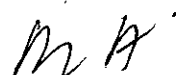


20.06.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Raza Ullah, Clerk on behalf of official respondent No. 1 and private respondents No. 2 & 3 in person present. Written reply on behalf of official respondent No. 1 has already been submitted. Private respondents No. 2 & 3 requested for further adjournment to submit written reply. Adjourned. Case to come up for written reply/comments on behalf of private respondents No. 2 & 3 on 02.08.2019 before S.B. Notice be also issued to the appellant for attendance for the date fixed.

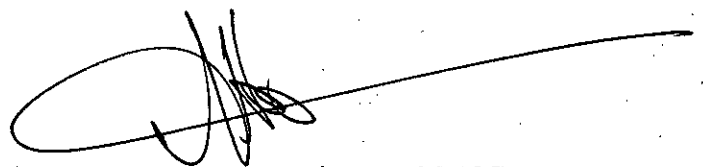

(Muhammad Amin Khan Kundi)
Member

02.08.2019

Appellant with counsel and Mr. Usman Ghani, District Attorney for respondents present. Counsel for the appellant submitted an application for withdrawal of the instant appeal. In this respect his signature also obtained in the margin of the order sheet.

Application is allowed and the appeal in hand is therefore, dismissed as withdrawn. File be consigned to the record room.

ANNOUNCED:
02.08.2019


(AHMAD HASSAN)
MEMBER

NK
1570, 3, 2070 525-7
2/8/19

29.03.2019

Appellant in person present. Written reply not submitted. Ghulam Mustafa Superintendent representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 30.04.2019 before S.B



Member

30.04.2019

Appellant in person and Mr. Usman Ghani District Attorney alongwith Mushtaq Ahmad, Senior Clerk for the official respondents and private respondents No. 2 & 3 in person present.

Representative of respondent No. 1 has submitted parawise comments on behalf of respondent No. 1. The same are placed on record. Private respondents No. 2 & 3 request for adjournment.

Adjourned to 20.06.2019 on which date written reply/comments of respondents No. 2 & 3 shall positively be submitted.



Chairman

07.02.2019

Counsel for the appellant present.

Contends, inter-alia, that the corrigendum order to the original office order dated 14.11.2016 regarding promotion was issued on 27.3.2018. The impugned order of corrigendum was passed after lapse of about two years, whereby, the prospective promotion of appellant was hindered. The appellant had duly submitted his reservations in response to notice by respondent No. 1 regarding the alteration/corrigendum, however, the same were totally disregarded by the said respondents.

Apparently there is a delay in submission of service appeal in hand, however, in view of submissions by learned counsel and the available record, instant appeal is admitted for regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 28.03.2019 before S.B.

~~Appellant Deposited
Security & Process Fee~~


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 26/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/1/2019	<p>The appeal of Mr. Izat Khan presented today by Syed Dawran Shah 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;"><i>[Signature]</i> REGISTRAR 2-11-19</p>
2-	16-1-19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>7-2-19</u>.</p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

BEFORE THE HONORABLE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 26 of 2019

Izat Khan

VERSUS

Commandant Dir Levies/Deputy Commissioner District Upper Dir

INDEX

S.No	Description of Documents	Annexure	Pages
1.	<i>Memo of Service Appeal</i>		1-4
2.	<i>Affidavit</i>		5
3.	<i>Addresses of the parties</i>		6
4.	<i>Copy of Promotion Order dated: 14/11/2016</i>	A	7-9
4.	<i>Copy of impugned Order Dated: 27/3/2018</i>	B	10
5.	<i>Copy of application filled by Resplendent No.2 and 3</i>	C	11
6.	<i>Copy of application/reply filled by Appellant's</i>	D	12
7.	<i>Copy application dated: 28/3/2018 filled by Appellant's</i>	E	13-14
8.	<i>Copy of Seniority List</i>	F	14-17
9.	<i>Copy of other Documents</i>		18-21
10.	<i>Wakalat Nama</i>		

Appellant

Through

Syed Dawran Shah

Dated: 03/06/2016

Advocate, High Court Peshawar
Cell No. 0300-5985384

Office Room No.109-B, Town Tower, Jahangir
Abad University Road, Peshawar.

BEFORE THE HONORUABLE SERVICES TRIBUNAL

KHYBER PAKHTUNKHWA PESHAWAR

Services appeal No. 26 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 35

Dated 09/11/2019

1. Izat Khan S/O Sadat Khan (naib subidar)

Dir Levies District Upper Dir KPK

Appellant.....

Versus

1. Commandant Dir Levies/Deputy Commissioner District Upper Dir

2. Gul Badshah S/O Khaist Muhammad (naib subidar) Dir Levies District
Upper Dir

3. Jehan Zeb S/O Bacha Sardar (naib subidar) Dir Levies District Upper Dir

Respondents.....

APPEAL UNDER SECTION 4 OF THE KHYBER

PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974

AGAINST THE OFFICE ORDER/CORRIGENDUM

NO:7375-80/DC/LHC DATED:27/03/2018 ISSUED BY

DEPUTY COMMISSIONER/COMMANDANT DIR

LEVIES DISTRICT UPPER DIR WHEREBY OFFICE

ORDER NO:16059-63/DC/LHC/OFFICE ORDER/2016

DATED 14/11/2016 WAS ORDERED TO BE READ AS

9/11/2016 INSTEAD OF 14/11/2016 FROM SERIAL

NO.1 TO SERIAL NO.3 I.E IN RESPECT OF

RESPNDENT NO.2 AND 3

Filed to-day

Registrar

09/01/19

Respectfully Sheweth,

Grounds:

inter alia on the following grounds.

7. That being aggrieved from the corrigendum dated 27/3/2018 and having no other adequate and efficacious remedy, appellant is filing the instant appeal

28/3/2018 is Annexure-E)

request of the appellant, hence this Appeal. (Copy of application Dated: Order but until now no Order has been made upon that application and aside/modify the Corrigendum \Office Order and restore the Original office Upper Dir followed by several visits to Respondent No. 1 to set appellant filed application to the Deputy commissioner/Commandant Levies purpose of restoration of previous order dated 14/11/2016 mentioned above. That against the corrigendum/office order mentioned above and for the copy of office order no: 7372-80 dated 27/3/2018 is Annexure-D)

2. That Respondent No. 1, while allowing the application of Respondent No. 2 and 3 issued the impugned order/corrigendum no: 7372-80 dated 27/3/2018 and ordered that the date of notification/office order no: 7372-80 be read as 01/12/2016 instead of 14/11/2016 only in respect of Respondent No. 2 and 3.)

by appellant to Respondent No. 1 is Annexure-C)

4. That the appellant filed reply/application to respondent No. 1 that the date mentioned in office order no: 7372-80 i.e. 14/11/2016 is absolutely correct and requested that the same may not be changed. (copy of application filed

Annexure-B)

3. That respondent No. 2 and 3 submitted an application to respondent no. 1 for the review of the date of notification i.e. 14/11/2016 and requested that the promotion (copy of application filed by Respondent No. 2 and 3 is same may be read as 01/12/2016 for the purpose of getting further

Annexure-A)

Commandant/Deputy Commissioner Upper Dir. copy of office order 14/11/2016 and notified on 14/11/2016 issued from the office of recommendation of departmental promotion committee meeting held on 2. That the appellant was promoted to the rank of said subdar as per the the command of Deputy Commissioner Upper Dir.

1. That the appellant is said subdar in DIR LEVIES KPK and serving under

- a. That according to the seniority list issued in December 2017 Respondent No. 2 and 3 shall stand retired on 11/11/2021 while appellant shall retire on 14/11/2023 meaning there by that the promotion chances of the appellant will be more than the respondent's No. 2 and 3.(Copy of Seniority List is Annexure-F)
- b. That the corrigendum/order dated 27/3/2018 is against Law, Rules, Regulations, Policy and against Service Laws as well and is thus liable to be set aside/ varied.
- c. That the Act of respondent No. 1 is against the fundamental rights of the appellant and discriminatory in nature which needs to be set at naught.
- d. That the corrigendum/Office order referred above is in fact an amended order of the previous office order dated 14/11/2016 which is made malafidely by Respondent No.1 just to accommodate the blue eyed persons.
- e. That the corrigendum order dated 27/3/2018 has been given retrospective effect which is illegal, unlawful and void ab-initio.
- f. That the corrigendum order mentioned above has the effect of nullifying the legitimate expectation of appellant to be promoted to the next higher rank and this order is completely blocking all means of appellant's future promotion.
- g. That the purpose of a corrigendum ought to be to correct an apparent error or any typographical mistake and not to take away the legitimate right of any person. While in the instant case the corrigendum order adversely affected the legitimate expectation of promotion of the appellant which tantamount to miscarriage of justice and the said corrigendum order needs to be set aside/ modified.
- h. That office order No.16059-63 was issued on 14/11/2016 while the corrigendum No. 7375-80 was issued on 27/3/2018 with an unexplained delay which clearly shows the malafide intentions of the Respondents.
- i. That the matter of promotion is a recurrent cause of action and every denial of the respondents affecting the promotion of the appellant gives a fresh cause of action to the appellant. More over the corrigendum order, being a void order, is not sustainable in the eye of Law.
- j. That appellant approached the respondent many times and requested them to settle the matter according to Law, Rules and Regulations and further requested them to restore original Office Order dated 14/11/2016 but they

are deferring the matter on one pretext or another and lastly a few days ago refused to restore the original order which is illegal and unlawful.


k. That any other ground available to the appellant may be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is therefore most humbly prayed that on acceptance of the instant appeal, Office order/corrigendum no: 7375-80/DC/LHC dated:27/03/2018 may kindly be set aside/ modified and office order no: 16059-63/dc/LHC/office order/2016 dated 14/11/2016 may kindly be restored in the best interest of justice.

Any other relief not specifically prayed for and is available to the appellant may also be awarded.


Appellant

Through


Syed Dawran Shah
Advocate High Court

And


Shahid Hassan Akhunzada
Advocate Peshawar

BEFORE THE HONORUABLE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____ of 2019

Izat Khan

VERSUS

Commandant Dir Levies/Deputy Commissioner District Upper Dir

Affidavit

I, Izat Khan S/O Sadat Khan (naib subidar) Dir Levies District Upper Dir KPK do hereby solemnly affirm and declare on Oath that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Deponent
Izat Khan

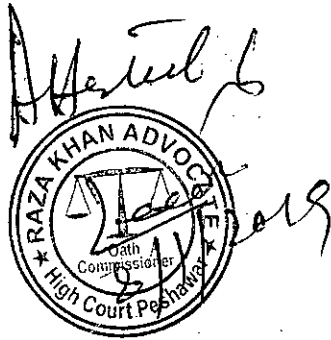
CNIC#15703-2070825-7

Identified by

Syed Dawran Shah

Advocate High Court

Peshawar



BEFORE THE HONORUABLE SERVICES TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____ of 2019

Izat Khan

Appellant.....

VERSUS

Commandant Dir Levies/Deputy Commissioner District Upper Dir

Respondents.....

ADDRESSES OF THE PARTIES

Appellant

1. Izat Khan S/O Sadat Khan (naib subidar) Dir Levies District Upper Dir KPK

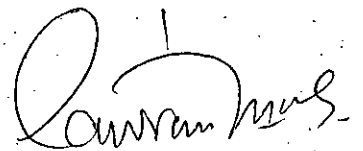
Respondents

- 1) Commandant Dir Levies/Deputy Commissioner District Upper Dir
- 2) Gul Badshah S/O Khaist Muhammad (naib subidar) Dir Levies District Upper Dir
- 3) Jehan Zeb S/O Bacha Sardar (naib subidar) Dir Levies District Upper Dir

Dated: 4/01/2019

Appellant

Through



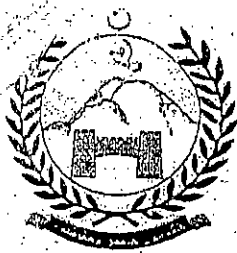
Syed Dawran Shah

Advocate

High Court, Peshawar

Annexure "A"

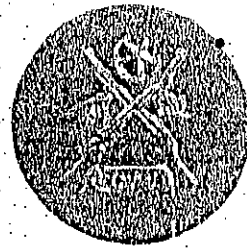
①



OFFICE OF THE
COMMANDANT/DEPUTY COMMISSIONER
UPPER DIR

No: 16059-63/DC/LHC/Office order/2016

Dated Dir the: 14/11/2016.

OFFICE ORDER

Consequent upon the recommendation of Departmental Promotion Committee meeting held on 04.11.2016 circulated vide letter No: 15567-68/DC/LHC/DPC meeting dated 07.11.2016, the following levy Personnel (Federal) are hereby promoted to the rank mentioned against each with immediate effect.

#	NAME OF OFFICIAL	FATHER NAME	PRESENT RANK	PROMOTED AS
1	Jehan Zeb	Shah Nawaz	N.Subidar	Subidar
2	Khaista Said	Swal Faqir	N.Subidar	Subidar
3	Rehman Uddin	Shah Zada	N.Subidar	Subidar
4	Izzat Khan	Sadat Khan	Hawaladar	N.Subidar
5	Mazhar Shah	Ali Haider	Hawaladar	N.Subidar
6	Muhaib Ullah	Jamroz Khan	Hawaladar	N.Subidar
7	Nasib Zada	Khan Zada	L.Naik	Naik
8	Naeem Ullah	Fazal Wahid	-do-	-do-
9	Jamal Shah	Shah Zamin Khan	-do-	-do-
10	Saeed ur Rahaman	Muhammad Yar	-do-	-do-
11	Shoukat Ali	Rahman Gul	-do-	-do-
12	Sajid Ullah	Muhammad Irshad	-do-	-do-
13	Rafi Ullah	Nadar Saeed	-do-	-do-
14	Bakht Rawan	Amir Rahman	-do-	-do-
15	Naved Khan	Khalid Khan	-do-	-do-
16	Amin Ullah	Ranja Khan	-do-	-do-
17	Gul Hasan	Rasool Khan	-do-	-do-
18	Gul Sahib Zada	Muhammad Arif	-do-	-do-
19	Afzal Khan	Bazir Khan	-do-	-do-
20	Ikram ul Haq	Amin ul Haq	-do-	-do-
21	Muhammad Baz	Saeed Azim	-do-	-do-
22	Iftekhar Ali	Dilawar Khan	-do-	-do-
23	Alif Khan	Qadar Khan	-do-	-do-
24	Muhammad Munir	Amin Ullah	-do-	-do-
25	Hanif ur Rehman	Said Rahman	-do-	-do-
26	Muhammad Zubir	Umar Yar	-do-	-do-
27	Anwar Zeb	Amin Zada	-do-	-do-
28	Nasir Ullah	Asaf Khan	-do-	-do-
29	Umar Zada	Muhammad Sherin	-do-	-do-
30	Nasrullah	Bacha Zada	-do-	-do-
31	Khaista Rahman	Ghulam Hazrat	-do-	-do-

Syed Dawran Shah
Syed Dawran Shah
Advocate High Court Peshawar
M.A., LL.B

Affected

Syed Dawran Shah
Syed Dawran Shah
Advocate High Court Peshawar
M.A., LL.B

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Alam Zeb	Sultan Muhammad	-do-	-do-
Fazal Rahman	Saifur Rahman	-do-	-do-
Kalim Ullah	Bahadar Khan	-do-	-do-
Muhammad Nisar	Muhammad Israr	-do-	-do-
Farman Ullah	Atta Ullah	-do-	-do-
Zubir	Aman Ullah Khan	-do-	-do-
Mushtaq Ahmad	Said Jan	-do-	-do-
Abdul Wahab	Amin Ur Rahman	-do-	-do-
Sultan Uddin	Muhammad Saeed	-do-	-do-
Ibrar Khan	Amin Khan	-do-	-do-
Nazir Ahmad	Muhammad Zamin	-do-	-do-
Ilyas Khan	Zamin Khan	-do-	-do-
Muhammad Ibrahim	Muhammad Ghani	-do-	-do-
Rahim Shah	Bacha Muhammad	-do-	-do-
Asadullah	Muhamamd Rahim	-do-	-do-
Imran Khan	Murad Khan	Sepoy	L. Naik
Zakir Ali	Sher Ghani	-do-	-do-
Samiu Rehman	Khaista Rehman	-do-	-do-
Inamullah	Yar Muhammad	-do-	-do-
Fazal Zada	Zardad Jan	-do-	-do-
Taj Rasool	Abbas Khan	-do-	-do-
Amjad Ali	Gul Azim	-do-	-do-
Khayal Zada	Shahzol	-do-	-do-
Karimullah	Naseeb Gul	-do-	-do-
Shahabuddin	Nasarudin	-do-	-do-
Samiullah	Masal Khan	-do-	-do-
Zahid Rehman	Habib Rehman	-do-	-do-
Wahidullah	Shahzol Khan	-do-	-do-
Kalimullah	Muhammad Anwar	-do-	-do-
Bakht Rawan	Amroz Khan	-do-	-do-
Naveed Akhter	Ghulam Haider	-do-	-do-
Mubarak Bakht	Sultan Bakht	-do-	-do-
Irfanullah	Mutabar Khan	-do-	-do-
Gohar Jan	Gul Habibi Jan	-do-	-do-
Nisar Ahmad	Khaista Rehman	-do-	-do-
Samiu Rehman	Sahah Zol Fateh	-do-	-do-
Faiz ur Rehman	Jan	-do-	-do-
Khan Wali	Muhammad Amin Khan	-do-	-do-
Naveed Akhter	Muhammad Nisar	-do-	-do-
Said Nawab	Siyasat Khan	-do-	-do-
Shahidullah	Salahuddin	-do-	-do-
Fazal Wahid	Fazal Saeed	-do-	-do-
Waseem Sajjad	Amin Zada	-do-	-do-

Syed Dawran Shah
Syed Dawran Shah
 Advocate High Court Peshawar
 M.A., L.L.B

Affirmed
Syed Dawran Shah
Syed Dawran Shah
 Advocate High Court Peshawar
 M.A., L.L.B

9

Muhammad Saeed	Raz Muhammad	-do-	-do-
Hanifur Rehman	Bakht Shahzada	-do-	-do-
Shah Javaid	Bakht Zamin Khan	-do-	-do-
Naik Zada	Rehmanullah	-do-	-do-
Faiz Rehman	Azim Jan	-do-	-do-
Rohul Amin	Rohuddin	-do-	-do-
Hussian Shah	Shah Tamriz	-do-	-do-
Najmuddin	Nizamuddin	-do-	-do-
Misbahuddin	Salahuddin	-do-	-do-
Ajmal Ali Khan	Shahu Din	-do-	-do-

(Muhammad Usman Melisud, PAS)
Commandant Levies Force
Deputy Commissioner
Dir Upper

Even No; & Dated:-

- Copy forwarded to:
1. The Commissioner Malakand Division at Saidu Sharif Swat.
 2. The Deputy Secretary (LK&B) Ministry of SAFRON Division Islamabad.
 3. The PS to Secretary Home & TA's Department Government of Khyber Pakhtunkwa Peshawar.
 4. The District Accounts Officer Dir Upper for information and necessary action.
 5. The Officials concerned for compliance.

(Muhammad Usman Melisud, PAS)
Commandant Levies Force
Deputy Commissioner
Dir Upper

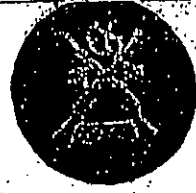
Syed Dawran Shah
Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B

Accepted
Syed Dawran Shah
Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B



OFFICE OF THE
COMMANDANT DIR LEVIES/
DEPUTY COMMISSIONER
DIR UPPER

No: 7375-80 /DC/LHC
Dated Dir the: 27/03/2018.

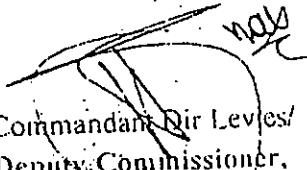


(10)

Annexure B

CORRIGENDUM/OFFICE ORDER

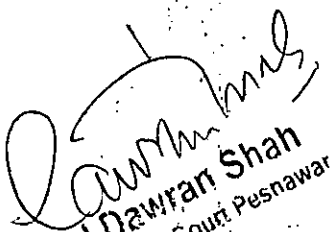
In continuation of this office order No. 16059-63/DC/LHC/Office Order/2016 dated 14-11-2016 and as approved by the undersigned in a meeting with Subidar Major Dir Levies, All Subidars, Naib Subidars & Hawldars held on 20-03-2018 at 03:00 PM. the issuance date of the Notification/Office Order referred above in respect officials from S. No 01 to S. No 03 may please be read as 09-11-2016 instead of 14-11-2016.

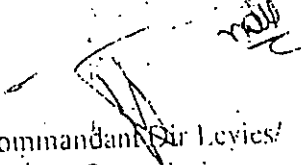

Commandant Dir Levies/
Deputy Commissioner,
District Dir Upper.

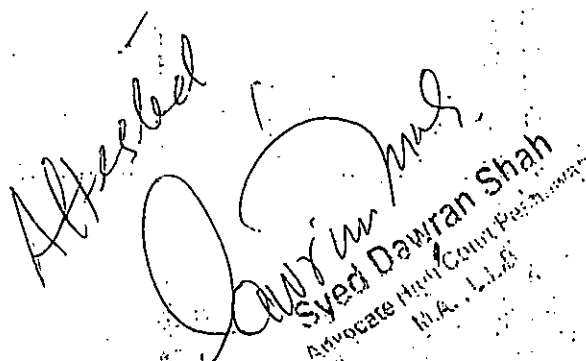
Even No & date

Copy forwarded to the:-

1. Commissioner Malakand Division Saidu Sharif Swat.
2. Deputy Secretary (LK&B) Ministry of State & Frontier Region Division Islamabad.
3. The PS to Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa Peshawar.
4. The District Account Officer Dir Upper for information and necessary action
5. Subidar Major Dir Levies.
6. Official concerned for compliance.


Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B.


Commandant Dir Levies/
Deputy Commissioner,
District Dir Upper.


Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B.

Annexure "C"

(11)

نوٹس

ان تمام ایویز اہل کاروں کو مطلع کیا جاتا ہے جن کی پروموشن 14-11-2016

آرڈر نمبر 16059-63/DQ/LHC/Officer Order/2016 کے تحت ہوئی ہے۔

دونائب صوبیداروں مسمی گل بادشاہ اور جان زیب نے درخواست کی ہے کہ بوجہ

کی پروموشن مذکورہ آرڈر کو مورخہ 09-11-2016 کو جاری کیا جائے تاکہ ان کو 2021 میں

صوبیدار پوسٹ پر پروموشن مل سکے۔

اگر کسی اہل کار کو مذکورہ آرڈر کے 09-11-2016 پر جاری کرنے میں کسی قسم کی

شکایت ہو تو وہ اپنی شکایت 30 دن کے اندر اندر زیر دستخطی کو جمع کرائے بصورت دیگر مذکورہ آرڈر

09-11-2016 کو جاری کیا جائے گا۔

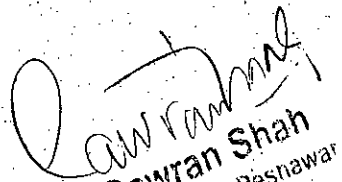
کمانڈنٹ ڈیپارٹمنٹ / ڈپٹی کمشنر

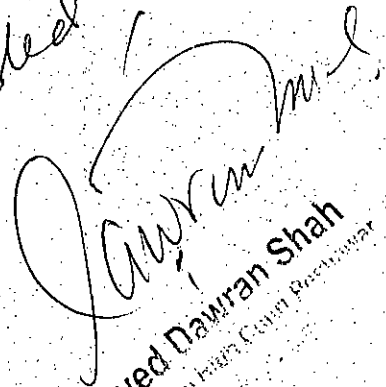
ضلع دیر بالا

S. M.

All SDLOs

Attested


Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B


Syed Dawran Shah
Advocate High Court Peshawar

خدمت جناب ڈپٹی جسٹس صاحبہ / کمانڈنٹ ڈیویو پیر ضلع دیدارا

Annexure

عنوان درخواست برائے سٹیوٹی Corrigendum / Office Order

(13)

موردہ 27-03-2018 و بحالی مزکورہ آرڈر مورخہ 14-11-2016

LAC

گزارش حسب ذیل میں

Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B

یہ کہہ سکتے ہیں آپ کے ذریعہ سایہ دیدیو پیر میں بحیثیت نائب

صوبیداران ایسی فرائض منصبی بطریق احسن سرانجام دے رہے

یہ کہہ سکتے ہیں تین نائب صوبیداران ایسی جہانزیب

فائزہ سید اور رحمن الدین نے بھاری سہولتیں آرڈر مورخہ

14-11-2016 کے تاریخ کو برائے آئیڈی جناب کے سامنے درخواست

گنزدگی اور آپ کا حکم مزکورہ درخواست کو منظور کرتے

ہوئے آرڈر مزکورہ کے تاریخ کو 14-11-2016 سے تبدیل کرنے

2016-11-09 کر دیا۔

جناب عالی

مزکورہ آرڈر کے تاریخ کو تبدیل کرنے سے مسائل

کو اپنے ورے وقت میں سر و سوس میں شدید مشکلات کا سامنا

کرتا کرتے گا اور مسائل اپنے قدر وقت سے پہلے دیکھ سکتے

ہو نا پڑے گا۔ مزید یہ کہ بھاری سہولتیں اور دراز عملی

حقیقی کٹوتے کا رہنے والا ہے اور اس کے تمام کا فوٹس وغیر

ہیں عملی ہے اور اسکے علم میں رائے بعینہ مزکورہ آرڈر کا تاریخ

Attested

Syed Dawran Shah

Advocate High Court Peshe
M.A., L.L.B

(14)

شہداء کے نام سے جو کہ ثابت ہو گیا ہے۔

تبدیل کیا گیا ہے۔ مزید کہ ثابت ہو گیا ہے۔

تبدیل کیا گیا ہے۔ مزید کہ ثابت ہو گیا ہے۔

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تبدیل کیا گیا ہے۔ مزید کہ ثابت ہو گیا ہے۔

Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B

28-03-2018

Attested

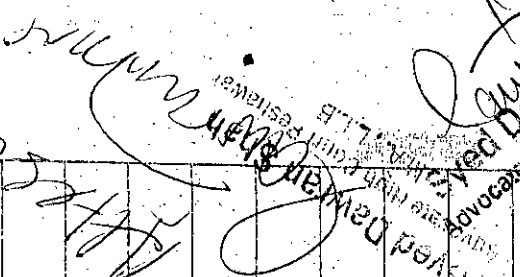
Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B

Annexure
"F"

Annexure "F"
15

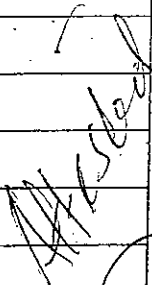
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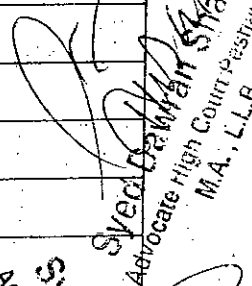
S.NO	NAME	FATHER NAME	BHRT NO	DATE OF ENTRY IN TO GOVT SERVICE	DATE OF BIRTH	PRESENT RANK	BASIC PAY SCALE	DATE OF PROMOTION TO THE PRESENT RANK	DATE OF RETIREMENT AS PER RULES	REMARKS
SUBIDAR MAJOR BPS-16										
1	Misbah Ullah	Shafi Ullah	1395	04.10.1987	4/10/1963	S.Major	16	15.05.2015	15.05.2018	
SUBIDAR BPS-13										
1	Nasib Rawan	Feroz Khan	1398	07.01.1988	15/01/1965	Subidar	13	19.11.2013	19.11.2018	
2	Noor Zada	Toor Pacha	1399	11.02.1988	11/2/1970	Subidar	13	19.11.2013	19.11.2018	
3	Shah Yousaf	Bahadar Khan	1414	24.06.1989	24/06/1993	Subidar	13	19.11.2013	19.11.2018	
4	Bakht Zeb	Muhammad Zahid	1449	12.11.1991	12/11/1972	Subidar	13	19.11.2013	19.11.2018	
5	Fateh uddin	Muhammad Rawan	1459	01.03.1992	1/3/1968	Subidar	13	19.11.2013	19.11.2018	
6	Salih Hussian	Jalandar Khan	1461	09.06.1992	9/6/1969	Subidar	13	19.11.2013	19.11.2018	
7	Rafi Uddin	Feroz Khan	1462	09.06.1992	9/6/1969	Subidar	13	19.11.2013	19.11.2018	
8	Hussan Zada	Sada Khan	1466	25.11.1992	25/11/1972	Subidar	13	19.11.2013	19.11.2018	
9	Jehan Zeb	Shah Nawaz	1478	12.09.1993	12/9/1974	Subidar	13	14.11.2016	14.11.2021	
10	Khaista Said	Swal Faqir	1480	14.09.1993	14/09/1968	Subidar	13	14.11.2016	14.11.2021	
11	Rahman Uddin	Shah Zada	1483	16.03.1994	16/03/1974	Subidar	13	14.11.2016	14.11.2021	

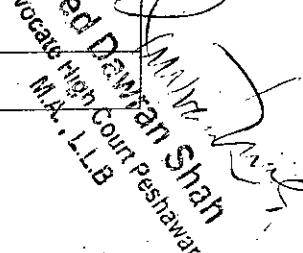
Approved

 Justice Dawood Khan
 Advocate High Court Peshawar
 M.A., LL.B

NAIB SUBIDAR BPS-11

1	Muhammad Nazib	Anwar Zeb	1490	02.10.1994	2/10/1975	N.Subidar	11	11.11.2014	11.11.2021
2	Noor Islam	Mubarak Said	1493	01.12.1994	1/12/1974	N.Subidar	11	11.11.2014	11.11.2021
3	Munasib Khan	Nawsher Khan	1495	06.12.1994	6/12/1972	N.Subidar	11	11.11.2014	11.11.2021
4	Faiz ul Hakim	Bashir	1497	01.01.1995	1/1/1970	N.Subidar	11	11.11.2014	11.11.2021
5	Muhammad Israr	Naqshay	1499	01.01.1995	1/1/1973	N.Subidar	11	11.11.2014	11.11.2021
6	Ihsan Ullah	Shah Muhammad	1500	18.01.1995	18/01/1976	N.Subidar	11	11.11.2014	11.11.2021
7	Ghauso Rahman	Muhammad Amin	1505	11.08.1996	19/01/1971	N.Subidar	11	11.11.2014	11.11.2021
8	Abdur Rashid	Faiz Muhammad	1508	11.08.1996	11/10/1974	N.Subidar	11	11.11.2014	11.11.2021
9	Raza Ullah	Amir Muhammad	1509	11.08.1996	13/01/1975	N.Subidar	11	11.11.2014	11.11.2021
✓ 10	Gul Badshah	Khaist Muhammad	1515	11.08.1996	10/12/1972	N.Subidar	11	11.11.2014	11.11.2021
✓ 11	Ishan Zeb	Bacha Sardar	1516	11.08.1996	3/12/1972	N.Subidar	11	11.11.2014	11.11.2021
12	Muhammad Iqbal	Bakht Zamin	1518	11.08.1996	3/1/1979	N.Subidar	11	11.11.2014	11.11.2021
13	Nasib Zada	Muhammad Jan	1522	11.08.1996	1/1/1970	N.Subidar	11	11.11.2014	11.11.2021
14	Rahmat Rehman	Fazal Rahman	1523	11.08.1996	25/05/1974	N.Subidar	11	11.11.2014	11.11.2021
15	Muhammad Jawad Khan	Muhammad Nawshad	1524	13.08.1996	24/06/1975	N.Subidar	11	11.11.2014	11.11.2021
16	Aved Iqbal	Muhammad Islam	1528	25.08.1996	4/3/1977	N.Subidar	11	11.11.2014	11.11.2021
17	Fazal Raziq	Hakim Jan	1533	16.10.1996	16/10/1973	N.Subidar	11	11.11.2014	11.11.2021
18	Iat Khan	Sadat Khan	1537	22.10.1996	22/10/1976	N.Subidar	11	14.11.2016	14.11.2023
19	Nazhar Shah	Ali Haider	1539	22.10.1996	22/10/1974	N.Subidar	11	14.11.2016	14.11.2023
20	Muhib Ullah	Jamroz Khan	1540	25.10.1996	01.07.1967	N.Subidar	11	14.11.2016	14.11.2023


 Syed Dawood Shah
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 M.A., L.L.B.


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 Advocate High Court Peshawar
 M.A., L.L.B.


 Syed Dawood Shah
 Advocate High Court Peshawar
 M.A., L.L.B.

HAWALDAR BPS-08

1	Gulab Zada	Badshah Mula	1559	16.04.1998	16.04.1976	Hawalдар	08	19.11.2013	-	
2	Allauddin	Jan Bakht Khan	1560	18.04.1998	18.04.1977	Hawalдар	08	19.11.2013	-	
3	Gul Akbar Khan	Rahim Khan	1561	18.04.1998	18.04.1970	Hawalдар	08	19.11.2013	-	
4	Khaista Zada	Kamin Khan	1562	21.04.1998	21.04.1973	Hawalдар	08	19.11.2013	-	
5	Sahib Zada	Gul Ta Khan	1566	01.06.1998	01.06.1974	Hawalдар	08	19.11.2013	-	
6	Gul Ihsan Ullah	Jehan Zeb	1568	01.06.1998	01.06.1970	Hawalдар	08	19.11.2013	-	
7	Sher Nawaz Khan	Shah Nas Khan	1570	01.06.1998	01.06.1974	Hawalдар	08	19.11.2013	-	
8	Muhammad Tamin Khan	Jan Muhammad	1572	01.06.1998	01.06.1976	Hawalдар	08	19.11.2013	-	
9	Amir Badshah	Ghausul Alam	1577	11.06.1998	11.06.1979	Hawalдар	08	19.11.2013	-	
10	Badshah Uddin	Shahab Uddin	1588	01.03.1999	03.04.1975	Hawalдар	08	19.11.2013	-	
11	Shah Muhammad	Yar Muhammad Khan	1589	01.03.1999	03.12.1973	Hawalдар	08	19.11.2013	-	
12	Zahoor Uddin	Muhammad Zahir Khan	1600	17.08.1999	17.08.1980	Hawalдар	08	11.11.2014	-	
13	Amir Zeb Khan	Shah Nawaz Khan	1604	14.09.1999	01.06.1980	Hawalдар	08	11.11.2014	-	
14	Muhammad Tahir	Abdul Hamid	1606	20.09.1999	25.03.1973	Hawalдар	08	11.11.2014	-	
15	Ayub Khan	Rasool Shah	1619	08.05.2000	01.07.1976	Hawalдар	08	11.11.2014	-	
16	Hayat Ullah	Rahim Ullah	1632	16.11.2000	01.06.1977	Hawalдар	08	11.11.2014	-	
17	Bidar Khan	Toor Bacha	1716	01.12.1999	18.03.1976	Hawalдар	08	11.11.2014	-	
18	Jehan Zeb	Faqir Khan	1618	05.05.2000	05.06.1975	Hawalдар	08	11.11.2014	-	
19	Rafi Ullah Khan	Qarib Ullah	1638	09.01.2001	01.01.1973	Hawalдар	08	11.11.2014	-	
20	Jan Feroz	Muhammad Roz Khan	1642	14.02.2001	01.07.1981	Hawalдар	08	11.11.2014	-	

Akshay

Syazi Ramzan Shah
 Advocate High Court Peshawar
 M.A., L.L.B.

Syazi Ramzan Shah
 Advocate High Court Peshawar
 M.A., L.L.B.

OFFICE OF THE DEPUTY COMMISSIONER, LOWER DIR TIMERGARA.

No. _____ /A/10(LHC), dated Timergara, the 8/10 /1996.

OFFICE ORDER

The following persons are hereby appointed as Sepoys in Dir Levies against the vacant posts in the time pay scale No. I (1245-35-1770) plus usual allowances as admissible under the rules subject to the production of Health and Age Certificate from the Civil Surgeon Dir at Timergara :-

1. Mr. Izat Khan s/o Sadat Khan of Village Kalkot, Tehsil Kalkot.
2. Mr. Mohibullah s/o Jamroz of village Dodba, Tehsil Dir.
3. Mr. Fazli Raziq s/o Hakim Jan of village Hayagai, Tehsil Dir.
4. Mr. Monhar Shah s/o Fazli Haider of village and Tehsil Barawal.
5. Mr. Daulat Khan s/o Umar Gul of village Khungi, Tehsil Timergara.
6. Mr. Khurshid s/o Mohmandai of Village Makhai, Tehsil Munda.
7. Mr. Namir Hamid s/o Hazrat Alim of village Chakdar Tehsil Adinzai.
8. Mr. Nasibur Rehman s/o Abdul Wahid of village Teknai, Tehsil Adinzai.
9. Mr. Mohammad Zubair s/o Abdul Ghani of village Haji Abad, Tehsil Balaubat.

Deputy Commissioner
Lower Dir Timergara

No. 1517-261

Copy forwarded to the :-

1. District Accounts Officer, Dir at Timergara.
2. Subedar Major, Dir Levies.
3. Officials concerned.

For information and necessary action.

Syed Dawran Shah
Syed Dawran Shah
Advocate High Court Peshawar
M.A., LL.B

Attested
Syed Dawran Shah
Syed Dawran Shah
Advocate High Court Peshawar
M.A., LL.B

M. Muhammad
Deputy Commissioner
Lower Dir Timergara

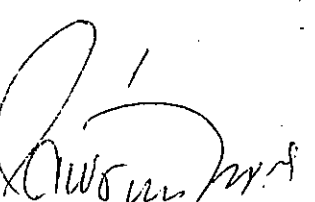
No. /A/10(A3), Dated Timergara the, 8 /8/1936.

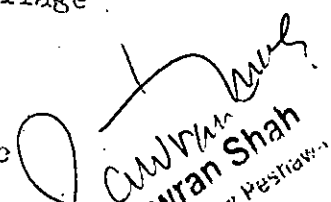
ORDER

The following persons are hereby appointed as Sepoys in Dir Levies against the vacant posts in the time Pay Scale No. 1 (1245-35-1770) plus usual allowances as admissible under the rules subject to the production of Health and Age Certificate from the Civil Surgeon Dir at Timergara :-

1. Mr. Farid Khan s/o Khista Khan of village Paito Tehsil Timergara District Dir.
2. Mr. Abdul Karim s/o Inzar Gul of village Khanpur Tehsil Adenzai District Dir.
3. Mr. Noor Zaman s/o Sher Zaman of village Khanpur Tehsil Adenzai District Dir.
4. Mr. Farmanullah s/o Gulab Shah of village Paito (Markhano) Tehsil Timergara District Dir.
5. Mr. Khaider Zaman s/o Gul Shehzada of village Ohakdara Tehsil Adenzai District Dir.
6. Mr. Badshah Rehman s/o Behramand of village Khanpur Tehsil Adenzai District Dir.
7. Mr. Jehan Zeb s/o Mohammad Jabbar of village Manogai Tehsil Adenzai District Dir.
8. Mr. Ghani Rehman s/o Dost Mohammad of village Rahim Abad Tehsil Munda District Dir.
9. Mr. Shah Zaman Khan s/o Afridi Khan of village Gusam Tehsil Munda District Dir.
10. Mr. Iqbal Hussain s/o Ajeebul Hassan of village Gusam Tehsil Munda District Dir.
11. Mr. Abdul Mabood s/o Abdur Rouf of village Rambat Tehsil Munda & Samarbagh DIR.
12. Mr. Rehmat Rehman s/o Fazal Rehman of village Akhagran Tehsil Wari District Dir.
13. Mr. Gul Badshah s/o Khista Mohammad of village Wari Tehsil Wari District Dir.
14. Mohammed Iqbal s/o Bakht Zamin of village Battan (Wari) Tehsil Wari District Dir.
15. Mr. Rehmatullah s/o Dawa Khan of village Toormang Tehsil Khall District Dir.
16. Mr. Abdur Rashid s/o Faiz Mohammad of village Panakot Tehsil Dir District Dir.
17. Razaullah s/o Amir Mohammad of village Panakot Tehsil and District Dir.
18. Mr. Nasib Zada s/o Mohammad Jan of village Palam Tehsil and District Dir.
19. Mr. Shakirullah s/o Mohammad Ali Khan of village Tikni Tehsil Adenzai District Dir.

Attested


Syed Dawran Shah
Advocate High Court Peshawar
M.A., LL.B


Syed Dawran Shah
Advocate High Court Peshawar
M.A., LL.B

(P....2)

- 20. Mr. Shah Faizal s/o Abdul Kalam of village Kassu Tehsil Timargara District Dir.
- 21. Mr. Jehan Zeb s/o Bacha Sardar of village Jughabanj Tehsil Wari District Dir.
- 22. Mr. Ghausur Rehman s/o Mohammad Amin of village Chukiatan Tehsil and District Dir.
- 23. Mr. Said Alam s/o Sher Afzal of village Badwan Tehsil Adenzai District Dir.

DEPUTY COMMISSIONER, DIR.

14/08

No. 1334-2018, A/P (LHC),

Copy forwarded to the :-

- 1. District accounts Officer, Dir. at Timargara.
- 2. Subedar Major Dir Levies.
- 3. Officials concerned.

For information and necessary action.

M. Aminul

DEPUTY COMMISSIONER, DIR.

as. 7

Attended

Dawran Shah

Syed Dawran Shah
Advocate High Court Peshawar
M.A., LL.B

Dawran Shah
Syed Dawran Shah
Advocate High Court Peshawar
M.A., LL.B

21

Please refer to application submitted by M/S Gul Badshah & Jehan Zeb Naib Subedars of Dir PATA Federal Levies.

In this connection, it is stated that two DPCs for promotion of Levy Force Personnel were arranged on 07-11-2014 & 04-11-2016. The personnel promoted to the post of Subedars were included in the DPC arranged on 07-11-2014 for their promotion to the rank of Naib Subedar. In the said DPC, the applicants were also included & promoted to the rank of Naib Subedars. The personnel recommended for promotion to the rank of Subedars in the DPC held on 04-11-2016 but their Notification was issued on 14-11-2016, therefore they will be due for retirement on 14-11-2021 after rendering 05 years service as Subedar & as such their posts will be vacated, against which the applicants as per seniority list will be due for promotion but that time 03 days before, the applicants would have been retired after rendering 07 years service as Naib Subedar. Feeling this, the applicants have requested to review the date of Notification of promotion of Subedars recommended by the DPC on 04-11-2016 to give them further chance of promotion.

In the light of above to redress grievances of the applicants, if agreed the date of Notification of Subedars recommended for promotion on 04-11-2016 will be revised and the following corrigendum will be issued:-

Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B

Corrigendum

"As approved by DPC on 04-11-2016 please read date of Notification/Office Order issued vide this officer order No.16059-63/QC/LHC/Office Order/2016 dated 14-11-2016 as 09-11-2016 instead of 14-11-2016".

Submitted for orders please.

DC/Commandant

Affected

Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B

[Signature]
LHC

1515 نايب سربراہان
Jehan Zeb

Better Copy

Please refer to application submitted by M/S Gul Badshah and Jehan Zeb Naib Subedars of Dir Pata Federal Levies.

In this connection, it is stated that two DPCs for the promotion of Levy Force Personnel were arranged on 07-11-2014 & 04-11-2016. The Personnel promoted to the post of subedars were included in the DPC arranged on 07-11-2014 for their promotion on the rank of Naib Subedars in the said DPC, the applicants were also included & promoted to the rank of Naib Subedars. The personnel's recommended for promotion on the rank of Subedars in the DPC held on 04-11-2016 but there notification was issued on 14-11-2016 therefor they will be due for retirement on 14-11-2021 after rendering 5 years of service as Subedars & as such their posts will be vacated, against which the applicants as per seniority list will be due for promotion but that time 3 days before, the applicants would have been retired after rendering 7 years of Naib Subedars. Feeling this, the applicants have requested to review the date of notification of promotion of Subedars recommended by the DPC on 04-11-2016 to give them further chance of promotion.

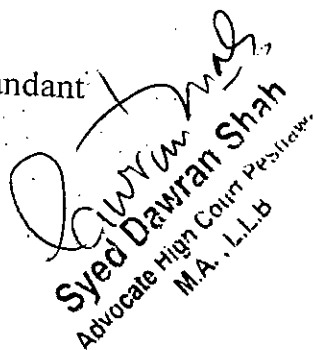
In the light of above to redress grievance of the applicants, if agreed the date of Notification of Subedars recommended for promotion on 04-11-2016 will be revised and the following corrigendum will be issued:-

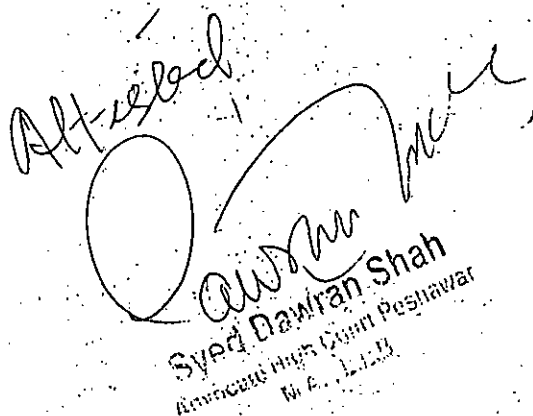
Corrigendum

"As approved by DPC on 04-11-2016 please read date of notification/Office Order issued vide this Officer Order No. 16059-63/DC/LHC/Office Order/2016 dated 14-11-2016 as 09-11-2016 instead of 14-11-2016".

Submitted for Orders Please.

DC/Commandant


Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B.

Att-
Syed Dawran Shah
Advocate High Court Peshawar
M.A., L.L.B.

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

Izat Khan s/o Sadat Khan.....APPLICANT.

V/S

Commandant Dir Levies/Deputy Commissioner Dir Upper & others
.....RESPONDENTS.

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Razaullah



Levy Head Clerk

DC/Commandant Office Dir Upper

(1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service appeal No. 26 of 2019

Izat Khan s/o Sadat Khan Naib Subidar Dir Levies District Dir Upper.....(Appellant)

Versus

- 1) The Commandant Dir Levies/Deputy Commissioner Dir Upper.
 - 2) Gul Bacha s/o Khaista Muhammad (Naib Subidar) Dir Levies District Dir Upper.
 - 3) Jehan Zeb s/o Bacha-Sardar (Naib Subidar) Dir Levies District Dir Upper.
-(Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1973 AGAINST THE OFFICE ORDER/CORRIGENDUM NO. 3775-80/DC/LHC DATED 27-03-2018 ISSUED BY THE DEPUTY COMMISSIONER/COMMANDANT DIR LEVIES DISTRICT DIR UPPER WHEREBY OFFICE ORDER NO. 16059-63/DC/LHC/OFFICE ORDER/2016 DATED 14-11-2016 WAS ORDERED TO BE READ AS 0-011-2016 INSTEAD OF 14-11-2016 FROM S. NO. 01 TO S. NO. 03 I.E IN RESPECT OF RESPONDENT NO 02 AND 03.

PARAWISE COMMENTS ARE AS UNDER:-

PRELIMINARY OBJECTIONS:-

- 1) That the appellant has no cause of action or locus standi.
- 2) That the appellant has been estopped by his own conduct to file the appeal.
- 3) That the appeal is not maintainable under Section-4 of the service Tribunal Act-1974.
- 4) That this Honorable Tribunal has no jurisdiction to entertain the appeal.
- 5) That the appellant has not come to the Tribunal with clean hand.

RESPECTFULLY SHEWETH

- 1) Para No. 1 is correct to the extent of posting.
- 2) Correct.
- 3) Correct to the extent that the respondent No. 02 and 03 submitted an application to the respondent No. 01/undersigned taking the plea that their DPC was held on 07-11-2016 and due to clerical mistake the office order/notification was issued on 11-11-2016 while the DPC of their fellow subidars was held on 04-11-2016 and due to the same clerical mistake the office order/notification was issued on 14-11-2016 (03 days after them) due to which they seems danger to their further promotion and requested that in order to redress their grievances the date of the same order may please be read as 09-11-2016 instead of 14-11-2016.

Consequently this office issued notice in the name of all those officials who have been promoted vide order No. 16059-63/DC/LHC/Office Order/2016 dated 14-11-2016, with the directions if anyone have any sort of objection regarding change in the issuance date of the said office order/notification he must have to file it in this office within thirty days after the issuance of the said notice. No written objection was received from the present

appellant (copy of the application and the notice is enclosed at **Annexure "A"** and **Annexure "B"** respectively).

- 4) Correct that the appellant filed reply/application to the respondent No. 01 but the same was filled after the specified time mentioned in the written notice i.e after thirty days. Moreover the same reply/application was filed by the appellant when corrigendum was issued in the office order dated 14-11-2016 (copy of the application and corrigendum/office order is enclosed at Annexure "C" and Annexure "D" respectively)
- 5) Correct.
- 6) Correct to the extent of filling of application but as explain earlier the same was filled by the appellant after the specified time mentioned in the notice.

GROUND.

- a) No comment.
- b) Incorrect the said order was passed according to the Rules and Regulations.
- c) Incorrect. As explain at para No. 02
- d) Incorrect. The said office corrigendum/order was issued after fulfillment of all codal formalities.
- e) Incorrect.
- f) Incorrect. As explain in above paras.
- g) Incorrect. Detail has been given at above paras.
- h) No comments.
- i) No comments.
- j) Incorrect. As explain early para's full opportunity was given to the appellant to file objection against the corrigendum/office order.
- k) No comments.

In light of the facts explained above, it is humbly prayed that the appeal filed by the appellant does not merit consideration, may kindly be dismissed with cost please.

**Deputy Commissioner/
Commandant Dir Levies
Upper Dir
(Respondent No. 1)**

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR


Izat Khan s/o Sadat Khan.....APPLICANT.

V/S

Commandant Dir Levies/Deputy Commissioner Dir Upper & others
.....RESPONDENTS

AFFIDAVIT

I, Razaullah Levy Head Clerk office of the Commandant Dir Levies/ Deputy Commissioner Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the accompanying Para wise Comments on behalf of Respondents No. 1 are true and correct to the best of my knowledge and behalf that nothing has been concealed from this Hon'ble Court.

Deponent 
CNIC No: 15702-2500720-3

Identified by

خدمت جانب ذیلی کسٹرمائٹ ماب الامانڈنٹ ماب دیر لیوئی ویر

مخبرات در خواست تکرار مدور حکم نظر ثانی حکم محررہ
14/11/2016 برہو معامت ذیل

جانب عالی
سائیلان جب ذیل غرض رساں ہے

دعا یہ ہے ماسائیلان دید لیوئی ترمیم جت نائیب مدبیداران پروکے
حکم محررہ 11/11/2014 واری سڈویشن سین ڈیوئی سراجا) در ہے

صیت
دعا یہ ہے ماسائیلان کی DPC مورخہ 11/07/2014 اور نوٹیفکشن 11/11/2014 کو
پرانے اور دگیر مدبیداران کی DPC 11/04/2016 اور نوٹیفکشن 11/14/2016

کو ہوا ہے۔
3) یہ ہے سرورس رول کے مطابق نائیب مدبیدار مادورانیہ سات
سال ہے اور مدبیدار کی ملازمت کے مادورانیہ پانچ سال ہے

4) یہ ہے خاصیت سید اور رحمان الدین مدبیداران کی DFC ماسائیلان
سے تیکے دن قبل ہونے سے اور نوٹیفکشن ماسائیلان سے
تیکے دن بعد ہوا ہے جو کہ ماسائیلان کی حق تلفی ہوئی ہے
اور آئیٹ مڈیریکل غلطی ہے (بقولات لفصدا ہے)

5) یہ ہے مذکورہ مڈیریکل غلطی پر دو بارہ نظر ثانی رنا ضروری اور قرین
المناف ہے اور نظر ثانی نہ ہونے کے ہمدت میں ماسائیلان
کے پروموشن پر برے اثرات مرتب ہونے کا قوی امکان ہے

حالات بالاسند عا ہے کہ ماسائیلان کے طال پیرم
نفا مذکورہ مڈیریکل غلطی اور حکم محررہ 11/14/2016 پر نظر
ثانی کے کے اصانات ہمارے فرمادیں #

فقط مدرف

الذریعہ

(Signature)

سائیلان / نائیب مدبیدار مقل بادشاہ بیٹ بڑ 1515 نائیب مدبیدار
جہاں زیب بیٹ بڑ 1516 واری سڈویشن دیر ناہ

نوٹس

ان تمام لیویز اہل کاروں کو مطلع کیا جاتا ہے جن کی پروموشن 14-11-2016 کو

آرڈر نمبر 16059-63/DC/LHC/Officer Order/2016 کے تحت ہوئی ہے۔

دونائب صوبیداروں مسی گل بادشاہ اور جان زیب نے درخواست کی ہے کہ بوجہ ان

کی پروموشن مذکورہ آرڈر کو مورخہ 09-11-2016 کو جاری کیا جائے تاکہ ان کو 2021 میں

صوبیدار پوسٹ پر پروموشن مل سکے۔

اگر کسی اہل کار کو مذکورہ آرڈر کے 09-11-2016 پر جاری کرنے میں کسی قسم کی

شکایت ہو تو وہ اپنی شکایت 30 دن کے اندر اندر زبردستی کو جمع کرائے بصورت دیگر مذکورہ آرڈر

کو 09-11-2016 کو جاری کیا جائے گا۔

کمانڈنٹ ڈیپٹی / ڈپٹی کمشنر

ضلع دیر بالا

S. M

All SDOs

Annex "C"
محکمات عہدہ ذہنی عیسٰی / محکمات ڈنٹ دیدیوید صلح دیدارا

6 عنوان: درخواست برائے سٹوڈنٹ / Office Order / Corrigenclum

نومبر 27-03-2018 و بحالی مزکورہ آرڈر بمودثر 2016-11-14

عہدہ عالی 1

صالح

گزارش حسب ذیل میں

یہ کہ سائلین آپ کے ذریعہ شاید دیدیوید میں بحیثیت نائب

صوبیداران ایسی فریضی منصبی بطریق احسن سرانجام دے رہے

یہ کہ گزشتہ دنوں میں نائب صوبیداران سنی جہانزیب،

فائستہ سید اور رحمن الدین نے بجا و بروقت آرڈر محرمہ

2016-11-14 کے تاریخ کو بدلے تبدیل آپ جناب کے سامنے درخواست

گزارش اور آپ صا عہدہ مزکورہ درخواست کو منظور کرتے

ہوئے آرڈر مزکورہ کے تاریخ کو 2016-11-14 سے تبدیل کرنے

2016-11-09 کر دیا۔

عہدہ عالی 1

مزکورہ آرڈر کے تاریخ کو تبدیل کرنے سے سائلین

کو اپنے وقت میں بروقت میں شدید مشکلات کا سامنا

کرتا رہے گا اور سائلین اپنے بقدر وقت سے اپنے رہنما آرڈر

یوں نا پڑے گا۔ مزید یہ کہ بھادریک سائنسی دور دراز عملی قدم

حقیقی کلکٹ کا رہنے والا ہے اور اسکو کسی قسم کا نوٹس وغیرہ

میں ملے اور اسکے علم میں رائے بعینہ مزکورہ آرڈر کا تاریخ

7

میریل تیار کیا ہے۔ مزید کہ نائب صوبیدار مظہر علی آہ جاناں
سائے پیش میں ہوا ہے جو کہ قرین الصنائف میں ہیں۔

مندرجہ بالا حقائق کی روشنی میں آپ کے خدمت میں گزارش

ہے کہ ہمارے سر و مویشی آرڈر نمبر 16059-63/DC/LHC/0.order

کو اپنے اصلی تاریخ میں 2016-11-14 پر بحال کیا جائے۔

تاکہ سالانہ ان کو کچھ دینے مل سکے۔

حقاً آپ کے تابع سرکاران نائب صوبیدار عزت خان مظہر شاہ

محمد اللہ دیر بیویز صلح دیر بالا

①

①

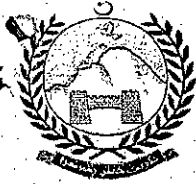
عزت خان نائب صوبیدار

محمد اللہ نائب صوبیدار

③

مظہر شاہ نائب صوبیدار

28+03-2013



**OFFICE OF THE
COMMANDANT DIR LEVIES/
DEPUTY COMMISSIONER**

DIR UPPER

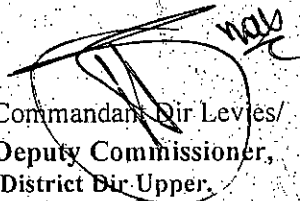
No: 7375-80 /DC/LHC
Dated Dir the: 27/03/2018.



Annex "D"
8

CORRIGENDUM/OFFICE ORDER

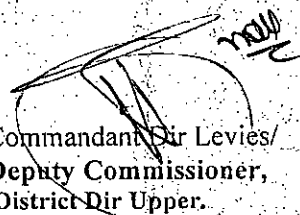
In continuation of this office order No. 16059-63/DC/LHC/Office Order/2016 dated 14-11-2016 and as approved by the undersigned in a meeting with Subidar Major Dir Levies, All Subidars, Naib Subidars & Hawldars held on 20-03-2018 at 03:00 PM, the issuance date of the Notification/Office Order referred above in respect officials from S. No 01 to S. No 03 may please be read as 09-11-2016 instead of 14-11-2016.


Commandant Dir Levies/
Deputy Commissioner,
District Dir Upper.

Even No & date

Copy forwarded to the:-

1. Commissioner Malakand Division Saidu Sharif Swat.
2. Deputy Secretary (LK&B) Ministry of State & Frontier Region Division Islamabad.
3. The PS to Secretary Home & Tribal Affairs Deptment Khyber Pakhtunkhwa Peshawar.
4. The District Account Officer Dir Upper for information and necessary action
5. Subidar Major Dir Levies.
6. Official concerned for compliance.


Commandant Dir Levies/
Deputy Commissioner,
District Dir Upper.

Before The Hon'ble Service Tribunal, R.P.K. Peshawar

Izat Khan vs Commandant Levies etc.

Application for Withdrawal of the Above mentioned Appeal.

Respectfully Sheweth,

- ① That the above mentioned Case is pending adjudication before this Hon'ble Tribunal and is fixed for today.
- ② That the Appellant "Izat Khan" requests for withdrawal of the Above mentioned Appeal.
- ③ That there is no legal Bar to withdraw the Appeal at this stage.

It is therefore, most humbly Prayed that on acceptance of this application, the appeal may kindly be ordered to be withdrawn in the interest of Justice.

Date 02/08/19

Appellant

Through

Lawyer/mae Counsel.

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

Service appeal No. 26 of 2019

Izat Khan s/o Sadat Khan Naib Subidar Dir Levies District Dir Upper.....(Appellant)

Versus

- 1) The Commandant Dir Levies/Deputy Commissioner Dir Upper.
- 2) Gul Bacha s/o Khaista Muhammad (Naib Subidar) Dir Levies District Dir Upper.
- 3) Jehan Zeb s/o Bacha Sardar (Naib Subidar) Dir Levies District Dir Upper.

.....(Respondents)

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1973 AGAINST THE OFFICE ORDER/CORRIGENDUM NO.
3775-80/DC/LHC DATED 27-03-2018 ISSUED BY THE DEPUTY
COMMISSIONER/COMMANDANT DIR LEVIES DISTRICT DIR UPPER
WHEREBY OFFICE ORDER NO. 16059-63/DC/LHC/OFFICE ORDER/2016
DATED 14-11-2016 WAS ORDERED TO BE READ AS 09-11-2016 INSTEAD OF
14-11-2016 FROM S. NO. 01 TO S. NO. 03 I.E IN RESPECT OF RESPONDENT
NO 02 AND 03.**

PARAWISE COMMENTS ARE AS UNDER:-

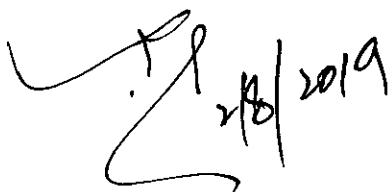
PRELIMINARY OBJECTIONS:-

- 1) That the appellant has no cause of action or locus standi.
- 2) That the appellant has been estopped by his own conduct to file the appeal.
- 3) That the appeal is not maintainable under Section-4 of the service Tribunal Act-1974.
- 4) That this Honorable Tribunal has no jurisdiction to entertain the appeal.
- 5) That the appellant has not come to the Tribunal with clean hand.

RESPECTFULLY SHEWETH

- 1) Para No. 1 is correct to the extent of posting.
- 2) Correct.
- 3) Correct to the extent that the respondent No. 02 and 03 submitted an application to the respondent No. 01/undersigned taking the plea that their DPC was held on 07-11-2014 and the office order/notification was issued on 11-11-2014 while the DPC of their fellow subidars was held on 04-11-2016 and due to clerical mistake the office order/notification was issued on 14-11-2016, due to which they seem danger to their further promotion and requested that in order to redress their grievances the date of the same order may please be read as 09-11-2016 instead of 14-11-2016.

Consequently this office issued notice in the name of all those officials who have been promoted vide order No. 16059-63/DC/LHC/Office Order/2016 dated 14-11-2016, with the directions if anyone have any sort of objection regarding change in the issuance date of the said office order/notification he must have to file it in this office within thirty days after the issuance of the said notice. No written objection was received from the present

Handwritten signature and date 2/10/2019

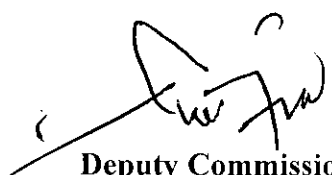
appellant (copy of the application and the notice is enclosed at Annexure "A" and Annexure "B" respectively).

- 4) Correct that the appellant filed reply/application to the respondent No. 01 but the same was filled after the specified time mentioned in the written notice i.e after thirty days. Moreover the same reply/application was filed by the appellant when corrigendum was issued in the office order dated 14-11-2016 (copy of the application and corrigendum/office order is enclosed at Annexure "C" and Annexure "D" respectively)
- 5) Correct.
- 6) Correct to the extent of filling of application but as explain earlier the same was filled by the appellant after the specified time mentioned in the notice.

GROUNDs.

- a) No comment.
- b) Incorrect the said order was passed according to the Rules and Regulations.
- c) Incorrect. As explain at para No. 02
- d) Incorrect. The said office corrigendum/order was issued after fulfillment of all codal formalities.
- e) Incorrect.
- f) Incorrect. As explain in above paras.
- g) Incorrect. Detail has been given at above pars.
- h) No comments.
- i) No comments.
- j) Incorrect. As explain early paras full opportunity was given to the appellant to file objection against the corrigendum/office order.
- k) No comments.

In light of the facts explained above, it is humbly prayed that the appeal filed by the appellant does not merit consideration, may kindly be dismissed with cost please.


Deputy Commissioner/
Commandant Dir Levies
Upper Dir
(Respondent No. 1)

*Verified subject to necessary
correction, attachment of
annexures and affidavit.*

Assistant Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar

28/11/2019

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

Service appeal No. 26 of 2019

Izat Khan s/o Sadat Khan Naib Subidar Dir Levies District Dir Upper..... (Appellant)

Versus

- 1) The Commandant Dir Levies/Deputy Commissioner Dir Upper.
- 2) Gul Bacha s/o Khaista Muhammad (Naib Subidar) Dir Levies District Dir Upper.
- 3) Jehan Zeb s/o Bacha Sardar (Naib Subidar) Dir Levies District Dir Upper.
.....(Respondents)

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1973 AGAINST THE OFFICE ORDER/CORRIGENDUM NO.
3775-80/DC/LHC DATED 27-03-2018 ISSUED BY THE DEPUTY
COMMISSIONER/COMMANDANT DIR LEVIES DISTRICT DIR UPPER
WHEREBY OFFICE ORDER NO. 16059-63/DC/LHC/OFFICE ORDER/2016
DATED 14-11-2016 WAS ORDERED TO BE READ AS 09-11-2016 INSTEAD OF
14-11-2016 FROM S. NO. 01 TO S. NO. 03 I.E IN RESPECT OF RESPONDENT
NO 02 AND 03.**

PARAWISE COMMENTS ARE AS UNDER:-

PRELIMINARY OBJECTIONS:-

- 1) That the appellant has no cause of action or locus standi.
- 2) That the appellant has been estopped by his own conduct to file the appeal.
- 3) That the appeal is not maintainable under Section-4 of the service Tribunal Act-1974.
- 4) That this Honorable Tribunal has no jurisdiction to entertain the appeal.
- 5) That the appellant has not come to the Tribunal with clean hand.

RESPECTFULLY SHEWETH

- 1) Para No. 1 is correct to the extent of posting.
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- 3) Correct to the extent that the respondent No. 02 and 03 submitted an application to the respondent No. 01/undersigned taking the plea that their DPC was held on 07-11-2014 and the office order/notification was issued on 11-11-2014 while the DPC of their fellow subidars was held on 04-11-2016 and due to clerical mistake the office order/notification was issued on 14-11-2016, due to which they seems danger to their further promotion and requested that in order to redress their grievances the date of the same order may please be read as 09-11-2016 instead of 14-11-2016.

Consequently this office issued notice in the name of all those officials who have been promoted vide order No. 16059-63/DC/LHC/Office Order/2016 dated 14-11-2016, with the directions if anyone have any sort of objection regarding change in the issuance date of the said office order/notification he must have to file it in this office within thirty days after the issuance of the said notice. No written objection was received from the present


appellant (copy of the application and the notice is enclosed at Annexure "A" and Annexure "B" respectively).

- 4) Correct that the appellant filed reply/application to the respondent No. 01 but the same was filled after the specified time mentioned in the written notice i.e after thirty days. Moreover the same reply/application was filed by the appellant when corrigendum was issued in the office order dated 14-11-2016 (copy of the application and corrigendum/office order is enclosed at Annexure "C" and Annexure "D" respectively)
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- 6) Correct to the extent of filling of application but as explain earlier the same was filled by the appellant after the specified time mentioned in the notice.

GROUNDs.

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- g) Incorrect. Detail has been given at above paras.
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- i) No comments.
- j) Incorrect. As explain early paras full opportunity was given to the appellant to file objection against the corrigendum/office order.
- k) No comments.

In light of the facts explained above, it is humbly prayed that the appeal filed by the appellant does not merit consideration, may kindly be dismissed with cost please.


Deputy Commissioner/
Commandant Dir Levies
Upper Dir
(Respondent No. 1)



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

Service appeal No. 26 of 2019

Izat Khan s/o Sadat Khan Naib Subidar Dir Levies District Dir Upper.....(Appellant)

Versus

- 1) The Commandant Dir Levies/Deputy Commissioner Dir Upper:
- 2) Gul Bacha s/o Khaista Muhammad (Naib Subidar) Dir Levies District Dir Upper:
- 3) Jehan Zeb s/o Bacha Sardar (Naib Subidar) Dir Levies District Dir Upper:
.....(Respondents)

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1973 AGAINST THE OFFICE ORDER/CORRIGENDUM NO.
3775-80/DC/LHC DATED 27-03-2018 ISSUED BY THE DEPUTY
COMMISSIONER/COMMANDANT DIR LEVIES DISTRICT DIR UPPER
WHEREBY OFFICE ORDER NO. 16059-63/DC/LHC/OFFICE ORDER/2016
DATED 14-11-2016 WAS ORDERED TO BE READ AS 09-11-2016 INSTEAD OF
14-11-2016 FROM S. NO. 01 TO S. NO. 03 I.E IN RESPECT OF RESPONDENT
NO 02 AND 03.**

PARAWISE COMMENTS ARE AS UNDER:-

PRELIMINARY OBJECTIONS:-

- 1) That the appellant has no cause of action or locus standi.
- 2) That the appellant has been estopped by his own conduct to file the appeal.
- 3) That the appeal is not maintainable under Section-4 of the service Tribunal Act-1974.
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Consequently this office issued notice in the name of all those officials who have been promoted vide order No. 16059-63/DC/LHC/Office Order/2016 dated 14-11-2016, with the directions if anyone have any sort of objection regarding change in the issuance date of the said office order/notification he must have to file it in this office within thirty days after the issuance of the said notice. No written objection was received from the present


appellant (copy of the application and the notice is enclosed at Annexure "A" and Annexure "B" respectively).

- 4) Correct that the appellant filed reply/application to the respondent No. 01 but the same was filled after the specified time mentioned in the written notice i.e after thirty days. Moreover the same reply/application was filed by the appellant when corrigendum was issued in the office order dated 14-11-2016 (copy of the application and corrigendum/office order is enclosed at Annexure "C" and Annexure "D" respectively)
- 5) Correct.
- 6) Correct to the extent of filling of application but as explain earlier the same was filled by the appellant after the specified time mentioned in the notice.

GROUNDs.

- a) No comment.
- b) Incorrect the said order was passed according to the Rules and Regulations.
- c) Incorrect. As explain at para No. 02
- d) Incorrect. The said office corrigendum/order was issued after fulfillment of all codal formalities.
- e) Incorrect.
- f) Incorrect. As explain in above paras.
- g) Incorrect. Detail has been given at above pars.
- h) No comments.
- i) No comments.
- j) Incorrect. As explain early paras full opportunity was given to the appellant to file objection against the corrigendum/office order.
- k) No comments.

In light of the facts explained above, it is humbly prayed that the appeal filed by the appellant does not merit consideration, may kindly be dismissed with cost please.


Deputy Commissioner/
Commandant Dir Levies
Upper Dir
(Respondent No. 1)