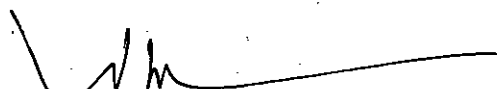


ORDER
16.09.2021

Mr. Zahanat Ullah, Advocate, for the appellant present. Mr. Tariq Umer, Inspector (Legal) alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present. Reply on behalf of respondent No. 2 submitted, which is placed on file. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of Service Appeal bearing No. 1406/2019 titled " Khaezullah Khan Versus Provincial Government through Chief Secretary, Civil Secretariat Peshawar, Khyber Pakhtunkhwa and three others", so far as the grievance of the appellants regarding their pro-forma promotion is concerned, it is directed that the directions embodied in the decision of the Secretary (Law & Order)/Appellate Authority dated 29.05.2015 should be strictly complied with in letter and spirit and the benefits of the same be extended to all similarly placed employees including Soldier Clerks. In addition thereto, it should be pointed out that all those appellants, whose pensions have been withheld due to impugned action or in-action of the respondents should be released forthwith but strictly in accordance with law. The instant appeal as well as connected Service Appeals are disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
16.09.2021


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

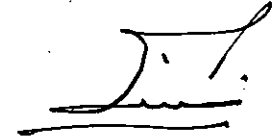
26.07.2021

Mr. Zahanat Ullah, Advocate, for the appellant present. Mr. Tariq Umer, DSP (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents No. 1 & 2 not submitted despite last opportunity being given, therefore, to come up for arguments before the D.B on 16.09.2021.



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



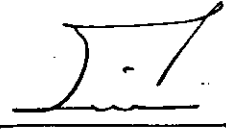
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

01.06.2021

Learned counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present and requested for adjournment being not prepared for arguments today. Adjourned. Last opportunity given. To come up for arguments before the D.B on 05.07.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

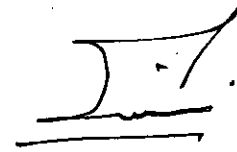
05.07.2021

Mr. Zahanat Ullah, Advocate, for the appellant present. Mr. Tariq Umer, DSP (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General sought time for submission of comments. Last opportunity is granted with the direction to the respondents to positively submit comments on behalf of respondents No. 1 and 2 on the next date. Adjourned. To come up for submission of comments as well as arguments before the D.B on 26.07.2021.



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



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

07.01.2021

Junior to the senior counsel is present for appellant. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is also present.

Written reply on behalf of respondent No. 3 has already been submitted. Neither written reply on behalf of remaining respondents No. 1 and 2 submitted nor any representative on their behalf is present, therefore, learned Additional Advocate General is directed to contact respondents No. 1 to 3 and submit written reply/comments on the next date by way of last chance. Adjourned to 25.02.2021 on which date requisite written reply/comments respondents shall positively be submitted on behalf of respondents No. 1 and 2.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

25.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Written reply on behalf of respondent No. 3 has already been submitted while neither written reply on behalf of respondents No. 1 & 2 submitted despite last chance given in the preceding order sheet dated 07.01.2021 nor any representative on their behalf is present, therefore, the appeal is posted to D.B for 01.06.2021 for rejoinder and arguments.

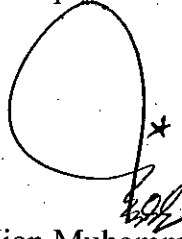
(Muhammad Jamal Khan)
Member

25.09.2020

Appellant in person. Mr. Kabirullah Khattak,
Additional Advocate General for respondents present.

Written reply not submitted. Learned Additional
Advocate General sought time to contact the respondents for
submission of written reply/comments.

Adjourned to 18.11.2020 for written reply/comments
before S.B.


(Mian Muhammad)
Member (E)

18.11.2020

Appellant with counsel present. Mr. Kabirullah Khattak
learned Addl; AG alongwith Muhammad Nasir Khan Senior Clerk for
respondents present.

Written reply/comments on behalf respondent No. 3 has been
submitted to Registrar of this Tribunal through Register^{ed} Post. Placed
on record. Representative of respondent No.2 requests for further
~~time for submission of written reply/comments.~~ Adjourned to
07.01.2021 on which date the requisite reply/comments shall
positively be submitted.


Chairman

21.04.2020

Due to COVID19, the case is adjourned to 21.07.2020 for the same as before.



Reader

Service Appeal No. 1323/2019

21.07.2020

Mr. Zahanat Ullah, Advocate for appellant is present. According to the learned counsel for the appellant namely Gulzar Hussain the later rendered services beyond the date of superannuation having said that with the consent of no other entity than the Government, he is seeking proforma promotion with all back benefits as per office order dated 23.04.1992 in accordance with seniority list dated 09.12.1996 prepared by respondent No. 3 or else proforma promotion has been sought by the appellant by virtue of letter dated 23.04.2013, appellant reportedly rendered services as Sepoy/Soldier Clerk at various places according to the policy any vacancy fallen vacant as to the post of Junior Clerk in the office of Political Agent now Deputy Commissioner Kurram has to be filled in from the official categorized as Sepoy/Clerk on the basis of their seniority out of whom the senior most has to be selected keeping in view their length of service however, his juniors were promoted sans appellant.

2. Appellant and his comrades moved applications regarding their seniority from time to time frequenting offices but to no avail followed by institution of Writ Petition in the Hon'ble Peshawar High Court, Peshawar. It was during the course of hearing of the Writ Petition that the Hon'ble Peshawar High Court observed to have passed another judgment dated 01.03.2018 in Writ Petition No. 345-P/2017 captioned Gul Munir Versus Government of Pakistan wherein all the employees of Levy Force were declared civil servants. They agitated the issue before Federal Service Tribunal, on appearance in the Federal Service Tribunal,

it was observed that the Federal Levy Force Regulation 2012 repealed through Khyber Pakhtunkhwa Ordinance No. 1 of 2019 the Federal Levy and Khasadar Force have been Provincialized resulting into return of

Appellant Deposited
Security & Process Fee

21/7/20

appeals and its institution before this Tribunal.

3. Since important issues are involved requiring proper determination and adjudication which need to be addressed in a proper way while giving it anxious thought the point agitated at the bar pragmatically requires proper heed and consideration.

4. Consequently, the appeal is therefore, admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 25.09.2020 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

09.12.2019

Appellant present in person.

Requests for adjournment due to general strike of the Bar. Adjourned to 14.01.2020 for preliminary hearing before S.B.


Chairman

14.01.2020

Appellant present in person.

Requests for adjournment due to general strike of the Bar. Adjourned to 25.02.2020 before S.B.


Chairman

25.02.2019

Learned counsel for the appellant present, stated that the respondents have granted relief to similarly placed persons who filed Writ Petition No.4485-P/2015 before Hon'ble Peshawar High Court Peshawar and seeks adjournment to furnish additional documents to that effect. Adjourn. To come up for additional documents and preliminary hearing on 05.03.2020 before S.B


Member

05.03.2020

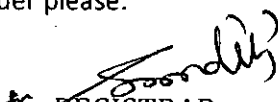


Appellant in person present and seeks adjournment on the ground that his counsel is not available today. To come up for additional documents and preliminary hearing as per previous order sheet dated 25.02.2020 on 21.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

FORM OF ORDER SHEET

Court of _____

Case No.- 1323/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/10/2019	<p>The appeal of Mr. Gulzar Hussain resubmitted today by Mr. Zahanat Ullah 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>26/11/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	26.11.2019	<p>Counsel for the appellant present.</p> <p>States that one other appeal by the appellant is also fixed for preliminary hearing on 09.12.2019. Instant appeal, therefore, be adjourned to the said date in order to fully comprehend the grievances of the appellant. Adjourned accordingly.</p> <p style="text-align: right;"> Chairman.</p>

P-45/3

The appeal of Mr. Gulzar Hussain son of Muhammad Hussain Ex-Employee of Federal Levy Force Kurram Agency received today i.e. on 17.07.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- done ✓ 1- Copies of posting order of the appellant mentioned in para-2 of the memo of appeal are not attached with the appeal which may be placed on it.
- done ✓ 2- Copies of criteria/policy for promotion and seniority list mentioned in para-3 of the memo of appeal are not attached with the appeal which may be placed on it.
- done ✓ 3- Copy of departmental appeal in respect of appellant mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it.
- done ✓ 4- Copy of Writ Petition no.4311-P/2017 mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it and the name of the appellant be highlighted with clear ink.
- done ✓ 5- Annexure-G mentioned in para-B of the grounds of the appeal is missing.
- done ✓ 6- Copies of observation made by the FST mentioned in para-7 of the memo of appeal are not attached with the appeal which may be placed on it.
- ✓ 7- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 1311 /S.T,

Dt. 31-7- /2019


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zahanatullah Adv. Pesh.

Respected Sir,

Kindly allow me sufficient time to remove the objections and for re-submission it again.

Zah

(30) days time further extended.


19/8/19

① objection removed

② Copies attached

③ Copies attached

④ copy of writ petition is attached

⑤ copy of Annex 4 attached.

⑥ objection removed - kindly see page NO. 47 & 48.

⑦ objection removed.

objections removed and re-submitted.

Done
9/10/19

1181

- 10/10

12/10/19

removed all the objections and re-submitted

the writ petition and Annex 4

Done

9/10/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Appeal. No. 1323 /2019

Gulzar 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		8-8B
3.	posing orders	(A)	
4.	Copies of the Office Order and Seniority List	P&C A & B	9-14
5.	Copies of the departmental appeals	C (D)	15-16
6.	Copy of the comments filed by the respondents & W.P No = 4311-P/2017	E D	17-40
7.	Copy of the judgment dated 15/01/2019	E (F)	41-43
8.	Copy of the Notification dated 23/04/2013 & FST observations	G F	44-46
9.	Wakalat Nama		47

Gulzar Hussain
Appellant

Through

Dated: 09/07/2019

Zahanat Ullah
Zahanat Ullah

Advocate High Court,
Peshawar.

Cell No. 0315-0266166

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal. No. 1323 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1002

Dated 17/7/19

Gulzar Hussain S/o Muhammad Hussain

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. Inspector General of Police Khyber Pakhtunkhwa, Police Lines Peshawar.
3. Deputy Commissioner Kurram Agency.
.....(Respondents)

APPEAL UNDER SECTION 4 OF ~~1973~~ The
SERVICE TRIBUNAL ACT 1974.

Prayer:

*On acceptance of this Appeal, the respondents may kindly be directed to give proforma promotion with all back benefits to the appellant as per the office order No.2290-94/Acctt: dated 23/04/1992 and as per the seniority list dated 09/12/1996 prepared by the respondent No.3. **OR** to give proforma promotion to the appellant vide letter No.CS(F)/N/4-Levies/Concept Paper/825 dated 23/04/2013 issued by the then FATA Secretariat Narcotic section.*

2

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. ~~(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 (Now Deputy Commissioner), district Kurram 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 Sepoy/ Clerks who were junior to the appellant were promoted to the post of Junior Clerk

while the appellants were discriminated. (Copies of the Office Order and Seniority List is attached as annexure ^A“B” & ^B“C”).

4. 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“D”).
5. That thereafter the petitioner along with his colleagues filed a writ petition No.4311-P/2017 in the Peshawar High Court, Peshawar for the redressal 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“E”).
6. 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 "E").

7. 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 if the respondents consider that the appellant is not a soldier clerk then they are bound to give

proforma promotion to the appellant on the basis of notification/letter No.CS(F)/N/4-Levies/Concept Paper/825 dated 23/04/2013 issued by the then FATA Secretariat Narcotic section wherein 2500 sanctioned posts were created for all agencies and all the agencies gave promotion to their Levies Force except the then Kurran agency officials/authorities who did not promoted the appellant along with his other colleagues.(Copy of the Notification dated 23/04/2013 is attached as annexure ^F“G”).

- C. 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.
- D. 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 (Now Deputy Commissioner), district Kurram 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 appellant were promoted to the post of Junior Clerk while the appellant were discriminated.

- E. That the appellant has now been retired but he has been deprived of his promotion.
- F. That the appellant has been discriminated.
- G. 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 respondents may kindly be directed to give proforma promotion with all back benefits to the appellant as per the office order No.2290-94/Acctt: dated 23/04/1992 and as per the seniority list dated 09/12/1996 prepared by the respondent No.3 **OR** to give proforma promotion to the appellant vide letter No.CS(F)/N/4-Levies/Concept Paper/825 dated 23/04/2013 issued by the then FATA Secretariat Narcotic section.

7

Gulzar Hussain

Appellant

Through



Zahanat Ullah

Advocate High Court,

Peshawar.

Dated: 09/07/2019

CERTIFICATE:

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



ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. _____/2019

Gulzar Hussain(Appellant)

V E R S U S

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

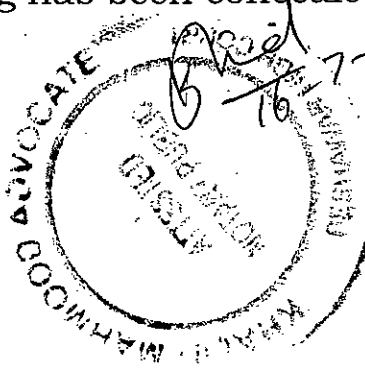
AFFIDAVIT

I, Gulzar Hussain s/o Muhammad Hussain, 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.

Gulzar Hussain

DEPONENT

~~CNIC: 21303-2243599-9~~



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

Appeal No. _____/2019

Gulzar 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:

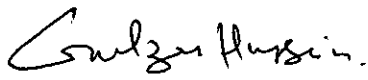
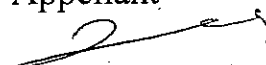
1. That the above title appeal has been filed by the appellant and no date of hearing has yet been fixed.
2. That the appellant was employee of Federal Levy Force and his service was governed by the Federal Levies Force regulations, 2012.
3. That initially the appellant has filed a writ petition in the 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 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: 09/07/2019

Annex A

OFFICE ORDER

9

[Handwritten scribble]

[Handwritten scribble]

[Handwritten scribble]

A board consisting of Assistant Political Agent, Upper Kurram, Assistant Political Agent, Lower Kurram Satta and the Office Superintendent is hereby constituted to scrutinize all the cases of appointments, promotions etc. After clearance, the Board would submit recommendations to the appointing authority for orders.

sd/-
Political Agent, Kurram

No 2290-94 / Acct: Dated Parashinar the 27-4- /1992

Copy to the:-

- 1- Assistant Political Agent, Kurram
- 2- Assistant Political Agent, L.K. Satta
- 3- Superintendent P.A's Office.
- 4- Accountant P.A's Office Kurram.
- 5- Head Clerk Levy Office Kurram

They should put up immediately all such pending cases before the board and fix a date for the meeting convenient to the members.

[Signature]
for Political Agent, Kurram

[Handwritten Urdu notes]

24
 25.11.92
 24.11.92
 2/12
 24/11

ATTESTED

ATTESTED
TO BE TRUE COPY

10

(scribble)

(scribble)

(scribble)

(scribble)

OFFICE OF THE POLITICAL AGENT, KURRAM.

OFFICE ORDER.

No. 6084 /Accts: As decided by the selection Board on 16.8.1992, any vacancy in the post of junior clerks arising in the Establishment of the Political Agent, Kurram office will be filled up out of the Sepoy clerks and the clerks paid out of Benevolent Fund on the basis of their respective seniority i.e the senior most on each list will be taken in The PA's Establishment having due regard to their length of service and Inter-Se.

Such sepoy clerks/Benevolent Fund clerks when selected for the PA's Establishment will be placed junior most in the list of seniority of the existing seniority list of junior clerks/Daftries, of the Political Agent's Establishment.

sd. _____
Political Agent, Kurram

No. 6085-89 /Accts:

Dt: 8/9 /1992.

Copy forwarded to the:-

1. Asstt: Political Agent, Upper Kurram.
2. Asstt: Political Agent, Lower Kurram Sadda.
3. Asstt: Political Agent, (FR) Sadda.
4. Superintendent/Accountant PA's Office Sarachinar.
5. Head Clerk Levy Office.

Humayun
Political Agent, Kurram.

ATTESTED

[Signature]

ATTESTED
TO BE TRUE COPY

A meeting of the Board constituted vide Political Agent, Kurram Order No: 2290-94/Asstt: dated 23-4-1992 was held to-day the 25th August, 1992. The following attended:-

1. Asstt: Political Agent, Upper Kurram.
2. Asstt: Political Agent, Lower Kurram.
3. Asstt: Political Agent (FR) Sudda.
4. Superintendent P.A's Office.

[Handwritten signature]

According to the decision of the Board one senior Levy Sepoy namely Mr. Rashid Ali graduate has to be promoted as Junior clerk vide Jan All Junior Clerk Levy office who will be promoted as Senior clerk in place of Mr. Maquood Ali Senior clerk retired from service on 20-2-1992 after noon.

It was further decided that any vacancy in the post of junior clerks arising in the Establishment of the Political Agent, Kurram Office will be filled up out of the Sepoy clerks and the clerks paid out of the Benevolent Fund on the basis of their respective seniority in each of the said cadres, i.e. the senior most on each list will be taken in the P.A's Estt. having due regard to their length of service inter-se. Such Sepoy clerks/Benevolent Fund clerks when selected for the P.A's Estt. will be placed junior most in the list of seniority of the existing junior clerks of the Political Agent's Establishment. The Board recommended the above accordingly.

1. Assistant Political Agent, Upper Kurram.
2. Asstt: Political Agent, Lower Kurram.
3. Asstt: Political Agent (FR) Sudda.
4. Superintendent P.A's Office.

Approved

[Handwritten signature]
26/8/92

ATTESTED

[Handwritten signature]

ATTESTED
TO BE TRUE COPY

(Better Copy)

A meeting of the Board constituted vide Political Agent, Kurram order No. 2290-94/Acct: dated 23/04/1992 was held today the 26th August, 1992. The following attended:

1. Asstt: Political Agent Upper Kurram.
2. Asstt: Political Agent, Lower Kurram.
3. Asstt: Political Agent (FR) Sadda.
4. Superintendent P.A's Office.

According to the decision of the Board one senior Levy Sepoy namely Mr. Rashid Ali graduate has to be promoted as Junior Clerk vide Jan Ali Junior Clerk Levy Office who will be promoted as Senior Clerk in place of Mr. Maqsood Ali Senior Clerk retired from serviced on 20/02/1992 after noon.

It was further decided that any vacancy in the post of Junior clerks arising in the Establishment of the Political Agent, Kurram Office will be filled up out of the Sepoy clerks and the clerks paid out of the Benevolent Fund on the basis of their respective seniority in each of the said cadres i.e. the senior most on each list will be taken in the PA's Estt: having due regard to their length of Service inter-se. such Sepoy clerks/ Benevolent Fund clerks when selected for the P.A's Estt: will be placed junior most in the list of seniority of the existing junior clerks of the Political Agent's Establishment. The Board recommended the above accordingly.

1. Asstt: Political Agent Upper Kurram.
2. Asstt: Political Agent, Lower Kurram.
3. Asstt: Political Agent (FR) Sadda.
4. Superintendent.

ATTESTED

ATTESTE
TO BE TRUE COPY

(B)

No. 907
Dated 17-12-1

ORDER

The following postings/transfers amongst the ministeria is hereby ordered in the interest of public with immediate effect

S.No.	From	To
1.	Mr. Shaakat Ali Shah CC to APA UK.	CC to A.P.A.1
2.	Mr. Inayat Hussain CC to APAL.K.Sadda	P.M.Mali Killi
3.	Mr. S. Siraj Hussain P.M.Mali Killi.	P.M. to PNT 11
4.	Mr. Gulab Hussain PM to PNT 11 ✓	Dasptchar Eng record office.
5.	Mr. S. Hussain Shah English Recordkeeper	P.M.Chdo.
6.	Mr. Rashid Ali PM Cide ✓	P.M.Kherakhola
7.	Mr. Hussain Shah PM Kherakhola	P.M.Badama.
8.	Mr. Anwar Ali P.M.Kher.	Asstt.Acctt.P.A office.
9.	Mr. S. Ashiq Hussain Asstt.Accountant ✓	P.M.Roza
10.	Mr. Mehtab Ali Receipt Clerk English record.	P.M.Darra.
11.	Mr. Ashiq Hussain P.M.Darra	Moharar to PNT English Record
12.	Mr. S. Mehdi Shah Tele Operator A.P.A.U.K.Office.	
13.	Mr. Mumtaz Hussain Asstt. to Reader to APA-UK	Telephone operat with APAUK.
14.	Mr. Iqbal Hussain Asstt.V.R.K.	Moharar to T&O
15.	Mr. S. Habib Hussain working with TM as Moharar.	Report to his original post Asstt.Wasil-Bu
16.	Mr. Mushtaq Hussain waiting for posting.	Asstt.V.R.K.
17.	Mr. Mohd Tariq RM Reader to APALK	Levy office.
18.	Mr. S. Raza Hussain Moharar to PNT 1	Accountant P.A
19.	Mr. S. Hamid Ali Shah Accountant	Agency Nazar.
20.	Mr. Mumtaz Khan Agency Nazar	Reader to APA
21.	Mr. Hashim Khan Reader to APAUK.	Ration Clerk.
22.	Mr. Imran Ali P.M.Badama.	Levy office.

No. 408-13
Dated 17-12-1996.

S/-
Political Agent, Kurram, Para

- Copies to:-
1. A.P.A. Upper Kurram, Parachinar.
 2. A.P.A. Lower Kurram, Sadda.
 3. Supdt. A. S. Office, Parachinar.
 4. Accountant -do-
 5. Head Clerk Kurram Levy, Parachinar.
 6. Officials concerned.

ATTESTED
TO BE TRUE COPY

[Signature]

Political Agent, Kurram, Para

ATTACHED

Annex 'B' 14

SENIORITY LIST OF RETIRED CLERKS

S.No.	Name / Father Name.	Qualification	Date of Birth.	Date of Appointment.
1.	Mr. Gulzar Hussain s/o Ali Mohammad	B.A.	22-4-1967	16-8-1983
2.	Mr. Farar Ali s/o Nazar Ali	B.A.	12-3-1962	1-9-1983
3.	Ashiq Hussain s/o Qadam Ali	Matric.	1-7-1966	1-3-1984
4.	Imran Ali s/o Said Ali	Matric.	1-7-1948	1-2-1985
5.	Mohammad Anwar s/o Masood Ali	B.A.	27-4-1966	20-2-1986 relieved and posted from B.F. on 10-8-1992.
6.	Gulzar Hussain s/o Mohammad Hussain	F.A.	15.3.1955	1.3.1986
7.	Dawood Shah s/o Badshah Khan	F.A.	1.7.1967	1.5.1986
8.	Ghulam Sakhi s/o Yousuf Ali	F.A.	30.1.1962	1.5.1986 & decided by the Board Dt:27.5.92 his case for apptt. will be considered on the retirement of Ali Khan
9.	S. Ashiq Hussain s/o S. Badshah	B.Sc	5.1.1962	1.1.1987
10.	Mush taq Hussain s/o Mohammad Ali	B.Sc	28.3.1965	1.1.1987
11.	Zahir Shah s/o Mahmood Jan	Matric	2.5.1966	1.10.1987
12.	Mehtab Hussain s/o Nawab Ali	F.A.	3.4.1968	1.8.1988
13.	Mir Rehman s/o Gul Akbar	F.A.	13.7.1970	1.11.1989
14.	Mahboob Malik s/o Abdul Malik	B.A.	24.5.1950	15.1.1990
15.	Munawar Hussain s/o Shah Wali	B.A.	1.9.1965	7.11.1991
16.	S. Raza Hussain s/o S. Sardar Hussain	B.A.	15.3.1959	15.12.1991.
17.	Mohammad Noor s/o Ghau Din	Matric		1.3.1992
18.	Bilal Hussain s/o Nasar Ali	Matric	24.2.1971	12.11.1990
19.	Sabir Hussain s/o Dost Moid	Matric	10.4.1963	12.9.1991.

SENIORITY LIST OF BENEVOLENT FUND CLERKS.

1.	H. Mohammad Alam	B.A.		16.3.1986
2.	Amjad Ali	B.A.	25.1.1961	4.8.1986
3.	Islam Khan	B.A.		30.11.1991
4.	Mohammad Anwar	B.A.	27.4.1966	10.8.1992
5.	Ajab Noor	Matric	11.4.1967	24.8.1992
6.	Abdur Rauf	B.A.	18.4.65	5.9.1992
7.	Mohammad Junil	B.A.	30.3.1961	1.9.1992.

ATTESTED
TO BE TRUE COPY

ATTESTED

Political Agent, Kurram

9/12/96
10/12/96
2/12

سرکار محترم، ایف ای اے
کراچی ایف ای اے
کراچی ایف ای اے
کراچی ایف ای اے

کراچی ایف ای اے
کراچی ایف ای اے
کراچی ایف ای اے

Annex-C

جانب اول میں ایک خط صحت عمار کوکم

درخواست براد لفظ مانی بر علم نام چالی کور
بابت ریگور کی و پروویس رہا رہا در جو جوان کریم کی ورس
حس میں 65 جوان کو پروویس دہری با عمار جوان
پروویس کو در لہار لہار لہار کی لہار ہی یا اجازت اسل

Heb.
K. Disalle

جانب علی

مگر اس کے رہا رہا در جوان کوکم لہو کی ورس نامہ پروویس
در ریگور کی اسل دائری صرف لہو کی عمار رہا رہا در آخر او کو پروویس پرتش
کی اجازت عمار پروویس
در طلب الحکم چالی کور چار رہا رہا در الفانی ہری
و پروویس دہری اور ہی ریگور کی عمار ہی کی
کرتے رہا رہا در ہی و نظر انداز رہا رہا در ہی
و پروویس کے عمار ہی کوکم سب رہا رہا در ہی کی اجازت

براد لہار لہار لہار لہار لہار لہار لہار لہار
پروویس و لہو اور رہا رہا در ہی کی اجازت

میں نے اس خط کو
میں نے اس خط کو
میں نے اس خط کو
میں نے اس خط کو

ATTESTED
TO BE TRUE COPY

ATTESTED

پنجاب صواب اور پینپٹل ایجنٹ صاحب کرم ایجنسی

درداشت، مراد داری لہرانے ساٹان لیوی نورس کرم ایجنسی

جناب عالی - سائل حسب ذیل عرض رسالہ ہے۔

- ۱- یہ کہ ساٹان لیوی نورس کرم ایجنسی کے ایگراں جو کہ مختلف عہدوں پر اپنے فرائض نبھی سرانجام دے رہے ہیں۔
 - ۲- یہ کہ بذریعہ آرڈر نمبر CS(F)/N/4-Levies/Concept Paper/825 مورخہ 23 April 2013 کو قائم کیے گئے نارے کلس سیکشن لاہور آرڈر پارٹنٹ نے مختلف Categories میں آسامیوں کا اجراء کیا۔ (نقل آرڈر لٹ ہذا ہے)۔
 - ۳- یہ کہ برٹانق قوانین میں موجود فخری کو پر مشتمل دینا ضروری تھا لیکن ابھی تک ساٹان کو کوئی پروموشن یا اس قانون پر کوئی عمل درآؤ نہیں ہو رہا، جس کی وجہ سے مختلف عہدوں پر تعینات ایگراں کی حق نشی ہو رہی ہے، مفید یہ کہ متاثرین کو ناقابل غلامی نقصان بھی پہنچ رہا ہے۔
 - ۴- یہ ساٹان کی برٹانق سٹیڈی اسٹ پر مشتمل دینا نہایت ضروری ہے۔
- لہذا استدعا ہے کہ مذکورہ درخواست ہذا مذکورہ بالا آرڈر پر من اور من قانون کی مطابق عمل کیا جا کر ساٹان کو پروموشن دیا جا کر سٹیکڈ فرمائیں۔

العارض مورخہ 15/5/15

سر ساٹان لیوی نورس، کرم ایجنسی

کاپی برائے اظہار عیاشی و ضروری کارروائی

- ۱- پینپٹل ایجنٹ کرم ایجنسی۔
- ۲- اسٹنٹ پینپٹل ایجنٹ کرم ایجنسی۔
- ۳- اسٹنٹ پینپٹل ایجنٹ لیوی کرم ایجنسی۔
- ۴- لاہور آرڈر۔ قائم کیے گئے۔
- ۵- پولیس کلس سیکشن۔ اعلیٰ پٹی، کرم ایجنسی۔
- ۶- لیوی آفس یا زہ چٹا کرم ایجنسی۔
- ۷- سٹیڈی اسٹ کرم لیوی کرم ایجنسی۔

ATTACHED
 Alkhatib
 Solanki

Handwritten signature

ATTESTED
 TO BE TRUE COPY

Annex =

D (D) (D)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 9311-P/2017

APP. No. 392 (P) S/2019

Ashiq Hussain.....(Petitioners)

VERSUS

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

INDEX

S.No	Description of Documents	Annex	Pages
1.	Opening Sheet		A
2.	Writ Petition		1-9
3.	Affidavit		10
4.	Addresses of the Parties		11-12
5.	Copies of posting orders	A	13-16
6.	Copies of the Office Order and Seniority List	B&C	17-21
7.	Copies of the departmental appeals	D	22-24
8.	Copy of circular dated 09/12/2015	E	25-38
9.	Copy of Writ Petition No. 4485-P/2015 and order dated 19/05/2016	F	39-46
10.	Power of attorney		47-49
11.	Notice with receipts		50
12.	Court Fee		
13.	Wakalat Nama		

Petitioners

Through

Dated: 23/10/2017

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

ATTESTED
TO BE TRUE COPY

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

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:

Habeas Corpus	Prohibition	Mandamus <input checked="" type="checkbox"/>	Quo Warranto	Certiorari
---------------	-------------	--	--------------	------------

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)	Zahanat Ullah 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 petitioners

Prayer
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.

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

FILED TODAY
Deputy Registrar

24 OCT 2017

Signature
ATTESTED
TO BE TRUE COPY

19

(19)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

APP. No 392(P)CS/19/23

W.P. No. 4311/2017

Presented by P. B. K.
May 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

Registrar
26/04/2019

26 APR 2019

FILED TODAY

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)

7set
A

WRIT PETITION UNDER ARTICLE 199

OF THE CONSTITUTION OF ISLAMIC

REPUBLIC OF PAKISTAN, 1973.

FILED TODAY
Deputy Registrar

24 OCT 2017

ATTESTED
TO BE TRUE COPY

Prayer:

20

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

FILED TODAY
Deputy Registrar

27 OCT 2017

ATTESTED
TRUE COPY



21

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

26

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 Sepoy/ 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



ATTESTED
TO BE TRUE COPY

FILED TODAY
Deputy Registrar

24 OCT 2017

22



departmental appeals are attached as annexure "D").

~~26~~

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

ATTESTED
TO BE TRUE COPY

FILED TODAY

Deputy Registrar

24 OCT 2017

23

~~22~~ ~~23~~

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").

27

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.

ATTESTED
TO BE TRUE COPY

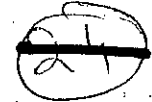
9. That the petitioners moved applications to the respondents to deal the petitioners like their other colleagues, who's Writ was allowed by this Hon'ble Court vide Writ Petition 4485-P/2015, but they refused to do so. (Copy of Writ Petition No. 4485-

FILED TODAY
Deputy Registrar

24 OCT 2017

24.





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



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:

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 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


ATTESTED
TO BE TRUE COPY

FILED TODAY
Deputy Registrar

24 OCT 2017

25

~~25~~

~~25~~

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

24

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:

FILED TODAY
Deputy Registrar

24 OCT 2017

ATTESTED
TO BE TRUE COPY

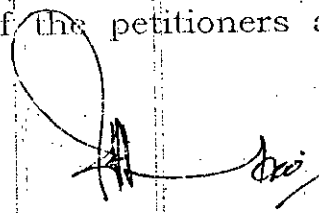
26

(18)

~~(21)~~

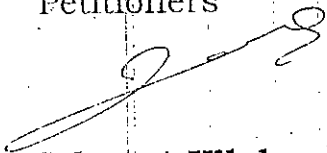
A. To give proforma promotions with all back benefits to the petiotners (retired) as per the Office Order No. 2290-94/Acctt: dated 23/04/1992 and as per the Seniority List prepared by the respondent No. 3.

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

ATTESTED
TO BE TRUE COPY

FILED TODAY
Deputy Registrar

24 OCT 2017

27

~~27~~

~~27~~

CERTIFICATE:

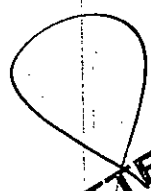
It is certified by no such like Writ Petition has early been filed by the petitioner in this Hon'ble Court. Further stated that being Writ Petition on the score that since there is no adequate and alternate remedy is available or previously avail or approach lower forum, thus this case may fixed before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


ADVOCATE

LIST OF BOOKS:

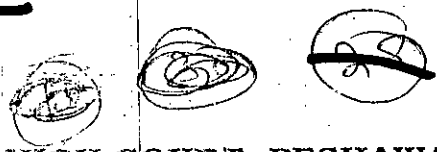
1. Constitution of Islamic Republic of Pakistan, 1973.
2. Any other law books according to need.


ADVOCATE


ATTESTED
TO BE TRUE COPY

FILED TODAY
Deputy Registrar
24 OCT 2017

23



BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4311/2017

~~32~~

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.

DEPONENT
CNIC: 21303-8061464-9

Identified by:

Zahanat Ullah
Advocate High Court,
Peshawar.

7961.....

Certified that the above was verified on solemnly affirmation before me in office this 23.10 day of Oct 17 by Ashiq Hussain s/o Qadam Ali Kurram Agency who was identified by Zahanat Ullah Who is personally known to me:

Oath Commissioner 23/10/17
Peshawar High Court, Peshawar.

FILED TODAY
Deputy Registrar
24 OCT 2017

ATTESTED
TO BE TRUE COPY

29

(SD)

~~29~~

(SD)

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 4311-P / 2017

Ashiq Hussain.....(Petitioners)

VERSUS

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

ADDRESSES OF THE PARTIES

PETITIONERS:

1. Ashiq Hussain S/o Qadain 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.

FILED TODAY
24 OCT 2017

ATTESTED
TO BE TRUE COPY

30

(17)

(20)

(26)

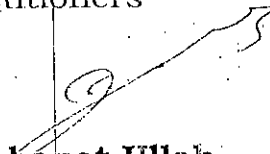
4. Assistant Political Agent, Kurram Agency.
5. Section Officer (L&K) FATA, FATA Secretariat, Warsak Road, Peshawar.
6. Agency Account Officer, Kurram Agency.
7. Secretary SAFRON Division, Pak Secretariat Islamabad.

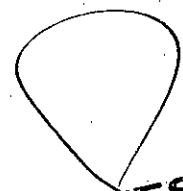
31

Petitioners

Through

Dated: 23/10/2017.


Zahanat Ullah
Advocate High Court,
Peshawar.



ATTESTED
TO BE TRUE COPY

FILED TODAY
Deputy Registrar

24 OCT 2017

31

~~31~~
~~31~~

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 year 1981. 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

FILED TODAY
Deputy Registrar
27 JUN 2018

Branch
27/06

SCANNED
29 JUN 2018

ATTESTED
TO BE TRUE COPY
To Be True Copy

32

~~30~~

~~P. 42~~

...

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,

}

FILED TODAY
Deputy Registrar
27 JUN 2018

ATTESTED
TO BE TRUE COPY
To Be True Copy

P-33

33

~~P-33~~

..B...

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.

GROUND:

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.

FILED TODAY
Deputy Registrar
27 JUN 2018

ATTESTED
TO BE TRUE COPY
To Be True Copy

34.

24

~~P. 11~~

..A...

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.

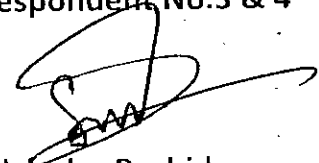
D. In reply to Para D, it is humbly submitted that detailed reply to the instant Para has already been given in the preceding Paras.

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.

through

Respondent No.3 & 4



Sikandar Rashid,
Advocate, Supreme
Court of Pakistan.

FILED TODAY
Deputy Registrar

27 JUN 2018

ATTESTED
TO BE TRUE COPY
To Be True Copy

35

~~35~~

~~P-675~~

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, PESHAWAR

In Re:

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

Ashiq 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

At 1708
at Kurram Agency
day of Jun 18
to Legal Advisor
who are
and to present
Sikandar Rashid
Kurram AG
Self
27/6

FILED TODAY
Deputy Registrar
27 JUN 2018

ATTESTED
TO BE TRUE COPY
To Be True Copy

36

36

~~P-46~~

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

INDEX

S.No	Particulars	Pages
1.	Parawise Comments	1-3
2.	Affidavit	4

Respondents No 1, 2 & 5

[Signature]
Deputy Secretary Levy & Khassadar)
Law & Order Department
FATA Secretariat

Branch

[Signature]
09/07

FILED TODAY
Deputy Registrar
09 JUL 2018

SCAD
ATTESTED
TO BE TRUE COPY
09/07/2018

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

37

~~P. 47~~

~~(SP)~~

~~(SP)~~

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 Major.

FILED TODAY
Deputy Registrar
09 JUL 2018

ATTESTED
TO BE TRUE COPY

Annual budget of Levy Force was prepared by SAFRON 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.

38

~~P.H.S~~

~~(S)~~

~~38~~

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

ADAY
Deputy Registrar
09 JUL 2018

ATTESTED
TOGETHER COPY

39

(48)

~~39~~

~~39~~

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 sepoys 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 TRUE COPY

(42) 170

~~250~~

40

CS/2015	-do-	-d-
JCS/2015	-do-	-d-
JCS/2015	-do-	-d-
	-do-	-d-

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*

AFFIDAVIT

I, Mr. Miraj Muhammad Deputy Secretary (Levy & Khassadar) FATA Secretariat, Peshawar do hereby solemnly affirms and declared that parawise 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


2641

Subscribed that the above was verified on solemnly affirmation by me on this 9th day of July 18 Miraj Muhammad Peshawar

Dep Sec Re. 17

and is personally known to me:


 9/7/18

FILED TODAY
 Deputy Registrar

 09 JUL 2018

ATTESTED
 TO BE TRUE COPY


41
~~11~~

Annex E

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
15.01.2019	<p><u>W.P No.4311-P/2017.</u></p> <p>Present: Mr. Zahanatullah, Advocate, for the petitioners.</p> <p>Mr. Sikandar Rashid, for the respondents.</p> <p>*****</p> <p><u>MUSARRAT HILALI, 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>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>

SCANNED

ATTESTED

ATTESTED
TO BE TRUE COPY

Wahid

42

~~12~~

~~2~~

alongwith interest.

Arguments heard and appended record gone through.

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 & 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.

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.

5. The office is directed to send the original file to Federal Service Tribunal by retaining a

veran

ATTESTED
TO BE TRUE COPY

43

~~13~~

~~13~~

~~13~~

photocopy of memo of Petition for the purpose of record.

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

Musarrat
JUDGE

M. Khan
JUDGE

Announced
15.01.2019

ATTESTED
TO BE TRUE COPY
TO BE TRUE COPY

(08) Hon'ble Justice Musarrat Hllali
Hon'ble Mr. Justice Muhammad Ayub Khan

Near Shah, PS



Ph: (091) 9212147 Fax # (091) 9210578

FATA SECRETARIA
(Narcotics Section)
Law & Order Department
PESHAWAR

No. CS (F)/N/4-Levies/Concept Paper/ 925-

Dated: 23 April, 2013

All Political Agents

All Deputy Commissioners (FRs) except FR Lakki

Info: ✓ PS to Additional Chief Secretary (FATA)

PS to Secretary (Law & Order)

Subject: CREATION OF 2500 TEMPORARY POSTS (PHASE-II) FEDERAL LEVIES IN VARIOUS AGENCIES IN FATA FOR THE FINANCIAL YEAR 2013-14

Federal Government has sanctioned additional 2500xLevies posts for FATA- Agency/ FR wise distribution is appended below. In this regard, I am directed to convey that recruitment process may please be initiated as per Federal Levies Service (Amended) Rules-2013 in your respective area of jurisdiction, immediately.

AGENCY/ FR WISE RE-DISTRIBUTION OF 2500 LEVIES POSTS IN FATA (PHASE-II)

Name of Agency/ FR	Sub Maj	Sub	N/Sub	Hav	Naik	L/Naik	Sepoys	Supdt.	Asstt.	S/Clerk	J/Clerk	Total
Bajaur	1	10	10	30	30	41	274	1	1	1	1	401
Khyber	2	9	9	27	27	36	236	1	1	1	1	351
Kurram	2	9	9	27	27	36	238	1	1	1	1	351
Mohmand	2	10	10	30	30	41	273	1	1	1	1	401
NWA	2	0	0	0	0	0	0	1	1	1	1	4
Orakzai	0	1	1	3	3	4	34	1	1	1	1	56
SWA	2	16	14	46	46	59	375	1	1	1	1	561
Kohat	0	5	5	15	15	20	140	1	1	1	1	201
Tank	0	1	1	3	3	4	28	1	1	1	1	38
Bannu	0	0	1	2	2	3	17	1	1	1	1	25
DIKhan	0	0	1	1	1	2	14	1	1	1	1	19
Peshawar	0	3	3	8	8	10	68	1	1	1	1	100
Total	11	64	64	192	192	256	1693	7	7	7	7	2500

Section Officer (N)

ATTESTED

ATTESTED
 done copy
 [Signature]

ATTESTED
 TO BE TRUE COPY

15

45

Appeal No. 392(P)CS/2019

(15)

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 ^{LL}to be returned ^{for} seeking remedy at appropriate forum. Therefore, the appeal is disposed of accordingly.

sd-
MEMBER

sd-
MEMBER

CERTIFIED TRUE COPY

Registrar
Federal Service Tribunal
Islamabad



46

46

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 سروسٹریٹوئل سٹاؤر



گلزار سروسٹریٹوئل سٹاؤر بنام گلزار سٹریٹ

مورخہ	---
مقدمہ	---
دعویٰ	---
جرم	---

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام گلزار سٹریٹوئل سٹاؤر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بسورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائنہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا اوکالت نامہ لکھدیا کہ سند ہے۔

Attested

المرقوم 16 - ماہ 07 - 2019

Accepted

واہ العب

Signature

کے لئے منظور ہے۔

بمقام سٹاؤر

Gluzar Attorney

WS

OFFICE OF THE
POLITICAL AGENT, KURRAM.
No. 781-89 /Kurram Levy.
Dated:- 27 / 07 / 2017.

OFFICE ORDER

In pursuance of the Peshawar High Court judgement order dated: 29-05-2016 in writ petition No. 4485-P/ dated 20-05-2015, case title in favour of Rehman Gul and others VS Additional Chief Secretary FATA etc as well as in pursuance of the recommendations of Departmental Promotion Committee held on 15-06-2017, (proforma) promotion of the following JCOs/NCOs and Sepoys of Kurram Levy Force to the next higher ranks has been awarded accordingly vide this office letter No. 693-701/Kurram Levy dated 19-06-2017.

In view of the above Revised retirement order in favour of the following JCOs, NCOs of Kurram Levy Force is hereby ordered accordingly as per below given details.

S.No	Designation	Name	Parentage	Date of Retirement
1.	Subedar	Yousuf Ali	Dost Ali	31-03-2015
2.	Subedar	Munir Hussain	Hussain Gul	31-05-2015
3.	Subedar	M. Rashid Khan	Pir Badshah	31-03-2015
4.	Naib Subedar	Badshah Jan	Piow Jan	31-03-2015
5.	Naib Subedar	S. Abid Hussain	S. Abdui Hussain	31-03-2015
6.	Naib Subedar	Iqbal Hussain	Muhammad Yousaf	31-03-2015
7.	Naib Subedar	Ghulam Akbar	Ali Ghulam	31-12-2014
8.	Naib Subedar	Noor Afzal	Hussain Afzal	31-12-2014
9.	Naib Subedar	Subhan Ali	Mardan Ali	31-12-2014
10.	Naib Subedar	Shah Mehmood	Fazal Jan	31-12-2014
11.	Naib Subedar	Khwaja khel	Sherin	31-12-2014
12.	Naib Subedar	Noor Muhammad	Salih Muhammad	31-12-2014
13.	Naib Subedar	Noor Faraz	Said Shari	31-12-2014
14.	Naib Subedar	Sardar Ghulam	Musam Khan	31-12-2014
15.	Haveldar	S. Muhammad Afzal	S.Muhammad Asghar	31-03-2015
16.	Haveldar	Gul Muhammad	Ghulam Muhammad	31-03-2015
17.	Haveldar	S. Sabir Hussain	S.Shah Hussain	31-03-2015
18.	Haveldar	Ali Naqi	Eid Akbar	31-03-2015
19.	Haveldar	Akbar Ghulam	Ali Ghulam	31-03-2015
20.	Haveldar	Inayat Hussain	Muhammad Anwar	31-12-2014
21.	Haveldar	Asghar Hussain	Gulab Hussain	31-12-2014
22.	Haveldar	S. Sajad Hussain	S.Badshah Hussain	31-12-2014
23.	Haveldar	Ajeeb Hussain	Muhammad Hassan	31-12-2014
	Haveldar	Ramazan Ali	Qurban Ali	31-12-2014
	Haveldar	Mubarak Khan	Sardar Khan	31-12-2014
	Haveldar	Mohd Rehman	Mir Alam Khan	31-12-2014
	Haveldar	Mohd Jan	Gul Bat Khan	31-12-2014
	Haveldar	Azeem Khan	Nat Khan	31-12-2014
	Haveldar	Noor Zaman	Shehzad Gul	31-12-2014
	Haveldar	Khial Mohd	Jan Muhammad	31-12-2014
	Haveldar	Werhmin Khan	Janat Mir	31-03-2015
	Haveldar	Muhamad Ishaq	Hussain Khan	31-03-2015
	Haveldar	Ali Akber	Mir Akbar	31-12-2014
	Haveldar	Hakim Khan	Amir Khan	31-12-2014

DATE
[Signature]

46

35.	Naik	Syed Hussain	Muhammad Hussain	31-12-2014
36.	Naik	Din Bat Khan	Siwal Khan	31-12-2014
37.	Naik	Muhd Rasool	Rasool Khan	31-12-2014
38.	Naik	Shahzada	Habib Gul	31-12-2014
39.	Naik	Moeen Shah	Mirak Shah	31-12-2014
40.	Naik	Pehlawan	Khwojamat Khan	31-12-2014
41.	Naik	Khana Gui	Hamid Gui	31-12-2014
42.	Naik	Wali Shah	Gulab Shah	31-12-2014
43.	Naik	Raham Noor	Muhammad Noor	31-12-2014
44.	Naik	Habib Shah	Said Wazir	31-12-2014
45.	Naik	Wazir Khan	Adam Khan	31-12-2014
46.	Naik	Muhammad	Said Muhammad	31-12-2014
47.	Naik	Falak Naz	Matanai	31-12-2014
48.	Naik	Noor ul Haq	Haji Muhammad	31-12-2014
49.	Naik	Islam Mohd	Ghulam Muhammad	31-12-2014
50.	Naik	Sadaat Khan	Batokai	31-12-2014
51.	Naik	Kabal Jan	Sardar Khan	31-12-2014
52.	Naik	Mohd Sharif	Mir Muhammad	31-12-2014
53.	Naik	Nabi Khan	Jahangir Khan	31-12-2014
54.	Naik	Khyal Bat Khan	Adam Khan	31-12-2014
55.	Naik	Gul Badar	Said Sharif	31-12-2014
56.	Naik	Noor Islam	Guldali	31-12-2014
57.	Naik	Lal Badshah	Niaz Badshah	31-03-2015
58.	L/Naik	Jamal Hussain	Ali Ghulam	31-12-2014
59.	L/Naik	Ashiq Hussain	Rehmat Ali	31-12-2014
60.	L/Naik	Yousaf Ali	Manzer Ali	31-12-2014
61.	L/Naik	Hashim Ali	Ghulam Jan	31-12-2014
62.	L/Naik	Abdullah Khan	Ashraf Khan	31-12-2014
63.	L/Naik	Mushtaq Hussain	Lal Hussain	31-12-2014
64.	L/Naik	Hayat Uilah	Samand Khan	31-03-2015
65.	L/Naik	Munawar Hussain	Qambar Ali	31-12-2014

Political Agent, Kurram.

No. and date is even.

Copy forwarded to the: -

1. Secretary, SAFRON Division Islamabad.
2. Secretary, Law & Order Department FATA Secretariat Peshawar.
3. PS to Additional Chief Secretary FATA.
4. Assistant Political Agent, Upper, Lower & Central Kurram.
5. Section Officer, (L&K) Law & Order Department FATA Secretariat Peshawar.
6. Superintendent PA's Office.
7. Agency Accounts Officer Kurram.
8. Subedar Major Kurram Levy Force.
9. Official concerned.

Political Agent, Kurram

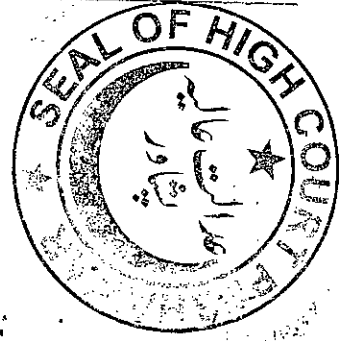
ATTACHED

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

C.O.C. No. 365 P /2016

In

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

FILED TODAY

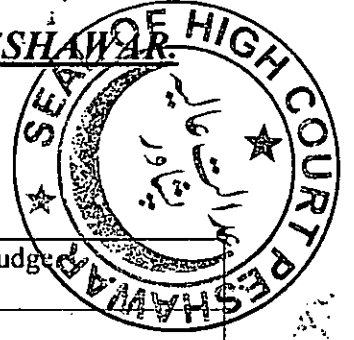
Deputy Registrar




ATTESTED

EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET






Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge
<u>24/10/2017.</u>	<p><u>COC No. 365-P/2016 in WP No. 4485-P/2015</u></p> <p><u>Present:</u> Mr. Zahanatullah, Advocate, for the petitioners.</p> <p>Mr. Rab Nawaz Khan, AAG, along with Abdul Qayyum Deputy Secretary in person.</p> <p>Mr. Sikandar Rashid, Advocate, for Police Agent Kurram.</p> <p>===</p> <p>Adjourned. To come up along with connected COC No. 184-P/2016 in WP No. 2588-P/2013 on 1.11.2017.</p> <p> <u>JUDGE</u></p> <p> <u>JUDGE</u></p> <p> CERTIFIED TO BE TRUE COPY</p> <p>EXAMINER Peshawar High Court, Peshawar Authorised Under Article 87 of The Constitution Order 1986</p> <p>04 MAR 2020</p>

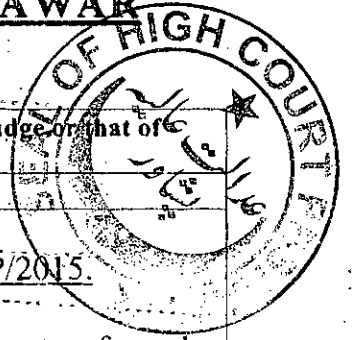
PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of Order/ Proceedings	Order or other Proceedings with Signature of Judge
01/11/2017.	<p><u>COC No. 365-P/2016 in WP No. 4485-P/2015</u></p> <p><u>Present:</u> Mr. Zahanatullah, Advocate, along with petitioners in person.</p> <p>Mr. Rab Nawaz Khan, AAG along with Abdul Qayyum Deputy Secretary & Nasrullah Khan, Addl. Political Agent Kurram in person.</p> <p>===</p> <p>Both the parties admitted that payment of pensionary benefits have been made to fifty (50) petitioners while the case of fifteen (15) petitioners is under process and would be made before the next date.</p> <p>Learned counsel for the petitioners claiming proforma promotion to the extent of 11 petitioners. In this respect, he is directed to place on record documents showing that the day when they got retired on superannuation, promotion quota posts lying vacant. Adjourned to 21.11.2017.</p> <p> JUDGE</p> <p> JUDGE</p> <p> CERTIFIED TO BE TRUE COPY</p> <p>EXAMINER Peshawar High Court, Peshawar Authorised Under Article 8.7 of The Pakistan Benchmarks Order 1988</p> <p>04 MAR 2020</p>

PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
<p align="center">1</p> <p>23.11.2017</p>	<p align="center">2</p> <p>COC No. 365-P/2016 in WP No. 4485-P/2015.</p> <p>Present: Mr. Zahanatullah, advocate for the petitioners.</p> <p>Mr. Sikandar Rashid, advocate along with representative of respondenets.</p> <p align="center">*****</p> <p>Latter stated at the bar that they have made payments to 65 employees; the breakup whereof duly signed by PA Kurram Agency, is placed on file. Learned counsel for the petitioners is directed to go through the same and give a detail report as to whether the petitioners who are 67 in numbers are amongst those who have received the payment or not. Meanwhile respondents are directed to continue with the payments at the earliest and shall submit its report on 14.12.2017.</p>

S. J. Khan
CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court Peshawar
Authorised Under Article 87 of
The Constitution of Pakistan Order 1986
04 MAR 2020

[Signature]
JUDGE
[Signature]
JUDGE



OFFICE OF THE
DEPUTY COMMISSIONER KURRAM

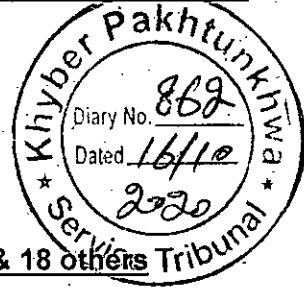
0926-310599/310777
0926-310520
dc.kurram786@gmail.com

No. 49-07/DC/Reader

Dated Parachinar 08/10/2020

To

The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar



Subject: Appeal No.1323, 1331,1445,1349 to 1364 of 2019 Gulzar Hussain & 18 others

Respected Sir,

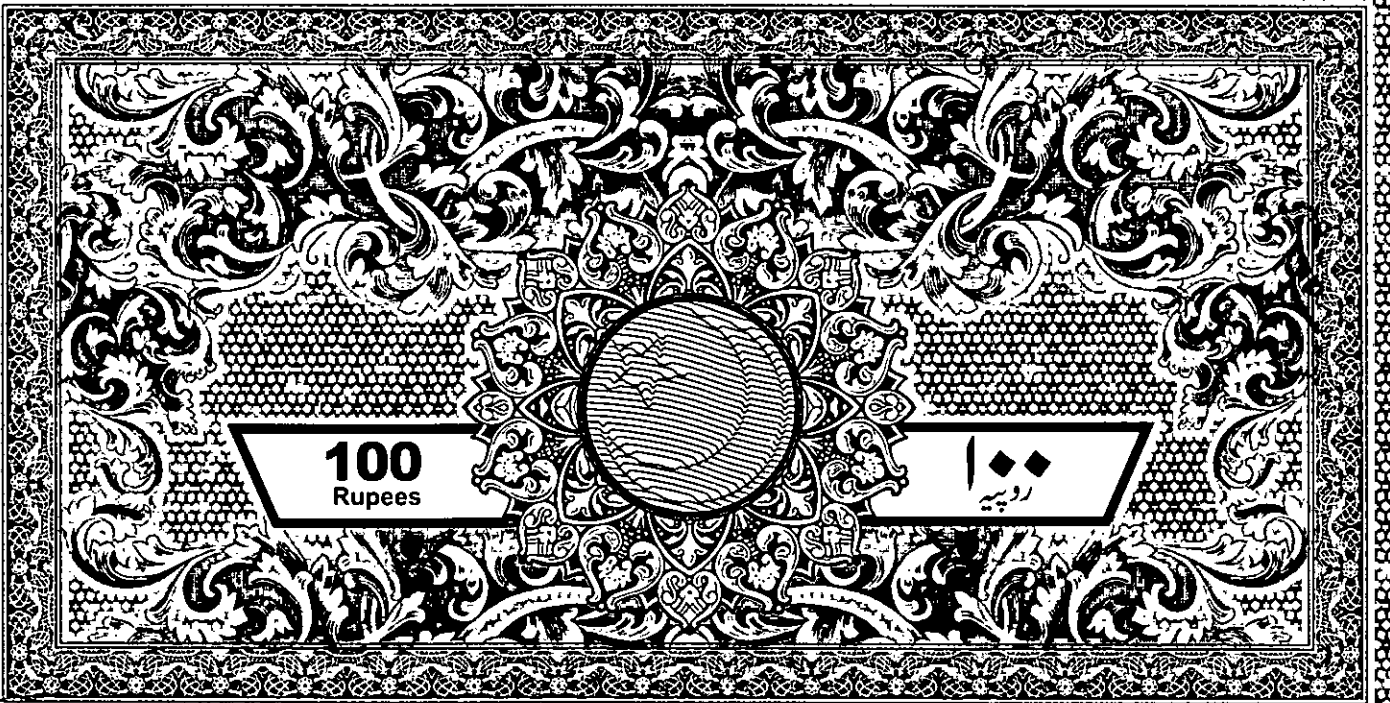
In this connection, it is humbly submitted that the cases received to this office were thoroughly examined reveals that these cases relates to Police department with the reasons that after merger of Erstwhile FATA, into Khyber Pakhtunkhwa, the levy & Khasadars have been inducted/adjusted in Khyber Pakhtunkhwa Police, therefore, it is humbly prayed that it would be appropriated to may consult the high-up's of Police Department KPK, who will be in better position to dispose off the same as per their policy/rules framed for the purpose

[Signature]
Deputy Commissioner
Kurram Tribal District
[Signature]
2/10/2020

Put up to the court with relevant appraisals.

[Signature]
16/10/2020

1323, 1331 / 1349 to 1364
25/9/2020

100
Rupees۱۰۰
روپیہ

عدالت عالیہ صوبائی سروس ٹریبونل پشاور

گلزار حسین وغیرہ بنا : ایڈیشنل چیف میگزٹری ٹاٹا وغیرہ

مختار نامہ خاص برائے پیروی مقدمہ

حوالہ

مایا ننگہ ۱. مشتاق حسین ولد محمد علی ۲. مہتاب علی ولد نواب علی ۳. نیاز حسین ولد دوست محمد ۴. سرور علی ولد صفدر علی، سابقہ ملازمین فیڈرل لیوی فورس، کرم ایجنسی بلا جبر واکرہ غیرے کے مقران ہیں۔ بدین غرض کہ ایک عددرٹ پٹیشن بالا عدالت عالیہ صوبائی سروس ٹریبونل پشاور میں داخل کرانا مقصود ہے جس میں ہم مقران بطور پٹیشنرز خود فریق ہیں بوجہ مصروفیات مقدمہ مندرجہ بالا عنوان میں خود پیشی ہونے سے قاصر ہیں اس لئے اپنی جانب سے گلزار حسین ولد محمد حسین سابقہ ملازم فیڈرل لیوی فورس، کرم ایجنسی کو مختیار خاص مقرر کر کے اختیار دیتے ہیں کہ وہ ہم مقران کی جانب سے عدالت حضور میں حاضری اور پیروی کرے، دیگر متفرق درخواستوں پر دستخط کر کے ان کی تصدیق کرے۔ بیان حلفی دیوے، یا عدالت میں ہم مقران کی جانب سے بیان دیوے، مقدمہ میں وکیل مقرر کرے، گواہان اور ٹیوت پیشی کریں بصورت ٹیبلہ اپیل، ڈگری، درخواست اجراء دائر کرے، بصورت آخراج مقدمہ، اپیل / تگوانی کرے ہم مقران کی طرف سے وکالت نامہ پر دستخط / ٹگوانا ثبت کرے، راضی نامہ کرے یا دیگر متفرق قسم کی پٹیشنرز بالا عدالت عالیہ تا عدالت عظمیٰ، سپریم کورٹ میں دائر کرے۔ الغرض مختیار موصوف مقدمہ کی جملہ کاروائی میں منفرداً یا مشترکاً حصہ لے جو کہ ہم مقران کو قبول اور منظور ہوگی، مختیار نامہ لکھ دیا کہ سند ہے۔

Attested



09/01/2020

مورخہ ۰۹/۰۱/۲۰۲۰

اختیار دینندگان :-

گلزار حسین ولد محمد حسین
21303-2243599-9

اختیار گر ہندہ

۱. مشتاق حسین ولد محمد علی
21303-2241018-9

۲. مہتاب علی ولد نواب علی
21303-4771611-7

۳. نیاز حسین ولد دوست محمد
21303-8738098-3

گواہان :-
۱. سید اقبال حسین ولد سید لعل حسین بارا خیار
21303-7652035-9

۲. صاحبزادہ نیاز حسین ولد دوست محمد کتان خیل
21303-0951070-1

۴. سرور علی ولد صفدر علی

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

Service Appeal No 1323/ 2019

Gulzar Hussain (Appellant)

VERSUS

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

INDEX

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Para-wise comments		1-2
2.	Affidavit		3

Respondent through



(TARIQ UMAR)
Inspector/ Legal CPO,
Peshawar.

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

Service Appeal No 1323/ 2019.

Gulzar 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. Furthermore, 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.

PRAVER:-

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.

Note: Service Appeal Nos. 1331, 1406, 1445, 1349 to 1364, are connected cases in nature of Grounds/ Facts.


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

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

Service Appeal No 1323/ 2019

Gulzar Hussain (Appellant)

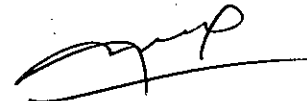
VERSUS

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.