


10.01.2023

Junior to counsel for the appellant present. Mr. Muhammad

Riaz Khan Paindakhel, Assistant Advocate General alongwith Javed

Shah Focal Person for the respondents present.

Learned Member Executive (Miss Fareeha Paul) left the court at 11.00 A.M in order to attend a meeting in the Law Department, Government of Khyber Pakhtunkhwa, therefore, this case is adjourned to 07.04.2023 for arguments before the D.B.



(Rozina Rehman)  
Member(J)

19.07.2022


Proper Bench is not available, therefore, case is adjourned to 07.09.2022 for the same as before.


  
Reader

7<sup>th</sup> Sept. 2022

Counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last opportunity granted for arguments. To come up for arguments on 15.11.2022 before the D.B

  
(Fareeha Paul)  
Member(Executive)

  
(Kalim Arshad Khan)  
Chairman

15<sup>th</sup> Nov. 2022 Counsel for the appellant present.

Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the parties requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 10.01.2023 before the D.B. v

(FAREEHA PAUL)  
Member(E)

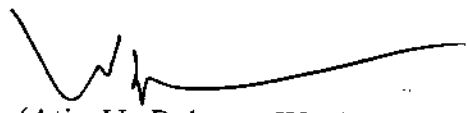
  
(ROZINA REHMAN)  
Member (J)

SCANNED  
KPST  
Peshawar

11.01.2022

Nemo for the appellant. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Tariq Umer DSP (Legal) for respondents No. 3 present and submitted reply/comments which is placed on file.

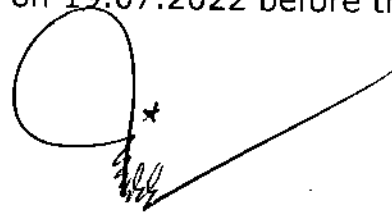
Reply/comments on behalf of respondent No. 1, 2 & 4 are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Another last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 28.04.2022.

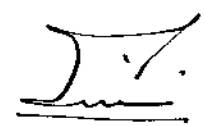
  
(Atiq-Ur-Rehman Wazir)  
Member (E)

28.04.2022

Appellant in person present. Mr. Noor Zaman, District Attorney for the respondents present.

Respondents No. 1, 2 & 4 have failed to submit their written reply/comments even today. Vide pervious order dated 11.01.2022 it was directed that the respondents shall positively submit reply/comments on the next date failing which their right for submission of reply/comments shall be deemed as struck off. The right of submission of written reply/comments of respondents No. 1, 2 & 4 thus stands struck off. To come up for arguments on 19.07.2022 before the D.B.

  
(Mian Muhammad)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

16.09.2021

Mr. Zahanat Ullah, Advocate, for the appellant present. Security and process fees have not been deposited by the appellant, therefore, the appellant is directed to deposit the same within three days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments before the D.B on 12.10.2021.

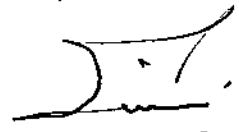
Appellant Deposited  
Security & Process Fee



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

12.10.2021

Appellant present through counsel.



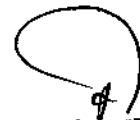
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Reply on behalf of respondents was not submitted. Learned A.A.G made a request for adjournment in order to submit reply/comments. Last opportunity is granted with direction to submit the same within 10 days in office. To come up for arguments on 11.01.2022 before D.B.



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



(Rozina Rehman)  
Member (J)

20.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant states that service appeals involving common questions of law and facts have already been admitted for full hearing in Service Appeals No. 1323/2019 and No. 1406 /2019 and requested that instant appeal may also be clubbed with the same. This appeal is admitted for full hearing subject to all just and legal objections, including that of limitation to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 16.09.2021 before the D.B and clubbed with the aforementioned service appeals.

SCANNED  
KPST  
Peshawar



  
Chairman

Form- A

# FORM OF ORDER SHEET

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

Case No. - \_\_\_\_\_ /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/06/2021	<p>The appeal of Mr. Ashiq Hussain resubmitted today by Mr. Zahanatullah Advocate, may be entered in the institution Register and put up to the Worthy Chairman for proper order please</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/8/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Ashiq Hussain s/o Qadam Ali Ex-employee of Federal Levy Force Kurram Agency received today i.e. on 15.06.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal in respect of appellant mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 2- Its reveal from the prayer of appeal that the instant appeal is filed against the order of recovery dated 09.02.2015 but in para-7 of the appeal the counsel of the appellant stated that the appellant and his other colleagues moved several joint applications/departmental appeals regarding his seniority, there is contradiction between the prayers and facts of appeal the same may be rectified.

No. 1016 /S.T.

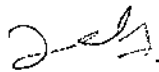
Dt. 17/06/2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Zahanatullah Adv.Pesh.

- 1- copy of departmental appeal is placed on file.
- 2- A separate appeal has been filed by the petitioner for his seniority and the present appeal in para no.7 just a reference has been given regarding seniority.

objections removed and re-submitted to day



30/6/2021.

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

Appeal No. 6644 /2021

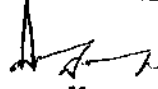
Ashiq Hussain .....(Appellant)

**V E R S U S**

Provincial Government through Chief Secretary, Civil  
Secretariat Peshawar, KPK and others.....(Respondents)

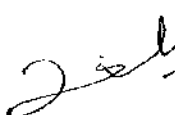
**INDEX**

S.No	Description of Documents	Annex	Pages
1.	Appeal		1-7
2.	Affidavit		8-88
3.	Copy of circular dated 09/12/2015	A	9-22
4.	Copy of writ petition and order	B	23-38
5.	Copies of the departmental appeals	C	39-41
6.	Copy of the comments filed by the respondents	D	42-65
7.	Copy of the judgment dated 15/01/2019 and order of federal service tribunal	E & F	66-70
8.	Wakalat Nama		71

  
Appellant

Through

Dated: 11/06/2021

  
**Zahanat Ullah**  
Advocate High Court,  
Peshawar.  
Cell No. 0315-0266166

Note = Similar nature cases of the colleagues of the applicant is filed before this Honorable Tribunal for 5/7/2021.



(1)

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

Appeal. No. \_\_\_\_\_/2021

Ashiq Husain S/o Qadam Ali  
Ex-employee of Federal Levy Force, Kurram  
Agency.....(Appellant)

**V E R S U S**

1. Provincial Government through Chief Secretary, Civil Secretariat Peshawar, KPK.
2. Secretary Law and Order FATA, FATA Levy Force, FATA Secretariat, Warsak Road, Peshawar.
3. Inspector General of Police Khyber Pakhtunkhwa, Police Lines Peshawar.
4. Deputy Commissioner Kurram Agency.  
.....(Respondents)

**APPEAL UNDER SECTION 4 OF CIVIL**  
**SERVICE TRIBUNAL ACT 1974.**

**Prayer:**

*On acceptance of this Appeal, the impugned recovery order dated: 09/02/2015 may kindly be set-aside being illegal and the respondents may further be directed to release the pension of the petitioner along with interest.*

**Respectfully Sheweth:**

The Brief facts of the case are:-

1. That the appellant was enlisted as Sepoy/ Solder Clerk in the Office of the Political Agent (Now Deputy Commissioner), Kurram Agency/Respondent No.3.
2. That since his appointment, the appellant has served at different places as Sepoy/ Clerk under the control of respondent No. 3 to the entire satisfaction of their superiors.
3. That in the year 2013 when the law and order situation in the Kurram Agency (Now district Kurram) including other parts of the country were tense due to Talibanization and anti-state elements the appellant performed their duties valiantly and fearlessly.
4. That it is pertinent to mention here that in the Kurram District, the Law and order situation was tense enough and for the said reason the appellant who had attained the age of superannuation was not retired and was directed by the respondents to continue his duties till the appointment of new Sepoy/Clerks, consequently the appellant perform their duties even after reaching the age of superannuation, and were paid for the same as well.

5. That now when the appellant was retired, the than Secretary Law and Order issued letter/ circulation dated 09/12/2015 demanding the appellant to payback the salaries paid to him for the duties he performed with the implied consent of the respondents in the volatile phase of law and order situation. (Copy of circular dated 09/12/2015 is attached as annexure "A").
6. That it is important to mention here that some colleagues of the appellant challenged the said illegal recoveries and their promotions in this Hon'ble Court vide Writ Petition No. 4485-P/2015, which was allowed by this Hon'ble Court and the respondents' were directed not to demand the salaries/ payments paid to the appellant beyond their length of service, moreover, the respondents were further directed given one step promotion/ proforma promotion to all the appellant will all back benefits. (Copy of writ petition and order is attached as annexure "B").
7. That the appellant and his other colleagues moved several joint applications/ departmental appeals regarding his seniority on different occasions but the respondents turn deaf ear to the requests of the

appellant. (Copies of the departmental appeals are attached as annexure "C").

8. That thereafter the petitioner along with his colleagues filed a writ petition No.4311-P/2017 in the Peshawar High Court, Peshawar for the readressal of his grievances, wherein comments were called from the respondents and the same were submitted by them. (Copy of the comments filed by the respondents is attached as annexure "D").
  
9. That on the date of hearing of the above mentioned writ petition, it was observed that the Honorable Peshawar High Court has passed another judgment dated 01/03/2018 in writ petition No.345-P/2017 titled "Gul Munir Vs Govt. of Pakistan through secretary" wherein all the employees of levy force were declared civil servants. Consequently the appellant was directed to approach the Federal service tribunal, so the writ petition of the appellant was sent in original to the Federal Service Tribunal at Islamabad. (Copy of the judgment dated 15/01/2019 is attached as annexure "E").

10. That when the appellant appeared before the Federal Service Tribunal, the Federal Service Tribunal in its order dated 23/05/2019 observed that a notification No.LEGIS1(14)2012-Volume II dated 12/03/2019 whereby the Federal Levy Force regulation 2012 has been repealed through KPK Ordinance No.1 of 2019 according to which the Federal levies and Khasadar force stand provincialized, so the appeal of the appellant was returned for seeking remedy at appropriate forum, hence the present service appeal on the following grounds:

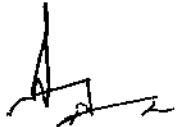
**GROUND:**

- A. That the act of the respondents is against the law, rules and norms of natural justice, hence not tenable in the eyes of law.
- B. That the respondents violated their own rules and promoted Junior Sepoy/Clerks by ignoring and discriminating the appellant, which is clear cut violation of the rules, policy and even against the fundamental rights of the appellant guaranteed by the Constitution of Islamic Republic of Pakistan.

- C. That the demand of arrears in respect of salaries from the appellant for which they have rendered their services/ sacrifices during the bad law and order situation is illegal and against norms of natural justice.
- D. That the act of the respondent No. 3 by not giving back benefits and releasing pension is also illegal and against the law and facts.
- E. That the appellant have not been paid their pensionary benefits since their retirement. Consequently the appellant along with their families are facing huge financial problems. The same pensions need to paid along with the interest to the petitioner.
- F. That the appellant has now been retired but he has been deprived of his pension.
- G. That other colleagues of the petitioner who were on the same footings as that of the appellant moved a writ petition in the Honorable Peshawar High Court, Peshawar wherein the said recovery order was set-aside by the Peshawar High Court and the respondents were directed to release the pension of the petitioners.

- H. That the appellant has been discriminated.
- I. That any other ground specifically not mentioned in this appeal will be argued at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this Appeal, the impugned recovery order dated: 09/02/2015 may kindly be set-aside being illegal and the respondents may further be directed to release the pension of the petitioner along with interest.



Appellant

Through



**Zahanat Ullah**  
Advocate High Court,  
Peshawar.

Dated: 11/06/2021

**CERTIFICATE:**

It is certified by no such like appeal has early been filed by the petitioner in this Hon'ble Court.



**ADVOCATE**

8

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

Appeal. No. \_\_\_\_\_/2021

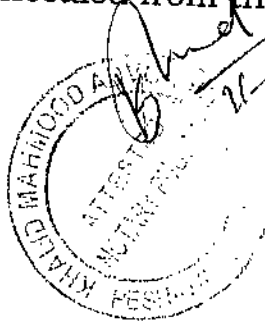
Ashiq Hussain .....(Appellant)

**V E R S U S**

Provincial Government through Chief Secretary, Civil  
Secretariat Peshawar, KPK. and others.....(Respondents)

**AFFIDAVIT**

I, Ashiq Hussain S/o Qadam Ali, Ex-employees of Federal  
Levy Force, Kurram Agency, do hereby solemnly affirm and  
declare on oath that the contents of the **INSTANT APPEAL** are  
true and correct to the best of my knowledge and belief and  
nothing has been concealed from this Hon'ble Court.



**DEPONENT**

CNIC: 21303-8061464-9



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

Appeal No. \_\_\_\_\_/2021

Ashiq Hussain .....(Appellant)

**V E R S U S**

Provincial Government through Chief Secretary, Civil Secretariat  
Peshawar, KPK and others.....(Respondents)

**APPLICATION FOR CONDONATION OF DELAY**

**Respectfully Sheweth:**

1. That the above title appeal has been filed by the appellant and no date of hearing has yet been fixed.
2. That the appellant was employee of Federal Levy Force and his service was governed by the Federal Levies Force regulations, 2012.
3. That initially the appellant has filed a writ petition in the Honorable Peshawar High Court, Peshawar (being a proper forum) in the year 2017 for the redressal of his grievances.
4. That on dated 15/01/2019 wherein the appellant was directed to approach to the Federal Service Tribunal and his writ petition was sent in original to the same.
5. That on dated 23/05/2019, the Federal Service Tribunal directed the appellant to approach the KPK Service Tribunal as the deferral Levies Force Regulations, 2012 has been repealed through Khyber Pakhtunkhwa Ordinance No.1 of 2019 according to which the Federal Levies and Khassadar Forces stand provincialized.

6. That the appellant initially approached to the Honorable Peshawar High Court wherein the case of the similarly placed employees/colleagues of the appellant was decided but later on another judgment was passed in writ petition No.354-P/2017 wherein the Federal Levies Force employees were declared civil servants, so in light of that judgment the appellant was directed to approach the Federal Service Tribunal and thereafter due to merger of FATA, the Federal Levies Force and Khassadar Forces stands provincialized, consequently the appellant was again directed by the Federal Service Tribunal to this Honorable Tribunal. So the delay caused by filing the instant appeal was due to the above mentioned reasons.
7. That due to the COVID-19 pandemic, the appellant was unable to travel and he had no chance to submit his appeal.
8. That the appellant is a poor person and he was unable to meet the expenses of filing of the present appeal.
9. That a precious interest of appellant is involved with the matter concerned and if this Hon'ble Court/Tribunal does not entertain the present appeal, the appellant will suffer irreparable loss.

It is, therefore, most humbly prayed that on acceptance of this application of condonation, the delay, if any, in filing the above noted may kindly be condoned in the interest of justice in the instant appeal.

Through

Appellant

Zahanat Ullah  
Advocate, High Court  
Peshawar

Date: 11/06/2021

9

Ann- J<sup>u</sup>

P-9

OFFICE OF THE  
POLITICAL AGENT, KURRAM,  
No. 1626 /Kurram Levy.  
Dated 09 / 12 / 2015.

(X)

To

The Section Officer, (L & K)  
Levy & Khassadar Section,  
Law & Order Department FATA,  
Secretariat Peshawar.

Subject:-

REDRESSAL OF GRIEVANCES

Memorandum.

Kndiy refer to your letter No. CS (F)/N/4-Levy/Appeal/2837, dated  
19.11.2015

The requisite information on the prescribed Performa is enclosed  
herewith as desired please.

Political Agent, Kurram

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STATEMENT SHOWING THE DETAIL OF RECOVERABLE AMOUNT OF OVERPAYMENT FROM RETIRED KURKUM LEVY PERSONNEL

S No	Name	EN Name	Rank the Date of Retirement	DIIR	Date of Appointment	Date Retirement as per Rules	Date which Expired	Excess Period Served	Last Pay Drawn	Total pay Drawn in excess (7.38)
1	Ali Gul	Dost Ali	Subedar	1961	---	---	31.12.2014	---	---	---
2	Lal Gul	Bad Shah Gul	N/Sub	1962	---	---	31.12.2014	---	---	---
3	Rajab Ali	Gulab Hussain	N/Sub	1959	---	---	31.12.2014	---	---	---
4	Nazir Hussain	Taj Muhammad	N/Sub	1963	---	---	31.12.2014	---	---	---
5	Salwar Ali	Saidar Ali	Havaldar	1959	01.04.1983	01.04.2014	31.12.2014	09 months	IN 259313-75139 IN 270656-162390	237,539
6	Shan Ali	Noor Muhammad	Havaldar	1966	01.03.1983	01.03.2014	31.12.2014	10 months	IN 240514- IN 259966-6-	252,192
7	S. Jawad Hussain	S. Lal Hussain	Havaldar	1968	---	---	31.12.2014	---	---	---
8	S. Adil Hussain	Syed Asghar	Havaldar	1966	01.10.1983	01.10.2014	31.12.2014	03 months	IN 259613-77883	77,883
9	Musa Khan	Mohsin Khan	Havaldar	1964	01.09.1983	01.09.2014	31.12.2014	04 months	IN 258344-100317	103,352
10	Ali Mai Khan	Syed Ghulam	Naik	1966	---	---	31.12.2014	---	---	---
11	Abid Hussein	Ahmad Ali	Naik	1969	---	---	31.12.2014	---	---	---
12	Nabi Hussain	Noor Khan	Naik	1974	---	---	31.12.2014	---	---	---
13	Noor Qamber	Ali Mardan	Naik	1969	---	---	31.12.2014	---	---	---
14	Taj Muhammad	Chahir Khan	Naik	1976	01.01.1984	01.03.2015	31.12.2014	13 months	IN 229267 IN 241105-5 IN 24758-	306,790
15	Sadat Ali	Gul Ali	L/Naik	1973	---	---	31.12.2014	---	---	---
16	Muhamad Hussain	Safat Ali	L/Naik	1969	---	---	31.12.2014	---	---	---
17	Ali Akber	Mir Akber	L/Naik	1969	21.04.1987	21.04.2014	31.12.2014	08 months	IN 210982-43816 IN 237245-116120 IN 25650	1,83,566
18	Hakim Khan	Amir Khan	L/Naik	1969	01.04.1987	01.04.2014	31.12.2014	09 months	IN 219082-65724 IN 232345-116120 IN 25650	2,05,474

ATTESTED

ATTESTED  
BY: [Signature]

	Syed Hussain	Muhammed Hussain	Unsa	1963	01.06.1987	01.08.2014	31.12.2014	17 months	(i) 7790841 - 31908 (ii) 322885 - 116120 (iii) 216830	1,67,632/-
20	Shan Ali	Noor Mulla	Hawalder	1966			31.12.2014			
21	Ghulam Akber	Ali Ghulam	Hawalder	1963	15.01.1982	15.01.2011	31.12.2014	13 months	(i) 349087 - 172186 (ii) 265755 - 132575 (iii) 27065	3,52,176/-
22	Noor Afzal	Hussain Afzal	Hawalder	1959	20.01.1983	20.01.2014	31.12.2014	11 months	(i) 345085 - 122990 (ii) 265755 - 132575 (iii) 27065	2,82,910/-
23	Syed Hanif	Ali Ghulam	Hawalder	5.2.1964	01.01.1983	01.01.2014	31.12.2014	10 months	(i) 2472184 - 98084 (ii) 266985 - 133490 (iii) 27188	2,59,562/-
24	Sulhan Ali	Mardan Ali	Hawalder	1963	01.02.1983	01.02.2014	31.12.2014	11 months	(i) 3401983 - 120095 (ii) 3596185 - 129803 (iii) 26451	2,76,351/-
25	Ghulam Hussein	Ghazi Magan	Hawalder	1958	01.05.1982	01.05.2013	31.12.2014	13 months	(i) 2403887 - 168383 (ii) 2599775 - 129985 (iii) 26487	1,24,837/-
26	Shah Mehmood	Fazal Jan	Hawalder	01.08.1962	01.02.1982	01.02.2013	31.12.2014	13 months	(i) 2459887 - 172186 (ii) 265755 - 132875 (iii) 27065	1,32,136/-
27	Khwajakhal	Sharin	Hawalder	1961	15.05.1982	15.05.2013	31.12.2014	13 months	(i) 2414387 - (ii) 2608585 - (iii) 26575	3,26,001/-
28	Noor Mulla	Sulh Mulla	Hawalder	1959	01.08.1982	01.08.2013	31.12.2014	13 months	(i) 3414387 - 169001 (ii) 2608585 - 130825 (iii) 26575	3,26,001/-
29	Noor Faraz	Syed Sharif	Hawalder	1961	21.04.1982	21.04.2013	31.12.2014	13 months	(i) 2459887 - 172186 (ii) 265755 - 132875 (iii) 27065	3,52,126/-
30	Sharib Khan	Fazal	Hawalder	1961	11.02.1982	11.02.2013	31.12.2014	13 months	(i) 2451387 - 171591 (ii) 2649085 - 132450 (iii) 26980	3,31,021/-
<b>Total</b>										<b>32,84,759</b>

ATTESTED

**ATTESTED  
TO BE TRUE COPY**

21

Sardar Ghulam	Musam Khan	Havaldar	1957	01.03.1982	01.03.2013	31.12.2014	13 months	(i) 2117487 - 171318 (ii) 1598145 - 131809 (iii) 28431	227,570
32	Hawal Hussain	Muhammad Anwar	1964	01.01.1985	01.01.2014	31.12.2014	12 months	(i) 2255667 - 1151316 (ii) 2435665 - 121780 (iii) 21801	2,81,930/-
33	Asghar Hussain	Gulab Hussain	1962	16.03.1985	16.03.2014	31.12.2014	09 months	(i) 2255667 - 67668 (ii) 2435665 - 121780 (iii) 21804	2,14,252/-
34	S. Sajad Hussain	S. Baudshah	1969	16.03.1985	16.03.2014	31.12.2014	09 months	(i) 2255667 - 157892 (ii) 2435665 - 121780 (iii) 21804	3,04,476/-
35	Ajceeb Hussain	Muhammad Hassan	1964	15.10.1984	15.10.2013	31.12.2014	13 months	(i) 2255667 - 160482 (ii) 2435665 - 121510 (iii) 24758	3,06,790/-
36	Ramazan Ali	Qurban Ali	1963	01.11.1984	01.11.2013	31.12.2014	13 months	(i) 2313067 - 161910 (ii) 2435665 - 122570 (iii) 24962	3,09,442/-
37	Mubarak Khan	Sardar Khan	1958	01.09.1983	01.09.2012	31.12.2014	13 months	(i) 2313067 - 161910 (ii) 2435665 - 122570 (iii) 24962	3,09,442/-
38	Mund Rehman	Mir Alam Kh	1963	01.03.1984	01.03.2013	31.12.2014	13 months	(i) 2313067 - 161910 (ii) 2435665 - 122570 (iii) 31965	3,09,455/-
39	Mahd Jan	Gul Dar Khan	1962	01.08.1984	01.08.2013	31.12.2014	13 months	(i) 2435665 - 122575 (ii) 2435665 - 121780 (iii) 25206	3,09,478/-
40	Khezaullah Khan	Akber Khan	1967	01.08.1984	01.08.2013	31.12.2014	13 months	(i) 2292667 - 161842 (ii) 2475665 - 122790 (iii) 25206	28,87,081
Total									

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50	Muht Rasool	Rasool Khan	L/Naik	1958	01.08.1985	01.08.2012	31.12.2014	13 months	i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
49	Din Bat Khan	Sawal Khan	L/Naik	1964	22.07.1984	22.07.2011	31.12.2014	13 months	i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	2,96,894/-
48	Rasul Khan	Nasrullah Jan	L/Naik	1967	07.01.1986	01.07.2013	31.12.2014	13 months	i). 21335x7 = ii). 27630x5 = iii). 24950	2,91,531/-
47	Alam Gul	Khyal Gul	Naik	1966	01.09.1983	01.09.2012	31.12.2014	13 months	i). 22926x7 = 160482 ii). 24310x5 = 121550 iii). 24758	3,06,790/-
46	Khyal Muht	Jan Muht	Naik	1958	01.03.1982	01.03.2011	31.12.2014	13 months	i). 23550x7 = 164850 ii). 25415x5 = 127075 iii). 25862	3,17,782/-
45	Noor Jan	Habib Gul	Naik	1962	01.07.1984	01.07.2013	31.12.2014	13 months	i). 22510x7 = 157570 ii). 24310x5 = 121550 iii). 24758	3,03,878/-
44	Jan Muht	Shakir Muht	Naik	1956	01.03.1984	01.03.2013	31.12.2014	13 months	i). 22926x7 = 160482 ii). 24310x5 = 121550 iii). 24758	3,06,790/-
43	Noor Zaman	Shehzad Gul	Naik	1966	01.11.1984	01.11.2013	31.12.2014	13 months	i). 21777x7 = 152439 ii). 23441x5 = 117205 iii). 23803	2,93,497/-
42	Azeem Khan	Nat Khan	Naik	1964	01.09.1984	01.09.2013	31.12.2014	13 months	i). 22926x7 = 160482 ii). 24310x5 = 121550 iii). 24758	3,06,790/-
	Gul Mir Khan	Imrati Khan	Naik	1966	01.08.1984	01.08.2013	31.12.2014	13 months	i). 22926x7 = 160482 ii). 24310x5 = 121550 iii). 24758	3,06,790/-
Total										30,27,588

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Statement Showing the detail of Regularly and Irregularly Permanent Personnel from REPERKS MIKAM LEW PERSONNEL.

P. 14

No	Name	Rank	Year	Start Date	End Date	Period	Salary	Remarks
52	Nuruzza	Head Clerk	1967	01.09.1985	01.09.2012	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	296,894/-
53	Naseem Shah	Head Clerk	1968	01.08.1984	01.08.2011	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	296,894/-
54	Habib Gul	Head Clerk	1965	01.03.1985	01.03.2012	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	296,894/-
55	Pehlwan	Head Clerk	1966	01.08.1985	01.08.2012	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	296,894/-
56	Khana Gul	Head Clerk	1970	01.02.1986	01.02.2013	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	296,894/-
57	Wali Shah	Head Clerk	1967	12.03.1987	12.03.2014	31.12.2014	10 months i). 21551x4 = 86124 ii). 23224x5 = 116120 iii). 23630	225,874/-
58	Raham Noor	Head Clerk	1960	01.08.1982	01.08.2009	31.12.2014	13 months i). 22974x7 = 160818 ii). 24754x5 = 123770 iii). 25160	309,748/-
59	Habib Shah	Head Clerk	1963	15.01.1982	15.01.2009	31.12.2014	13 months i). 22974x7 = 160818 ii). 24754x5 = 123770 iii). 25160	309,748/-
60	Wazir Khan	Head Clerk	1965	16.08.1983	16.08.2010	31.12.2014	13 months i). 22012x7 = 154084 ii). 23734x5 = 118670 iii). 24140	296,894/-
60	Muhammad	Head Clerk	1962	18.08.1981	28.08.2008	31.12.2014	13 months i). 22971x7 = 160797 ii). 24751x5 = 123755 iii). 25157	309,709/-
Total								29,36,443

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61	Faruk Niaz	Meharaj	L/Naik	1960	01.09.1982	01.09.2009	31.12.2014	13 months	(i) 2978x7 = 160818 (ii) 2475x5 = 123750 (iii) 25160	3,09,748/-
62	Noor ul Haq	Haji Ahmad	L/Naik	1965	16.11.1982	16.11.2009	31.12.2014	13 months	(i) 2978x7 = 160818 (ii) 2475x5 = 123750 (iii) 25160	3,09,748/-
63	Muhammad Yousuf	Zar Khan	L/Naik	1955	01.12.1985	01.12.2012	31.12.2014	13 months	(i) 2177x7 = 152439 (ii) 2344x5 = 117205 (iii) 23805	2,93,469/-
64	Iqbal Shah	Khalwar Shah	L/Naik	1955	01.12.1985	01.12.2012	31.12.2014	13 months	(i) 2177x7 = 152439 (ii) 2344x5 = 117205 (iii) 23805	2,93,469/-
65	Islam Mubd	Ghulam Muhammad	L/Naik	1965	10.02.1985	10.02.2012	31.12.2014	13 months	(i) 2201x7 = 154084 (ii) 2373x5 = 118670 (iii) 24140	2,96,894/-
66	Sadar Khan	Barokai	L/Naik	1967	01.10.1983	01.10.2010	31.12.2014	13 months	(i) 2201x7 = 154084 (ii) 2373x5 = 118670 (iii) 24140	2,96,894/-
67	Sharif Khan	Shabaz Khan	L/Naik	1966	18.03.1987	18.03.2014	31.12.2014	09 months	(i) 2161x3 = 64839 (ii) 2350x5 = 116530 (iii) 23712	2,05,081/-
68	Kamil Jan	Sarwar Khan	L/Naik	1960	01.02.1986	01.02.2013	31.12.2014	13 months	(i) 2161x7 = 151191 (ii) 2326x5 = 116310 (iii) 23712	2,91,531/-
69	Hayat Gul	Syedmar Gul	L/Naik	1968	01.06.1986	01.06.2013	31.12.2014	13 months	(i) 2177x7 = 152439 (ii) 2344x6 = 140646	2,97,085/-
70	Muhammad Sharif	Mir Muhammad	L/Naik	1959	01.08.1986	01.08.2013	31.12.2014	13 months	(i) 2151x7 = 150717 (ii) 2322x5 = 116120 (iii) 23630	2,90,467/-
<b>Total</b>										<b>28,80,348</b>

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P.16

72	Nasir Khan	Jehangir Khan	L/Naik	1961	01.08.1986	01.03.2013	31.12.2014	13 months	(i) 21531x7 = 150717 (ii) 23224x5 = 116120 (iii) 23650	2,90,467.
73	Khyal Rai Khan	Adnan Khan	L/Naik	1957	01.03.1985	01.03.2012	31.12.2014	13 months	(i) 22012x7 = 154084 (ii) 25724x5 = 118670 (iii) 24140	2,96,894.
74	Gul Badar	Syed Sharif	L/Naik	1965	01.07.1985	01.07.2012	31.12.2014	13 months	(i) 23012x7 = 154084 (ii) 25724x5 = 118670 (iii) 24140	2,96,894.
75	Noor Islam	Gulihal	L/Naik	1958	02.01.1986	02.01.2013	31.12.2014	13 months	(i) 23012x7 = 154084 (ii) 25724x5 = 118670 (iii) 24140	2,96,894.
76	Jamal Hussain	Ali Ghulam	Sepoy	1958	01.02.1983	01.02.2008	31.12.2014	13 months	(i) 22661x7 = 158627 (ii) 24577x5 = 121885 (iii) 24741	3,05,253.
77	Sher Ghulam	Syed Ghulam	Sepoy	1967	01.05.1982	01.05.2007	31.12.2014	13 months	(i) 22061x7 = 158627 (ii) 24577x5 = 121885 (iii) 24741	3,05,253.
78	Ashiq Hussain	Relmat Ali	Sepoy	1964	12.04.1984	12.04.2009	31.12.2014	13 months	(i) 21777x7 = 152439 (ii) 25441x5 = 117205 (iii) 23805	2,93,449.
79	Yousaf Ali	Nanar Ali	Sepoy	1974	12.04.1984	12.04.2009	31.12.2014	13 months	(i) 21777x7 = 152439 (ii) 25441x5 = 117205 (iii) 23805	2,93,449.
30	Iqbal Hussain	Israat Hussain	Sepoy	1958	01.07.1986	01.07.2011	31.12.2014	13 months	(i) 21335x7 = 149345 (ii) 22973x5 = 114865 (iii) 23537	2,86,547.
	Dildar Hussain	Mohib Ali	Sepoy	1960	09.12.1987	09.12.2012	31.12.2014	13 months	(i) 21335x7 = 149345 (ii) 22973x5 = 114865 (iii) 23537	2,86,547.
<b>Total</b>										<b>29,51,647</b>

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P.17

81	Hashim Ali	Shahlan Jam	Sepoy	1955	01.10.1986	01.10.2011	31.12.2014	13 months	i) 2110187 - 147701 ii) 2271325 - 113565 iii) 23077	2,84,300/-
82	Munawar Ali	Qanber Ali	Sepoy	1958	23.07.1985	23.07.2010	31.12.2014	13 months	i) 2177787 - 152439 ii) 2344185 - 117205 iii) 23805	2,93,400/-
83	Sohail Masih	Gulfan Masih	Sepoy	1963	01.09.1984	01.09.2009	31.12.2014	13 months	i) 2167387 - 151711 ii) 2337805 - 116685 iii) 23701	2,92,070/-
84	Sharbae Ali	Shenkai	Sepoy	1.11.1957	01.03.1988	01.03.2013	31.12.2014	13 months	i) 2113387 - 149345 ii) 2297325 - 114865 iii) 22337	2,86,340/-
85	Mulki Shafiq	Karim Dad	Sepoy	1974	01.12.1985	01.12.2010	31.12.2014	13 months	i) 2177787 - 152439 ii) 2344185 - 117205 iii) 23805	2,91,400/-
86	Nexon Maseh	James Maseh	Sepoy	1976	01.04.1987	01.04.2012	31.12.2014	13 months	i) 2089387 - 146251 ii) 2250585 - 112325 iii) 23869	2,81,640/-
87	Abdullah Khan	Ashraf Khan	Sepoy	1960	1984	2009	31.12.2014	13 months	i) 2177787 - 152439 ii) 2344185 - 117205 iii) 23805	2,91,400/-
88	Mehrab Ali	Nawab Ali	Sepoy	3.4.1968	01.08.1988	01.08.2013	31.12.2014	13 months	i) 2221987 - 155533 ii) 2309884 - 119444 iii) 24272	2,99,131
89	Ashiq Hussain	Qadam Ali	Sepoy	1968	01.03.1984	01.03.2009	31.12.2014	13 months	i) 2266187 - 158627 ii) 2437785 - 121885 iii) 24731	3,05,250/-
90	Mushtaq Hussain	Cal Hussain	Sepoy	1975	09.12.1987	09.12.2012	31.12.2014	13 months	i) 2177787 - 152439 ii) 2344185 - 117205 iii) 23805	2,93,400/-
<b>Total</b>									<b>26,29,589</b>	

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Sl No	Name	Designation	Date of Birth	Date of Appointment	Date of Release on Pass	Date of Retirement	Period of Service	Pay Band	Basic Pay	Dearness Allowance	Total Pay		
												13 months	10 months
92	Zahir Shah	Muhammad Jun	1966	01.10.1987	01.10.2012	31.12.2014	13 months	ii. 20775x7 = 145425	iii. 381,923x7 = 2,673,461	iii. 72801	2,97,167x7 = 2,080,169		
93	Guizar Hussain	Muhammad Hussain	15.11.1955	01.03.1986	01.01.2011	31.12.2014	13 months	ii. 22439x5 = 112195	iii. 22801	ii. 22119x7 = 155533	2,97,167x7 = 2,080,169		
94	Mushfaq Hussain	Muhammad Ali	28.11.1965	01.01.1987	01.01.2012	31.12.2014	13 months	ii. 24914x5 = 124570	iii. 25278	ii. 23177x7 = 162239	3,12,082x7 = 2,184,574		
95	Rehman Gul	Faiz Khan	1960	01.07.1986	01.07.2011	31.12.2014	13 months	ii. 20893x7 = 146251	iii. 22809	ii. 22405x5 = 112025	2,81,652x7 = 1,971,564		
96	Muhammad Akbar	Khaisra Khan	1963	15.02.1982	15.02.2015	31.03.2015	01 month	ii. 28007	iii. 14004	ii. 25993x1 = 25993	42,010x7 = 294,070		
97	Munir Hussain	Hussain Gul	1962	01.06.1981	01.06.2014	31.03.2015	(15) days	ii. 28829x4 = 115316	iii. 28829	ii. 28185x5 = 140925	2,82,234x7 = 1,975,638		
98	M. Rashid Khan	Pir Badshah	1960	20.08.1981	20.08.2014	31.03.2015	10 months	ii. 27363x5 = 136815	iii. 27363	ii. 27363x4 = 109452	1,94,117x7 = 1,358,819		
99	Yousuf Ali	Dost Ali	1957	01.06.1981	01.06.2014	31.03.2015	07 months	ii. 28007x4 = 112028	iii. 28007	ii. 26669x1 = 26669	2,81,612x7 = 1,971,284		
100	S. Arbab Hussain	S. Amir Mian	11.12.1958	11.02.1982	11.02.2015	31.03.2015	10 months	ii. 28263x5 = 141315	iii. 28263	ii. 28907x4 = 115628	47,364x7 = 331,548		
100	Rahman Gul	Pir Ghulam	03.02.1965	15.01.1982	15.01.2015	31.03.2015	01 month	ii. 28830	iii. 14415	ii. 27923x2 = 55846	69,808x7 = 488,656		
57 years											↓	<b>Total</b>	<b>23,15,573</b>

D.O.B  
Date of Birth  
Date of Appointment  
Date of Release on Pass  
Date of Retirement


Period of Service

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101	Nihal Hussain	Sahib Khan	Naib Subedar	1964	15.01.1982	15.01.2015	31.03.2015	2 1/2 months	(i) 25925x2 = 55816 (ii) 13962	69,808/-
102	Abdul Karim	Saukhat	Naib Subedar	1961	15.02.1982	15.02.2015	31.03.2015	01 month (15) days	(i) 27923 (ii) 13962	41,885/-
103	Noor Akbar	Khalifa Khan	Naib Subedar	1965	15.02.1982	15.02.2015	31.03.2015	1 1/2 months	(i) 29214 (ii) 14607	43,821/-
104	Maqsood Khair	Jamat Mir	Naib Subedar	1956	01.02.1982	01.02.2015	31.03.2015	02 months	(i) 29214x2	58,428/-
105	Badrshah Jan	Piow Khan	Havaldar	1963	01.05.1983	01.05.2014	31.03.2015	11 months	(i) 24143x2 = 48282 (ii) 26085x3 = 140425 (iii) 26575x4 = 106300	2,85,011/-
106	S. Abid Hussain	S. Abdul Hussain	Havaldar	1963	16.11.1982	16.11.2013	31.03.2015	16 months	(i) 24598x7 = 172186 (ii) 26575x3 = 132873 (iii) 27065x4 = 108207	4,13,326/-
107	Iqbal Hussain	Muhtd Yousuf	Havaldar	1965	01.04.1983	01.04.2014	31.03.2015	12 months	(i) 23344x3 = 70692 (ii) 26575x3 = 132873 (iii) 27065x4 = 108207	3,11,827/-
108	Jamil Hussain	Mohamad Akbar	Havaldar	1964	01.10.1983	01.10.2014	31.03.2015	06 months	(i) 23348x2 = 30696 (ii) 25818x4 = 103352 (iii) 26575x5 = 132875	1,54,048/-
109	Muhammad Wazir	Ali Wazir	Havaldar	1966	01.05.1983	01.05.2014	31.03.2015	11 months	(i) 24598x2 = 49196 (ii) 27065x4 = 108207	2,99,321/-
110	Abdul Jalil	Habib Khan	Havaldar	1961	01.06.1983	01.06.2014	31.03.2015	10 months	(i) 24054 (ii) 25996x3 = 129980 (iii) 26486x4 = 105944	2,39,978/-
Total										17,47,278

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P.20

111	Sultan Ali	Mardan Ali	Havaldar	1965	01.09.1983	01.09.1983	31.03.2015	07 months	0 2551883 66844	1,79,366/-
112	Mulano Jan	Sayed Baz	Havaldar	1964	01.05.1983	01.05.2014	31.03.2015	110 months	(i) 2583384 - 101782 (ii) 2405482 - 48108 (iii) 2590665 - 129980	2,81,032/-
113	Niaz Hussain	Dast Muhammad	Havaldar	1958	01.01.1984	01.01.2015	31.03.2015	03 months	(i) 2648644 - 105944	77,514/-
114	S. Noor Hussain	S. Ali Akbar	Havaldar	1960	01.02.1984	01.02.2015	31.03.2015	02 months	(i) 2583822 - 51676	51,676/-
115	Syed Ghulam	Abbas Ghulam	Havaldar	1962	15.01.1983	15.01.2014	31.03.2015	2 1/2 months	(i) 2657382 - 53150	66,438/-
116	Abid Hussain	Sanjab Khan	Havaldar	1958	01.05.1983	01.05.2014	31.03.2015	11 months	(i) 2396382 - 47924	2,38,758/-
117	Noor Ali	Mird Ali	Havaldar	1963	01.11.1983	01.11.2014	31.03.2015	04 months	(i) 2648645 - 132450	2,65,733/-
118	Said Maqan	Asghar Khel	Havaldar	1965	01.06.1983	01.06.2014	31.03.2015	10 months	(i) 2459881 - 23598 (ii) 2657385 - 132875 (iii) 2706544 - 108260	1,03,532/-
119	Karnal Hussain	Mir Muhammad Jan	Naik	1963	15.05.1984	15.05.2013	31.03.2015	16 months	(i) 2256887 - 157892 (ii) 2435685 - 121780 (iii) 2480484 - 92216	1,78,888/-
120	S. Muhammad Afzal	S. Mubad Asghar	Naik	1963	01.01.1985	01.01.2014	31.03.2015	15 months	(i) 2255686 - 135336 (ii) 2435685 - 121780 (iii) 2480484 - 92216	3,56,332/-
Total									19,55,265	

(Circular stamp)

(Circular stamp)

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P. 21

123	Gul Muhammad	Ghulam Muhammad	Naik	1968	01.11.1984	01.11.2013	31.03.2015	16 months	(i) 225667 = 157892 (ii) 2435645 = 1217801	3,78,887
122	S. Subir Hussain	S. Shah Hussain	Naik	1957	15.05.1985	15.05.2014	31.03.2015	10 months (16) days	(i) 2310581 = 33095 (ii) 2492785 = 124635 (iii) 2537584 = 101500 (iv) 14518	2,57,578
121	Saeed Khan	Gul Nazir	Naik	1967	01.10.1985	01.10.2014	31.03.2015	06 months	(i) 2431082 = 45620 (ii) 2475884 = 99032	1,47,652
124	Ali Naqi	Eid Akbar	Naik	1967	15.07.1985	15.07.2014	31.03.2015	08 months (16) days	(i) 2475884 = 99032 (ii) 2520684 = 100824 (iii) 12779	2,12,235
125	Akbar Ghulam	Ali Ghulam	Naik	1967	01.12.1985	01.12.2014	31.03.2015	04 months	247564 = 98944	98,944
126	Lal Badshah	Niaz Badshah	Lance Naik	1968	01.12.1985	01.12.2012	31.03.2015	16 months	(i) 2153187 = 150717 (ii) 1527485 = 116120 (iii) 2563084 = 94570	3,61,337
127	Fazal Mir	Fazal Gul	Lance Naik	1968	09.12.1987	09.12.2014	31.03.2015	03 months (22) days	(i) 340683 = 72108 (ii) 17058	39,148
128	Wethmin Khan	Jamat Mir	Lance Naik	1962	09.12.1987	09.12.2014	31.03.2015	03 months (22) days	(i) 2405683 = 72108 (ii) 17058	39,160
129	Abdul Malik	Izhar Khan	Lance Naik	1966	12.12.1987	12.12.2014	31.03.2015	03 months (19) days	(i) 2405683 = 72108 (ii) 14732	36,840
130	Yaqoob Khan	Ali Sarwar	Lance Naik	1968	12.12.1987	12.12.2014	31.03.2015	03 months (19) days	(i) 2405683 = 72108 (ii) 14732	36,840
Total										20,74,158

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P.22

131	Gul Mai Khan	Juna Khan	Lance Naik	1962	01.12.1987	01.12.2014	31.03.2015	04 months	240584	96,178/-
132	Abdulkish Shah	Halcein Shah	Lance Naik	1969	12.12.1987	12.12.2014	31.03.2015	03 months (19) days	0.240583 - 72108 0.14732	86,840/-
133	Muhammad Ishaq	Hussain Khan	Lance Naik	1969	12.12.1987	12.12.2014	31.03.2015	03 months (19) days	0.240583 0.14732	86,840/-
134	Muhammad Ayub	Shehzad Khan	Lance Sepoy	1965	01.12.1988	01.12.2013	31.03.2015	16 months	0.2135584 = 85340 0.2297285 = 114865 0.2333784 = 93348	3,57,558/-
135	Tariq Masih	Lal Masih	Lance Sepoy	1960	23.09.1989	23.09.2014	31.03.2015	06 months	0.2203782 = 44074 0.2240184 = 89604	1,55,676/-
136	Hayat Ullah	Sarand Khan	Lance Sepoy	1974	18.06.1989	18.06.2014	31.03.2015	09 months	0.2203783 = 110185 0.2240184 = 89604	1,99,759/-
137	Dildar Hussain	Gul Din	Lance Sepoy	1963	04.10.1989	04.10.2014	31.03.2015	06 months	0.2297383 = 45946 0.2333784 = 93348	1,19,394/-
138	Intizar Hussain	Gul Din	Lance Sepoy	1965	24.04.1987	24.04.2012	31.03.2015	16 months	0.2135587 = 149345 0.2297385 = 114865 0.2333784 = 93348	3,57,558/-
Total										15,44,541
G-Total										3,16,01,4076/-

ANNEXURE  
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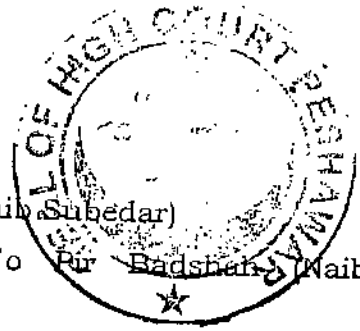


Annex B

P.23

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4485/P 2015



1. Rehman Gul S/o Pir Ghulam (Naib Subedar)
2. Muhammad Rashid Khan S/o Pir Badshah (Naib Subedar)
3. Noor Akbar S/o Khaista Khan (Naib Subedar)
4. Saeed Khan S/o Gul Nazir (Naik)
5. Said Marjan S/o Asghar Khel (Hawaldar)
6. Sultan Ali S/o Mardan Ali
7. Jamal Hussain S/o Ghulam Ali
8. Ashiq Hussain S/o Rehmat Ali
9. Yousaf Ali S/o Manzar Ali
10. Manzoor Hussain S/o Qambar Ali
11. Mushtaq Hussain S/o Lal Hussain
12. Noor Hussain S/o Hussain Faqir
13. Inayat Hussain S/o Muhammad Anwar Hussain
14. Asghar Hussain S/o Gulab Hussain
15. Syed Sajjad Hussain S/o Syed Badshah Hussain
16. Ajeeb Hussain S/o Muhammad Hussain
17. Ramzan Ali S/o Qurban Ali
18. Syed Noor Hussain S/o Syed Ali Akbar
19. Syed Ghulam S/o Ghulam Ali
20. Syed Ghulam S/o Abbas Ghulam
21. Syed Muhammad Afzal S/o Syed Muhammad Asghar
22. Gul Muhammad S/o Ghulam Muhammad
23. Syed Sabir Hussain S/o Syed Shah Hussain
24. Ali Naqi S/o Abdul Akbar
25. Subhan Ali S/o Mardan Ali
26. Yousaf Ali S/o Dost Ali

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EXAMINER  
Peshawar High Court  
12 AUG 2016

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23 DEC 2015

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27. Ghulam Akbar S/o Ali Akbar
28. Shan Ali S/o Ghulam Muhammad
29. Iqbal Hussain S/o Muhammad Yousaf
30. Hashim Ali S/o Ghulam Jan
31. Nijat Hussain S/o Sahib Shah
32. Shah Mehmood Khan S/o Fazal Jan
33. Noor Faraz S/o Syed Sharif
34. Sharab Khan S/o Fazalay
35. Sardar Ghulam S/o Mosam Khan
36. Khwaja Khel S/o Sharif Khan
37. Musa Khan S/o Meman Khan
38. Mubarak Khan S/o Sardar Khan
39. Noor Muhammad S/o Saleh Muhammad
40. Habib Shah S/o Syed Zahid
41. Raham Noor S/o Muhammad Noor
42. Muhammad Sharif S/o Muhammad Habib
43. Muhammad Ishaq S/o Hussain Khan
44. Ali Akbar S/o Mir Akbar
45. Islam Muhammad S/o Ghulam Muhammad
46. Khiyal Muhammad S/o Jan Muhammad
47. Gul Bhadur S/o Syed Sharif
48. Nabi Khan S/o Jehangir Khan
49. Kabal Khan S/o Sardar Jan
50. Muhammad Khan S/o Said Muhammad
51. Moin Shah S/o Nawak Shah
52. Falak Naz S/o Matanay
53. Lal Badshah S/o Niaz Badshah
54. Hakim Khan S/o Amir Khan
55. Azem Khan S/o Nat Khan
56. Khiyal Bat Khan S/o Adam Khan
57. Khan Gul S/o Khameer Gul
58. Shehzad Gul S/o Habib Gul

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Peshawar High Court  
12 AUG 2016

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P. 25

59. Noor Islam S/o Noor Wali
  60. Noor ul Haq S/o Ali Ahmad Khan
  61. Saadat Khan S/o Batokay
  62. Wali Shah S/o Gulab Shah
  63. Muhammad Rehman S/o Mir Alam Khan
  64. Noor Zaman S/o Shehzada
  65. Muhammad Jan S/o Gulbat Khan
  66. Abdullah Khan S/o Ashraf Khan
  67. Hayat Ullah S/o Muhammad Khan
  68. Wazir Khan S/o Muhammad Adam Khan
  69. Muhammad Rasool S/o Rasool Khan
  70. Syed Hussain S/o Muhammad Hussain
  71. Badshah Jan S/o Piao Jan
  72. Pehalwan S/o Khwaja Mat Khan
  73. Din Bat Khan S/o Rasool Khan
  74. Munir Hussain S/o Hassan Gul (Naib Subedar)
  75. Zakhmeen Khan S/o Janat Mir
  76. Syed Abid Hussain S/o Syed Abdul Hussain
- All employees of Federal Levy Force, Kurram Agency.  
.....(Petitioners)

**VERSUS**

1. Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
2. Secretary Law and Order FATA, FATA Levy Force, FATA Secretariat, Warsak Road, Peshawar.
3. Political Agent Kurram Agency.
4. Section Officer (L&K) FATA, FATA Secretariat, Warsak Road, Peshawar.
5. Agency Account Officer, Kurram Agency.
6. Secretary SAFRON Division, Pak Secretariat Islamabad.....(Respondents)

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Peshawar  
12 AUG 2015

P 26



WRIT PETITION UNDER ARTICLE 199  
OF THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, 1973.

Prayer:

On acceptance of this Writ Petition, the respondents may kindly be directed:

- a. To reinstate and promote those petitioners who have been prematurely retired by withdrawing their retirement orders, as per the order dated 29/05/2015 of respondent No. 2.
- b. To give one step promotion to the senior most and alleageable Levy Personnel (retired) according to the sanction posts dated 24/04/2014.
- c. To declare null and void the recover order dated 09/02/2015 of the respondent No. 2 being illegal and the respondents may further be directed to release the pension of the petitioners along with interest (who has attained the age of superannuation) along with back benefits.

Respectfully Sheweth:

The Brief facts of the case are:-

1. That the petitioners were employees of Federal Levy Force and were servicing on different posts/ ranks at Kurram Agency.
2. That during the entire period of their services they performed their duties honestly and courageously.

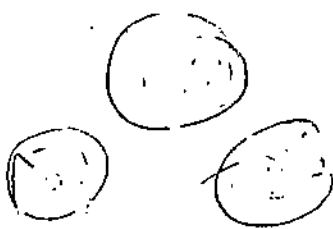
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Deputy Registrar  
23 DEC 2015

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BY  
23 DEC 2015

P.27



3. That in the year 2013 when the law and order situation in the Kurram Agency including other parts of the country were tense due to Talibanization and anti state elements the petitioners performed their duties valiantly and fearlessly.
4. That on dated 23/04/2013 the FATA Secretariat Narcotics Section sanctioned 2500 Levy Posts through letter No. CS (F)/N/4-Levies/Concept Paper/825 according to which the present petitioners were suppose to be given one step promotion. (Copy of letter dated 23/04/2013 is attached as annexure "A").
5. That the petitioner waited for their one step promotion according to the sanction posts but respondents did nothing on their part, consequently the petitioner moved applications to respondent No. 3 regarding their promotion, but unfortunately the respondent No. 3 turn deaf ear to the said requests, although in other agencies the above said order was implemented in its true letter and spirit, consequently the petitioners moved appeal to the

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Deputy Registrar  
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Peshawar High Court  
12 AUG 2016

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appellate authority i.e. respondent No. 2 and the same was accepted, wherein respondent No. 3 made certain directions to respondent No. 2 the same has been reproduced here for quick reference as under:

d. Those who have been retired prematurely be resisted into service by withdrawing their retirement orders.

e. The senior most and eligible Levy Personnel (retired) be granted one step promotion provided that vacancies exist before their due date of retirement.

f. The recoverable amount from the Levy personnel be arranged by the Political Agent Kurram Agency from Agency Welfare Fund so as to ensure timely payment of pension to the aggrieved Levy personnel. The amount paid will be recovered from the person (s) held responsible by an enquiry committee to be constituted by the Appellate Authority after payment of recoverable amount is made.

(Copies of applications and order dated 29/05/2015 is attached as annexure "B" & "B-1").

*[Faint, illegible text]*

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12 AUG 2015  
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P. 29



6. That despite the clear cut directions of respondent No. 2 to reinstate and give one step promotions to the petitioner, but the respondent No. 3 compulsorily retired the petitioners from their services.
  
7. That it is pertinent to mention here that in the Kurram Agency the Law and order situation was tense enough and for the reason some of the petitioners who had attained the age of superannuation were not called from the trenches and they continued their duties with the employed consent of respondent No. 2 with all their logistic support and for the reasons the respondents continuously paid their monthly salaries to the petitioners even thereafter.
  
8. That now after spending hard time for the protection of mother land and maintaining the law and order situation astonishingly the respondent No. 2 issued a letter/ circular dated 09/12/2015 demanding the petitioners to pay back the salaries paid to them for the duties they performed with the implied consent of the respondent in the hard and

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23 DEC 2015

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EXAMINER  
Peshawar High Court  
12 AUG 2016

P.30



fast time of law and order situation. (Copy of letter circular dated 09/12/2015 is attached as aenxnure "C").

- 9. That the petitioners have asked time and again respondent No. 3 to implement the decision of respondent No. 2, but respondent No. 3 failed to do so, and even not releasing the pension of some petitioners who's age of superannuation nor giving them beck benefits and promotion/ reinstatement.
- 10. That feeling aggrieved from the above said acts/ conduct of the respondents, while having no other adequate efficacious remedy, the petitioners approaches this Hon'ble Court for redressal of their grievances, inter-alia on the following grounds:

GROUNDS:

- A. That the act of the respondents is against the law, rules and norms of natural justice, hence not tenable in the eyes of law.

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 Peshawar Court

12 AUG 2016

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- B. That all the Levy Personals who were performing their duties in other agencies were given promotion according to the letter No. CS (F)/N/4-Levies/Concept Paper/825 dated 23/04/2013 except the present petitioner which clear cut violation of the fundamental rights of the petitioners guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
  
- C. That the demand of arrears in respect of salaries from the petitioners for which they have rendered their services/ sacrifices during the bad law and order situation is illegal and against norms of natural justice.
  
- D. That the act of the respondent No. 3 by not obeying the decision of respondent No. 2 dated 11/10/2015 is against the law.
  
- E. That the act of the respondent No. 3 by not giving back benefits and releasing pension is also illegal and against the law and facts.

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*[Signature]*  
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- F. That petitioners were not treated equally (as compared to other levy personals serving at other agencies who has been promoted) which is discrimination on the part of respondents.
- G. That the petitioners have not been paid their pensionary benefits since they were compulsorily retired from their services. Consequently the petitioners along with their families are facing huge financial problems. The same pensions need to paid along with the interest to the petitioner.
- H. That any other ground specifically not mentioned in this Writ Petition may kindly be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this Writ Petition, the respondents may kindly be directed:

- g. To reinstate and promote those petitioners who have been prematurely retired by withdrawing their retirement orders.


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 23 DEC 2015

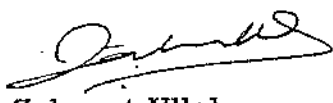
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P. 33

- h. To give one step promotion to the senior most and alleageable Levy Personnel (retired) according to the sanction posts dated 24/04/2014.
- i. To declare null and void the recover order dated 09/02/2015 of the respondent No. 2 being illegal and the respondents may further be directed to release the pension of the petitioners along with interest (who has attained the age of superannuation) along with back benefits.

Petitioners 

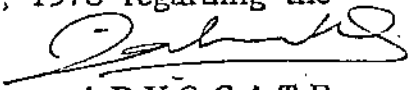
Through 

Dated: 23/12/2015

**Zahanat Ullah**  
Advocate High Court,  
Peshawar.

**CERTIFICATE:**


Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

  
**ADVOCATE**

**LAW BOOKS:**

- 1. Constitution of Islamic Republic of Pakistan, 1973.
- 2. Any Law Book as per need.

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Deputy Registrar  
25 DEC 2015

  
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**EXAMINER**  
Peshawar High Court  
12 AUG 2016

**ADVOCATE**

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P-34

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

W.P. No. UNBSP/2015

Rehman Gul and others.....(Petitioners)

**VERSUS**

Chief Secretary FATA, FATA Secretariat, Warsak Road,  
Peshawar and others .....(Respondents)

**AFFIDAVIT**

I, Rehman Gul S/o Pir Ghulam (Naib Subedar) Federal  
Levy Force, Kurram Agency, do hereby solemnly affirm and  
declare that the contents of the accompanying Writ Petition  
are true and correct to the best of my knowledge and belief  
and nothing has been concealed from this Hon'ble Court.

21303-2257130-7



**DEPONENT**

Identified by:



Zahanat Ullah  
Advocate High Court,  
Peshawar.

no.....	7642
Certified that the above was verified on solemnly	
affirmation before me in office, this	23rd
day of.....	Dec 2015
s/o.....	Pir Ghulam S/o Pir Ghulam
who was identified by.....	Zahanat Ullah
Who is personally known to me:	
Gath Commissioner Peshawar	

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EXAMINER  
Peshawar High Court

12 AUG 2016

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P.35

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT, PESHAWAR.

JUDICIAL DEPARTMENT

W.P No. 4485-P of 2015.

JUDGMENT

Date of hearing 19-05-2016

Petitioner (s) (Rehman Gul) by Mr. Zaharutullah, Advocate

Respondent (s) (Addl. Chief Secy. by Mr. Iqbal Ahmad Darmani, Advocate  
Mr. Kifaitullah, D.S.O.)

YAHYA AFRIDI:-I:- Rehman Gul and

seventy five others, the petitioners, seek the Constitutional jurisdiction of this Court praying that:

*"It is, therefore, most humbly prayed that on acceptance of this petition, the respondents may kindly be directed;*

- a. *To reinstate and promote those petitioners who have been prematurely retired by withdrawing their retirement orders,*
- b. *To give one step promotion to the senior most and alleageable Levy Personnel (retired) according to the sanction posts dated 24.4.2014.*
- c. *To declare null and void the recovery order dated 9.2.2015 of the respondent No.2 being illegal and the respondents may further be directed to release the pension of the petitioners along with interest (who has attained the age of*

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Peshawar High Court  
12 AUG 2016

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P.36

superannuation) along with back benefits."

2. In essence, the grievance of the petitioners relate to the recovery being made from the petitioners for the pay already received for services rendered and the payment of their pension.
3. The respondents were put to notice. They have contended that due to sectarian conflict in Kurram Agency, dire need arose for the Levy Force personnel to be retained, some of whom were then reaching their age of superannuation and thus the urgent steps taken by the respondents have led to the present grievance of the petitioners.
4. It was brought to the attention of the Court that the petitioners had earlier moved the Appellate Authority under Rule-11 of Services Rules for Federal Levies Force in PATA, 2013 ("Rules"), which was duly considered and finally it was decided by respondent No.2 vide order dated 29.05.2015 in terms that;

"ORDER NO.CSE/NA-Levy/Appeal/2015.

*Appellants through the instant appeal has challenged their retirement order dated 3.4.2015 on the ground that they were eligible for promotion from 23.4.2014 when FATA Secretariat circulated new posts and submitted numerous applications in this regard, however, meeting of Departmental*

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12 AUG 2015

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Promotion Committee has not been convened and consequently they were retired.

Documentary evidence and record placed before this Authority was perused minutely, which reveal that meeting of Departmental Promotion Committee of Kurram Levy Force has not been convened since long and one was convened on 7.3.2015, however, the same was not held due to some preoccupation while the appellants were in service at that time as is evident from record. Thus on factual side, the submission of the appellants carries weight. Though Federal levies service amended rules 2013 are silent in this regard, however, the principles of natural justice and principles of law laid down by the honourable Supreme Court of Pakistan in various SCMRs provide necessary guidance in this regard.

Firstly, it is an established principle of natural justice that no one can be punished for the action or inaction of others. If meeting of Departmental Promotion Committee was not convened or held, the appellants cannot be punished for inaction of others. Secondly, it has been held in 1985 SCMR 1394, 1994 SCMR-1334 and 1998 SCMR-736, that an incumbent if otherwise found eligible and fit for promotion shall be given promotion with back benefits even after retirement.

Above in view, appeal of the appellants being logical, factual and supported by relevant rules is accepted. The appellants are reinstated on the grounds quoted above and they may be promoted against their respective next higher ranks subject to seniority cum fitness otherwise their retirement as per rules would be correct.

Appeal disposed of in the above terms.

(Secretary (Law & Order)/Appellate Authority.)

5. This being the position, it is but a settled principle of law that once payments are received

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ADVOCATE

P-38

by a person for services rendered, without any misrepresentation or fraud by him, the same should not be recovered. As far as the other grievances of the petitioners are concerned, the directions embodied in the decisions of the Appellate Authority dated 29.05.2015 should be strictly and promptly complied with. In addition thereto, it should also be pointed out that all those petitioners, whose pensions have been withheld because of the impugned action or inaction of the respondents, should be released forthwith, but surely in accordance with law.

This petition is disposed of, in the above terms.

S.d = Yahya Afridi J

Announced.  
Dated.19.5.2016.

S.d. J. Rooh-ul-Amin Khan. J

JUDGE

JUDGE

1290  
 Date of the original Application 15/8/16  
 No of Pages 10/19  
 Copying fee  
 Urgent Fee 28/-  
 Total  
 Date of Preparation 12/8/16  
 Date Given for Debit 12/8/16  
 Date of Delivery of Copy 13/8/16  
 Recd. at

EXAMINER  
 Authorised Officer  
 The Customs House  
 15 AUG 2016

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LOCAT



دراست بر خلاف حکم مورخہ 9<sup>12</sup>/<sub>2015</sub> سلسلہ تنخواہ ریکوری

سابقہ کرم بیوی بیکاران

جناب عالی

(1) یہ کہ سیم عرصہ دلاز سے بیوی خودی میں خدمت سر انجام دے دیے  
ہیں۔

(2) یہ کہ سائل نے حکم کی مرفی سے اضافی ملازمت میں کی بلکہ حکومت  
کی مرفی سے اضافی ملازمت کی لیے اور مشکل وقت میں اپنے  
مزاٹس سر انجام دیے ہیں۔

(3) یہ کہ سائل ایک خریب بندہ ہے اور بال بچہ دار ہے۔

(4) یہ کہ پوٹیکل ایجنٹ نے جو حکم مورخہ 9<sup>12</sup>/<sub>2015</sub> لیا ہے پینشن  
دہولی کا/ ریکوری کا وہ ظالمانہ ہے اور اس کو فتم کیا جائے۔

سائل ہمیشہ دعا گو رہے گا۔

العارضی

حاشق حسین ولد ندم علی

مورخہ = 16/12/2015

عناوین و درجہ ہائے پروفیسر و افسر صاحبہ معیار درجہ دوم اطفالہ  
در فوج دست بردار رسم و عمل - القضاہ . بسلسلہ متغزوہ دیکھو  
سابقہ رسم و تعویذ ایسکاروں جو پیشتر وضعی ہوئے

عناوین عالی

گورنمنٹ ہے۔ یہ سائنس اور لیوی فورس میں فرائض سر انجام دیتے -  
مورخہ 12/14 181 کو رسم پیشتر وضعی ہوئے۔ وقت حال میں کو رسم پیشتر میں  
مبارکہ پیچیدہ متغزوہ دیکھو ایسکاروں کا رسم صاف ہے۔  
عناوین عالی! میں گورنمنٹ میں وضعی سے رضائی ملازمت میں آتی ہے۔ کسوں کو ملازمت میں  
برسر رضائی ملازمت کی ہے۔ میں نے ملازمت کا سامنا کیا ہے۔ متعلق شروع وقت  
میں دینے فرائض سر انجام دی ہیں۔  
ملازمت میں گورنمنٹ کا پروفیشن حکم صادر ہوا تھا۔ اگر میں میری ملازمت حکم پر سنبھالی  
میں نے مطابق عمل درآمد کیا۔ تو میری دیکھو ایسکاروں کی کوٹ نہ آئی۔ کسوں کو  
میں نے ملازمت پر عمل درآمد میں آئی۔ اگر آپ صاحبان اچھی  
میں نے ملازمت میں صاف کر دیں۔ تو میری ہم دیکھو ایسکاروں سے بچے سکتے ہیں۔  
عناوین عالی! میں غریب باہل پیم درازگرف ہیں۔ اگر میں سے دیکھو ایسکاروں سے بچے  
پیشتر میں کچھ نہیں جانتا۔  
میں نے آپ صاحبان سے رسم والقضاہ کی رپورٹ کرتے ہیں۔ کہ آپ ایک رسم دل حکم  
میں دیکھو ایسکاروں سے فرمایا جائے۔ میں نے اس میں ایک رسم فرمایا ہے  
میں نے قیامت تک دیا اور وقت

مقرر مورخہ 25/15

سائنس اور لیوی ایسکاروں کو رسم (میرا ایجنسی)  
میرا لیوی فورس

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what is the  
issue?

Report



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P.41

**BEFORE THE COURT OF  
APPELLATE AUTHORITY /SECRETARY (LAW & ORDER) FATA LEVY  
FORCE, FATA SECRETARIAT, PESHAWAR**

**REQUEST FOR REDRESSAL OF GREIVENCE  
REQUEST FOR REINSTATEMENT AND PROMOTION**

Mr. Rehman Gul, Muhammad Rasheed, Noor Akbar, Saeed Khan & others. Ex-Personnel  
of Kurram Levy Force..... *Appellants*

*Vs*

Political Agent, Kurram..... *Respondent*

ORDER No. CSF/N/4-Levy/Appeal/2015 Appellants through the instant appeal has  
challenged their retirement order dated 03/04/2015 on the ground that they were eligible for  
promotion from 23/04/2014 when FATA Secretariat circulated new posts and submitted  
numerous applications in this regard, however, meeting of Departmental Promotion Committee  
has not been convened and consequently they were retired.

Documentary evidence and record placed before this Authority was perused minutely, which  
reveal that meeting of Departmental Promotion Committee of Kurram Levy Force has not been  
convened since long and one was convened on 07/03/2015, however, the same was not held due  
to some preoccupation while the appellants were in service at that time as is evident from record:  
Thus on factual side, the submission of the appellants carries weight. Though Federal levies  
service amended rules 2013 are silent in this regard, however, the principles of natural justice  
and principles of law laid down by the honorable Supreme Court of Pakistan in various SCMRs  
provide necessary guidance in this regard.

Firstly, it is an established principle of natural justice that no one can be punished for the action  
or inaction of others. If meeting of Departmental Promotion Committee was not convened or  
held, the appellants cannot be punished for inaction of others. Secondly it has been held in  
1985 SCMR 1394, 1994 SCMR 1334 and 1998 SCMR 736, that an incumbent if otherwise  
found eligible and fit for promotion shall be given promotion with back benefits even after  
retirement.

Above in view, appeal of the appellants being logical, factual and supported by relevant rules is  
accepted. ~~The appellants are reinstated on the grounds quoted above and they may be promoted  
in their respective next higher ranks, subject to seniority cum fitness otherwise their  
retirement as per rules 2013 is correct.~~

~~Appeal disposed off in the above terms.~~

Announced  
29.005.2015

*Saeed Khan*  
Secretary (Law & Order)/  
Appellate Authority

**ATTESTED**

*Saeed Khan*  
**ATTESTED**  
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Annex D (P) 42

**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

W.P. No. 4311-P/2017

APP. No. 392 (P) S/2019

Ashiq Hussain.....(Petitioners)

**VERSUS**

Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar and others.....(Respondents)

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6.	Copies of the Office Order and Seniority List	B&C	17-21
7.	Copies of the departmental appeals	D	22-24
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12.	Court Fee		
13.	Wakalat Nama		

Petitioners

Through

Dated: 23/10/2017

**Zahanat Ullah**  
Advocate High Court,  
Peshawar.  
Cell No. 0315-0266166

SCANNED

RE-FILED TODAY  
Deputy Registrar  
27 OCT 2017

FILED TODAY  
Deputy Registrar  
24 OCT 2017

(18)

IN THE PESHAWAR HIGH COURT, PESHAWAR.  
OPENING SHEET FOR WRIT BRANCH

43

Date of Filing: 23/10/2017  
District: Kurram Agency

Case Type: Writ Petition

Nature of Original Proceeding:

Category Code: 50735

Review/Contempt of Court in respect of:

Writ of:

Heabus Corpus	Prohibition	Mandamus	√	Quo Warranto	Certiorari
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If Certiorari:

Forum	Date	(I)nterlocutory/ (F)inal Order	Case Pertains to SB DB √

Petitioner Name	Ashiq Hussain and others
Mobile No.	03000526300
Address	Ex-employees of Federal Levy Force, Kurram Agency
CNIC No.	17301-8688236-1
Email Address	N/A

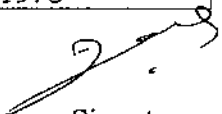
Counsel for Petitioner (s)	<b>Zahanat Ullah</b> Advocate High Court, Peshawar.
Mobile No.	0315-0266166
Address	Village Masho Khel, Teh: & Distt: Peshawar
CNIC No.	17301-1526303-3
Email Address	advocatezahanat@gmail.com

Respondents	ASC FATA and others
Address	Fata Secretariat, Peshawar.

Original Order/Action/Inaction Complained of:  
*Give proforma promotions with all back benefits to the petiotners*

**Prayer**  
*On acceptance of this Writ Petition, the respondents may kindly be directed:*  
A. *To give proforma promotions with all back benefits to the petiotners (retired) as per the Office Order No. 2290-94/Acctt: dated 23/04/1992 and as per the Seniority List prepared by the respondent No. 3.*  
B. *To declare null and void the recovery order dated 09/02/2015 of the respondent No. 2 being illegal and the respondents may further be directed to release the pension of the petitioner along with interest.*

Law/Rules/Governing the Original Proceedings/action/inaction  
Article 199 of the Constitution of Islamic Republic of Pakistan, 1973

  
Signature



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(19)

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**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

APP. No 392(P) 05/193

W.P. No. 4311/2017

Presented by Poll  
Mas be registered

1. Ashiq Hussain S/o Qadam Ali
2. Gulzar Hussain S/o Muhammad Hussain
3. Mushtaq Hussain S/o Muhammad Ali
4. Mehtab Ali S/o Nawab Ali
5. Niaz Hussain S/o Dost Muhammad
6. Maqsood Khan S/o Janat Mir
7. Sarwar Ali S/o Safdar Ali

[Signature]  
Registrar  
26/04/2019

26 APR 2019

All Ex-employees of Federal Levy Force, Kurram Agency.....(Petitioners)

**VERSUS**

1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
2. Secretary Law and Order FATA, FATA Levy Force, FATA Secretariat, Warsak Road, Peshawar.
3. Political Agent Kurram Agency.
4. Assistant Political Agent, Kurram Agency.
5. Section Officer (L&K) FATA, FATA Secretariat, Warsak Road, Peshawar.
6. Agency Account Officer, Kurram Agency.
7. Secretary SAFRON Division, Pak Secretariat Islamabad.....(Respondents)

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A

**WRIT PETITION UNDER ARTICLE 199**  
**OF THE CONSTITUTION OF ISLAMIC**  
**REPUBLIC OF PAKISTAN, 1973.**

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24 OCT 2017

**Prayer:**



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On acceptance of this Writ Petition, the respondents may kindly be directed:

- A. To give proforma promotions with all back benefits to the petitioners (retired) as per the Office Order No. 2290-94/Acctt: dated 23/04/1992 and as per the Seniority List prepared by the respondent No. 3.
- B. To declare null and void the recovery order dated 09/02/2015 of the respondent No. 2 being illegal and the respondents may further be directed to release the pension of the petitioners along with interest.

**Respectfully Sheweth:**

The Brief facts of the case are:-

1. That the petitioners were enlisted as Sepoy/ Solder Clerk in the Office of the Political Agent, Kurram Agency/ Respondent No. 3.
2. That sine their appointments, the petitioners have served at different places as Sepoy/ Clerk under the

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control of respondent No. 3 to the entire satisfaction of their superiors. (Copies of posting orders are attached as annexure "A").

3. That as per the policy framed vide office order No. 60845-89/Acct: dated 09/09/1992, any vacancy in the post of Junior Clerks arising in the establishment of Political Agent, Kurram Agency Office will be filled out of the Sepoy/ Clerk paid out of the Benevolent Fund on the basis of respective seniority i.e. the senior most of the each list will be taken in the PAs establishment having due regard to their length of service and inter-se. in the light of the said policy number of Seopy/ Clerks who were junior to the petitioners were promoted to the post of Junior Clerk while the petitioners were discriminated. (Copies of the Office Order and Seniority List is attached as annexure "B" & "C").

4. That the petitioners moved several applications/ departmental appeals regarding their seniority on different occasions but the respondents turn deaf ear to the requests of the petitioners. (Copies of the

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departmental appeals are attached as annexure  
"D").

47  
to

5. That in the year 2013 when the law and order situation in the Kurram Agency including other parts of the country were tense due to Talibanization and anti state elements the petitioners performed their duties valiantly and fearlessly.
6. That it is pertinent to mention here that in the Kurram Agency the Law and order situation was tense enough and for the said reason the petitioners who had attained the age of superannuation were not retired and were directed by the respondents to continue their duties till the appointment of new Sepoy/Clerks, consequently the petitioners perform their duties even after reaching the age of superannuation, and were paid for the same as well.
7. That now when the petitioners were retired, the respondent No. 2/ Secretary Law and Order issued letter/ circulation dated 09/12/2015 demanding

*[Handwritten signature and stamp]*

the petitioners to payback the salaries paid to them for the duties they performed with the implied consent of the respondents in the volatile phase of law and order situation. (Copy of circular dated 09/12/2015 is attached as annexure "E").

8. That it is important to mention here that some colleagues of the petitioners challenged the said illegal recoveries and their promotions in this Hon'ble Court vide Writ Petition No. 4485-P/2015, which was allowed by this Hon'ble Court and the respondents were directed not to demand the salaries/ payments paid to the petitioners beyond their length of service, moreover, the respondents were further directed given one step promotion/ proforma promotion to all the petitioners will all back benefits.

9. That the petitioners moved applications to the respondents to deal the petitioners like their other colleagues, who's Writ was allowed by this Hon'ble Court vide Writ Petition 4485-P/2015, but they refused to do so. (Copy of Writ Petition No. 4485-

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P/2015 and order dated 19/05/2016 is attached as annexure "F").

A

10. That feeling aggrieved from the above said acts/ conduct of the respondents, while having no other adequate efficacious remedy, the petitioners approaches this Hon'ble Court for redressal of their grievances, inter-alia on the following grounds:

**GROUNDS:**

- A. That the act of the respondents is against the law, rules and norms of natural justice, hence not tenable in the eyes of law.
- B. That the respondents violated their own rules and promoted Junior Sepoy/Clerks by ignoring and discriminating the petitioners, which is clear cut violation of the rules, policy and even against the fundamental rights of the petitioners guaranteed by the Constitution of Islamic Republic of Pakistan.
- C. That the demand of arrears in respect of salaries from the petitioners for which they have rendered

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19/05/2016

50 (25)

their services/ sacrifices during the bad law and order situation is illegal and against norms of natural justice.

- D. That the act of the respondent No. 3 by not giving back benefits and releasing pension is also illegal and against the law and facts.
- E. That the petitioners have not been paid their pensionary benefits since their retirement. Consequently the petitioners along with their families are facing huge financial problems. The same pensions need to be paid along with the interest to the petitioner.
- F. That any other ground specifically not mentioned in this Writ Petition may kindly be allowed at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this Writ Petition, the respondents may kindly be directed:

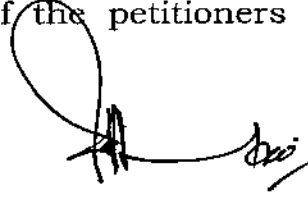
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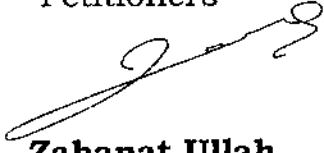
A. To give proforma promotions with all back benefits to the petiotners (retired) as per the Office Order No. 2290-94/Acctt: dated 23/04/1992 and as per the Seniority List prepared by the respondent No. 3.

B. To declare null and void the recovery order dated 09/02/2015 of the respondent No. 2 being illegal and the respondents may further be directed to release the pension of the petitioners along with interest.



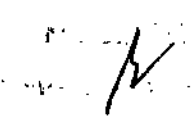
Petitioners

Through



**Zahanat Ullah**  
Advocate High Court,  
Peshawar.

Dated: 23/10/2017



**CERTIFICATE:**

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It is certified by no such like Writ Petition has early been filed by the petitioner in this Hon'ble Court. Further stated that being Writ Petition on the score that since there is no adequate and alternate remedy is available or previously avail or approach lower forum, thus this case may fixed before the Worthy Division Bench (D.B) of this Hon'ble Court.

  
**ADVOCATE**

**LIST OF BOOKS:**

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Any other law books according to need.

  
**ADVOCATE**

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Deputy Registrar

24 OCT 2017



**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

W.P. No. 4311-1/2017

*Handwritten mark*

Ashiq Hussain.....(Petitioners)

**VERSUS**

Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar and others.....(Respondents)

**AFFIDAVIT**

I, Ashiq Hussain S/o Qadam Ali, Ex-employees of Federal Levy Force, Kurram Agency (Attorney of petitioners) do hereby solemnly affirm and declare on oath that the contents of the **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

*Handwritten signature of Ashiq Hussain*

**DEPONENT**

CNIC: 21303-8061464-9

**Identified by:**

**Zahanat Ullah**  
Advocate High Court  
Peshawar.

*7961*

Subscribed by me on the 12<sup>th</sup> day of Oct 2017 at Peshawar.

Signature of *Ashiq Hussain*  
 Name of *Qadam Ali*  
 who was in *Kurram Agency*  
 who is present *FATA*

*Zahanat Ullah*  
 Oath Commissioner  
 Peshawar High Court

*23/10/17*

*Handwritten notes at the bottom of the page.*

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**BEFORE THE PESHAWAR HIGH COURT, PESHAWAR**

W.P. No. 4311 / 2017

Ashiq Hussain.....(Petitioners)

**V E R S U S**

Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar and others.....(Respondents)

**ADDRESSES OF THE PARTIES**

**PETITIONERS:**

1. Ashiq Hussain S/o Qadam Ali
  2. Gulzar Hussain S/o Muhammad Hussain
  3. Mushtaq Hussain S/o Muhammad Ali
  4. Mehtab Ali S/o Nawab Ali
  5. Niaz Hussain S/o Dost Muhammad
  6. Maqsood Khan S/o Janat Mir
  7. Sarwar Ali S/o Safdar Ali
- All Ex-employees of Federal Levy Force, Kurram Agency.

**RESPONDENTS:**

1. Additional Chief Secretary FATA, FATA Secretariat, Warsak Road, Peshawar.
  2. Secretary Law and Order FATA, FATA Levy Force, FATA Secretariat, Warsak Road, Peshawar.
  3. Political Agent Kurram Agency.
- 4



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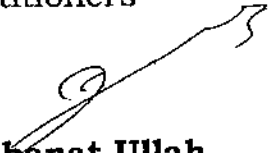
4. Assistant Political Agent, Kurram Agency.
5. Section Officer (L&K) FATA, FATA Secretariat, Warsak Road, Peshawar.
6. Agency Account Officer, Kurram Agency.
7. Secretary SAFRON Division, Pak Secretariat Islamabad.

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Petitioners

Through

Dated: 23/10/2017

  
**Zahanat Ullah**  
Advocate High Court,  
Peshawar.

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BEFORE THE HONOURABLE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 4311-P / 2017.

Ashiq Hussain.....Petitioner

Vs.

Additional Chief Secretary & others.....Respondents.

Para wise comments for & on behalf  
of Respondent No.3 & 4.

Respectfully Sheweeth:

Preliminary Objections:

- a. That the Federal Levy Rules has been promulgated in the year 2012 and appellate authority i-e Secretary Law & Order FATA Secretariat has been established for redressal of grievance of levy personal & officials.
- b. The Petitioner has not come to the Court with clean hands.

ON FACTS:

- 1. In reply to Para No.1, it is humbly submitted that the instant Para is wrong and misleading. Levy Force was raised and established in Kurram Agency in the year1981. After the establishment of Kurram Levy Force in Kurram Agency, some educated persons also applied for recruitment in Levy Force as Sepoy. Some of the highly qualified Levy Force Sepoy already recruited as Levy Sepoy were entrusted with the duties of Soldier Clerks to perform office duties which were ordered by the then Commandant/Political Agent Kurram Agency vide different office Orders. It is important to mention here, that they were basically recruited as Levy Sepoy in B.P.S-5.
- 2. In reply to Para 2, it is respectfully submitted that some of the Levy Sepoys were entrusted with the responsibilities to perform duties as

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Soldier Clerks as per need of office of Political Agent/Commandant Kurram Agency.

3. In reply to the instant Para, it is respectfully submitted that all the Petitioners got retired from service long before and never agitated that their right of promotion has been curtailed and that they have been discriminated. Now in the year 2018 i-e after a-lapse of almost four years of their retirement, are asking for their promotion which is not tenable in the eye of law.
4. In reply to Para 4, it is humbly submitted that the instant Para is incorrect. If the Petitioners appeals were not decided by the respondents then they should have approached the proper remedy at that particular time and not at this belated stage.
- 5 & 6. In reply to the instant Paras, it is respectfully submitted that in the year 2013, unprecedented law and order situation prevailed in Kurram Agency in the shape of militancy/terrorism and sectarian clashes. A large number of Levy Personal who were about to retire on attaining the age of superannuation were asked by the political authorities to continue their duties even beyond their retirement to maintain sufficient strength of Levy Force which was direly needed in the wake of worst Law & order situation. All those Levy personal were regularly paid their salaries. When the law & order situation in the agency became normal, all the levy personal who performed their duties beyond the age of superannuation were retired and their pension cases were processed and the FATA Secretariat was asked to give ex-post facto sanction of payments of salaries. In the meantime some of the Levy Personal filed a W.P.No.4485-P/2015 before this Honourable Court and that Writ Petition was accepted by this Honourable Court vide Order dated.19.05.2016 in the following terms:

"This being the position, it is but settled principle of Law that once payments are received by a person for services rendered, without any misrepresentation or fraud by him, the same should not be recovered. As far as the other grievances of the Petitioners are concerned,

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the directions embodied in the decisions of the Appellate Authority dated.29.05.2015 should be strictly and promptly complied with. In addition thereto, it should also be pointed out that all those Petitioners, whose pensions have been withheld because of the Impugned inaction of the respondents, should be released forthwith, but surely in accordance with Law."

Thereafter C.O.C.No.365-P/2016 in W.P.No.4485-P/2015 was filed before this Honourable Court which was disposed of by this Honourable Court on 14.12.2017 as payments to all the Petitioners in those Writ Petitions were made and the remaining 6 employees cases for payment of pension was in process who were directed to appear before the Agency Accounts Officer Kurram Agency to verify their antecedents for due payment.

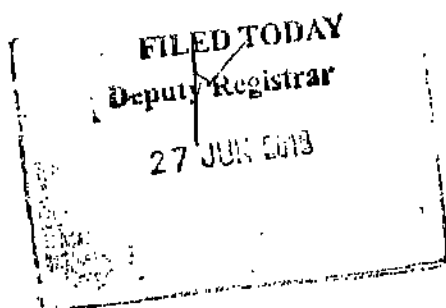
7. In reply to the instant Para, it is respectfully submitted that the letter dated.09.12.2015 was prior to the decision of this Honourable Court in W.P.No.4485-P/2015 and after the decision of this Honourable Court no such letter or demand to payback the salaries has ever been made by the respondents.

8 & 9. In reply to Paras, it is respectfully submitted that detailed reply to the instant Para has already been given in the preceding Paras.

GROUNDS:

A. In reply to the instant Para it is humbly submitted that once the decision of this Honourable Court came in W.P.No.4485-P/2015, the letter dated.09.12.2015 has lost its value and that is the reason no such letter has ever been written again as all the pension cases of those Levy personal who performed their duties beyond the age of superannuation were settled and their pension amount was paid to them.

B. In reply to the instant Para it is humbly submitted that all the promotions were made in accordance with Law & Rules.



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C. In reply to Para C, it is respectfully submitted that after the decision of this Honourable Court in W.P.No.4485-P/2015, no demand for payment of arrears has ever been made by the respondents.

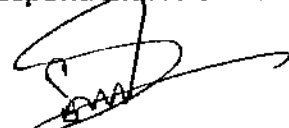
D. In reply to Para D, it is humbly submitted that detailed reply to the instant Para has already been given in the preceding Paras.

E. In reply to Para E, it is respectfully submitted that detailed reply to the instant Para has already been given in the preceding Paras.

It is therefore humbly prayed that in the light of above stated submissions, the instant Petition being devoid of any merits may kindly be dismissed.

Respondent No.3 & 4

through



Sikandar Rashid,  
Advocate, Supreme  
Court of Pakistan.

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BEFORE THE HONOURABLE PESHAWAR HIGH COURT, PESHAWAR

In Re:

W.P.No. 4311-P / 2017.

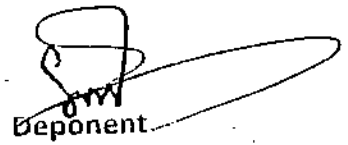
Asim Hussain.....Petitioner

Vs

ACS, FATA & others.....Respondents.

AFFIDAVIT

I, Sikandar Rashid, Legal Advisor to Political Agent, Kurram Agency do hereby solemnly affirm and declare on oath that the contents of these comments are true and correct to the best of my knowledge and belief and nothing material has been concealed from this Honourable Court.

  
Deponent

C.N.I.C.No.17301-2325709-1

1708  
day of Jun 18  
Legal Advisor  
Sikandar Rashid  
Kurram Agency  
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Deputy Registrar  
27 JUN 2018

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BEFORE THE PESHAWAR HIGH COURT PESHAWAR

In W.P No. 4311-P/2017

Mr. Ashiq Hussain s/o Qadam Ali Caste, Duperzai Resident of Village Shakh Upper  
Kurram Agency & others of Kurram Agency ----- *Petitioners*

*Versus*

Federation of Pakistan & Others----- *Respondents*

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*Respondents No 1, 2 & 5*

*Deputy Secretary Levy & Khassadar)  
Law & Order Department  
FATA Secretariat*

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getting their salaries from the budget  
were also basically Levy Sepoy getting their salary in BPS 5 as Levy Sepoy from the budget  
of Levy Force Change of Cadre From Levy Force to clerical staff of Political Agent Kurram  
Agency has been now declared as illegal and void by the Honorable Supreme Court of

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~~P 118~~

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

In W.P Nos. 4311-P/2017

Mr. Ashiq Hussain s/o Qadam Ali Caste, Duperzai Resident of Village Shakh Upper Kurram Agency & others of Kurram Agency ----- *Petitioners*

*Versus*

Federation of Pakistan & Others----- *Respondents*

Reply on behalf of Respondent No.1 Additional Chief Secretary (FATA), Respondent No. 2 (Secretary Law & Order) FATA and Respondent No. 5 Section Officer (Levy & Khassadar) FATA.

RESPECTFULLY SHEWTH:

The answering respondents most respectfully submit the following

PRELIMINARY OBJECTIONS:

- a. After the promulgation of Levy Force Regulation 2010, amended 2013, called Federal Levy Regulation 2012, rule were also framed in Levy Force Regulation and a proper remedy for the aggrieved Levy personnel has been provided in the regulation/ rules mentioned above. The petitioners have been provided proper remedy under the law for their grievances if any and as such the question of maintainability of the petition/ jurisdiction is of much importance and the approaches of the petitioners to this Honourable court under Article-199 of the Constitution of Islamic Republic of Pakistan 1973 have a big question mark.
- b. That the petitioners have not come to this Honorable court with clean hands.

FACTS:

The contents of Para-1 are misconceived and based on wrong information. Levy Force was raised and established in Kurram Agency in the year 1981. After the establishment of Levy Force in Kurram Agency, some educated persons also applied for recruitment in Levy Force as Sepoy. Recruitment order of some of the Sepoys is annex "A" Some of the highly qualified Levy Force Sepoy already recruited as Levy Sepoy were entrusted with the duties of soldier clerks to perform office duties which were ordered by the then commandant/ Political Agent Kurram Agency vide different office orders. It is important to mention here that they were basically recruited as Levy Sepoy in BPS-5 and their promotion in Levy Force was as such:-

- From Levy Sepoy to Lance Naik
- From Lance Naik in Havaldar
- From Havaldar to Naib Subedar
- From Naib Subedar to subedar and

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Annual budget of Levy Force was prepared by SAIRON and Levy Force personnel were getting their salaries from that specific budget sanctioned for Levy Force. The Levy Clerk were also basically Levy Sepoy getting their salary in BPS 5 as Levy Sepoy from the budget of Levy Force Change of Cadre From Levy Force to clerical staff of Political Agent Kurram Agency has been now declared as illegal and void by the Honorable Supreme Court of Pakistan Islamabad in C.P. No. 71 of 2011 decided in 12.6.2013.



~~PLT~~

The Ministerial Staff working under the control of Political Agent Kurram Agency are getting their salaries from the sanctioned budget for Ministerial Staff and their chain of promotion is also specifically mentioned in the record.

**Para wise Comments:**

1. Correct to the extent that some of the Petitioners have served in the office of Political Agent Kurram Agency. Most of the petitioners have been properly trained as Levy Sepoy after initial recruitment. Some of the Levy Sepoys were entrusted with the responsibilities to perform duties as Soldier Clerks as per need of office of the political Agent/ commandant Kurram Agency. As for as initial training as Levy Sepoy is concerned majority have gone through.
2. Correct. They served to the entire satisfaction of their superiors.
3. Incorrect. All Junior Clerks mentioned in the said para except Bilal Hussain at S.No 8 was adjusted as Junior Clerk in the Ministerial staff of Political Agent Kurram Agency before promulgation of Levy Force Rules in 2013. Promotion of Bilal Hussain as Junior Clerk in the office of Political Agent Kurram Agency is subjudice in the Honourable apex court of Pakistan where as the adjustment of Hashim Ali as Junior Clerk has since been withdrawn vide office order No. 234-38/ Kurram Levy/ Dated 23.2.2016 as per directive issued by the appellate authority (Secretary Law & Order FATA Secretariat) vide letter No. CS(F)/M/4/Levy/concept paper/311-16/ dated 15.12.2015, Annex "B" as change of cadre of uniform force is violation of Federal Levy Force Rules (Amended 2013).
4. Incorrect.
5. The facts are that in the year 2013, unprecedented law and order situation along with internal tribal sectarian issues further aggravated by the menace of militancy terrorism prevailed in Kurram Agency in last few years. In such like sensitive law and order situation recruitment against levy Posts could not be made. A large number of Levy Personnel are retired which constrained the Political Administration Kurram Agency not to retire the Levy Personnel to maintain sufficient strength of Levy which was direly needed in the wake of worst Law and order situation arising out of law enforcing agencies operation in adjoining agencies as well as in central Kurram coupled with intra sectarian cleavage created in the 2013 general elections. In wake of the above, service of 126 levy personnel including petitioners who were due to retirement were retained beyond their due dates of retirement. As they had performed their duties beyond their dates of retirement, their salaries were paid regularly as they were performing their duties to the satisfaction of administration. When law and order situation subsided the pension cases of the afore said levy personnel (including petitioners) were submitted to Agency Accounts Officer Kurram Agency which were returned with the remarks to recover the amount of salaries paid to Levy Force personnel, beyond their dates of retirements. The pension cases submitted to Agency Accounts Officer are pending final decision. Political Administration Kurram Agency has taken up the pension cases of those persons with FATA Secretariat and has requested Ex-post facto Sanction of payments of salaries made to retired Levy Personnel who were retained by the Political Administration Kurram Agency for the reasons detailed above and their cases are under process in the office of the Secretary

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09 JUL 2018

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- 6. As already submitted, the petitioners were due to for retirement at the time when 2 their services were retained for the reasons detailed above.
- 7. Reply already submitted above.
- 8. Correct. But as is very clear from his own statement that they have thoroughly performed their duties as soldier clerks in offices/ check posts as Moharrirs and no promotion had been granted to soldier clerk till yet as promotion is being granted to those sepoy who performs active rifle duties day and night. If promotion granted to the petitioners, it will open a new Pandoras Box and all retired solder clerks will demand for their promotion.
- 9. Detailed reply already submitted in Para-8 Above.
- 10. No comments.

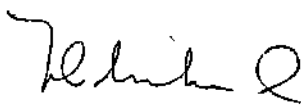
Grounds:

- A. The contents of Para are mis-conceived and not admitted.
  - B. Detailed reply already submitted in Para-8 Above.
  - C. Detailed reply already submitted in para-5 above.
  - D. Proper answered has been submitted above.
- A. No comments

In the light of the submissions made above it is most respectfully prayed that the writ petition having no legal grounds may very kindly be dismissed.

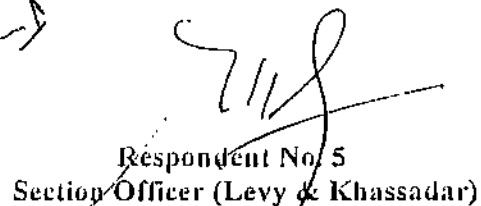


Respondent No. 1  
Additional Chief Secretary FATA)



Respondent No. 2  
Secretary Law & Order



  
Respondent No. 5  
Section Officer (Levy & Khassadar)

**FILED TODAY**  
**Deputy Registrar**  
09 JUL 2018

**ATTESTED**  
**TO BE VERIFIED**  
**To Be True Copy**

65

1/1/15	2/CS/2015	-do-	-d-
1/1/15	2/CS/2015	-do-	-d-
1/1/15	2/CS/2015	-do-	-d-
1/1/15	2/CS/2015	-do-	-d-
1/1/15	2/CS/2015	-do-	-d-
1/1/15	2/CS/2015	-do-	-d-

~~1-51~~

**BEFORE THE PESHAWAR COURT PESHAWAR**

In W.P Nos. 4311-P/2017

Mr. Ashiq Hussain s/o Qadam Ali Caste, Duperzai Resident of Village Shakh Upper Kurram Agency & others of Kurram Agency ----- *Petitioners*

*Versus*

Federation of Pakistan & Others----- *Respondents*

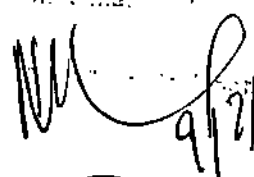
**AFFIDAVIT**

I, Mr. Miraj Muhammad Deputy Secretary (Levy & Khassadar) FATA Secretariat, Peshawar do hereby solemnly affirms and declared that para wise comments submitted by Respondent No. 1, 2 & 5 is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

  
*Deputy Secretary Levy & Khassadar)*  
*Law & Order Department*  
*FATA Secretariat*

2647

affirmed that the above is verified on solemnly  
 sworn to on this 13<sup>th</sup> day of July 2018  
 at Peshawar  
 Miraj Muhammad  
 Deputy Secretary  
 Law & Order  
 FATA Secretariat

 9/7/18

**FILED TODAY**  
**Deputy Registrar**  
09 JUL 2018

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Annex <sup>v</sup> E 66  
~~P-52~~

PESHAWAR HIGH COURT, PESHAWAR  
ORDER SHEET

(11)

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
15.01.2019	<p data-bbox="650 768 940 819"><u>W.P.No.4311-P/2017.</u></p> <p data-bbox="650 831 1223 919">Present: Mr. Zahanatullah, Advocate, for the petitioners.</p> <p data-bbox="799 932 1223 1020">Mr. Sikandar Rashid, for the respondents.</p> <p data-bbox="854 1045 1011 1071">*****</p> <p data-bbox="650 1121 1230 1575"><u>MUSARRAT HICALI J.</u>- Through this single judgment, we propose to decide connected Writ Petition bearing No. 302-P/2018 (Khaezullah Khan etc Vs. Chief Secretary FATA etc), as both the matters have common questions of law and facts involved therein.</p> <p data-bbox="650 1612 1230 2167">2. Petitioners in both the petitions have sought similar prayer that they may be given proforma promotion with all back benefits by declaring the recovery order dated 09.02.2015 of respondent No.2 as null and void. They have also prayed that the respondents may be directed to release the pension of the petitioners</p>

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	<p>alongwith interest.</p> <p>Arguments heard and appended record gone through.</p> <p>3. This Court in its judgment rendered in W.P.No. 354-p/2017 titled "Gul Munir Vs. The Govt. of Pakistan through Secretary, Ministry of States and Frontier Regions (SAFRON), Islamabad &amp; others" decided on 01.03.2018 had declared that all employees of Levy Force are civil servants, in light of the judgment of the Apex Court, rendered in Civil Appeal Nos. 521/2015, 2387/ 2388, 2552, 2553 of 2016, and others decided on 29.01.2018.</p> <p>4. When learned counsel for the petitioners was confronted with the above situation, he stated at the bar that the instant Writ Petition may be treated as Appeal and be sent to the Services Tribunal for decision in accordance with law.</p> <p>5. The office is directed to send the original file to Federal Service Tribunal by retaining a</p>
--	---

*Law*

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photocopy of memo of Petition for the purpose  
of record.

6. Accordingly, both the writ petitions are  
disposed of in the above terms.

*[Signature]*  
JUDGE

*[Signature]*  
JUDGE

Announced  
15.01.2019

**REGISTERED**  
Copy to Be kept Copy

[DD] Hon'ble Justice Musarrat Hllal  
Hon'ble Mr. Justice Muhammad Ayub Khan

Federal Service Tribunal, Islamabad.

Appeal No. 392(P)CS/2019

Ashiq Hussain & 6 others Vs Secy. FATA & 5 others

23.05.2019 BEFORE: Mr. Muhammad Jahangir Mir and  
Mr. Muhammad Humayun, Members.

PRESENT: Mr. Ashiq Hussain, appellant in person.

\*\*\*\*\*

ORDER

Muhammad Jahangir Mir, Member:

The appeal is at pre-admission stage. It has been observed that a notification No. LEGIS 1(14) 2012-Vol.II dated 12.03.2019, whereby the Federal Levies Force Regulation, 2012 has been repealed through Khyber Pakhtunkhwa Ordinance No. 1 of 2019. According to which the Federal Levies and Khassadar Forces stand provincialized.

In the above circumstances the present appeal is ~~to be~~ returned <sup>for</sup> seeking remedy at appropriate forum. Therefore, the appeal is disposed of accordingly.

sd-  
MEMBER

CERTIFIED TRUE COPY  
Registrar  
Federal Service Tribunal  
Islamabad



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

\*\*\*\*\*

D. No. 5255

Dated 28 MAY 2019

Subject:- ORDER PASSED IN APPEAL NO.392(P)CS-2019 FILED BY  
MR. ASHIQ HUSSAIN & OTHERS VS FATA ETC.

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

By Order

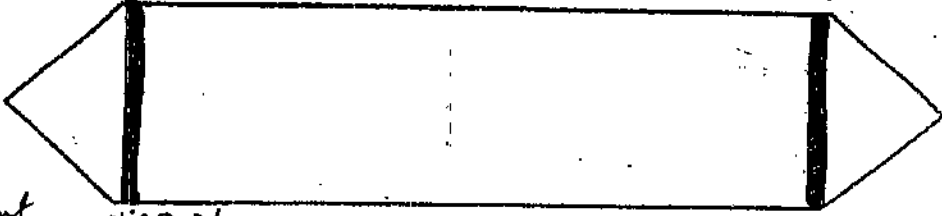
  
REGISTRAR

To,

1. Mr. Ashiq Hussain S/o Qadam Ali,
  2. Mr. Gulzar Hussain S/o Muhammad Hussain
  3. Mr. Mushtaq Hussain S/o Muhammad Ali,
  4. Mr. Mehtab Ali S/o Nawab Ali,
  5. Mr. Niaz Hussain S/o Dost Muhammad
  6. Mr. Maqsood Khan S/o Janat Mir
  7. Mr. Sarwar Ali S/o Safdar Ali
- (All appellants mentioned at Serial No.1 to 7 are Ex-Employees of Federal Levy Force, Kurram Agency).
8. The Secretary, Establishment Division, Government of Pakistan, Islamabad.
  9. The Solicitor, Law & Justice Division, Islamabad.



# بعدالت جناب سرور سنوئل کپلی کے



Appellant

لاہور پنجاب  
عاشق حسین بنام گوانٹھ ڈپو

موزعہ  
مقدمہ  
دعویٰ  
جرم  
-----  
APPEAL  
-----

## باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام سیٹل کیلئے زیارت الہیہ ڈپو

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقررات لاء فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجاں التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 11  
ماہ جون 2021

\_\_\_\_\_ گواہ \_\_\_\_\_

کے لئے منظور ہے۔

سید

بمقام

عاشق حسین وکلم مقدمہ کی

Handwritten signature

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

Service Appeal No 6644/ 2021

Ashiq Hussain..... (Appellant)

VERSUS

Govt: of KP etc.....(Respondents)

**INDEX**

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Para-wise comments		1-2

Respondent through



**(TARIQ UMAR)**  
Inspector/ Legal CPO,  
Peshawar.

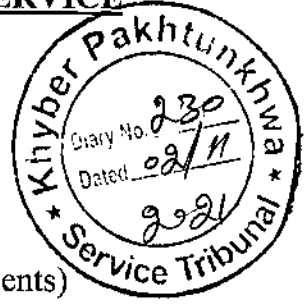
**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No 6644/ 2021

Ashiq Hussain ..... (Appellant)

VERSUS

Govt: of KP etc.....(Respondents)



**REPLY BY RESPONDENTS NO. 2**

RESPECTFULLY SHEWETH:

**PRELIMINARY OBJECTIONS:-**

- a) That the appeal is bad for miss-joinder and non-joinder of necessary parties.
- b) That the appeal is not based on facts.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is badly barred by law & limitation.
- e) That the appellant is estopped to file the appeal by his own conduct.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the appellant has got no cause of action to file instant service appeals.
- h) The answering respondent is not appointing authority of the appellant under the rules.

**FACTS:-**

1. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
2. Incorrect. The appellant is Ex- Levy employee and he has not served under the control of answering respondent. Who is neither appointing not dismissal authority under the rules.
3. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
4. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
5. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
6. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
7. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
8. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
9. Pertains to record of Ex- Political Agent, Kurram Agency hence, no comments.

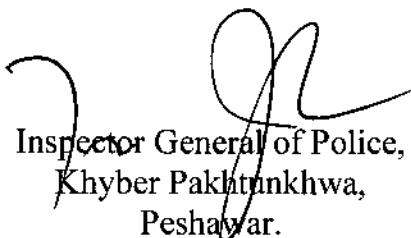
10. The instant service appeal is not maintainable against the answering respondent on the following Grounds.

**GROUND:-**

- A. Incorrect. The act of respondent i.e Ex-Political agent was in accordance with law/ rules and no malafide is existing on the part of answering respondent.
- B. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
- C. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
- D. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
- E. Pertains to record of Ex- Political Agent, Kurram Agency who can better explain the position hence, no comments.
- F. Incorrect. No discrimination has been committed by the answering respondent.
- G. The respondents may also be allowed to raise additional Grounds at the time of hearing of the instant Service Appeal.

**PRAYER:-**

Keeping in view the above stated facts and rules it is humbly prayed that the appeal is not maintainable and devoid of legal force against the answering respondent may kindly be dismissed with costs, please.

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

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

Service Appeal No 6644/ 2021

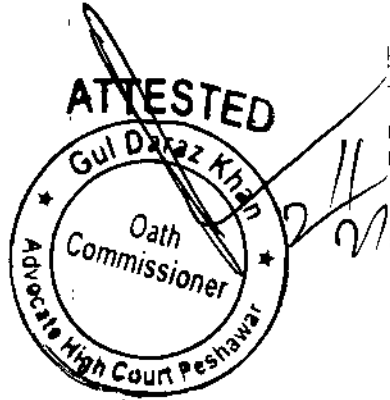
Ashiq Hussain..... (Appellant)

VERSUS

Govt: of KP etc.....(Respondents)

**AFFIDAVIT**

I, Tariq Umar Inspector/ Legal CPO, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondent No. 2 is correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.



Respondent through

(TARIQ UMAR)  
Inspector/ Legal CPO,  
Peshawar.