal Subhan4515by Fazal Subhan4515by Faridullah5764by Rahmanullah4016by Riaz Wali4528by Riaz Wali4528by Rahat Muhammad5090by Rahat Muhammad5090by Muhammad Lijaz3313	by Rafrey5109Clearby Muhibullah5085;Clearby Saeedullah4279Clearby Badshah Munir4368Clearby Badshah Munir4368Clearby Alam Zeb4371Clearby Sharifullah4388Clearby Sharifullah4388Clearby Sajjad Ahmad5228Clearby Sharifullah4009Clearby Sajjad Ahmad5228Clearby Muhammad Idrees5009Clearby Anwaruddin4009Clearby Ashfaq4912Clearby Said Habib Jan4322Clearby Bacha Rahim4710Clearby Fazal Subhan4515Clearby Faridullah5764Clearby Rahmanullah4016Clearby Rahmanullah4016Clearby Rabanullah4528Clearby Riaz Wali4528Clearby Rahat Muhammad5090Clearby Rahat Muhammad5090Clearby Muhammad Lijaz3313Clear

GENERAL RECOMMENDATIONS OF THE INQUIRY COMMITTEE:

na patra par

The Competent Authority may take action/ decision in light of available record which is placed in the main file on serial numbers a mentioned I the notification ibib and which is also summarized in Para No. 7/N above and remove/ dismiss those who remained absent from duty.

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.

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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 give 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 refreshing courses training and probation period.



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

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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; that 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 attairs and they were waiting for godot"

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

1. 1. 1. and an effect of a complete na seren en en en en en

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(laquiry Officer) Asstt: Political Agenty Addl: District Magistrate, Khar, Bajaur Agency.

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ASSTT: POLITICAL AGENT KHAR/ DEPUTY COMMANDANT BAJAUR LEVIES.

OFFICE ORDER.

Dated Khar the 29-04-2016.

THE

No. 2884 /APA (K)/ B.L.

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, ii) & 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 clated 214 April, 2016, approval of the worthy Political Agent/ Commandant Bajaur Levies, the following personnel are hereby re-instated 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

re-instalement will be treated as leave without pay:

C-HDU		Regiment No.
S#	Name of the personnel	4201
1.	Sepoy Nowshad	4642
2.	Sepoy Ghulam Younas	4336
	Sepoy Asghar Khan	3912
4.	Sepoy Imam Sharif	4524
5.	Sepoy Niamatullah	4529
6.	Sepoy Attaullah	4233
7.	Sepoy Zarawar	1000
8.	Sepoy Fazal Manan	4353
9.	Khassadar Niaz Wall	4918
11	Sepoy Azizur Kenman	4954
	Sepoy Insanullan	3450
11	Khassadar Sald Anniad	3449
13.		3453 🐔
i 1	A SA SA JUL - MORENCE	4352
15.		4831
16.	Sepoy Walayat	5093
17.	Khassadar Muhammad Imrail	4522
18.	Sepoy Zahir Shah	3407
19.	Khassadar Bakhti	4571
11	Khassadar Habibullan	3745
1 1	Khassadar Jihangir Dayai	3437
i 1		4535
1 1		5916
1	Corpor Storman Rohman 10	4615
1 1	Lybergodar Avivillar	1357
	Knassauar Azizan	4616
	Sepoy union solar	4645
1 i	3. (Sepoy Resmar Subaramad Nazir	4265
29	9. Knassadar istunaranad stuar	•
	 S# 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20 21. 22 23 24 26 27 28 	 Sepoy Nowshad Sepoy Ghulam Younas Sepoy Asghar Khan Sepoy Imam Sharif Sepoy Niamatullah Sepoy Attaullah Sepoy Zarawar Sepoy Fazal Manan Khassadar Niaz Wali Sepoy Ihsanullah Sepoy Ihsanullah Khassadar Said Ahmad Khassadar Zafar Khan Khassadar Yar Muhammad

1000 P.A. 2161 J. di. 614 unawnN 1725 i, ≓yatu≣⊾ K) 1912 R. No. 2 16/18L dt 6.12 3, - yoq 1322 D. H. 4:46 dt. 2 ... 2012 L dical L bisklyon ATTO R HOUTH I de bij puttle Rahim p-20101 ារាំ a aldož toxa Uyorg 1. 10 393/i- dl. 16 date nu lleep \mathcal{T}_{b} 1011 L. Hoursell dr. 6 12. and shall share 1015 P. 10.1441/11/11/12.7 Runartidis 1 204 2 1115 1 1986 - del - dy - 4 20081 C Repoyle James F 1000 2.15 2195/31- 13-11. 12-01 Mr. ad Karim ADDA ILL Well へのなく 5079 0.11 - MI33/12 . 95 74 Sport Tul Muliaminud -11005-Sepon Khen Zeb--5010.0- Ab.1935/86. di 8110-2008 L <u>; bornation M™harmad .</u> 3313 R-Nor APIEL dt = Merenary " Spoy Muhammad bijaz -4705 K. Nr. 2048- dut. 7 ... 18. d'allU aime 2.5 This order is nereby considured as lust chance and if any such negastence d infuture on the part of any of the above, he will be treated as dismissed It is thritter hereby ordered that they will go through computery training, so as jo the request real to develop their professionalism being a face 20litical Azent Khar/ ا ، ريلان ¢! Deputy Commandant Bujaur Levies. 1.8 (K) A44 5 Dated Khar the 12-07-2016. Hig hopourable kegistrar, Sup. and Court of Pakistan, for information 3:5 The Sedelary SAPROFF Division, Islamabud. The Registran Lederal Service Tribunal Islamabau. Ľ, 4.5 the Sela any Demission of Interior, Department. Perhawar The Sebulary Law & Order, TATA Secretariat, Peshawar 6' The Ediministioner Malakand Division at Saidu Sharif Swut. 50 For biforniation please. 7. TF_{1}^{1} whithy Palitical Agent/ Commandant Balaur Levice for information and with remark that though the process of inquity has been completed, however, ₽4) undistrigation in respect of the remaining performation will be whinthed shop after 101 a releiptic' cleanner from the Security Agencies. • Adit: Political Agent, Newagai for Information. 17 20 Are levelones Officer, Bajaur for information and necessary action. 10. SH a 1 at Eduics for information and necessary action. Person tel concerned for hito mulion and compliance in *1 ne diatety 71 ثتو ikicai Agent Khar/ . Asitte Commandant Bajaur Levies. Deputy ATCSTED

DECISION ON THE REPRESENTATION DATED 28/0 x2016 OF SAID HABIB JAN R.NO 4322 SEEDY BAJAUR LEVIES KHAR.

ORDER

Dated of personnel hearing

Date of Order.

24/02/2017

<u>21 /02/2017</u>

-40-ANNE E

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 altended this office on <u>21 /02/2017</u>, he was questioned to explain his <u>08</u> Days, <u>04</u> Months and <u>08 years</u> 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 FATA 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 parased. The services of the levies personnel is governed by fevies 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.

ACENT/

COMMANDANT BAJAUR LEVIES

Said Habib Jan Sepoy Regt:No.4322 Address

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Order Sheet

IN THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD

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

Tila Muhammad and others ٧s.

Ministry of States and Frontier Regions (SAFRON) etc.

26-4-2015

25.04.2017 DEFORE: 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.

Augus

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

> D. No. 11874 Dated 0 6 DEC

Subject:-ORDER PASSED IN APPEAL NO. 87 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 1032, 1035 to 1038, 1042 to 1044, 1088, 1349 to 1351(P)CS-2018, 781(P)CS-2017, 742 to 744, 1441(P)CS-2018, 527, 546(P)CS-2016, 857, 858, 974 377(P)CS-2019. to 976, 980, 1409 to 1412, 1431, 1503(P)CS-2018, 877 to 880(P)CS-2017, 263.91. <u>178, 252, 344, </u> 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, 935, 936, 937, 934, 938/17 & 2118/18 IN APPEAL NO.1106, 1116(P)CS-17, 591(P)CS-1017. 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 RÉGISTRAR

To,

- Mr. Sher Gulab Khan S/o Bacha Syed, R/o Shandai Morh, Shandai, P.O. Khar, Tehsil Khar, District Bajaur. 1.
- Mr. Najeeb Ullah S/o Shina, R/o Bara Laghary, P.O. Tarkho, Tehsil Mamund, District Bajaur, Khyber 2. 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 Painda Khan, R/o Pashat, P.O. Khar, Tehsil Salarazai, District Bajaur Agency. Mr. Saur Khan S/o Chamni Khan, R/o Mano Dherai, P.O. Gharday Tehsil Utman Khel, District Bajaur, Khyber 7. Pakhtunkhwa.
- Mr. Jamal ud Din S/o Munawar, R/o Odigram, P.O Raghgan, Tehsil Salar Zai, District Bajaur, Khyber 8. Pakhtunkhwa.
- 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.
- 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.



20. Abdul Hadi s/o Muhammad Hassan, Ex-Sepoy R.No.4497, Bajaur Levies r/o Tarkho P.O. Khar Tehsil Barang, Bajaur Agency.

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- Shoukatullah s/o Musafar Ex-Sepoy R. No.5821 Bajaur Levies R/o Kat Kot P.O. Tarkho, Bajaur Agency. 21.
- 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
- Mr. Gul Zada S/o Pachay, R/o Hayat e Skandaro, P.O. Karoee, 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, Yousuf 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 Bajawar Agency.
- 46. Mr. Muhammad Shah S/o Noor Zamin, R/o Ghar Shamozai 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.



- 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 Utemankhel, 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, Tahsil 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 Nowhserwan 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. Raghgan, Tehsil Salarazai, 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, Bajur 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. Najeeb 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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TESTED

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.

Judgement Sheet IN THE FEDERAL SERVICE TRIBUNAL, ISLAMABAD

: <u>Raja Hasan Abbas, Member</u> S. No. Appeals No. Appellants							
0.110.	whheats 140.	Appellants	Date of				
1.	87(P)CS/2019	Mr. Sher Gulab, Ex-Sepoy, S/o Bacha Syed,	Institution				
		R/o Shandai Morh, Shandai, P.O. Khar,	18.01.2019				
		Tehsil Khar, District Bajaur					
2.	88(P)CS/2019	Najeeb Ullah, Ex-Sepoy, S/o Shina R/o	18 01 2010				
	· · ·	Bara Laghary, P.O. Tarkho, Tehsil					
		Mamund, District Bajaur	1				
3.	89(P)CS/2019	Saleem, Ex-Sepoy, S/o Saeed ur Rehman	18.01.2019				
	1	K/o Meena Mamund P.o. Tarkho. Tehsil					
4.	1119(1) 00/00/5	Mamond, District Bajaur Agency					
4.	1118(P)CS/2017	Bacha Muhammad, Ex-Sepoy S/o Gul	18.10.2017				
	•	Muhammad, R/o Gang, P.O. Khar, Tehsil					
5.	1221/00/00/2017	Khar, District Bajaur Agency.					
	1221(P)CS/2017	Muhammad Yar, Ex-Sepoy, R/o P.O.	06.12.2017				
		Raghagan, Odigerum, Salarzai, District	· .				
6.	862(P)CS/2018	Bajaur Agency.					
	002(1)00/2010	Shireen, Havaldar, S/o Painda Khan R/o Pashat P.O. Khan Tahail Sala	15.05.2018				
		Pashat P.O. Khar, Tehsil Salarzai, District Bajaur Agency.					
7.	85(P)CS/2019	Saur Khan, Ex-Sepoy, S/o Chamni Khan,	10.01.001				
		R/o Mano Dherai, P.O. Gharday Tehsil	18.01.2019				
		Utman Khel, District Bajaur Agency.	ŕ				
3.	86(P)CS/2019	Jamal ud Din, Ex-Sepoy, S/o Manawar, R/o	18.01.2019				
ļ		Odigram, P.O. Raghgan, Tehsil Salarzai	10.01.2019				
		District Bajaur Agency.					
•	93(P)CS/2019	Ummer Rehman S/o Wali Muhammad,	07.02.2019				
		Ex-Khasadar, R/o Lagha Post Office					
		Annayat Kalay, Tehsil Memond, District	· · ·				
0.	94(P)CS/2019	Bajaur Agency.					
·.	J-(1)C3/2019	Mudeer Khan S/o Muhammad Noor, Ex-	07.02.2019				
		Sepoy R/o Lagha Post Office Annayat					
		Kalay, Tehsil Memond, District Bajaur Agency.					
1.	95(P)CS/2019		07.00.00.0				
	-	Abdul Azim Jan, Ex-Khasadar, Reg # 3700, Bajour Levies	07.02.2019				
2.	264(P)CS/2019	Hayyat Khan S/o Mian Gul Jan Ex-	21.02.2010				
]		Khasadar, R/o Gaga Post Office Teshil	21.03.2019				
		Mamond, District Bajaur Agency					
3.	1008(P)CS/2018	Baz Muhammad, Ex-Senov, S/o Sher	08.06.2018				
		Munammad R/o Tarkho, P.O. Khar Tehsil	-0.00.2010				
4.	1010(P)CS/2018	Barang, District Bajaur Agency.	ļ				
"	1010(F)C3/2018	Muhammad Khan, Ex-Sepoy, S/o	08.06.2018				
		Wunanmad Ahaz, R/o Tarkho PO Khar					
.	i	Tehsil Barang, Ex-Sepoy, District Bajaur Agency.District Bajaur Agency.					
5.	1011(P)CS/2018						
		Fos Khan, Ex-Sepoy, S/o Ahwan, R/o Kat Kot P.O. Tarkho Tehsil Barang, District	08.06.2018				
		Bajaur Agency.	ļ				
5. 1	019(P)CS/2018	Abdul Rehman, Ex-Sepoy, S/o Nadir Khan	08.06.0010				
		R/o Bati Khar, District Bajaur Agency.	08.06.2018				
7.	022(P)CS/2018	Muhammad, Ex-Senov, S/o Murad Gul P/o	08.06.2018				
	ĺ	Tarkno P.O. Khar, Tehsil Barang, District	00.00.2018				
L		Bajaur Agency.					

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18.	1023(P)CS/2018	Wazir Khan, Ex-Sepoy, S/o Khial Gul, R/o	08.06.2018
		Tarkho P.O. Khar, Tehsil Barang, District	
		Bajaur Agency.	
19.	1024(P)C\$/2018	Faiz Khan, Ex-Sepoy, S/o Shehzada R/o	08.06.2018
٠		Mandal Tehsil Khar, District Bajaur	
		Agency.	
20.	1025(P)CS/2018	Abdul Hadi, Ex-Sepoy, S/o Muhammad	08.06.2018
		Hassan, R/o Tarkho, P.o. Khar, Tehsil	
		Barang, District Bajaur Agency.	
21.	1026(P)CS/2018	Shoukatullah, Ex-Sepoy, S/o Musafar R/o	08.06.2018
		Kat Kot, P.O. Tarkho, District Bajaur	
		Agency.	{
22.	1028(P)CS/2018	Sultan Muhammad, Ex-Sepoy, S/o Abdul	08.06.2018
		Ameen, R/o Khar, Tehsil Salarzai, District	
		Bajaur Agency.	
23.	1030(P)CS/2018	Sardar Alam, Ex-Sepoy, S/o Muhammad	08.06.2018
		Alam, R/o Tarkho, P.O. Khar, Tehsil Khar,	
		District Bajaur Agency.	
24.	1031(P)CS/2018	Noor Sim, Ex-Sepoy, S/o Saz Noor, R/o	08.06.2018
		Tarkho, P.O. Khar, Tehsil Barang, District	
		Bajaur Agency.	
25.	1032(P)CS/2018	Waheed Ullah, Ex-Sepoy, S/o Lal Khan,	08.06.2018
		R/o Tarkho, P.O. Khar, Tehsil Barang,	
		District Bajaur Agency.	
26.	1033(P)CS/2018	Qadir Khan, Ex-Sepoy, S/o Hazrat Gul R/o	08.06.2018
		Tarkho P.O. Khar, Tehsil Barang, District	
		Bajaur Agency.	
27.	1035(P)CS/2018	Niaz Muhammad, Ex-Sepoy, S/o Taj	08.06.2018
		Muhammad Said, R/o Tarkho P.O. Khar,	
		Tehsil Barang, District Bajaur Agency.	
28.	1036(P)CS/2018	Gul Bar Gul, Ex-Sepoy, S/o Alam Khail	08.06.2018
	1000(1)00/2010	R/o Tarkho, P.O. Khar Tehsil Barang,	00.00.2010
		District Bajaur Agency.	
29.	1037(P)CS/2018	Naeem Ex-Sepoy, S/o Behram Khan R/o	08.06.2018
····	1057(1)00/2010	Dabar Barsadin, P.O. Pasht Salarzai,	00.00.2010
		District Bajaur Agency.	
30.	1038(P)CS/2018	Asmad Yar, Ex-Sepoy, S/o Syed Akbar	08.06.2018
	1000(1)00/2010	Khan, R/o Tarkho P.O. Khar, Tehsil	00.00.2018
		Barang, District Bajaur Agency.	
31.	1042(P)CS/2018	Noor Muhammad, Ex-Sepoy, S/o Niaz	08.06.2018
		Muhammad, R/o Tarkho, P.O. Khar, Tehsil	00.00.2018
		Barang, District Bajaur Agency.	
32.	1043(P)CS/2018	Naseeb Shah, Ex-Sepoy, S/o Gul Said, R/o	08.06.2018
		Tarkho, P.O. Khar Tehsil Barang, District	00.00.2018
		Bajaur Agency.	
33.	1044(P)CS/2018	Anwar Ex-Sepoy, S/o Chaman R/o Tarkho,	09.06.0010
	1077(7)03/2010		08.06.2018
		P.O. Khar, Tehsil Barang, District Bajaur Agency.	
34.	1088(P)CS/2018		10.07.0010
	1000(5)03/2018	Fazal Ameen, Ex-Sepoy, S/o Musharaf, R/o	10.07.2018
	ľ	Sadiq Abad Paktak, P.O. Khar, District	
5	1240(0)00/0010	Bajaur Agency	
35.	1349(P)CS/2018	Siraj ud Din, Ex-Sepoy, s/o Malak Toor	16.08.2018
		Khan R/o P.O. Khar, Tehsil Salarzai,	
		District Bajaur Agency	
36.	1350(P)CS/2018	Muhammad Zada, Ex-Sepoy, S/o Lajbar,	16.08.2018
		R/o Kher Kano, P.O. Khar, Tehsil Salarzai,	
		District Bajaur Agency	
37.	1351(P)CS/2018	Gul Zada, Ex-Sepoy, S/o Pachay, R/o Hayat	16.08.2018
38.	L		
	377(P)CS/2019	e Skandaro, P. O Karoee, Tehsil Utmankhel, District Bajaur Agency Nisar Khan Ex-Sepoy, S/o Nadir Khan R/o	23.04.201

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		Mano Dheri, P.O. Gardai, Tehsil Utman	
•		Khel, merged District Bajaur Agency	(()
39.	781(P)CS/2017	Abdullah Jan, Naib Subedar, R/o Reedo	
	with MP	Shah Gai, Yusuf Abad, P.O. Khar, Raado	
		Shah Ghai, Tehsil Khar, District Bajaur Agency	
40.	742(P)CS/2018	Abdullah Jan, Ex-Naib Subedar, S/o	18.04.2018
- 10 .	1,42(1)00/2010	Bakhtiar, Reedo Shah Gai, Yusuf Abad,	10.04.2018
		P.O. Khar Raado Shah Ghai, Tehsil Khar,	
•		District Bajaur Agency	
41.	743(P)CS/2018	Munasib Khan, Ex-Naib Subedar, R/o Mir	18.04.2018
		Afzal Labour Colony C/o Asar Khan S/o	· ·
		Mashoq Khan Qarter No. 10, District	
		Mardan	
42.	744(P)CS/2018	Jan Alam, Ex-Naib Subedar, R/o Mir Afzal	18.04.2018
		Labour Colony C/o Asar Khan S/o Mashoq	
40		Khan Qarter No. 10, District Mardan	
43.	1441(P)CS/2018	Rehmat Gul, Ex-Subedar Major, S/o	19.10.2018
		Hameed Gul R/o P/o Khar Shah Narai,	
44.	527(P)CS/2016	Tehsil Khar District Bajaur Agency	11.09.2016
44.	J27(F)C3/2010	Naeem Khan, Ex-Sepoy, S/o Akbar Khan R/o Muharram Ghundai, P.O. Khar, Tehsil	11.08.2016
		Khar, District Bajaur Agency	
45.	546(P)CS/2016	Mohammad Younas, Ex-Sepoy, R/o	26.08.2016
		Mohallah Eid Gah, Tehsil Khar, District	
		Bajaur Agency	
46.	857(P)CS/2018	Muhammad Shah, Ex-Sepoy, S/o Noor	11.05.2018
		Zamin, R/o Ghar Shamozai Barkalay, P.o	
•		Qalangai Sher Batai, Tehsil Barang, District	1
		Bajaur Agency	
47.	858(P)CS/2018	Saeed Gul, Ex-Sepoy S/o Ajab Gul, R/o	11.05.2018
		Sher Batai, P.O. Qalangai, Tehsil Barang,	
48.	074(D)00(2018	District Bajaur Agency	
40.	974(P)CS/2018	Muhammad, Ex-Sepoy, S/o Itbar Gul, R/o	25.05.2018
		Tarkho, P.O. Khar, Tehsil Barang, District Bajaur Agency	1
49.	975(P)CS/2018	Abdul Haq, Ex-Sepoy, S/o Rofat KhanR/o	25.05.2018
		Muslim Bagh, P.O. Inayat Kalay, District	23.03.2010
	1	Bajaur Agency.	
50.	976(P)CS/2018	Waheed Ullah, Ex-Sepoy, S/o Gul Nazir,	25.05.2018
		R/o Shah Saray P. O. Pashat Salarzai,	
		District Bajaur Agency.	
51.	980(P)CS/2018	Muhammad Jamshed, Ex-Sepoy, S/o	25.05.2018
		Muhammad Shah, R/o Garodi, P.O. Gazafi,	
52.	1409(P)CS/2018	District Bajaur Agency.	
32.	1409(F)C3/2018	M. Farooq, Ex-Sepoy, R/o ladaee Tarkho, Tehsil Mamond District Pairs A	28.09.2018
53.	1410(P)CS/2018	Tehsil Mamond, District Bajour Agency Shah Hussain, Ex-Sepoy, Reg # 5155,	20.00.0010
		District Bajour Agency	28.09.2018
54.	1411(P)CS/2018	Ikram S/o Syed Ahmad, Ex-Sepoy, R/o	28.09.2018
		Ladaee Tarkho, Tehsil Mamond District	20.09.2010
		Bajour Agency	
55.	1412(P)CS/2018	Abdullah Ex-Sepoy, R/o Village Shanki,	28.09.2018
		Tehsil Khar, District Bajour Agency	
56.	1431(P)CS/2018	Shahzad ur Rehman, Ex-Assistant/Reader,	09.10.2018
		S/o Haji Rehmat Karim R/o Moh. Kass,	
67	1602/00000000	P.O. Dir, Dit Town, Tehsil Dir, Upper Dir.	
57.	1503(P)CS/2018	Laiq Rehman, Ex-Levy Sepoy, R/o Village	14.11.2018
58.	877(P)CS/2017	Kot Tehsil Batkhela District Malakand	
		Feroz S/o Muhammad Shah, Ex-Sepoy R/o	21.06.2017
	1.	Hilal Khail Charmang, Tehsil Nawagai,	

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		Bajaur Agency.		ľ / /
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	-49
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		

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74.	MP No.320/2018	Nasirkhan S/o Fateh Mul KhanR/o Village	16.02.2018
	1106(P)CS/2017	Qazafi, Bandagai Marano Sha, Tehsil	
		Utmankhel, District Bajaur Agency	
75.	MP No.321/2018	Nawab Zada S/o Nadir Khan R/o Shiinkay	16.02.2018
	1116(P)CS/2017	Utmankhel, Tehsil Utankhel, District Bajaur	
		Agency	
76.	MP No.2488/2018	Ismail S/o Imtiaz Jan, Ex-Sepoy, R/o Badi	28.12.2018
	591(P)CS/2015	Samar P.O. Inayat Kaly, District Bajaur	
	· ·	Agency	
77.	<u>MP No.2487/2018</u>	Fazal Malik Ex-Sepoy S/o Ghulam Rabani,	28.12.2018
	38(P)CS/2016	R/o Kaga Landi, Tehsil Mamond District	_
		Bajaur Agency	
78.	MP No.2098/2018	Hameed Ullah S/o Muzammil Khan Ex-	13.11.2018
	19(P)CS/2014	Sepoy, R/o Alizo Dag, Tehsil Khar, District	_
		Bajaur Agency	
<u>79.</u>	<u>MP No.2099/2018</u>	Muhabat Khan, Ex-Sepoy, S/o Rehmat	14.11.20187

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	348(P)CS/2014	Khan R/o Qillah Ali Jan Tehsil Khar, District Bajaur Agency	
80.	MP No.342/2018	Fazal i Wahid r/o Khar, Tehsil Nawagai,	21.02.2018
	1117(P)CS/2017	District Bajaur Agency	21.02.2010
81.	MP No.343/2018 1119(P)CS/2017	Bacha Reahim S/o Abdul Saeed R/o Madil Dianga, P.O. Khar, District Bajaur Agency	21.02.2018
82.	MP No.344/2018	Mansoor Ahmed S/o Said Muneer R/o	21.02.2018
02.	1120(P)CS/2017	Barani Kandaro P.O. Khar Tehsil Khar, District Bajaur Agency	21.02.2018
83.	MP_No.345/2018	Nisar Khan S/o Khan Bachai R/o Salarzai,	21.02.2018
.دە	1121(P)CS/2017	Koi, P.O. Raghan Tehsil Khar, District Bajaur Agency	21.02.2018
84.	MP No.346/2018	Bacha Rehman s/o Muhammad Yousaf R/o	21.02.2018
04.	1122(P)CS/2017	Mandal Dianga, P.O Khar, Tehsil Khar, District Bajaur Agency	21.02.2018
85.	MP No.347/2018	Amin Ullah S/o Din Muhammad R/o	21.02.2018
05.	1123(P)CS/2017	Momand, Tehsil Salarzai District Bajaur Agency	21.02.2016
86.	MP No.348/2018	Gulab Khan S/o RAzi Khan, R/o Village	21.02.2018
	1125(P)CS/2017	Bajigrm, Tehsil Salarzai, District Bajaur Agency	21.02.2016
87.	MP No.349/2018	Alif Khan S/o Sharif Khan R/o Village Siya	21.02.2018
	1126(P)CS/2017	Baran, Tehsil Barang, District Bajaur Agency	
88.	MP No.350/2018	Yar Muhammad S/o Ali Muhammad R/o	21.02.2018
	1127(P)CS/2017	Village Haryan Kot, Tehsil Barang, District Bajaur Agency	
89.	MP No.351/2018 1128(P)CS/2017	Faiz Ullah S/o Zubair Khan R/o Village Khar, Tehsil Khar, District Bajaur Agency	21.02.2018
90.	MP No.352/2018	Amir Badshah S/o Shah Zad Mir, R/o	21.02.2018
	1129(P)CS/2017	Village Takht Barang, Tehsil Khar, District Bajaur Agency	
91.	MP No.353/2018	Abdul Hakim S/o Ahmed Jan R/o Village	21.02.2018
	1130(P)CS/2017	Mano Dherai, Tehsil Utmankhel, District Bajaur Agency	21.02.2010
92.	MP No.354/2018	Muhammad Zada S/o Ali Muhammad R/o	21.02.2018
	1131(P)CS/2017	Village Shinko, Tehsil Utmankhel, District Bajaur Agency	21.02.2016
93.	MP No.355/2018	Ahmad Yousaf S/o Abdul Wakeel Khan R/o	21.02.2018
_	1132(P)CS/2017	P.O. Khar, Tehsil Khar, District Bajaur Agency	21.02.2016
94.	MP No.356/2018 1133(P)CS/2017	Rizwan Ullah S/o Gul Nabi, R/o Ali Zo Dag, Tehsil Khar, District Bajaur Agency	21.02.2018
95.	MP No.357/2018	Abdul Wakeel S/o Sultan Muhammad R/o	21.02.2018
	1134(P)CS/2017	Ali Zo, P.O. & Tehsil Khar, District Bajaur Agency	21.02.2018
96.	MP No.358/2018	Israr Khan S/o Nowsherwan R/o Shenky,	21.02.2018
-	1135(P)CS/2017	Ali Zai, Tehsil Khar, District Bajaur Agency	~1.VZ.&V10
97.	MP No.359/2018	Asmat Khan S/o Bakht Zareen R/o Sara	21.02.2018
	1136(P)CS/2017	Cheena Tehsil Kharn, District Bajaur Agency	
98.	MP No.2144/2016	Shoaib S/o Gulab Karim, Ex-Sepoy, R/o	04.11.2016
	340(P)CS/2014	Kot kay Tehsil Salarzai, District Bajaur Agency	
99.	MP No.352/2017	Ghulam Qadir S/o Kalam Khan, Ex-Sepoy,	10.02.2017
	211(P)CS/2014	R/o Atkay P.O. Raghgan, Tehsil Salarzai, District Bajaur Agency	
100.	MP No.353/2017	Anwar Zeb S/o Said Karim, Ex-Sepoy, R/o	17.11.2014
	301(P)CS/2014	Qamar Dag, Tehsil Khar, District Bajaur Agency	

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101.	<u>MP No.354/2017</u> 312(P)CS/2014	Sahib Zada S/o Madali Jan, Ex-Sepoy, R/o Islam Dahri, Utman Khil, District Bajaur Agency	10.02.2017
102.	MP No.1017/2017 584(P)CS/2015	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> 635(P)CS/2015	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> 10(P)CS/2016	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> 14(P)CS/2016	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> 24(P)CS/2016	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> 27(P)CS/2016	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> 27(P)CS/2014	Nawab Khan S/o Gul Qayum Ex-Sepoy, R/o Nogay Tehsil Khar, District Bajaur Agency	19.11.2018

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109. RP No.78/2019 711(P)CS/2017 Asghar Khan, Sepoy, Tehsil Khar, District 19.06.2019 110. RP No.84/2019 720(P)CS/2017 Umer Ayub, Sepoy, Tehsil Khar, District 28.06.2019 111. RP No.85/2019 721(P)CS/2017 Imran, Sepoy, Tehsil Khar, District 28.06.2019 111. RP No.85/2019 722(P)CS/2017 Imran, Sepoy, Tehsil Khar, District 28.06.2019 112. RP No.86/2019 722(P)CS/2017 Nowshad, Sepoy, Tehsil Khar, District 28.06.2019 113. RP No.87/2019 723(P)CS/2017 Noor Zada, Sepoy, Tehsil Chum, Khar, 28.06.2019 28.06.2019 114. RP No.88/2019 724(P)CS/2017 Obstrict Bajaour Agency. 28.06.2019 115. RP No.88/2019 724(P)CS/2017 Najeeb Ullah, P.O. Sepoy Annayat Kalay, 28.06.2019 28.06.2019 116. RP No.90/2019 Shams ur Rehman, Sepoy Annayat Kalay, 28.06.2019 28.06.2019 28.06.2019 117. RP No.91/2019 Saeed Habib Jan, R. No. 4322, Sepoy, 28.06.2019 28.06.2019 28.06.2019 118. RP No.92/2019 Abdullah R. No. 3413, Sepoy, Bajaur 28.06.2019 28.06.2019 28.06.2019 28.06.2019 120. RP No.94/2019 <td< th=""><th></th><th></th><th>•</th><th></th><th></th></td<>			•		
110. RP No.84/2019 720(P)CS/2017 Umer Ayub, Sepoy, Tehsil Khar, District Bajaour Agency. 28.06.2019 111. RP No.85/2019 721(P)CS/2017 Imran, Sepoy, Tehsil Khar, District Bajaour Agency. 28.06.2019 112. RP No.86/2019 722(P)CS/2017 Nowshad, Sepoy, Tehsil Khar, District Bajaour Agency. 28.06.2019 113. RP No.86/2019 723(P)CS/2017 Noor Zada, Sepoy, Tehsil Chum, Khar, 723(P)CS/2017 28.06.2019 114. RP No.88/2019 724(P)CS/2017 Ghulam Younis, Sepoy, Sadiqabad, Tehsil 28.06.2019 115. RP No.89/2019 725(P)CS/2017 Katkoot Tehsil Momand, Bajour Agency. 28.06.2019 116. RP No.99/2019 725(P)CS/2017 Shams ur Rehman, Sepoy Annayat Kalay, 726(P)CS/2017 28.06.2019 117. RP No.91/2019 760(P)CS/2017 Saeed Habib Jan, R. No. 4322, Sepoy, 760(P)CS/2017 28.06.2019 118. RP No.92/2019 761(P)CS/2017 Abdullah R. No. 3413, Sepoy, Bajaur 761(P)CS/2017 28.06.2019 120. RP No.93/2019 762(P)CS/2017 Mozamin, R. No. 4384, Sepoy, Bajaur 763(P)CS/2017 28.06.2019 121. RP No.94/2019 764(P)CS/2017 Iwis, Bajaour Agency Khar 28.06.2019 122. RP No.95/2019 Imran, R.	109.		Asghar Khan, Sepoy, Tehsil Khar, District	19.06.2019	٦
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87(P)CS/2019 & others

125.	RP No.99/2019 776(P)CS/2017	Tilla Muhammad, R. No. 4508, Sepoy, Bajaur levies, Bajaour Agency Khar	28.06.2019
126.	<u>RP No.100/2019</u> 777(P)CS/2017	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> 778(P)CS/2017	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.
- The Political Agent/Commandant/Deputy Commissioner Bajaur Levies, District Bajaur at Khar.
 Mr. Fareed Illiah Subedar Major (BS 16) Multipleter
- Mr. Fareed Uilah, Subedar Major (BS-16), Malakand Levies at Malakand.
 Mr. Muhammad Hussain N/Subadan Ban Malakand

Mr. Muhammad Hussain, N/Subedar, Reg. No.3164, posted in the office of Political agent/commandant/Deputy Commissioner, Bajaur Levies, District Bajaur at Khar.

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.

Registrar Federal Service Tribunal Islamabad

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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 25th 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 24th 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 25th Constitutional Amendment, the erstwhile PATA and FATA have been merged into the province of Khyber Pakhtunkhwa. Furthermore, on 12th 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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Registrar Federal Service Tribunal Islamabad Another Memorandum from M/o SAFRON dated 18th 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 12th 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 25th 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 25th 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

Régistrar ederal Service Tribunal Islamabad



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.

Federal Service Tribunal Islamabad

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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

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 3010.2017 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 101/2019

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Appeal No.711, 720 to 726, 760 to 764, 766 to 768, 776 to 778(P)CS/2017

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 25th 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 implement#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.

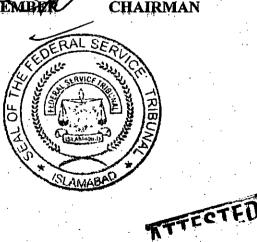
15.

No order as to costs. Parties will be informed.

Gulzar 04.12.2019

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Islamabad





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

No.CS(F)/L&K/4-Levy/Appeal/ 2.558-80

ANN&-H.

Dated:03.11.2020

TTFST

ORDER,

Appeal No 711(P)CS/2017, Review Petition No: 78/2019 Asghar Vs SAFRON. 1. Appeal No 720(P)CS/2017, Review Petition No: 84/2019 Umer Ayub Va SAFRON. 2. 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, Appeal No 723(P)CS/2017, Review Petition No: 87/2019 Noorzada Vs SAFRON, ¥^{5.} Appeal No 724(P)CS/2017, Review Petition No: 88/2019 Ghulam YounasVs SAFRON, 6. Appeal No 725(P)CS/2017, Review Polition No: 89/2019 Najeebullahr Vs SAFRON, 7. Appeal No 726(P)CS/2017, Review Petition No: 90/2019 Shamur Rehman Vs SAFRON, 8. Appeal No 760(P)CS/2017, Review Pelition No: 91/2019 Said Habib Jan Vs SAFRON, 9. 10. Appeal No 761(P)CS/2017, Review Petition No: 92/2019 Abdullahr Vs SAFRON, 11. Appeal No 762(P)CS/2017, Review Petilion 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, x14. AppealNo766(P)CS/2017, ReviewPelitionNo:96/2019I/JuhammadAyub 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 Imranuliah Vs SAFRON, 17. Appeal No 776(P)CS/2017. Review Petition No: 99/2019 Tile Muhammad Vs SAFRON, 18. Appeal No 777(P)CS/2017, Review Petition No: 100/2019 Adoul Rahim Vs SAFRON 19. Appeal No 778(P)CS/2017, Review Pelition No: 101/2019 Ronul Amin Vs SAFRON.

 Whereas, the above captioned appeals along with Miscellaneous Petitions having identical question of Law and facts have been clubbed together.
 And whereas Appeals 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 abscoriding/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.

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.

Deputy Secretary (Judicial), Home & TAs Department, Khyber Pakhtunkhwa

Section Officer (Levy & Khassadars)



بعدالت کے بیتے <u>* 202</u> منجاب /سرار مُس ب**تام** تودمي مورخه مقدمه دعونى 7. باعث تحرمرآ نكه مقدمه مندرجة عنوان بالامين ابني طرف سے داسطے بيردي وجواب دہي دکل کا رواکي متعلقه أن مقام سيند وفي الميليخ في خلاد دوان ، ١ بين الوت مقرد کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ، وگا۔ نیز و میل صاحب کورامنی نامه کرنے وتقرر دثالت ہ فیصلہ برحلف دیتے جواب دہی ادرا قبال دعوی ادر بسورت د گری کرنے اجراءادرصولی چیک درو پیدار عرضی دعوی ادر درخواست ہر شم کی تصدیق زرایں پرد ستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈ گری کیطرفہ یا ایل کی برابدگ ادرمنسوخی نیز دائر کرنے اپیل نگرانی دنظر ثانی د پیروی کرنے کا اختیار ہوگا۔از بصورت ضرورت مقدمہ مذکور کے کل پاجزوی کاروائی کے داسطےاور دکیل پامخنار قانونی کواپیز ہمراہ پااپیز بجائے تقرر کا اختیار موگا _اورمیا حب مقرر شده کونهمی و به جمله مذکور ، با اختیارات حاصل مول مے اوراس کا ساختہ مرواختد منظور قبول موگا۔ دوران مقدمہ میں جوخرچہ دہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہویا حدے باہر ہوتو وکیل صاحب پابند ہوں گے۔ کہ بیردی الكوركري _ لېدادكالت نامدكى ديا كەسندر ، -ار دسر المرتوم --·20______ واه تركما حور کے لئے منظور ہے۔ بمقام In fer